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Town of Danville
Board of Selectmen
Monday, September 20, 2021
7:00 PM

6:57 PM

Meeting is Video-Recorded

Selectmen Present: Shawn O’Neil, Chair; Steve Woitkun, Vice-Chair; Sheila Johannesen, Dottie Billbrough, and Scott Borucki

Others Present: Kimberly Burnham, Selectmen Administrator; Carol Baird, Chair, Heritage Commission, Roger Whitehouse, Nerds-to-Go; Tricia Jones, Nerds-to-Go; Josh Manning, Lewis Builders, Karen Hernandez

Shawn called the meeting to order at 6:57 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. Delegates

Shawn asks if there are any members of the public not on the agenda who wish to address the BOS. No members of the public ask to speak.

Heritage Commission: Carol Baird, Chair of the Heritage Commission is requesting BOS approval for the withdrawal of funds from the Heritage Funds. She explains that she has prepared a timeline of events to remind the BOS and to update Scott Borucki (newly elected selectman) of the events leading to this request. Her prepared statement is below:

I am here regarding a withdrawal the Heritage Commission has voted to make from the Heritage Fund for work to be done on the southernmost boundary of the Meeting House land and following the usual process for your approval for the withdrawal.

I’d like to go over a few facts that led to the decision for the withdrawal, particularly for Scott, who was not on the Board of Selectmen earlier this year.

An onsite meeting was held on June 24, 2021, because of a new requirement by NH DOT that an additional drainage swale be installed on the north side of the paved driveway for Lot 75-1. There was a question whether the drainage swale would impact the length of the boundary wall that was to be replaced. NH law requires that landowners abutting a boundary wall agree to changes to the wall, which is why the onsite meeting was set up.

Present at this meeting were two DOT representatives, Dottie Billbrough for the Selectmen, myself and Bill Hull for the Heritage Commission, our road agent Jim Seaver, Andy Ward from the Highway Department, and Mr. Alexandrou, then owner of Lot 75-1.

One of the DOT representatives was Jason Pohopek. He is a surveyor and is the chief of surveying and mapping in the DOT Right of Way Division in Concord. Mr. Pohopek told us he had reviewed the original subdivision plan, had read the court decision and had also reviewed the boundary plan that was recorded by the town’s surveyor, Cynthia Boisvert, reflecting the court decision. He had copies of those documents in his hand as he spoke to us. Mr. Pohopek went on to recommend that the town should stake out its boundaries with monuments in this area through Cynthia Boisvert.

After the DOT meeting, Dottie Billbrough asked that Cynthia be contacted for a cost to place the boundary monuments Mr. Pohopek was recommending. Cynthia provided a cost of \$1,275, and a sketch, that includes placing two permanent boundary monuments. She also included staking out the DOT right of way in that area, which will

help the town if they decide to work with DOT regarding parking for the meeting house and cemetery. Mr. Pohopek has since provided Cynthia with a ROW width DOT generally uses when an original road layout cannot be found, which is the situation here.

The Selectmen reviewed Cynthia's paperwork on June 28, but no decisions have been made to schedule the work. On September 8 the Heritage Commission voted unanimously to withdraw \$1,275 from the Heritage Fund to retain and pay Cynthia Boisvert and her company, Arago Land Consultants, for the monument setting recommended by Mr. Pohopek and the ROW staking she proposed. We discussed that the meeting house property is in the town's Historic District and one of the Heritage Commission's most important statutory duties is to preserve and protect the Historic District. The Commission feels that following Mr. Pohopek's recommendation to the town and arranging for the recommended work to be completed is important to that duty.

The money that will be withdrawn from the Heritage Fund is part of the money the Heritage Commission raised in a fundraiser several years ago. In the usual process, we are asking for your approval and signatures for the withdrawal.

Shawn agrees with the request. Dottie motions to approve the Heritage Commission's request for the withdrawal of \$1275 from Heritage Funds. Second by Sheila. Vote is 4-yes, 1- no, 0- abstentions. Steve voted no. (4-1-0). Ms. Baird asks the BOS to sign the usual letter for the Treasurer and then continues:

One other thing the town should be aware of is that the deeds being recorded in the sales of Lot 75-1 describe the lot as being as it is shown on the subdivision plan. There is no mention of the court decision or the subsequent Boisvert boundary plan reflecting the court decision.



Shawn asks if the plan was recorded and attached to the subdivision plan due to the court case. Ms. Baird confirms this but reiterates the deeds being sold on that lot are what appear on the subdivision plan without the changes made by the court decision. Ms. Baird continues reading:

Mr. Alexandrou brought this deed description up during discussions about the wall and inferred the town had some kind of disclosure responsibility to him. His contention was brought to the attention of town counsel, who advised that any responsibilities and duties for disclosure about the property rest with the seller, not the town. I thought you should be aware of the town's counsel's advice about disclosure duties because Mr. Alexandrou's deed to the new owners contains the same incorrect property description that was in his deed.

Shawn explains that when Mr. Delorey sold the lot to Mr. Alexandrou, he did not disclose the lot changes made by the court decision. Mr. Alexandrou is continuing to perpetuate that error with the most current deed.

