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Town of Danville
Board of Selectmen
Monday, March 21, 2022
7:00 PM

6:58 PM
Meeting is Video-Recorded

Selectmen Present: Shawn O'Neil, Chair; Steve Woitkun, Vice-Chair; Sheila Johannesen, Dottie Billbrough, and Newly elected BOS member Dennis Griffiths

Others Present: Kimberly Burnham, Selectmen Administrator; James Seaver, Road Agent; Carsten Springer, Chair, Conservation Commission, Chair, Forestry Committee; residents: Dave Drislane, Joshua Manning, Scott Barr, Kevin Dube

Shawn called the meeting to order at 6:58 PM and opened the meeting with a moment of silence for the troops who put themselves in harm's way. All stood for the Pledge of Allegiance

I. Public Hearing

Shawn explains this is the second required Public Hearing regarding a piece of land that a late Town resident had bequeathed to the Town in his will and estate. Dottie motions to open the Public Hearing. Second by Sheila. Vote is unanimous (5-0). The Public Hearing is opened at 7:00 PM. Shawn asks if there is any comment from the public.

Dave Drislane asks how the donated land will be used. Shawn explains that the will puts "some loose" conditions that included maintaining the land as a wildlife habitat. The resident did not want the land to be part of any type of development. Use of the land must go through reviews by the Conservation Commission, the Forestry Committee, and the Planning Board which will bring their recommendations to the BOS. Once this is completed, there must be two Public Hearings on accepting the land. This is the second public hearing on this issue.

Carsten Springer, Chair of the Conservation Commission and the Forestry Committee states that last week he walked the donated property with Charlie Zilch, the Town's surveyor, to establish that there were no apparent encroachments along the perimeter boundaries and that those boundaries appeared to be relative to the deed. They will be generating a formal report for the BOS.

Joshua Manning notes that there are already some existing trails on that property and states that it would be nice to consider those in the future disposition of the land. He would like to see those existing trail networks preserved for hiking, ATVs, and recreational use. Shawn agrees stating he would personally support that. He notes that the first step is to get the land into the Town's possession. The BOS needs to go through the formality to accept the land, and once it is accepted, the Town can use it under the conditions that were outlined in the will.

Mr. Springer states that when he sat down with the Trustee of the estate at the beginning of the process, the Trustee indicated there were trails out there and the intent was to keep those trails so people could access the land and use it. In fact, the Trustee mentioned a spot off Percy Rd where a car could be parked. The intention is to have recreation and it was specifically stated to the Forestry Committee that was to be very firmly placed.

There being no further comment on the Public Hearing, Dottie motions to close the Public Hearing. Second by Sheila. Vote is unanimous (5-0). The Public Hearing is closed at 7:03 PM.

Shawn explains that the BOS has now met the requirements regarding the acceptance of the bequeathed land. The BOS has done a title search on the property which did come back clean. They are now proceeding with confirming the boundary outlines, following to ensure there are no "holes" in the property's boundaries. Shawn notes there are a lot of abutting properties that have completed surveys, so this process should be straightforward and easy. He states that he sees no reason to rush the process and suggests the BOS wait until all the processes and surveys are done (in approximately two weeks) before making a decision on accepting the property. He suggests a continuance motion on this decision to continue the discussion on this topic for two weeks. There will be no more Public Hearings on this issue. This will give time for the BOS to get the deed's outlined description.

Kim explains that she received that paperwork for the BOS after 3:30. Shawn confirms it is the boundary worksheet from Charlie Zilch's survey. He noted that the boundaries were "pretty clean". Shawn confirms that this document is Mr. Zilch's final report. Kim confirms that she put a copy of the report in each BOS packet.

Sheila asks what period of time was done on the mortgage search. Kim explains it doesn't have to go back more than one hundred (100) years. Shawn reads from the document "no outstanding mortgages/encumbrances found during that period of search." Kim agrees with that statement noting the title search went back to 1979. Kim reminds the BOS that she was also asked to check with DES. She has confirmed there was nothing in their files on the property. Shawn reminds the BOS that this is all part of the required due diligence.

