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Town of Danville
Board of Selectmen
Monday, April 19, 2021
7:00 PM

6:56 PM

Meeting is Video-Recorded

Selectmen Present: Shawn O'Neil, Chair; Steve Woitkun, Vice-Chair; Sheila Johannesen, Dottie Billbrough, and Dr. Kim Farah

Others Present: Kimberly Burnham, Selectmen Administrator; Chief Wade Parsons, Danville Police Dept.; LT Justine Mercer, Danville Police Dept.; Russell Post, Dorothea Post

Shawn called the meeting to order at 6:56 PM and opened the meeting with a moment of silence for the troops who put themselves in harm's way. All stood for the Pledge of Allegiance

I. Public Hearing

Shawn reads the following notice for the Public Hearing on the proposed changes to the Septic Inspection Fees as per Town Policy 2-1ⁱ.

"Pursuant to RSA 41:9-a, the Board of Selectmen in the Town of Danville, NH will hold a public hearing on April 19, 2021 to re-establish and revise the current Health, Septic and Well inspection fees, as follows: Test Pit: \$40.00, Plan Review: \$40.00, Sand/Bed Bottom: \$40.00, Re-inspection/Final: \$40.00, Well: \$40.00, Health Inspection: \$40.00. Inspectors are contracted by the Selectmen and receive 75% of the total revenue collected for each inspection in accordance with Town of Danville, Policy #2-1ⁱⁱ. The hearing is to begin at 7:00 PM at the Town of Danville Town Hall at 210 Main St. Danville, NH."

Steve motions to open the Public Meeting. Second by Dr. Farah. Vote is unanimous (5-0).

Public Hearing is opened at 6:59 PM. There is no public comment.

Dottie motions to close the Public Hearing. Second by Sheila. Vote is unanimous (5-0).

Public Hearing is closed at 7:00 PM. Regular public BOS meeting begins at 7:00 PM.

Dottie motions to adopt the Septic and Well inspection fee structure as outlined in the Public Hearing notice. Second by Sheila. Vote is unanimous (5-0). The new Septic and Well inspection fee structure is adopted.

II. Delegates

Road Bond Reduction Request: Russell and Dorothea Post have requested a road bond reduction for Doe Run Rd. Mr. Quintal, the Town engineer has reviewed and assessed that the amount of \$89,212.68 should remain on the bond. Dottie motions to reduce the road bond on Doe Run Rd to the recommended amount of \$89,212.68. Second by Sheila. Vote is unanimous (5-0). Ms. Posts requests a letter from the BOS showing that the road bond was reduced. Shawn asks her to see Kim tomorrow for that information.

III. Agenda

Dog License Civil Forfeiture: Police Chief Wade Parsons and LT Justine Merced ask if the BOS has made a decision regarding last meeting's discussion of turning the Dog License Civil Forfeiture process over to the ACO. Shawn begins the discussion by reminding the BOS that the Police Dept. has "ironed out the process" and wants to transfer it back to the ACO. He confirms with Sheila (the current ACO) that she does not want to take the process back. Shawn

reminds everyone the decision is a BOS decision, but notes that he doesn't want to "give it back to someone who doesn't want it or is apparently saying they're not going to do it because if that's the case, why would anybody go down that road." Sheila states that "Again, going back to the last meeting; they've been doing it right along. They've been doing a great job of it. They should probably continue." Shawn asks, "if that's your philosophy, why not have them do everything, including the ACO job as well. It's like you're picking and choosing." Sheila denies that she is "picking and choosing" and that "the previous BOS boards chose for years." Shawn states "it was because there were problems in the way the process was working, there were constant issues coming up and resurfacing." Dr. Farah asks "then why would he (Shawn) want to give it back to the person he's saying he has a problem with?" Shawn states that "hopefully, now that it's corrected, it would...keep on running that way. If it keeps on getting into disarray, then we (the BOS) can say now we know what the problem is". Dr. Farah asks what the problem is, noting that the last time she was on the BOS, the Police Dept. did not think the ACO "should have that process because she is not a police officer and shouldn't be doing that." Dr. Farah notes that she learned at the last meeting that when the process gets to a certain level, it has to go back to the Police Dept. and states that she "just doesn't know why you wouldn't start it there." Shawn responds "the whole thing should probably stay there, but the Town apparently wanted to carve out that they wanted an individual person to do that. Well, that individual person was doing the duties of that (ACO) and when it came to the Civil Forfeitures there were a lot of problems with the whole layout."

