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Town of Danville  
Board of Selectmen  
Monday, January 31, 2022  
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; Rob Collins, Chair, Budget Committee; Residents: Joshua Smith, Dennis Griffiths

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.

**Home Occupation Application:** The BOS review and sign a Home Occupation Application submitted by Joshua Smith of 38 Tempo Dr. Shawn explains to Mr. Smith that he will be able to come to the BOS office tomorrow to pick up his copy of the permit and everything will be all set. Sheila asks Mr. Smith what is the nature of his business. Mr. Smith explains that he provides off-site contracting services, for solar, MP storage, ventilation, etc. Steve confirms that Mr. Smith has only one truck for the business.

As no more members of the public wish to speak, Shawn closes the Delegate session at 7:07 PM

**II. Agenda**

**Default Budget Updates:** Shawn states that he has received Sheila’s communications, but has not had a chance to read them. He asks for a printed copy of the Default Budget that she and Dottie had agreed to work on. Dottie explains that they only printed one copy because the spreadsheet is so large that it is difficult to get the rationale for each change on it. Kim brings the printed copy to Shawn. Shawn notes that some of the columns could be eliminated, making the spreadsheet easier to manage.

Shawn informs the BOS that they have received a written legal opinion from Town Counsel regarding the issue of whether the salaries and COLA increases the BOS approved in December 2021 can be included in the Default budget. He reads the contents of both e-mails to the BOS.<sup>i</sup>

Dottie states that in regards to Counsel’s response “but if the money was available in the prior year” that the money was not available in the prior year (2021) as the BOS only gave those raises in the last payroll of the year. Shawn responds the BOS has the ability to move funds around. Dottie agrees. Shawn asks what she means, stating that by paying that payroll, the money was there. The BOS did not overspend the 2021 budget. Shawn states that he believes that Dottie is saying the BOS did not have the money in the budget. Dottie agrees the money was there for that last payroll.

Scott states that he believes the money was there regardless, noting the option that the BOS could have had. Rather than use the money that was left in the General Fund to reduce the 2022 tax rate, that money could have been applied to the salary and COLA increases, so that money was there regardless (of when the increases were approved)

and could have been used in January or December. Dottie states that if Town Counsel says it's fine, then it's fine and all she wanted was that opinion.

Shawn notes that a lot of the differences in Dottie's and Sheila's Default Budget are centered around the salary lines, so those will need to be reviewed and put back in. He suggests the BOS review the remaining differences and address them separately, reminding the BOS that they have until the printing of the ballots to make any adjustments.

Scott notes that Town Counsel noted there is no case law stating the process is not legal, so until then it is legal. He states that because Town Counsel would presumably be representing the Town if there was such legal action, he wanted his opinion on the issue. Shawn reminds the BOS that Town Counsel did not review and give an opinion on each item in the Default budget, but because most of the differences centered around the salaries, that was the question that he was asked.

Dottie notes the other area of difference was the amount of money carried over for road work. Shawn agrees. He states that no matter how much the BOS budgets, they are definitely (budgeting) less than what they should be financially doing each year. He reminds the BOS that they increased the FY2022 budget by approximately \$125,000, and just the cost of trying to replicate what the Town does right now, with the price of fuel, etc. the \$75,000 he put in the Default budget, \$50,000 of that will do only what was done this year. If the BOS puts that amount back to the budgeted amount for FY2021, they will not be able to do what was done in 2021 because of the increased costs.

Shawn explains that he is just trying to keep them (the road repairs) at what they were last year with the costs of inflation. He admits "it's an interpretation and can be looked at in a variety of ways," but he's "going to look at what he believes is best for the Town and is willing to justify it." Shawn credits Steve with explaining the best course (of action). "If the Town should decide that the Fire Dept. should fight fires with a five-gallon bucket, that's what he'll do." Shawn agrees that "if the Town doesn't want to support these kinds of things and wants to fight these things to keep the level of services the same, by all means." It's easy for the BOS to say "no we can't do it, we don't have the money, but trying to deal with roads that are falling apart, when the Town can't even maintain them to the point they should be maintained, he does not want to be there, especially when the Town receives well over \$1M in vehicle excise tax." Shawn asks if that money should really be used to offset school costs or other Town services. He reiterates that the money is collected as vehicle excise taxes, a road-based utilization and that's the rationale he used in his decision for the amount in the Default budget.