Dennis asks why the property was assessed at 38 acres but was revised to 42 acres. Shawn explains there was one particular lot. Dennis questions if that was the area that was noted would benefit from a perimeter survey. Kim confirms that the perimeter survey was completed and that was why the lot was increased to 42.5 acres. She explains that the meets and bounds description calls it two separate tracts, but it is all-encompassing as one. Dennis asks if the map will be redrawn with the updated survey. Kim explains that Mr. Zilch states that it was a nice piece of property and the BOS does not need to proceed any further and doesn't need to spend any more money on it.

Mr. Springer states the only encroachment that they saw on the boundary walk was a swing set that was approximately fifteen (15) feet over the line in one area. He notes that this is not a permanent fixture. Other than that, the boundaries were noted by stone walls or stakes and survey markers on the abutting properties.

Shawn notes that the BOS now has all the documentation in hand, so there is no need to postpone accepting the property. He motions for the Town of Danville to accept from the John A. Burnett Jr. Revocable Trust and Mary Burnett, Trustee, the bequest they made for Lot #3-6 with the revised description of 42.5 acres from the newly completed boundary worksheet as a Town parcel being donated to the Town.

Kim suggests the BOS tentatively accept the donated land. She states that Town Counsel would like to see some agreements put in place prior to actually accepting the property. Town Counsel would like a signed agreement with the Trust. The Trust has a distribution from Mary Burnett and has to release Ms. Burnett as the Trustee of any and all claims that she may have on the property, so there is legal documentation that does need to be prepared prior to accepting the land.

Shawn amends his motion to include "contingent upon the Town Counsel reaching equitable terms with the Burnett Trust's attorney for the Town to accept the bequest." Shawn notes the BOS now has everything they need to make a decision on accepting the property and the attorneys just need to "have everything spelled out in writing." Shawn's new motion now reads: "to have Town Counsel work with the Burnett Trust's attorney to solidify this transfer, but from the BOS viewpoint, the Town will accept the property contingent upon finalization of due diligence and the legal RSA requirements. Second by Dottie.

Dennis asks about the Eversource easement that goes across the property. He asks if all of the original contracts with the original owner stay with the property and are now transferred to the Town. Shawn explains that 100% of those contracts do stay with the property and that the only way to eliminate them would be if Eversource waived those easements.

Hearing no more discussion on this issue, Shawn calls for a vote on his motion. The vote is unanimous (5-0).

II. Annual BOS Organizational Meeting/ Election of Officers

Sheila states that she wishes to comment and reads the following into the minutes:

To the residents of Danville, Mr. Chairman and Members of the Board, what I am about to say should have been said a long time ago. Tonight, we are going to elect our Chairman and Vice Chairman of the Board of Selectmen. With this, we have the opportunity for change.

Shawn O'Neil has been the Chairman of this board for 12 of the 17 years he has been a Selectmen. Five years ago, in March of 2017 a group of citizens came before the Selectmen with a petition signed by 83 residents. The petition described inappropriate behavior by Mr. O'Neil and asked that he not be re-elected as chairman. The residents' petition read as follows:

Dear Members of the Board, We the undersigned citizens of Danville, NH have lost confidence in the current Chairman of the Board of Selectmen, Shawn O'Neil, and ask that he not be re-elected as Chairman of the 2017 Board of Selectmen. His continued outrageous and degrading comments to the Citizens of our town, and his

demeanor in meetings as well as his aggression and badgering toward others is not only unprofessional, but he has, and will continue to represent Danville in a negative way. He has also demonstrated that he does not act in accordance to the oath he swore to keep matters and business "in the best interest of the town. "

The voices of those residents were not heard that night. Once again Shawn was elected Chairman and he has continued to be elected as Chairman every year since.

