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

7:00 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; Carsten Springer, Chair, Conservation Commission, Rob Loree, Vice-Chair, Conservation Commission, Resident: Isaiah Cronin

Shawn called the meeting to order at 7:00 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.

**Conservation Commission Encumbrance Requests:** Mr. Springer and Mr. Loree have two requests for the BOS. Mr. Springer provides copies of the Conservation Commission minutes as records of the votes for these requests. The first request was approved at the Conservation Commission meeting three weeks ago. Mr. Springer has the invoice and would like to request to encumber \$595 for the mowing contract for 2022. This contract is for mowing the field and removing the brush. Sheila confirms that this is a contract.

Mr. Springer states that he has discussed the following request with Steve (as the Fire Chief) and with Mr. Seaver, the Road Agent. The Conservation Commission purchased 3.8 acres of land for the Town on Happy Hollow Rd. This will give the Town access to the 19-acre parcel known as Parson's lot. This parcel has frontage but is blocked off by wetlands. Mr. Springer explains that the edges of Happy Hollow Rd have degraded so badly that Mr. Seaver is considering making it a one-way road until it can be rebuilt. With that purchase, the Town now owns the whole southern edge of Happy Hollow Rd., including the land of Thomas Boyles. However, the road is so narrow that there is no place to stage or store equipment or materials.

Over the years, the Conservation Commission has been working to establish parking areas where people can park to access Conservation properties for hiking, fire access, etc. The Conservation Commission has received an invoice for \$1200 for the first phase of establishing a parking lot along Happy Hollow Rd. that is 25' deep by 75' wide. Sheila asks if this is a contract from a third party that will be doing the work and confirms that this work will not be done by the Conservation Commission themselves. Mr. Springer explains that the Conservation Commission is coordinating the work with the Highway Dept. He notes this will be cost-effective because the road already exists and will be slightly moved to provide straight access to the parking lot. This will not only provide a safe place to park but by working with the Road Agent, the Conservation Commission will provide and bank gravel from the Town's gravel pit to be able to do fill if it is required. This will keep the contract costs down as well as make some material available on site for the Highway Dept. to use on the road.

Scott confirms that Happy Hollow Rd leads to Beach Plain Rd. Sheila agrees that Happy Hollow Rd needs to be one-way as it is dangerous in its current state of disrepair. Scott expresses his concern with the intersection of Beach Plain Rd. and Happy Hollow Rd. Mr. Springer notes that that original intersection was a three-way intersection from Happy Hollow Rd. There was a left onto Beach Plain Rd. or from Danville towards Kingston, there was a right onto Happy Hollow Rd. Scott explains that he was trying to understand where this access lot would be on Happy Hollow

Rd. Mr. Springer explains that coming from Town Hall towards Fremont, as Happy Hollow Rd drops into the low area where it is wet on both sides with a high ridge, and where the road is coming apart, just before the dip on the right, is the beginning of the Town-owned land where there is the start of a wood road. The wood road shortly turns sharply to the left and back to the right. There was Planning Board approval when the Conservation Commission bought the parcel as a sub-divided lot, as the developer was subdividing that piece of property. Part of the Planning Board's approval was based on having a curb-cut, driveway access, and a location for a driveway. The current proposal would mirror the approved driveway closely, but not exactly as it won't go as far as the driveway needs to go. The current proposal takes into consideration all the contours and proximity to wetlands. Depending on what comes out of that "little pocket of wood" such as how much can be cut for fill and what the market is for wood, the Conservation Commission may be able to reduce the cost of the contract, but they need to get the project started.

Mr. Springer notes that he wants to be sure to follow all the right procedures to encumber the funds properly. Shawn agrees, noting the process needs to be part of the BOS minutes. Mr. Springer compliments the BOS on how well the Town's boards are working together, having healthy discussions, and getting good things done. He confirms that these encumbering requests are from the Conservation Commission's FY2021 budget and they have enough funds to cover both requests.

Sheila motions to encumber \$595 for the mowing contract and \$1200 for the parking lot proposal from the Conservation Commission's FY2021 operating budget. Second by Dottie. Vote is unanimous (5-0).