LT Merced clarifies that there wasn't such a problem that the Police Dept. took it over, but it all came down to the year that the ACO position came back to the Police Dept. The ACO position was dissolved and those responsibilities went to the Police Dept. Shawn notes that's when "they learned there were a lot of issues with repeated dogs that shouldn't have been on the list, and going back year after year is not the way to conduct business and when that was corrected he (Shawn) wanted to be sure it stayed that way because there was a fundamental feedback process to this whole operation that caused it to keep going this way and never get corrected." Shawn notes that he is glad the Police Dept. corrected it and the process is ironed out because the feedback process did not exist prior.

Sheila disagrees stating "it did exist prior, you will have dogs that pass and move away every year, but the list will always have two hundred (200) dogs. As of today, there are three hundred thirty-seven (337) unlicensed dogs in Danville." Sheila notes there may be many dogs no longer around. She states that "every year that happens, it doesn't go away from one year to the next." Shawn states he "agrees to a point," noting that "when it is noted that a dog moved or passed, it should not come up a subsequent year". There is an animated discussion if and how that happens. Dr. Farah asks if Shawn is looking for a motion from the BOS. Shawn states the BOS needs to decide who is going to do the Civil Forfeiture process. He notes that he feels "keeping it with the Police Dept. is best because he knows it's going to be dealt with properly and professionally, but the Townspeople wanted to have an elected ACO, and it should encompass all of this, including the Civil Forfeiture process. The problem is that if the BOS gives it to someone who has publically said she doesn't want it, why would the BOS give that back to her?" Shawn continues that "he agrees it should be with the ACO and should have been from the onset. The problem was you had these glaring problems of the quality of the database because there wasn't feedback of the updates so you wouldn't perpetually have the same dog die every year."

Dr. Farah motions that the Civil Forfeiture process stays with the Police Dept. Second by Dottie. Steve asks Chief Parsons if this affects their manpower, how many man-hours go into the process. Chief Parsons explains it depends on how long the list is. He notes that with COVID many people may have not licensed their dogs. He also notes that LT Merced does most of the legwork and when the list is dwindled down, it usually takes just a couple of days. Shawn confirms that serving the Civil Forfeitures then becomes part of the officers' patrol rounds. Shawn calls the question. The vote on the motions to keep the Civil Forfeiture process with the Police Dept. is unanimous (5-0).

Shawn apologizes to Chief Parsons and LT Merced. He explains that he believes they are the best ones to do it, but understands their perspective. He notes that he would have liked to honor their request, but is concerned with the outcome. Chief Parsons notes that he accepts the BOS decision and will move forward with the Civil Forfeiture process.

Camera System Update: Shawn starts the discussion. Dr. Farah calls a point of order and states that she "does not feel this should be a public discussion." Shawn agrees and will honor that. He notes that he wants to make the

public aware that the BOS is looking into security systems for the Town and is working with the Police Dept. Some things must be kept secure, so updates will be discussed in a later Non-Public session.

Police Dept. Vehicle Update: Dr. Farah has requested this discussion. She confirms with Chief Parsons that the Danville Police Dept. has seven (7) vehicles. Chief Parsons corrects that number to six (6) vehicles in the fleet. Shawn notes the new Durango is in and will replace the pickup truck. LT Merced confirms there are six (6) vehicles with the Durango. Dr. Farah asks how many cruisers are there? LT Merced first states there are five (5) cruisers, the Durango and the pickup truck. She then clarifies that Cars #1, #2, and #3 are Chargers. Car #4 is the pickup truck, Car #5 is also a Charger, and Car #6 is the Durango. This totals four (4) Chargers, one (1) pickup truck, and one (1) Durango for a total of six (6) vehicles. Chief Parsons confirms there are six (6) members of the Police Dept. Dr. Farah asks if there is one (1) person per vehicle. Chief Parsons notes that is not necessarily true. Dr. Farah expresses her concern with the insurance and maintenance costs. LT Merced explains all the fleet vehicle inspections are in September and they were told the pickup truck would not pass inspection in 2021, which is why it was replaced with the Durango. Car #3 is not used for patrol due to its mileage. It is used strictly as a "detail" vehicle. At the end of the year the pickup truck and Car #3 will not be part of the fleet and the Police Dept. will be down to four (4) vehicles. Shawn confirms that when vehicles are at the end of their service life the Police Dept. uses them for details because the cars are just sitting and running. Dr. Farah asks why not use another car for details and rid of car #3 now. She reiterates that she is just asking because the insurance and maintenance are an expense to the Town.