The concerns raised by those residents in 2017 have not gone away. I continue to hear from frustrated residents who are unhappy about bad behavior at Selectmen's meetings, wasted time over personality disputes, and frustration with the lack of direction and inability to get things done in a positive way for our town. The downfall has extended beyond what the residents have been saying. Dedicated board members and officials, including our beloved and respected town moderator, are bailing out. For too long we've had vacant town positions that no one wants to sign up for. There is a message here, and we, as Selectmen and town leaders, should be paying attention to it.

As Selectmen, we rely on our Chairman, or Vice-Chairman when necessary, to control our meetings in a civil, responsible way, with apologies instead of gloating if things get out of control. It is unfair to our residents to continue to elect a chairman who does not follow the will of the Board votes, goes behind the board's decisions and makes changes on his own, does not give the board full disclosure of Selectmen's correspondence, and signs payroll and town bills without checking them over first.

Our election of Chairman and Vice-Chairman tonight is an opportunity to improve the tone of our town government and the direction of this board. We, as fellow board members, as well as our town officials and board members-all of us deserve to be treated with respect.

Our town residents deserve a chair that will take the time to prepare for meetings, communicate with the rest of board in a respectful manner, and work to restore a sense of community in the town. It is time to rotate these important positions on the Board of Selectmen and make some changes. It is time for this town to move forward in a positive way.

Last year, I nominated Steve Woitkun as Chairman, but he declined and indicated he did not want that position. While we do have a new member, Dennis Griffiths, he is just starting his first year in public office. There may be a better opportunity to nominate Dennis once he's gained some experience.

With that I make a motion to nominate Dottie Billbrough as Chairman. Dottie is entering her third year as a selectman. I believe she is well-qualified to serve as our chairman in a dignified, civil, positive and productive way.

Sheila has motioned to nominate Dottie Billbrough for the position of BOS Chair.

Shawn asks if there are any other nominations for the BOS Chair position. Steve reminds Shawn that Sheila's nomination was motion. Dottie seconds Sheila's motion.

Steve motions to nominate Shawn O'Neil for the position of BOS Chair. Second by Dennis.

There are no more nominations for the position of BOS Chair. The current nominees are Dottie Billbrough and Shawn O'Neil.

Dennis states that he believes Sheila's reading was for the most part, accurate. There are a lot of people who feel the way that she does and he's in total agreement that rotation is needed on the BOS. Shawn agrees. Dennis states that "given it's his first year here, he is absolutely not in a position to do that (to be Chair) or Vice-Chair. He just doesn't know enough about this yet." Dennis notes that Dottie is coming up for re-election in March 2023 and states that "quite honestly, the minimal amount of information, that he knows, that he has paid attention to, the past couple of years just compels him to want to stay where the BOS is at for this year to see if the BOS can work together a little more civilly." Dennis continues "that he knows that may be a hard ask, but if the BOS can get through this year with him here, a little bit different, maybe just different enough to try to get everybody on the same page and he would support you (Dottie) in the future." He states that he "just doesn't think he has enough background, honestly with not only the Town business and a lot of details and from a personality standpoint, he doesn't know Sheila and Dottie, but does know Shawn and Steve a little bit." Dennis states that he's "not comfortable in this point in making a change that he's not really sure makes a lot of sense, even though what Sheila said about some of the residents not being happy because he could echo that and he believes that Shawn understands that." With that, he's going to support Shawn for this upcoming year and hopefully, all the BOS could learn more about what he does from procedural and all the requirements standpoint and that helps for everyone to become...."

Shawn states that he doesn't hide what he does. It is all just basically paying attention and learning, and if people don't want to put the time in to do that, he can't make them.

Steve states that he nominated Shawn because he feels that "he runs a very efficient meeting. A lot of the things that he's getting accused of: being uncivil, argumentative, were just reactions to other peoples' comments and stances. He notes that he "nominated Shawn because over this last year..." Steve states that he "is a patriot for residents' freedoms. He believes in liberty, and he doesn't believe in mandates and he saw that trying to get jammed down our throats. He believes a lot of the stuff that went on last year with the mask mandates was embarrassing to this community. He will end it here. He is just all for liberty and freedoms and us five (5) officials sitting up here aren't any smarter than the residents in Town and we shouldn't be mandating anything to them." Shawn states that he agrees with that in many ways.