Ms. Baird explains that one way the court decision altered how the lot looks on the subdivision plan is they (the developers) were claiming ownership of the back strip of the cemetery where people are buried. The Court declared that this strip of the cemetery belongs to the Town and that altered the way the lot appears on the subdivision. She notes that she brought the subject up so that the BOS would be prepared if Mr. Alexandrou argues that the Town had a duty of disclosure and that Town Counsel has already determined the Town does not have that duty. Shawn states that this information is all public record and the Town is not responsible for doing research.

Nerds-to-Go: Roger Whitehouse introduces Tricia Jones owner of Nerds-to-Go to the BOS to discuss a proposed IT partnership with the Town. Ms. Jones passes out her proposal to the BOS and explains that her company, Nerds-to-Go is an IT support company for both residential and businesses. Her office is located in No. Hampton and she services all of southern NH. She explains that Roger had asked her to put together a proposal to offer IT services to the Town and possibly save the Town some money on IT support. She briefly reviews her proposal:

-  Page #1- Outlines her estimate of the needs and ongoing support and maintenance of PCs, firewalls, and other networking equipment. She provides proactive monitoring and maintenance in-person and remote user support for all hardware and software.
-  Page #2- Provides more details of her services as well as some recommended solutions for needs that she has identified through her experience with other entities of similar size and scopes. She notes that she

made some assumptions about these for the Town. Ms. Jones explains that she usually begins a new relationship with a technology audit and inventory analysis. This service is usually \$499, but she would waive the fee if there is a signed agreement.

✚ Page #3- This is an illustration of what is included with a service plan and/or a monthly support plan. Ms. Jones notes that she again made some assumptions of how many hours of support the Town would need and emphasizes that all of this is customizable.

Shawn asks Ms. Jones how long she has been in business. Ms. Jones explains that “Nerds-to-Go” is a franchise that has been in business for sixteen (16) years. The Hampton location opened in 2019. Shawn asked her how many employees does she have. Ms. Jones states she has four (4) full-time employees and two (2) part-time employees. She is managing 450 customers, 50% are businesses and 50% are residential. Ms. Jones notes that she does a lot of work on an “as-needed” basis, noting that not everyone has a monthly support contract. Shawn explains that the BOS is starting the budget process and will review and revisit this information when they are addressing the IT budget. Ms. Jones offers to provide references for the BOS to talk to and notes that her contracts are flexible and offer a 60-day “back-out” provision. Shawn expresses his concern with the timeliness of IT support, especially for the Town’s emergency services that depend on IT running correctly. Scott asks Ms. Jones how many towns she is providing IT services to. Ms. Jones notes that Danville would be her first town and that Roger would be her lead technician assigned to the Town. Shawn thanks Ms. Jones for her information.

Shawn closes the Delegate session at 7:16 PM

II. Agenda

Road Acceptance: The BOS has received more paperwork regarding the acceptance of Ward Way and Caleb Dr. Josh Manning of Lewis Builders clarifies that he is requesting a bond reduction for Caleb Dr. which is currently \$52,893 and a bond reduction on Ward Way to \$27,855.

Shawn motions to reduce the bond on Caleb Dr. from \$52,893.50 to zero, based on the recommendation from Town Engineer Dennis Quintal that the road is complete. Second by Sheila. Vote is unanimous (5-0).

Shawn motions to reduce the bond on Ward Way to \$27,855 as recommended by Dennis Quintal. Second by Sheila. Vote is unanimous (5-0).

Shawn asks for a motion for the Town to accept both Caleb Dr. and Ward Way. Scott asks what is outstanding on Ward Way. Mr. Manning states it’s loam, seed, and trees. He notes it has all been seeded, they are just waiting for the grass to grow. The trees are landscaping trees that need to be planted along people’s property lines. Mr. Quintal has recommended a one-year guarantee with the remaining bond. Sheila motions to accept Caleb Dr. and Ward Way as presented and recommended by Mr. Quintal. Second by Dottie. Vote is unanimous (5-0).

Shawn reminds Kim that she and Jim Seaver (Road Agent) need to notify NHDOT to add these new roads to the Town’s inventory so that the Town gets the proper credit for Highway Block grants. He notes these grants are dictated by the mileage of Town roads. Mr. Manning asks if these roads will also need a vote in March. Shawn explains the process has changed and now the BOS accepts the roads to ensure there is follow-up with NHDOT so that the Town gets the proper funding. Mr. Manning clarifies that once the BOS accepts the road, their attorney will convey the deed and easements to the Town via Town Counsel.

Home Occupation Permit: Karen Hernandez has submitted a home occupation permit to the BOS. Shawn asks why the BOS has the paperwork. Sheila states there is a problem with the process and that the paperwork was done at the office, the BOS approves the permit, but she has examples where “it’s not getting changed on the records.” This application is for an “in-home” business. Sheila confirms that this business is in the home, or a garage, or another building on the property. Ms. Hernandez clarifies that her request is just for parking two (2) vehicles and two (2) machines on their property. The business computer work is done at the house, but all the work is done off-site. Sheila states she doesn’t want to hold up the applicant and will discuss her issues with the process afterward. Shawn

states that he has no clue what Sheila is talking about. Steve gives an example of an issue on Kingston Rd. where the gentleman came in with a home occupation application but once it was approved, he (Steve) found out it involved three (3) tri-axle trucks and excavators, vehicles that far exceed what is allowed on the home occupation permit. Sheila gives another example on Main St. where the owners had received a home occupation permit and then had turned their garage into a building for the business and that the tax cards have not been updated on that property.