Chief Parsons explains that all the vehicles are used for details. He notes that last year the Police Dept. "worked over two thousand (2000) detail hours and because there is a number of vehicles, the Town Police Dept. can do these details which generated over \$40,000 of revenue. Without these vehicles, they would not be able to put Danville officers in them and then would have to outsource the details and lose all that income". Dr. Farah confirms that the Police Dept. cannot do these details without a police cruiser. Sheila notes she's seen details where police officers had their private vehicles without police vehicles and lights. Chief Parsons notes that hasn't happened in a long time. Sheila disagrees, stating she has seen them.

Steve asks how the Durango was purchased. Chief Parsons explains that it was purchased from the Police Detail Revolving Account. Steve notes that it didn't cost the taxpayers any money. Shawn explains the Town hasn't bought a (police) vehicle from the Town's General Fund since the Detail account was established approximately ten (10) years ago. The Police Dept. has purchased several vehicles from the Detail Account. Shawn notes that if something happened to a vehicle, the Town could handle an emergency without using tax dollars. He explains the only other expenses from this account are reimbursements of officer's costs to the Town. The Town bills for the detail and the net proceeds go into this Police Detail Revolving Account.

Steve explains that is what he wanted to make public. He also notes that if these purchases were coming from the General Account he would support shrinking the fleet, but it is not costing the Taxpayers. Dr. Farah disagrees noting it costs the Town for insurance and maintenance. Shawn states that he understands the costs of insurance, but notes the Police Dept. is not putting maintenance into the vehicles they are retiring. Dr. Farah disagrees stating the Police Dept. is still maintaining the vehicles that they have, noting the costs of oil changes, tires, brakes, etc. She notes she is concerned with "keeping vehicles around if they are not needed." Chief Parsons reiterates that once the vehicles are retired in the Fall, the Police Dept. would be down to four (4) vehicles. He also explains that he stretches his vehicles out as long as possible, noting that car #3 (2012) has 190,000 miles on it, plus idling time. He notes that most departments won't keep a car beyond 100,000 miles. Chief Parsons lists other local Police Dept. fleets: E. Kingston has six (6) cars, Sandown has six (6) cars, Fremont has six (6) cars, Atkinson has eight (8) cars, Newton has eleven (11) cars, Kingston has eight (8) cars, Chester has six (6) cars. Chief Parsons notes that Danville Police Dept. is not out of line with the size of their fleet. He explains that when vehicles are in the shop, covering details, in courts or class, etc., they are not available for patrol. He states that four (4) cars for a 24-hour department is not a lot. He notes that E. Kingston has six (6) cars and does not have 24-hour police coverage.

Dr. Farah asks why Danville is running their vehicles so long when other departments are not. She asks if there is a "rule of break-even with expenses." Chief Parsons notes that he is trying to get as much "bang" out of each vehicle. She reiterates that while purchasing the vehicles does not cost the Town, the insurance and maintenance costs do.

Shawn states that if the Town adopted the 100,000-mile replacement, it would cut the longevity of the vehicles in half. He expresses his concern that they would be replacing the vehicles too quickly and there would not be enough funds in the Detail Account, then these vehicles would start costing the Taxpayers from the General Fund. Shawn expresses further concern with drawing down the Detail Account down that far, noting he wants to be able to address an emergency. Dr. Farah explains that her question was why the other towns do it differently. She notes her concern with the flip-side of not enough vehicles and running them too long. Chief Parsons reads the mileage for each vehicle.ⁱⁱⁱ He has also has converted “idle” hours into adjusted mileage. On Car #3 (Charger) every “idle” mile equals twenty-five (25) miles.