Shawn calls for a vote for Dottie for the BOS Chair position. Vote is 2-yes, 0-no, 0-abstentions. (2-0-0).

Shawn calls for a vote for himself for the BOS Chair position. Vote is 3-yes, 0-no, 0 abstentions. (3-0-0).

Shawn has been elected as Chair of the BOS for 2022.

Shawn opens the floor for nominations for Vice-Chair of the BOS. Steve states that he would like to nominate Dottie Billbrough for the Vice-Chair position. Dottie states that she would like to nominate Sheila Johannesen as Vice-Chair, noting that this is Sheila's third term as a Selectman. Dennis asks Dottie if she is refusing the nomination. Sheila asks Dottie to accept the nomination as Vice-Chair. Dennis confirms that Dottie is accepting the nomination for Vice-Chair. Shawn confirms that Dottie withdrew her nomination of Sheila as Vice-Chair with Sheila's permission. Dottie confirms that she checked with Sheila regarding her nomination as Vice-Chair and Sheila did not accept that nomination.

Shawn confirms there are no other nominations for the position of BOS Vice-Chair. He calls for a vote. Vote is 4-yes, 0-no, 1-abstention. (4-0-1). Shawn abstains. Dottie Billbrough is the new BOS Vice-Chair.

Shawn confirms the current BOS assignments as BOS representatives will remain the same:

- ✚ Sheila will serve as the BOS representative on the Budget Committee.
- ✚ Dottie will serve as the BOS representative on the Heritage Commission.
- ✚ Steve will serve as the BOS representative on the Planning Board.

Shawn suggests that Dennis attend other Town board meetings and connect with the BOS representatives to determine where his interests are and encourages him to reach out with any questions.

III. Delegate Session

Shawn opens the Delegate Session and asks if there are any members of the public not on the agenda who wish to address the BOS.

Voting Issue: Kevin Dube explains that there is a list on the State website (<https://app.sos.nh.gov>) where absentee ballots can be tracked. He states that his vote was not counted. This information is put out by the Secretary of State. He states that he is not pointing fingers, but there is something in the system that he does not trust and that if his vote didn't count, he's sure he's not the only one.

Shawn explains that he would need to check on this matter, but believes the only thing that link would cover would be "if you vote that day, and Mr. Dube did, then that would be a discrepancy and should be reported." Mr. Dube states that he responded that he didn't find his vote in the system and he is not sure what procedures to take after that. Shawn recommends that Mr. Dube contact the Town Clerk regarding what the procedures are to audit that and to work with her and the Secretary of State to investigate and figure out what the issue is.

Mr. Dube asks what happens with the voter information in local elections, for example, the ballots. He asks if the Town can keep those local as it was a local election. Shawn again suggests that Mr. Dube discuss these procedures with the Town Clerk. Shawn states that he believes the Town retains the "card" until the next election when it is re-programmed. He believes the card is still with the voting machine but will be sent for re-programming for the September primaries. Shawn reiterates that he doesn't know all the procedures. Dennis states all the procedures are written in the State's statutes, so there isn't anything anyone can do that isn't already approved by the State Legislature and passed down as law. Mr. Dube expresses his concern that "the card was cleared pretty quickly after the last election." Shawn notes there are back-ups.

Water/Flooding Issue: Mr. Springer states that three (3) years ago, he brought to the BOS the concern about the amount of water in the Great Meadow that is above Rte.111-A, noting that it “dominos down.” The BOS told Forestry that they were supposed to take care of that in order to stay in compliance with the court's sanction agreement on Tucker Rd. Mr. Springer states that Forestry can't do that because if they let the water go downstream there is nowhere for it to go. He had asked the BOS to investigate downstream and make arrangements with those property owners so that “things could be done in the proper fashion so that nobody is disrupted because there is a series of events that could go wrong.”