As no more members of the public wish to speak, Shawn closes the Delegate session at 7:10 PM

## II. Agenda

**29 Olde Rd. Update:** Mr. Cronin is not present, there is no discussion of the issues.

**#4155- Personnel Budget Update:** Kim provides the BOS with copies of the updated Personnel budget. Scott reminds the BOS of their previous discussion regarding the difficulty of separating the Unemployment Insurance and Workman's Comp insurance by department so those expenses need to stay in the Personnel budget. Shawn confirms that all the other line items in this budget have been moved to their respective department's budgets and are now zero. The Unemployment insurance premium is \$4000. The Workman's Comp insurance is \$28,320 for a total of \$32,320. Sheila motions to approve the budget for #4155- Personnel for \$32,320. Second by Dottie. Vote is unanimous (5-0).



**#4155- Personnel budget is approved for \$32,320**

**Vote is 5-0.**

**Holiday Closings:** Shawn reminds the BOS of this issue with some Town departments that do not work on Fridays. He explains the benefit is for eight (8) hours of holiday pay for full-time employees, and holiday pay that is proportionate to the normal working hours of part-time employees. This issue affects the staff of Town Hall. The consensus of the BOS is that Town Hall will be closed for the Christmas Holiday on Monday, December 27, and will be closed for the New Year Holiday on Monday, January 3, 2022. Scott asks that notices for the closings be posted as quickly as possible for the public. Kim reminds him that this subject has been up for discussion since August and was first addressed at the July 26 BOS meeting. Scott confirms that the notices will be posted on the Town Hall doors and sign.

Kim asks if the BOS should make a Town policy that if a holiday falls on a Friday or Saturday, Town Hall will be closed the following Monday, noting that is how it has been done in the past. Scott and Sheila note that it is not often an issue. The consensus of the BOS is that they will address the issue as it occurs.

## III. Old/New Business

**Casella Contract:** Shawn presents the Casella contract for BOS signatures. The contract is for the approved collection amounts and tonnage that were used in the budget calculations. Shawn suggests that Gail make Casella aware that there are five (5) members of the BOS so the contracts need to have five (5) signature lines.

**Minutes:** The BOS review the minutes for the December 13, 2021 public BOS meeting. Scott asks to change line #128. He would like to strike the word “own” and add “would like to purchase”. Sheila motions to approve the minutes as amended. Second by Dottie. Vote is unanimous (5-0).

**Non-Public Minutes:** The BOS review the minutes from the December 13, 2021 Non-Public BOS meeting under NH RSA 91-A 3:II(c). Scott motions to approve the minutes as written. Second by Dottie. Vote is unanimous (5-0).

Shawn reads the Town Announcements listed below. He notes that at the next BOS meeting they would be working on the Default Budget and that he would be working on this over his holiday break. There is a discussion of when the next BOS meeting will be held. Shawn notes that even if the BOS does not meet next week, board members will still need to come in and sign the pay warrants. Shawn states that he would like to have Patty Sarcione, the Finance Director, do the pay warrants, and reminds the BOS that there is software such as Pandadoc that the School District uses that allows board members to electronically sign warrants and other documents. All the paperwork that the BOS now signs at each meeting could be reviewed and signed electronically, making the BOS meetings more efficient. He asks if the BOS would like to look into this possibility.

**29 Olde Rd Update:** Mr. Isaiah Cronin arrives at the BOS meeting at 7:22 PM and apologizes for being late. Shawn explains that the BOS has received complaints regarding 29 Olde Rd. and that several issues are going on. Shawn states that he would like to hear Mr. Cronin’s side. Shawn explains the big issue is that there is no driveway permit for the driveway that has been cut out.

Mr. Cronin explains that when he first bought the land about a year ago, he was going to have it logged. He was told that he did not need a driveway permit to log the land, so he cut in a road to start logging and that is when the DES issued a cease-and-desist order because he was crossing wetlands and needed a permit from them. He notes that all work stopped for 6-8 months until he got his plans, had his site reviewed, and received DES approval for everything. He notes that he is still waiting for the approval letter from the DES. Mr. Cronin reiterates that several officers from the DES have been to his site and signed off on the approvals verbally and that the BOS was also supposed to receive a letter from them. Mr. Cronin notes that he has e-mailed the DES twice regarding this letter. Shawn agrees noting “the speed of government is very slow” and suggests that Mr. Cronin needs to be the “squeaky wheel”.