Scott confirms that the Road Maintenance line was another area of contention. Dottie states there are some other minor issues. Their version of the Default budget was \$5,410 more than the FY2021 budget, a difference of \$360,505 from the last approved Default budget. Shawn notes the difference is closer to \$256,000 and a large part of that is in the salary lines, and that money needs to be added back in. The other issue is the \$75,000 in the Road Maintenance line. Scott notes that is what he asked last week- what areas of the Default budget are the BOS concerned with and he would like to focus discussion on those areas, noting that the Highway Dept. budget is something the BOS should discuss.

Dottie agrees that was an area of concern because it was for roads and not personnel. Scott asks what the difference is in the Highway budget, noting that he didn't get it until late this afternoon. Kim explains that she did not get the Default budget until about 3:50 PM.

The BOS review the Highway budget lines of the new Default budget. Dottie states that the Highway budget was \$502,845 in FY2021, increased to \$707,237 in the FY2022 proposed Operating budget, and had \$519,064 carried into the Default budget. Shawn reminds Dottie that they need to increase the personnel budget for the Highway as well. Scott agrees. Shawn reminds the BOS that these are not just salary increases, but also the Town's costs for the salaries such as FICA, insurance, etc. He reminds them it is a continuation of the FY2021 budget but is accounted for differently in the FY2022 budgets because all those costs were moved into the individual budgets. Dottie explains that she and Sheila "lumped all those costs back together in their Default budget."

Scott confirms the FY2021 Highway budget was \$502,845 without the personnel costs included. Dottie reiterates that she and Sheila put the personnel costs back in their Default budget the same way it was last year. Shawn notes

that they will need to update the spreadsheet anyways just to reflect the salaries. Scott reiterates that his question is on which part of the Road Maintenance is the concern and what is the amount. Shawn explains the BOS and BudCom proposed \$350,000 for line #431- Major Road Repair. The approved amount in the FY2021 budget is \$225,000. Shawn put \$275,00 in his version of the Default budget, which is \$75,000 less than what is in the proposed FY2022 Operating Budget. Kim clarifies this is a \$50,000 increase (in the Default budget) over the FY2021 amount. Scott asks what was spent in 2021. Shawn explains that the Highway Dept. “tailored their road repairs to how much they had in the budget.”

Scott confirms that Shawn has added another \$50,000 to the Default budget. Shawn reiterates that amount would do an equivalent amount of work as was done in 2021 for \$225,000, probably even less. He explains that his goal is to at least be able to do the same amount of road repair in 2022 as was done in 2021. Scott suggests this might be another question for Town Counsel; if the BOS can use that rationale safely. Shawn states that the BOS can go ask Town Counsel that question. Scott suggests that the \$50,000 could be recouped somewhere else during 2022 if the Operating budget doesn’t pass. Shawn explains it would have to come from another department’s budget. Scott suggests the BOS could look at the costs of Bulk Pick-up, noting it is about the same price. He questions what is more important: Bulk Pick-up or the roads to get to Bulk Pick-up. He states that if the Townspeople want both, they will need to approve the Operating budget, noting that in the past 2- 3 years they have done that.

Shawn asks the BOS for direction with the amount to be carried in the Default budget for Major Road Repairs. He states that he feels it is a waste of money to spend it on another question for Town Counsel. Dottie confirms that the Default budget is \$50,000 over the 2021 budget for Major Road Repairs. She states that the BOS probably should not add that in. Scott states that he is okay with removing it, reiterating the BOS “can move funds around if needed. If the roads require \$275,000 worth of repairs in 2022, he believes the BOS could make that happen.” Dottie confirms he means without adding the \$50,000. Scott reminds the BOS all this is based on the assumption that the proposed FY2022 Operating budget fails. Dottie motions to reduce #4312.20- Highway, line #HW431- Major Road Repairs from \$275,000 to \$225,000 in the FY2022 Default budget. Second by Sheila. Vote is 3-yes, 2-no, 0-abstentions (3-2-0). Shawn and Steve vote no. The motion passes.

Shawn reminds the BOS that this line will need to be changed in addition to all the salary adjustments. Sheila states that not all the salaries will be carried over because of the way the BOS chose to reflect them in the budget. After a short discussion, Dottie states it is not an issue. Shawn confirms there will be another updated Default budget for the BOS to review at the February 7, 2022 BOS meeting. Kim reminds the BOS that changes can be made at the Deliberative Session on Saturday. Shawn notes that the salary line adjustments affect almost every department’s budget and can’t be done at tonight’s meeting.