Scott agrees the BOS needs to complete the process with the Home Occupation application in front of them. Scott motions to approve the Home Occupation permit for Ms. Hernandez. Second by Steve. Vote is unanimous (5-0). Ms. Hernandez asks what paperwork was needed to register the vehicles in the business name. Shawn explains she just needs to bring the signed approval with her to register the vehicles.

Scott states that he does not see how “in-person” appearances to the BOS would change the outcome of the examples given if the owners have not been accurate and truthful in their answers on the application. Shelia states that she feels if applicants were made to come before the BOS more questions could be asked. Shawn disagrees. He states that since he’s been on the BOS, they have gone through the process (of having applicants appear before the BOS) and not one application was denied. Scott questions if the BOS has the authority to deny any application if the questions are answered correctly, noting having applicants appear before the BOS will not solve the issue if the applicants are not answering the questions truthfully. Regarding the examples given by Steve and Sheila, Scott states the BOS needs to contact the owners and tell them they need to go through the process of appearing before the Planning Board and get an actual business application. Sheila states she believes the home business applications should be public. Sheila reiterates her concern that there is a very big disconnect in the system and that it has a tax impact. Scott states that unless the BOS has been made aware of an issue, they can’t address it.

Steve notes the issue with the Main St. business is there are no building permits. The garage was transformed into a gym and there was no safety inspection, no occupancy permit, no impact fee for use of commercial development. Steve explains that he embraces commercial construction, but is concerned that everything is up to code, and if the Town could be liable if a customer gets hurt or killed in that business and the Town was negligent in its duties. Shawn agrees but notes that as Scott has said, it is two separate issues. If the BOS hears that something is wrong, they should send the owner a letter to appear before the BOS to discuss any unauthorized changes made after the permit was approved. He does not believe that making applicants appear before the BOS during the permit process will prevent these types of issues from happening. Scott states that he does not believe the Town can be held liable if a resident has not been truthful or has misrepresented their business on the home occupation application. He reiterates the BOS needs to send a letter to the owner.

Steve states the Town needs to hire a code-enforcement officer or re-educate the building inspector. He notes the owners of the Main St. business had also put an addition on the garage with no building permits. If there were permits, the inspector should have told the BOS that this was a “change of use” and required approval from the Planning Board. Steve notes the owner is still being taxed for a garage instead of a working business.

Kim explains that she believes the disconnect is with the building inspector and “what happens next.” She notes the Town gets the approved building permit and that it just goes into the file. Steve maintains the building inspector needs to be “re-educated” and should know to bring those permits to the right sources when a “change in use” occurs.

Shawn states he believes the breakdown is between the building inspector and Gail (ZBA/Planning Board secretary) Scott notes the difficulty of inspecting a site, for example, if the owners had converted the garage to a gym for personal use, how would the inspector determine that. Shelia expresses her concern that the changes are not being made on the tax cards and the Town is losing money. When the permits come through, they are filed and there are no updates to the system. Steve explains that there are different taxes/charges for occupancies depending on their use; for example, warehouses, restaurants, child care centers, etc. Scott states the Planning Board would be the ones to assess the impact fees.

Sheila states the owner did get a building permit, but it was not signed by the building inspector. Kim explains that it is a copy of the permit and she does not know what was done prior. Scott agrees the only solution is to try to re-educate the building inspector as best as possible but is not sure the building inspector will catch every possible scenario. Scott reiterates the best way for the BOS to address this issue is to send a letter to the owner and correct the situation. Shawn reiterates his reluctance to “drag everybody in front of the BOS who fills out an “in-home” Home Occupation permit. Sheila suggests that could be determined on a case-by-case basis. Sheila also notes the BOS is a public meeting so neighbors could watch and see if the Home Occupation permit was approved. Scott notes that he has a problem with the idea of neighbors snooping on each other.

There is a brief discussion of another example where the homeowner has added a three-bay garage that is not on the tax card. Steve asks if there was an occupancy permit signed, noting that’s where there is a miscommunication. Steve notes the owner did contact him and he went over and inspected the garage, which is a commercial garage. They were willing to do everything safety-wise but he does not know if the occupancy permit was accepted and signed. Steve notes that if there is a signed occupancy permit and the owner got away with a year where it was not changed on the tax cards, that is the Town’s fault. Scott reminds the BOS that they need evidence that owners are not staying within the parameters of the home occupancy permit. Steve defines “occupancy” as when the building inspector gives final approval for a building and that the building is ready for use for the desired occupancy. The building permit should then go to the Assessor, and then the Fire Chief goes out to test and approve the alarm system and from his further research, the Fire Dept would get an impact fee based on the building’s use. Scott clarifies that if it was an actual business, the owners would have gone to the Planning Board and not the BOS because it is not a “home business.” He states that he feels the only disconnect is that the owner may not know, or are simply not being upfront about their business. Steve states he believes the business did appear in front of the Planning Board and should still appear in front of the Planning Board. He notes they came in with an exploratory plan but does not think they ever submitted any plans. Sheila states that the garage is built as well as another little shed that they are using for selling maple syrup. Sheila reiterates her concern that if the changes are not made on the tax card, the owner is not getting billed properly. Kim reminds her that owners are assessed for what is on their property on April 1. She confirms the owners of the Main St. business have a Home Occupancy permit executed by the BOS for an “in-home” business. Scott agrees but reminds the BOS that if the owner has gone to the Planning Board, the BOS has no authority over what the Planning Board does.