Sheila confirms that the other towns' police departments have more officers. Chief Parsons disagrees. Sheila asks about Hampstead. Chief Parsons notes that "Hampstead has more cars than he could list on a page" and that he did not include Hampstead in his comparison. Shawn confirms that Sandown runs the same amount of officers per shift as Danville. Dr. Farah asks why there is so much “idle” time. Chief Parsons explains that “idle” time is not just details, but includes running radar, answering calls, investigations, etc. Shawn confirms that “idle” time is the sum of all time the car is running in Park, not just when covering details. Dr. Farah clarifies with Chief Parsons that the mileage on his spreadsheet is before this “idling” time is added in.

Chief Parsons tries to clarify the issue with Dr. Farah. He notes that with four (4) cars running, the vehicle maintenance costs were just over \$12,000 last year. He states that is not a lot of money and that he feels he has a good handle on the condition of the cars and the amount of maintenance he is putting into them. He notes that, except for car #2 which has engine problems, the department is excellent with oil changes and other upkeep to stretch out the lifespan of the cars. He explains that he cannot speak for how other police departments manage their maintenance schedules but feels that his department does a very good job staying on top of their vehicles' maintenance. Shawn confirms that he is okay with the data Chief Parsons has presented. Dr. Farah requests it in writing for the Town records.

IV. Old/New Business

The BOS review and sign the documents in the Signature File.

Conference Phone Update: Kim reminds the BOS of their previous discussion regarding the purchase of a conference phone rather than adding an additional line as required on their analog phone system. She did some research and was able to purchase the exact same phone as in the quote for \$70.00. This new phone can be plugged into the nearby fax line when it needs to be used. Shawn explains that changes that were made to VOIP phones and the BOS has received updated contracts with those cost reductions. The consensus of the BOS is to authorize him to sign those contracts.

Minutes: The BOS review the minutes for the April 5, 2021 public BOS minutes. Dottie notes one correction. Line #45 is corrected from George Manning to Joshua Manning. Dr. Farah motions to approve the minutes for the April 5, 2021 public BOS meeting as corrected. Second by Sheila. Vote is unanimous (5-0).

The BOS review the minutes for the April 5, 2021 Non-Public BOS minutes under RSA 91-A 3:II(d). Dr. Farah questions the request for three (3) quotes. Shawn explains the Town policy. Dr. Farah asks how they had quotes when the BOS had not decided on what they wanted. Shawn explains it went out to bid before the BOS knew what they wanted and that the project would have to go back out to bid once the BOS decides what they want. Shawn clarifies that the process began before Dr. Farah was on the BOS. Dr. Farah motions to approve the minutes as written. Second by Dottie. Vote is unanimous (5-0).

The BOS review the minutes for the April 5, 2021 Non-Public BOS minutes under RSA91-A 3:II(b). Dr. Farah motions to approve the minutes as written. Second by Dottie. Vote is unanimous (5-0).

American Legion Land Update: Shawn states there is now an agreement in place for the Town property on Pine St. Dr. Farah explains that it is a one-acre lot and asks what the acreage requirement was for the new Police Station.

Shawn states that he doesn't know. Dr. Farah requests a follow-up for that information, noting it is just to see if the land is viable with the lot size and that she would also like to see the Town Offices on that lot. She asks if it is a buildable lot. Kim explains that would all need to be tested. Dr. Farah reiterates her first question, is the size of the lot is even viable. Shawn agrees and notes the property was tied up with the previous agreement and was "off-limits". Now that the BOS knows it could potentially be used, that lot is put "back into the viability of any Town property to be selected for any purpose." Dr. Farah states the American Legion did not meet the requirements (of the previous agreement), so the land reverts to the Town. Shawn suggests sending the American Legion a formal letter regarding the BOS's perspective of why this property is reverting to Town land, noting he wants a paper trail. Shawn will work with Kim to construct a letter to the American Legion.