Steve suggests that with the opinion of Town Counsel, the BOS should follow Shawn’s Default budget that was approved last week. Scott agrees, noting they would just need to adjust the Major Road Repairs line. Shawn agrees that the BOS can go that way, but wanted to give Dottie and Sheila an opportunity to show each line. Scott asks which way is more work, noting the other differences were minor. Dottie agrees. Shawn asks Sheila and Dottie how they want to proceed. Steve motions to accept Shawn’s version of the FY2022 Default budget less the \$50,000 that was removed by the previous vote. Scott explains that the BOS had already approved that Default budget last week and the only difference would be subtracting the \$50,000 from Major Road Repairs that just passed. There is more discussion. Dottie agrees that if Town Counsel’s opinion supports Shawn’s Default budget, then she thinks it’s fine. There is some discussion regarding changes that could be made to the Default budget at the Deliberative Session. Shawn notes that is very rare and occurs around extenuating circumstances. The BOS discusses the final totals. The FY2022 approved Default budget is \$4,106,887. The FY2022 proposed Operating Budget is \$4,213,682. After subtracting \$50,000 from the Default Budget, it is reduced to \$4,056,887.

Scott motions to accept the FY2022 Default budget amended amount of \$4,056,887. Second by Steve. Vote is unanimous (5-0). Sheila asks that Town Counsel’s opinion be attached to the minutes. Shawn agrees.

**Warrant Article Updates:** Kim notes that after last weeks’ discussion, the only changes that can be made to the Warrant Articles is the amount of the Default Budget. Shawn clarifies that the new Default budget amount can’t be

changed until after the Deliberative Session, as only the Warrant Articles previously approved can be posted. There can be changes made to them at the Deliberative Session.

Sheila asks to have the notice for the Deliberative Session be put on the “sign in front.” Shawn agrees. Kim notes the difficulty of doing that with all the snow. Shawn suggests asking the Police Dept. to use their electronic sign. Sheila reiterates it “should be up on the bulletin board.” Shawn agrees but notes it is a maintenance issue of removing the snow to get to the sign. Sheila offers to shovel a path to the sign so somebody can put the notice up tomorrow.

**Annual Financial Audit:** The BOS has received the annual auditor’s report. Kim states that Patty Sarcione (Finance Director) has stated that it is the next thing she is going to review but has not had the opportunity to do so yet. Shawn explains the report outlines the auditors’ recommendations to improve the Town’s accounting practices and processes. The BOS needs to acknowledge these recommendations and respond with the correctives they will implement to address those recommendations. The process ends when the auditors have their letter, the BOS responds with a formal letter, and both letters are included in the Annual Town Report.

**Bulk Pick-up Dates:** Shawn explains that he asked Gail to contact Casella regarding scheduling the best dates for them to do the Bulk Pick-up. They have suggested the Spring Bulk Pick-up for Saturday, April 23, 2022, and the Fall Bulk Pick-up for Saturday, October 15, 2022. Shawn confirms that April 23 is the Saturday after Easter. Sheila asks which weekend has been scheduled for the Household Hazardous Waste collection. Shawn notes that is a separate event. Sheila confirms that it is not Danville’s turn to host the Fall Household Hazardous Waste collection. Dottie motions to approve Casella’s proposed Bulk Pick-up dates of April 23, 2022, and October 15, 2022. Second by Sheila. Vote is 4-yes, 1-no, 0-abstentions. (4-1-0). Steve votes no. The motion passes. Scott notes that he personally agrees with Steve, but the Town has spoken loudly in favor of the Bulk Pick-up program.

### III. Old/New Business

**Minutes:** The BOS review the minutes for the January 24, 2022 BOS public meeting. Sheila motions to accept the minutes as written. Second by Dottie. Vote is unanimous (5-0).

The BOS review the minutes for the January 24, 2022 BOS Non-Public session under NH RSA 91-A 3:II(c). Dottie motions to accept the minutes as written. Second by Sheila. Vote is unanimous (5-0).

Dennis Griffiths asks the BOS if they have determined if there will be a Candidates’ Night. Kim explains that is still to be determined. She states that she spoke with Mr. Hantman today and he will consider it after the Deliberative Session. Shawn states that he feels there needs to be one because there are several contested races especially for the School Board and the BOS.

Shawn reads the Town Announcements listed below.