Shawn explains that the BOS can’t do anything until they receive the letter from the DES and until they receive that letter, everything must stay as it is. Mr. Cronin states that everything has remained the same. The driveway is essentially a gravel roadway that has a handful of parked trailers and two dumpsters because he rents dumpsters. Nothing else is on the site- it’s still just a woodland cut.

Shawn states that he understands and empathizes with Mr. Cronin, but explains that what Mr. Cronin has is essentially a driveway with stuff being deposited on it and that Mr. Cronin did not have a right to do that until the driveway had been through the approval process. The BOS is not trying to encumber him. Mr. Cronin states that he is more than willing to do whatever he needs to do on his end. Shawn explains that the BOS has to enforce the Town’s zoning laws.

Mr. Cronin questions the use of his property. He states he intended to use it for construction storage and essentially run a construction business from there. Shawn states he believes it is zoned for “light industrial”. Scott states that he also believes it is zoned that way but isn’t sure what the cut-off is for usage. Shawn agrees that is a Planning Board question. Mr. Cronin reiterates that he wants to be sure to do all the proper steps and get a driveway permit. Shawn explains that he can come to a Planning Board meeting and get on their agenda so he can ask all these questions. The Planning Board will explain it to him and walk him through the process such as what he may need for surveyors, etc., and will let him know what he can and can’t do. Scott notes the Planning Board would be “more than happy to

have a non-binding conversation where they will offer their opinions”. They won’t take any actual votes, but will certainly provide any necessary guidance. Shawn confirms the Planning Board meets on the second and fourth Thursday of each month. Sheila notes that the Planning Board just met last week. Shawn suggests that Mr. Cronin contact the BOS office and speak to Gail so she can put him on the Planning Board agenda. Mr. Cronin agrees that everyone needs to be on the same page about what he wants to use the land for.

Scott asks if Mr. Cronin’s property is on the Rte.111 side. Mr. Cronin explains that it abuts Rte. 111, but the only access point is from Olde Rd. Scott states that he believes this is still in the “light commercial” zone. Mr. Cronin states that when he bought the land he had come in and asked and was told that it could be used commercially, noting that it was his intent. Scott notes that it doesn’t necessarily mean the abutters are going to be happy. Mr. Cronin confirms that they are not happy about any of it, noting any time he is there someone calls the police on him. Scott reiterates that zoning is voted on by the Town. Mr. Cronin states that the abutters are not happy with him or the gentleman at the end of the road.

Shawn expresses his appreciation for Mr. Cronin attending the BOS meeting. Mr. Cronin again apologizes for being late. Shawn explains that Mr. Cronin is welcome to keep the BOS updated. He can contact the BOS office to get on the agenda, and/or that every meeting has a delegate session at the beginning and Mr. Cronin can use that time to provide a quick update to the BOS. Mr. Cronin confirms that the first thing the BOS needs is the letter from the DES and from there he can apply for a driveway permit. Shawn clarifies that Mr. Cronin would need to contact Gail and the Planning Board for the driveway permit. Scott confirms that he needs to meet with the Planning Board to understand what is and is not permitted. Mr. Cronin explains that this is a long-term plan for him. For the first 4-5 years he is just going to clear the land and store trucks, trailers, and equipment, eventually, he will need a building.

Shawn explains that some of the questions from the Planning Board might include how much area Mr. Cronin is expecting to use for storage, what kind of equipment will be there, and what kind of contingency plans he has if there was a spill, etc. Scott agrees, noting the Planning Board will particularly have questions on what’s being stored there and if it’s hazardous. Shawn explains that getting this before the Planning Board will create an official record of what Mr. Cronin is trying to do with his land, so if the zoning gets changed, he would be grandfathered because he has already started the process. Mr. Cronin states he will work on getting that DES letter to the board.

**December 27 BOS Meeting:** The BOS returns to their conversation regarding the Monday, December 27, BOS meeting. The consensus is that there will not be a meeting that evening, but that board members will come in and sign the pay warrants. The next scheduled BOS meeting will be Tuesday, January 4, 2022. The consensus of the BOS is to agree with these scheduled meeting changes. Shawn notes the BOS has received the information they had requested from Eversource and asks Kim to forward copies to the Conservation Commission and the Forestry Committee.