Eversource Access: Shawn updates the BOS on the progress with Eversource seeking a permanent access easement to Town property to get to their power lines. He notes that Eversource made an offer that the Town felt was "drastically underpriced". The Town had countered, but Eversource did not accept the counteroffer and that is where the negotiations ended. Shawn notes these negotiations were done with the understanding that Eversource would need to come back to the BOS for future access. Eversource wants to discuss the easement again because they need access again. Shawn recommends the BOS should tell Eversource to use their "normal" channels. The BOS has made their case and "we think we were very fair with what was presented to Eversource, that Eversource did not think so and now they will need to access their powerlines the 'normal' way".

Steve states that he wants to motion or discuss charging Eversource \$30,000 per calendar year to access through Town property. He reminds the BOS that by "entering negotiations" last year, Eversource got a "freebie". Shawn agrees. Steve reiterates that he believes that every time Eversource comes to the BOS for access they should be charged \$30,000 per year. If Eversource doesn't want to pay, then they can mat the wetlands and access their property that way. Shawn states that he believes the Town was very fair. "The costs of Eversource doing the wetland matting is also approximately \$30,000. Eversource was trying to buy a permanent easement for access and the Town's figure was very reasonable, but Eversource would not even discuss it". Steve notes his concern with Eversource regarding the hazardous material spill that happened last year. He believes the Town should keep Eversource on either an annual or a three-year contract so the Town retains the rights to the land. Steve expresses concern with the Town giving up rights to that land for "an eternity", noting the Town would have no recourse for such incidents. Shawn suggests that part of the easement agreement should have conditions such as notification of access, spills, etc. Sheila states that Eversource will need to do maintenance on their lines every year. Shawn agrees, noting that Eversource is requesting access more frequently. He notes the whole idea of a temporary wetlands crossing is that it's "one out of the blue", but Eversource is coming in far more frequently. He states that Eversource's access needs made sense and that last year's access was done in good faith and once Eversource finished their project they stopped negotiating. Dr. Farah notes that Eversource would like an answer by April 30 and suggests the BOS respond with "we will grant you access to the site for \$30,000 per year moving forward" and let Eversource come back. Shawn clarifies this will not be an easement, but only an agreement that Eversource can access their property by coming across Town land. Dr. Farah motions to create an agreement with Eversource for access through Town property for \$30,000 per calendar year. Second by Shawn. Vote is unanimous (5-0).

Shawn reads the Town Announcements listed below. There is a discussion of the need for a Non-Public session following this evening's meeting.

Mask Mandate: Dottie motions to require masks to be worn in all Town buildings. Second by Dr. Farah. Discussion follows. Dr. Farah notes that Gov. Sununu dropped the state-wide mask mandate and said that Towns need to make that decision at the local level. Dottie explains that she was asked by two (2) Town employees to make the motion. Shawn calls the question. Vote is 3- yes (Dr. Farah, Dottie, and Sheila) and 2- no (Shawn and Steve) (3-2-0). The motion passes.






Shawn warns the "ladies" "to know exactly what you're going to get". Steve asks what the penalty would be if someone refuses to comply. Dottie notes there was no penalty during the state-wide mandate. Steve states that he "thought it was foolish then and thinks it's foolish now" and asks if he refuses to wear a mask will he be excluded... and they have no right to extend that to the Fire Dept." Steve states he "respects their feelings to wear masks. The Governor has rescinded that mandate last Friday. The Fire Dept. has been trying to follow CDC guidelines. A majority

of the Fire Dept. has been vaccinated, some have not been." Steve notes that he will not be vaccinated. He states that he "does not feel the BOS has the right to say 'public buildings', it can say, Town Hall, Library, etc. but does not want mandates forced on the Fire Dept." He notes that he is speaking as the Fire Chief and not as a Selectman.