Scott suggests that the future BOS consider some sort of stipend for members of other boards that are required by law. He gives the example of the Planning Board, the Conservation Commission, the Forestry Committee, etc., noting these boards put in a lot of time and only the BOS receive any type of stipend. He explains that it would just be a small show of gratitude for those people who invest their time in the Town. Sheila asks “where that would start and how would you stop something like that once it was started.” Scott reiterates that he believes it’s a small..., even just \$100 a year as a thank you to those who volunteer their time over the course of a year. He asks why the BOS is the only board to receive a stipend when a lot of other boards work just as hard. Dottie states she would be interested in looking into that. Shawn agrees.

**E-Doc Software:** Sheila asks to discuss the E-Doc software program. Kim explains that she had simply sent the BOS an example of that program. Shawn gives an example of the warrants that the BOS signed tonight, that Kim could have just put their names on it, sent it to the BOS who would sign them electronically, the program would then generate a certificate that the document was signed legally. He states this would allow the BOS to get work done without coming down to the Town Hall to physically sign the documents. Scott notes that digital signatures can

include personal signatures. Sheila asks about the costs. Kim explains there is a free trial period, and it would cost approximately \$24.99 per month depending on what package the BOS chose.





Shawn explains that he wants to explore this process because it gives the BOS options, noting it is often hard to find time to stop in to Town Hall around work schedules, documents can be signed from phones, and the programs create an audit trail. Scott notes there are a few options, but the annual costs are not very expensive.

Sheila expresses her concern with putting payroll through such a program, stating she feels “it will be a lot of work” and she “does not believe in doing things electronically.” She expresses her concern with “things being out there electronically for security.” Scott explains that even if things are physically signed if they are scanned, they are “out there electronically”. He states he believes it's “a sign of the times and it's not going backward.” There is further discussion. Dennis Griffiths requests permission to speak. He reassures Sheila that “this industry has been in place for quite a while and all the big financial institutions use it by default.” He explains that the liability of security lies with the provider (of the software) who are extremely aware of security issues. Mr. Griffiths suggests the BOS look at the software services they are already subscribed to, noting that some may have this type of service as an add-on which could lower the costs.

**NH Retirement/457 Plans:** Steve refers to Dottie’s research on the NH Retirement System for the Town’s Group 1 full-time employees, noting a previous discussion about 457 retirement plans. Dottie states that she is still looking into those ideas. She states that Patty Sarcione was going to talk to someone in Seabrook because they offer a 457 retirement plan and the Town of Seabrook contributes up to 5% of their employee's salary. She explains that her understanding is the problem with other plans versus the NH Retirement System is that these plans are not as safe as the NH Retirement System, and the employees can lose all their money in the stock market. The NH Retirement System is guaranteed because it is a government program, so it is safer for employees. Scott disagrees, reminding the BOS of the issues with Social Security. Dottie states that she will have something to discuss at the Deliberative Session.

Steve states that Patty Sarcione had also mentioned it to him and believes it needs more research. He states that he believes it should also be offered to part-time employees as well. Sheila notes the Town needs to keep employees first. Dottie states that she’s not against that idea. Scott notes that he thinks the BOS would have more flexibility with that kind of plan, noting it’s similar to a 401K, but he understands the risks. Shawn notes that he is not aware of any kind of retirement program that includes part-time employees. Scott suggests that it may depend more on the number of hours an employee works. Steve states that he believes there is a 457 option within the NH Retirement System, noting that when he was active, he had an option to participate in a 457 in addition to NH Retirement. There is no match from the Town, only personal funds and there are different options available. He notes that he brought the subject up because he believes “it should include all Town employees and he did not want to see the idea go by the wayside.”

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

-  **February 5, 2022- Saturday:** Deliberative Session will be held on Saturday, Feb. 5, 2022, 10:00 AM at the Community Center
-  **February 7, 2022- Monday:** Board of Selectmen’s Meeting at 7:00 PM at the Town Hall
-  **February 22, 2022- Tuesday:** Public Hearing to re-establish Health, Well, and Septic fees, at 7:00 PM at the Town Hall to be followed immediately by the Board of Selectmen’s Meeting
-  **March 8, 2022- Tuesday:** Town Elections at the Community Center 8:00 AM- 8:00 PM.

As there are no further items to discuss Shawn adjourns the meeting  
The meeting is adjourned at 8:08 PM

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

Respectfully Submitted

Deborah A. Christie

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<sup>i</sup> Matthew R. Serge. See Attached E-Mail conversation for January 26, 2022-January 27, 2022. Drummond Woodsum, Attorneys at Law, 670 N. Commercial St. Suite 207, Manchester, NH 03101