Shawn expresses concern regarding encumbrance requests from other Town departments. He notes that if something does come up, he may have to hold a meeting on December 27 as that would be the last meeting of 2021. Kim confirms the deadline for encumbrance requests is December 31, 2021.

**Year-End Payroll, Budget, and Warrant Articles:** Steve notes that at the last meeting, the BOS had discussed and voted on a pay adjustment for the last payroll of FY2021. He wants to confirm the process, noting that he will be doing the final Fire Dept. payroll for 2021 on Wednesday and will be adjusting those pay rates as approved. Shawn reminds him that if this brings the Fire Dept. over budget, that Steve will need to let the BOS know so that they can make the necessary adjustments.

Sheila asks if the Police Dept.’s vacation buy-out payroll would also be paid at the adjusted pay rates. Scott states that he assumes that would be the case. Sheila states that when the BOS changed that policy, she was under the impression that the Police Dept vacation time carry-over was only if the employees could not take that time during the year due to understaffing and the staffing issue has been resolved. Shawn explains that the Police Dept. just went through a whole COVID infection issue and those shifts had to be covered. He suggests that Sheila may be trying to micromanage the issue. Sheila states that she feels the BOS should review that policy. Shawn asks that she

put it on the agenda, be prepared to present her concerns to the BOS, and invite Chief Parsons to attend to offer his commentary on the policy. Shawn asks that the issue be added to the January 4, 2022 agenda.

Steve confirms that the Fire Dept. will be working on their Warrant Articles for BOS discussion and that he has the figures that Shawn had requested. Shawn confirms with Kim that the Warrant Articles must be **posted** by January 31, 2022, and there are only two more BOS meetings scheduled before the BOS considers the Citizen Petition Warrant Articles. Shawn states that if possible, he would like the Town's Warrant Articles settled before then.





Sheila reminds the BOS that in the previous review of the Town's Warrant Articles, the BOS did not add one to modify the elderly tax exemption. She has e-mailed a copy of the Warrant Article to everyone. Shawn explains that the Town-supported elderly tax exemption has previously followed the same percentage rates as the fluctuation in the Town's property assessments. The Warrant Article would address the most recent changes and adjust the exemption proportionately. He asks that this also be added to the January 4, 2022 agenda.

Dottie suggests that the BOS also consider a Warrant Article to make the Road Agent position full-time. Kim states that she is working on that. Dottie explains that during her wage and salary survey, she had spoken to towns regarding their employee benefits and every town around offers NH Retirement benefits to all their full-time employees. Danville only offers NH Retirement to the Police Dept. Dottie states that if the Town makes the Road Agent position full-time, there would only be four full-time Town employees eligible for NH Retirement, two Highway Dept employees, and two Library employees. Dottie explains that she has talked to Patty Sarcione and the Town's portion of NH Retirement for the Highway Dept. would be 14% and for the Library would be 11%. She reiterates that this is done in other towns and she is just trying to bring Danville up to scale.

Scott clarifies that what Dottie means by "bringing the Road Agent up to full-time" is to make the Road Agent position an appointed one rather than an elected one. Dottie agrees this is what she meant. Sheila notes that Kingston made this same change a couple of years ago and that the BOS could go to their Town Report and pull the wording for the Warrant Article from there. Shawn asks her to confirm the year this change was made so that Kim can research and expedite writing the Warrant Article. Steve confirms with Dottie that the Highway and Library departments NH Retirement rates are lower because they are in "Group 1", whereas the Police Dept is in "Group 2" resulting in the Town paying 33% for their NH Retirement benefits.

#### **IV. Town Announcements**

##### **Calendar**

-  **January 4, 2022- Tuesday:** Board of Selectmen's Meeting at 7:00 PM at Town Hall
-  **January 11, 2022- Tuesday:** *Citizen's Petitions due no later than Tuesday, Jan. 11, 2022, at 4:00 PM*
-  **February 5, 2022- Saturday:** Deliberative Session will be held on Saturday, Feb. 5, 2022, 10:00 AM at the Community Center
-  **March 8, 2022- Tuesday:** Town Elections at the Community Center 8:00 AM- 8:00 PM.

As there are no further items to discuss, Steve motions to adjourn. Second by Dottie. Vote is unanimous (5-0). The meeting is adjourned at 7:45 PM

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

Respectfully Submitted  
Deborah A. Christie