Shawn agrees and states the BOS gave that owner a Home Occupancy Permit that has morphed into something beyond that and the owner should have to go to the Planning Board. He notes that the home occupancy permits that the BOS approve will not prevent the owner from going beyond that, but until the BOS knows about it, there is no way to correct it. Now that the BOS is aware of the issue, they can correct it. Shawn reiterates that the home occupancy permit is for truly “in-home” or off-site businesses. If a business goes beyond that, they need to go to the Planning Board. Scott reiterates that once a business goes before the Planning Board, it is beyond the scope of the authority of the BOS.

Sheila states there is an issue with the subdivision across from her where only three (3) of the houses have buried utilities. Shawn agrees and notes the new building inspector will be addressing the remaining homes. Shawn notes the past inspector was doing that. There is a discussion of what are the expectations for the building inspector versus a code-enforcement officer. Scott notes the question of what are the expectations of the building inspector. Shawn states the issue is with who is the entity to make sure the contractor/developer is following the approved plans.

Scott states he feels this is a small-town issue. The Town doesn’t have a code-enforcement officer, the building inspector is part-time, a lot of the projects don’t have a plan to work from, especially remodels and small projects. There is a discussion of the process and the problems with not going back to review the plans. Scott notes that all the inspections could be done, but no one is looking at the issue of the power from the utility pole to the house. Kim states that’s done without anyone knowing, by Unutil or whoever, noting the utility company is called by the contractor to put a pole in. Steve reiterates that the building inspector needs to be re-educated so that he knows every new build has to have underground utilities. Scott states that the building inspector needs to ensure that waivers weren’t granted, etc. Shawn notes that everything should be noted on the plans, but the plans aren’t always

looked at. Shawn explains the new building inspector was not involved with this subdivision. Shawn states he believes the building inspector should be looking at plans before signing off on the permits. Scott reminds the BOS that the Planning Board would list any waivers on the plans. Shawn notes that if any kind of research is done, everything is right on the plan. Shawn states the building inspector has “office hours” that he is paid for and these kinds of plan reviews should be done during times he is not on-site.

Shawn asks Kim to contact the building inspector and reiterate to him the discussion the BOS has had regarding follow-up. The BOS does not need to talk to him. Scott apologizes that the conversation got off-track, and states that he would not be in favor of making any changes to the home occupation permit process. Sheila agrees and notes that if an application comes in and the BOS has questions, they can ask that the owner come in for the next meeting. Kim states that if someone comes into the office, the home occupation application is done and Gail has asked the owners all the questions.

Sheila asks how the BOS will handle the Kingston Rd. issue. Steve states the owner submitted the application with Gail, but then when he found out what the business was, it was too late. Scott disagrees that it is too late if the owner was untruthful. Steve notes the owner has since been turned down by the ZBA. Scott reminds the BOS that they have the authority to revoke the home business permit if the owner was not truthful or something changed and the business no longer qualifies as a “home business.” Shawn agrees. Scott states he believes this issue should be addressed and corrected. Steve states the problem is who is going to enforce it, noting he knows of other home businesses with heavy equipment in residential areas. He states if the neighbors aren’t complaining, why should the BOS be dealing with it. Shawn states the BOS will generate a letter to the owner of the gym on Main St. to begin the process of evaluating what the next steps should be.

III. Old/New Business

American Relief Grant: Sheila informs the BOS that the Town Clerk is working with the Tax Collector and Assessor’s Office to archive their records so they can be sent to Concord and eliminate the need to keep storing paper copies. The Town Clerk is working on the process and costs for this project. She also notes that she has an ACO project that she will be presenting for software that will fall under the American Relief grant. Dottie notes there are four (4) big categories to this grant: Water, Sewer, Broadband, and Software. Sheila states that Chris in Welfare is also gathering information for reimbursement from the grant for money used to pay rents, mortgages, and utilities that have been paid from Town funds.

Dottie states that she will be on a ZOOM call on Wednesday, Sept. 22 with NHMA regarding supporting broadband in Town. Scott asks if there is anything in the grant for cellular communications. Dottie states that she does not know. Steve states that he has a few ideas and is doing some research. He notes the Fire Dept. was not successful in their previous attempt at replacing their outdated radios. He is also exploring the possibility of “merit” or bonus pay. He states that he believes all the First Responders and the Police Dept should get a blanket stipend check if they worked during the COVID emergency and responded to houses. He notes it would be up to the BOS to determine the amount of those checks. Steve states his third idea is for Town Hall workers because the Town Hall has remained open and workers have had to deal with the public and have never been compensated for that. Steve states it's “a slap in the face to our people who work here at Town Hall.” Sheila states that the “merit” bonus should also include the Highway Dept. and the ACO and other departments. She reiterates that she would like the money to go to things the Town needs. Steve states that the Town’s employees are the Town’s most valuable asset. Sheila states “so are a lot of things needed in Town, and if any money is left over at the end of the grant, then it is fine to use it for the Town’s employees.” Steve disagrees and states the employees are more important than some of the other projects being proposed, and before the BOS decides where the money is going, even if he is out-voted, he thinks some things are frivolous and can be done without, but believes the Town employees are a very valuable asset that the BOS should take care of.