Dr. Farah states that "The BOS is the governing body of the Town, so if the BOS has voted to approve the continued use (of masks), then Steve's question of 'what do you do if somebody doesn't do that' is a legal question and the BOS needs to contact Town Counsel and explain that the BOS has voted to require masks and what is the ramification for non-compliance". Steve confirms that every time he goes into the Fire Station he has to wear a mask. Dr. Farah states that she understands what Steve is saying, but doesn't know the answers to his questions. Sheila notes the BOS has other Town employees they need to watch out for as well, not just in the Fire Dept. or the Police Dept. Shawn states that anyone over sixteen (16) can be vaccinated. Dottie notes there are many new variants. There is a short, animated discussion. Dr. Farah suggests ending the discussion as it is "not going anywhere." Shawn disagrees, stating the rule is basically creating a "second class of citizens that 'you' believe are infected with no viable proof." Dr. Farah notes the Governor had a mask mandate. Shawn notes there were exceptions and asks if the BOS was honoring those exceptions. Dr. Farah explains her understanding of the motion was that the BOS would continue with the State guidelines regarding "masks in public buildings." She does not feel that "Dottie wants to 'cherry pick' from the mask mandate in NH." Dottie agrees. Steve states that he "respects your decisions and right to wear a mask. But he is abhorred that you don't respect my and Shawn's opinion not to wear a mask". He states that he is "six feet away from you and doesn't know if you're vaccinated." Shawn states that "we all take risks just getting up in the morning and everybody makes choices in their lives to do different things."

V. Town Announcements

Calendar

-  **April 24- Saturday:** Bulk Pick-Up
-  **April 24- Saturday:** Household Hazardous Waste Drop Off: Plaistow, 51 Old County Rd (Recreation Field) from 9:00 AM-12:00 PM
-  **May 3- Monday:** Board of Selectmen meeting 7:00 PM at the Town Hall.
-  **June 5- Saturday:** Town Deliberative Session at the Community Center 10:00 AM
-  **July 13- Tuesday:** Town Elections at the Community Center 8:00 AM-8:00 PM

There being no further items to discuss, Dr. Farah motions to go into Non-Public under NH RSA 91-A 3:II(d). Second by Dottie. Roll call vote: Shawn- yes, Steve-yes, Sheila- yes, Dottie- yes, Dr. Farah- yes.

The Non-Public session begins at 7:53 PM

Minutes derived by video provided on the Town of Danville website.

Respectfully Submitted
Deborah A. Christie

ⁱ Town Policy 2-1. (2017). See Attached

ⁱⁱ *ibid*

ⁱⁱⁱ Parsons, Wade, Chief of Police. Spreadsheet of Danville Police Dept. Fleet. (April 19, 2021). Danville Police Dept., Danville, NH. See Attached

Danville Police Department Fleet

DANVILLE	VEHICLES	MILEAGE	IDLE HOURS	ADJ. MILEAGE	COMMENTS
2021	Dodge Durango	150	New	New	Fleet Vehicle
2019	Dodge Charger	26,192	1,771	70,467	Fleet Vehicle
2016	Dodge Charger	83,961	2,881	155,986	Fleet Vehicle
2013	Dodge Charger	89,876	Not Available	Not Available	Fleet Vehicle
2012	Dodge Charger	190,605	Not Available	Not Available	To be released Fall 2021
2008	Ford F150	56,969	Not Available	Not Available	To be released Fall 2021



Town of Danville
New Hampshire 03819

POLICY #2-1 Contractor Permits and Fees

Purpose:

To establish the procedure for permits issued from the Selectmen's office, specifically electrical, plumbing, mechanical, fire, and building permits.

Policy:

It is the policy of the Town of Danville that the permit fees will be set by the Board of Selectmen, as outlined in Zoning Ordinance Article IX.A.3 and RSA 41:9-a. The Board of Selectmen shall post a notice including a proposed schedule of new or amended fees and hold a public hearing before imposing or changing such fees.

Driveway applications and electrical, plumbing, mechanical, and fire inspection permits will be issued during the normal business hours of the Selectmen's office. Building permits may be issued at the Town Hall during hours assigned by the building inspector. Applications and permit records are maintained in the Selectmen's office.

Inspectors are contracted by the Selectmen and receive 75% of the total revenue collected for the application and the inspection. Inspectors will be paid no less than quarterly. Inspectors will be paid after confirmation of inspection or when the permit has expired.

Danville Board of Selectmen:


Shawn O'Neil – Chairman


Judi Cogswell – Vice Chairman


Sheila Johansen


David Knight


Scott Borucki

Date: 6-5-2017