Sheila states she is not saying that they (Town employees) are not, but on the other hand, the Fire Dept, the Police Dept, and First Responders all received money through the whole COVID emergency. Steve notes it was only \$150. Steve asks Sheila how many COVID calls she has had. Sheila responds that she has had “quite a few”. She notes that no one else out there working got any money. She reiterates that she understands what Steve is saying, but the

Town has over \$400K to spend in two years and she would rather it be used on something the Town needs such as security cameras.

Shawn notes that at the last discussion, the BOS requested that Town departments turn in project ideas in a month. Scott agrees the BOS should continue with that idea and get all the departments to research what qualifies and make their requests. Scott states he feels the BOS should also publicize the grant and get public input. Shawn agrees. Steve believes the Department heads should present their plans to the BOS for evaluation. Shawn notes the BOS needs to ensure that any project is eligible for reimbursement. Department heads should know if their project is applicable and apply for the grant funds instead of spending their budget money on it.

Scott states the Town has already spent the money from the Welfare budget, and if those expenses qualify, the Town should see if they can be reimbursed. Sheila states that she believes those expenses do qualify. Shawn notes that the expenses of the projects need to be laid out because once you allocate “x amount of dollars” for reimbursement, you can’t reallocate those funds for something else. He states that he wants everything “laid out on the table so the BOS can figure out how much and what will be granted.” Sheila reminds the BOS that no building projects are qualified under the grant.

Safety Impact Fee: Steve passes out information to the BOS noting that he was doing research and found that the Town had established a Public Safety Impact fee that began being paid on September 12, 2017. He and Gail worked on this and on the money generated to the Town through August 15, 2021. Steve explains the fees are charged for new residences and commercial structures. He states he is looking for guidance from the BOS for 1) where the money is, and 2) how can the Fire Dept. use it to benefit the Town. He notes that he does not know if it can be used to purchase fire trucks, or if it must be used for “improvements at the safety complex.” Sheila asks if it could be used to construct an addition on the other side. Steve notes he had put a Warrant Article out a couple of years ago for that, but it was defeated.

Shawn explains that the funds should be held in escrow by the Town Treasurer. Steve clarifies that the \$128K in the account is for both the Police Dept and the Fire Dept. He has broken it down and the Fire Dept should have \$98,824 and the Police Dept. share of the impact fees is \$30,170. Sheila asks if the total could be combined if the two departments agreed. Shawn states the BOS would need to investigate this and he does not know the process of withdrawing those impact fees. Shawn states he does not even know if the BOS has the authority to expend those fees, or if it must go back to the Town for a vote. He notes the first step is to find out who has the authority to expend those funds. Steve states that he wants to know what these impact fees can legally be used for, noting that the School District impact fees can only be used for Capital Improvement projects. Sheila reminds the BOS that all these impact fees have a seven (7) year deadline before the funds must be returned to the owner/builder. Dottie finds minutes from a public hearing held by the Planning Board on October 13, 2016 “Public Hearing to discuss implementing public safety impact fees for the Police and Fire for capital facilities.” She states she needs to do more research to see what was approved but notes according to this notice, it was for facilities. Shawn states that now that the BOS has an idea of what the intentions were for the impact fees, they will need to find out the fine details of “how it works.”

Cost of Living increase for the FY2022 Budget (COLA): Kim reminds Shawn that the BOS needs to set the COLA amount for the salary lines of the FY2022 budget. Shawn states that he has not done that yet. Shawn explains that he uses the Northeast Consumer Price Index. Dottie states that she has seen COLA increases around 6.1-6.2%, noting the increase is due to inflation. Shawn explains that he uses the “rolling twelve (12) months” for each year. Dottie states she believes last month the COLA rate was 5% but has since increased to 6%. Shawn suggests the BOS review the minutes while he looks up the COLA. Scott notes that Social Security was expecting the FY2022 COLA to be 6.1%.

After reviewing the website, Shawn states the “rolling twelve (12) month COLA for August” was 4.4%. He notes he is using the same information he uses every year: the Northeast Consumer Price Index for the Mid-Atlantic. Steve asks why isn’t he using the Northeast, noting that each region is different. Shawn recommends that the BOS adopt the COLA at 4.4%. Shawn motions to adopt the COLA at 4.4% for the FY2022 budget. There is further discussion. Scott and Sheila state they would like to see 5.3%. Scott then notes the issue with consistency if the BOS is using the

same process to get their COLA increases every year. He suggests that any difference should correct itself next year. Scott also reminds the BOS that the COLA salary increases are different from “merit” increases. Sheila states that the BOS does not do “merit increases”. There is a discussion on whether department heads can ask for “merit” increases. Shawn reminds the BOS there is an open motion for a 4.4% COLA increase for the FY2022 budget. Steve notes that it is only .6% off from his opinion. Steve seconds the motion. Vote is unanimous (5-0). The COLA increase for the FY2022 budget is 4.4%.

Budget Review: The BOS review the following budgets as presented for FY2022:

- ✚ 4150.2- Auditing Contract- \$16,2500
- ✚ 4152.1- Assessing- \$25,200
- ✚ 4319.4- DAM dues and memberships- \$134
- ✚ 4290.1- Emergency Management- \$8,076
- ✚ 4316.1- Street Lighting- \$10,000
- ✚ 4130.3- Town Meeting- \$2,000
- ✚ 4191.3- Zoning Appeals- \$845
- ✚ 4191.1- Planning Board- \$3,700
- ✚ 4411.1- Health Officer- \$2,520
- ✚ 4411.2- Health Laboratory- \$120
- ✚ 4411.3- Health Mosquito Control- \$27,000
- ✚ 4241.1- Building Inspector- \$2,746
- ✚ 4723 - TAN Interest- \$1,500

Shawn notes that under **#4150- Financial Administration**, the Finance Director’s salary has been re-categorized and is no longer reflected in that line. All the other lines have been level-funded. The increase in **#4411.3-Mosquito Control** is due to an increase in the contract and permit fees. The **building inspector salary on #4241.1** will be increased to reflect the 4.4% COLA increase just passed by the BOS. Shawn suggests the BOS approve the proposed budgets as they are presented and adjust for the COLA later. He also explains the TAN interest is only if the Town borrows on tax anticipation. Scott asks where the Finance Director’s salary will be reflected. Shawn explains it will be in the Town Treasurer’s budget. Kim notes the ZBA is level-funded at \$845. Scott expresses his concern there is no budget from the Town Treasurer. Kim explains the only thing that has changed from FY2021 is in the Health Dept. The prior Health inspector was not paid accordingly. The new Health Inspector will be paid accordingly and will also need to have the COLA increase added. She notes that line (**#4411.1**) reflects only the Health Inspector’s salary. The FY2021 salary was \$672.

Sheila asks why the Planning Board Secretary’s salary was not in the Planning Board budget. Shawn explains that part of the Assessors clerk’s duties includes going to the Planning Board meetings. Sheila notes the Planning Board and ZBA secretary positions were combined when Janet took over. Shawn explains that the Dept. of Labor had determined that one employee who provides multiple functions cannot be categorized for each separate function. Sheila asks why the Planning Board did not remove that line from their budget. Shawn explains that line must remain for historical purposes (previously there was a budget for a Planning Board secretary). Scott notes that line can also be used as a placeholder for future needs. Sheila expresses her concern that this doesn’t give a true picture of what the Planning Board costs. Shawn notes that in this instance one employee is doing multiple job functions and those costs cannot be split out between departments/boards. He states this was one of his concerns with breaking out employee costs by department. Scott agrees that this may not work with breaking out these kinds of employees, but notes that with the Police Dept, Fire Dept, and the Highway Dept, it will give a truer cost of those employees.

Scott asks Steve what the BOS has to gain by breaking out all the employee costs by department. Steve explains that it will show the true picture of what those departments cost. He compares the Fire Dept and the Police Dept. The Fire Dept. does not have to pay 30% to NH Retirement, noting that 30% of the Police Dept payroll is a significant amount. The Fire Dept does not pay for health insurance. The Police Dept. budget is not accurate when it does not reflect these costs. Scott asks how that changes any outcomes.

Steve explains that with the Fire Dept comes in with a reasonable salary request like last year, they “get cut off at the knees because everyone is looking at the Police Dept budget and that is not an accurate cost of their employees. Steve states that the Fire Dept budget is what the Fire Dept costs the Town. What is seen in the Police Dept and the Highway Dept budgets are not accurate costs to the Town. Steve reiterates he is doing this so the Town knows what each department costs. Shawn agrees this is a good way and a good way to compare one town to another. He notes that he agrees with doing it by department, but in the situation discussed earlier, it can’t be done when one employee is dividing up their working hours for multiple boards, etc. Steve reiterates the public does not get the true costs when the departments are not including all their staffing costs.

Shawn notes the advantages of having a part-time, on-call Fire Dept and congratulates Steve and his department for saving the Town a lot of money. He notes the Town has the benefits of a full-time Fire Dept with a part-time salary. Scott notes his opinion doesn’t change on either way the salaries are reflected.

Steve explains that he did a salary study last year and compared the true cost-per-hour of a part-time firefighter, a full-time police officer, and a full-time highway employee. There was so much disparity in that comparison that it motivated him to request this change. Scott agrees there is a huge gap between the true cost of an employee and their salary.





Scott states that he would be interested to know how other towns reflect their salary costs in their departments. Shawn notes that LGC can provide that data, but each town would have to be examined separately. Scott reiterates it’s a valid point and the BOS should know that information before comparing salaries with other towns.

Steve notes that Dottie was told a few years ago to budget all their employee costs for the library and he doesn’t see why the rest of the departments don’t also reflect those costs. Scott reiterates that he does not have an issue with it being done that way and notes it would be comparing “apples to apples”.

Sheila asks when was the last time the Town reviewed its Emergency Management plan. Shawn and Steve note the plan is scheduled to be reviewed beginning Wednesday, September 22. Steve explains they get help from the State and that MAPS (Mapping and Planning Solutions) will provide assistance. Steve states he thinks they are up in Twin Mountain and that he wanted in-person meetings, but with all the COVID stuff they are only doing ZOOM meetings. Wednesday’s meeting is at 1:00 PM. The meetings will last two (2) hours and there are 5-6 of these meetings scheduled. The program will end in early December. MAPS will then draw up a hazardous mitigation plan for the Town. Steve states he will be at these ZOOM meetings both as a Fire Chief and as a BOS representative. Police Chief Wade Parsons, Road Agent Jim Seaver, and Barry Hantman, Chair of the Planning Board will also be attending. Sheila asks if they are also pulling in Animal Control. Steve states that he can invite her if she wanted to attend. Sheila notes that she sat in on the Hampstead one when she was their ACO. Steve explains that they (MAPS) will come up with a plan for the Town and if the Town does not do it, it will not be eligible for FEMA funds in case of a disaster.

Scott suggests that when the Police Dept, Fire Dept, Highway Dept present their budgets with the complete salary costs, he would like to see those costs reflected in the FY2021 budget as well. He notes that he compares numbers from the previous budget with the new budget and looks at the percentage of the increase. If the total employee costs are only included in the FY2022 budget, it will skew those percentages. Shawn reminds him that while those budgets will show a large increase, the Selectmen’s budget will show a correlating decrease. At the end of the day, the bottom-line amounts will not change. Scott expresses his concern that it would look like a significant increase and that would not be accurate.

Shawn asks for any comments or concerns on the budgets that were presented tonight. Steve motions to approve the presented budgets. Second by Dottie. Vote is unanimous. (5-0). The following budgets were all approved and will be revised to reflect the 4.4% COLA increase in the salary lines.

-  4150.2- Auditing Contract- \$16,2500
-  4152.1- Assessing- \$25,200
-  4319.4- DAM dues and memberships- \$134
-  4290.1- Emergency Management- \$8,076

- ✚ 4316.1- Street Lighting- \$10,000
- ✚ 4130.3- Town Meeting- \$2,000
- ✚ 4191.3- Zoning Appeals- \$845
- ✚ 4191.1- Planning Board- \$3,700
- ✚ 4411.1- Health Officer- \$2,520
- ✚ 4411.2- Health Laboratory- \$120
- ✚ 4411.3- Health Mosquito Control- \$27,000
- ✚ 4241.1- Building Inspector- \$2,746
- ✚ 4723 - TAN Interest- \$1,500

Kim notes that she will update the salary lines in these budgets with the 4.4% COLA increases. She clarifies that the BOS is happy with how the budget details are being presented and states that she will ask about the impact fees for Steve. Steve notes that he is looking for direction on how to spend the impact funds. Kim notes that both the Fire Dept and Police Dept fees are in the same account and the auditor has recommended that they be split.

Minutes: The BOS reviewed the minutes for the September 7, 2021 BOS public meeting as Shawn was determining the FY2022 COLA. Dottie motions to approve the minutes for the September 7, 2021, BOS public meeting as written. Second by Sheila. Vote is unanimous (5-0).

The BOS review the minutes for the September 7, 2021 BOS Non-Public session under NH RSA 91-A 3:II(d). Scott motions to approve the minutes of the September 7, 2021, BOS Non-Public session. Dottie notes one correction, a reference to Rte. 121-A should be Rte. 111-A. Second by Sheila. Vote is unanimous (5-0).

Signature File: The BOS review and sign the pay warrants in the Signature File. Shawn states that the BOS has received a request from Eversource for access off Meadowlark Lane to clear vegetation and cut trees. Scott asks to be updated on the issues with Eversource. Shawn gives a brief review of Eversource's previous request for access that was granted by the BOS with the condition that Eversource would enter into negotiations with the BOS to purchase a permanent easement. However, once Eversource completed their project, they no longer participated in those negotiations. The consensus of the BOS at that time was that they would no longer honor access requests from Eversource.

Sheila disagrees with Shawn's stance on the issue, stating the Eversource access request is for line maintenance. There is further discussion of the earlier process and the failure to reach an agreement. Shawn notes that Eversource always has a right-of-way to their lines and that access requests are simply a less expensive route for them. Sheila confirms that there is another way for Eversource to access its lines. Steve motions to deny the request for access from Eversource. Second by Shawn. Vote is unanimous (5-0).

Town Announcements: Shawn reads the Town Announcements listed below, noting several changes. The TRSD changed its Capital Improvement Committee meetings from Wednesdays back to Tuesdays after Shawn pointed out to them that the change to Wednesday was the reason the current Danville at-large representative could no longer attend. Now that the meeting is changed back to Tuesday, the current Danville at-large representative has agreed to continue to represent Danville and there is no longer an opening on that committee. Shawn thanks the CIP Committee for changing the meeting back to its original night and to the Danville at-large representative for being willing to continue to represent Danville.

Shawn notes the Fall Bulk Pick-up is scheduled for Saturday, October 16. The deadline for the forms for the Fall Bulk Pick-up is **no later than October 4**. He states this is a "drop-dead" deadline and any forms received after that date will **NOT** be included in the Bulk Pick-up schedule. Sheila asks that residents cover their bulk items if they put them out early.

Samuel Eaton Trust: Dottie states that she has been researching the Trust and noted that all the School District Trust funds were transferred to Plaistow on July 1, 2019. She states she is wondering why the Town is still holding the Eaton Trust. Shawn explains that the Eaton trust was created for the Town of Danville to build a high school,

and the premise is that it belongs to the Town, not the School District. Kim reminds the BOS of Ed Lang's presentation of the Eaton Trust to the BOS at the September 7 meeting. Mr. Lang had quoted from the original will "The original will states that the Trust "shall forever be held in trust by the Town of Danville, forever." ⁱ Shawn suggests that Dottie follow up with Mr. Lang on this question.

Kim also updates the BOS that she had contacted the TRSD business director regarding how the Eaton transportation payments are credited. The business director had advised her that the Eaton payments went into the general fund. Scott expresses his concern that nothing defines these payments as going against Danville's transportation costs. He asks why is the Town withdrawing the funds when is it not being used to offset anything. Shawn agrees and notes that those payments should be applied to "Danville's tab" and not just to the school district. Scott acknowledges the payment is just "pennies" but believes the funds should not be withdrawn if they are not going to be properly credited.

E-Mail Discussion: Dottie refers the BOS to an e-mail from August 12, 2021, that was sent to a Board Chair accusing her of vindictive harassment. Dottie notes this Chair was in fact, doing her job enforcing planning and zoning regulations. Dottie notes the entire BOS was cc'd on this e-mail and that it was sent by Steve to Carol Baird, Chair of the Heritage Commission. Dottie states that the e-mail upset her and that it upset Ms. Baird. Dottie further states that she does not feel it was right and reminds the BOS that Town boards are all volunteers.

Steve states that he was hearing the same thing from the builder and the building inspector and asks what he was expected to do. He expresses his concern that the Town spent \$200K "chasing a dead horse". Dottie notes that the Town spent \$180K to get a quiet title to the whole 6-lot subdivision because the owners were trying to grab land that belonged to the Town. Dottie reiterates that it wasn't just that one lot, it was when the owner was breaking up the six (6) lots.

Scott states that he stands by the Town's decision to do a quiet title and to pursue what the BOS had authorized. He agrees it cost the Town a lot of money and the judge did not agree with the Town's position. The judge made his decision and the BOS decided not to pursue the matter any further. Steve argues that the BOS approved \$1275 tonight for Heritage. Sheila and Dottie explain that this money was coming from the Heritage Commission's own funds that they had raised, and not from taxpayer dollars.

Steve states he ran for the BOS to protect the taxpayers and to use common sense. He states that if he was a member of the BOS when the original issue was happening, he would have gone to Edgar Laurie (the owner) and made an offer for the lot. It would have increased the size of the cemetery and saved over \$100K of taxpayer money.

Dottie states that she wants to make it clear that the Board Chair was not responsible for that \$180K. The BOS review their votes from tonight for approving the withdrawal of the Heritage Funds. Sheila reiterates that the funds requested were funds the Heritage Commission had raised, but that the Commission still needed to follow the process of getting approval to withdraw those funds.


Scott agrees that the Chair of the Heritage Commission did not approve of spending the \$180K for the court case. That approval was a BOS decision. He also states that he will remain neutral about the e-mail. He believes that everyone can say what they want to whomever they want. Steve notes that he will not apologize for the e-mail and reiterates that he wants to get rid of "foolish expenditures" such as the Stage Coach House. He reminds the BOS that the Heritage Commission brought an estimate of \$1500 to the BOS to remove the mold on the roof. He notes the Town has a tanker truck with 10,000 gals of water and he went out and purchased the chemicals needed for \$42 to complete the project. Steve reiterates the need for using common sense and the Town's resources.


630 Main St.: Kim updates the BOS that Mr. Morse had received an e-mail from Casella and was all set to keep putting his trash barrels out on the Back Rd. end of his driveway. Steve notes that Mr. Morse had already removed the required 4' of pavement and disconnected his driveway from Back Rd. as requested by the Road Agent.

Trustees of the Trust Funds: Kim explains to the BOS that she had received an e-mail from Barry Hantman that the Trustees of the Trust Funds had sent the cameraman home from their meeting because they didn't want to be televised. Scott states that it was a public meeting and they do not have that option. The BOS needs to send a letter to the Trustees to explain that their meetings are public and the BOS has decided to pay to have those meetings recorded. Scott notes that at any public meeting anyone has the right to record.

IV. Town Announcements

Calendar

 **September 27- Monday:** BOS meeting at 7:00 PM at the Town Hall.
Budgets to be reviewed include: Town Clerk, Elections, and Welfare

 **October 16- Saturday: Fall Bulk Pick-up.** Forms are required to be submitted to the Selectmen's Office **no later than Monday, October 4 at 7:00 PM.** Residents are asked to cover their bulk items if they put them out early.

There being no further items to discuss Shawn adjourns the meeting.
The meeting is adjourned at 9:25 PM

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

Respectfully Submitted
Deborah A. Christie

ⁱMr. Lang explains to the BOS that the DOJ has told the Trustees that the Eaton Trust is alive and well and there is no reason to cancel or close the Trust. **The original will states that the Trust “shall forever be held in trust by the Town of Danville, forever.”** Mr. Lang notes the Trust belongs to the Town with no “expiration date.” He acknowledges the question if the Trust should go to the School District and states that his understanding is that with that statement in the will, the Trust will never go to the School District. **Minutes of the Board of Selectmen's Meeting. September 7, 2021**