Sheila states that she thinks this issue is being worked on. Jim Seaver (Road Agent) explains that Rockrimmon Park is putting in a box culvert and there will need to be other work done. Mr. Barr notes there is an issue with the beaver dam that holds water back on Long Pond. Mr. Springer notes there are three (3) beaver dams involved. Mr. Seaver confirms their location with Mr. Springer and states that he will need to work back from Long Pond. Mr. Springer agrees it sounds like it is being addressed with Rockrimmon Park trying to “fix its stuff.” Mr. Seaver confirms that they got a grant to fix their well and have to do a box culvert for access to the well. He notes that currently only two (2) small culverts are used for drainage and they get blocked all the time. Mr. Springer recalls an incident in Gloucester, MA where 35,000 people didn't have any drinking water because of contamination from a beaver dam. He thanks Mr. Seaver and confirms that he already has some beaver culvert material in inventory at the (Highway) garage.

Dennis asks if the Town contracts with anyone that traps beavers. Mr. Springer explains they can, and the Conservation Commission has contacted a few people. Mr. Seaver states that he is using someone, but he is currently on another site that he (Mr. Seaver) is working on. Mr. Springer states that what Forestry is trying to consider is that they hate to see the waste of an animal, but some are these are very large beavers and they have become a serious problem and need to be kept in check. The Forestry Committee has looked into trapping them during the winter, but, if necessary, there are plenty of RSAs to guide them in trapping during other seasons and some members of the Forestry Committee have taken courses on this issue.

Shawn notes that once this issue is addressed, the Town will need to address the beaver dams and the existing culverts that are part of the dam on the west side of Long Pond because of the “vast reserve of water waiting to come over that dam. If the beaver dam lets go, there will be a lot of water crossing Rte. 111-A.” There is further discussion over flooding concerns. Mr. Seaver states that the area has an old stone culvert under the road. Mr. Springer explains that these types of culverts last a long time, but don't usually have a high flow rate. Sheila notes that may be the reason that the road keeps sinking deeper in that area.

Dennis asks if there is a preventative schedule for addressing the water/dam issues. Mr. Seaver explains that it is on his list, he is just waiting for Rockrimmon Park to do what they need to do. Dennis asks if there is anything that volunteers could do to help facilitate resolving the water issues. Mr. Seaver responds that the Town needs to use a licensed trapper to remove the beavers. Dennis asks what kind of follow-up would there be after the beavers are removed. Mr. Springer and Mr. Seaver clarify that the beavers will never be gone. Shawn explains that they need to readjust the beaver dams and culverts to the pond's water level. Mr. Springer clarifies that it is the ice that causes the problem, by freezing and thawing which moves the pipes. Mr. Springer also notes that they have had volunteers from the Forestry Committee addressing these issues in the past. Right now, the goal is to lower the water in a controlled manner. Shawn notes that the people downstream are already at capacity, so they are trying to prevent having to release any water right now. Mr. Springer states that he will work with Mr. Seaver and help as needed.

Shawn states that the BOS needs to be kept updated on the issue. Mr. Seaver explains that he's been tied up with the process of resolving the issue. Mr. Springer notes that he and Mr. Hantman reviewed the plans for the box culvert late last summer. He states that he talked with the engineer and expressed concern that the plans are not “beaver proof”. There is a brief discussion of the engineer's lack of understanding of the beaver issues.

Spring Household Hazardous Waste Day: Mr. Seaver asks the BOS to sign the commitment letter for the Town's participation in Plaistow's Household Hazardous Waste Collection Day so that they can apply for the grant. The Household Hazardous Waste Collection Day is scheduled for Saturday, April 30, 2022. It will be held at the Plaistow Fire Dept. off Main St. from 9:00 AM-12:00 noon. Mr. Seaver notes this is a new drop-off location from previous years.

Dottie expresses gratitude on behalf of the BOS to Mr. Seaver for keeping the roads cleared this past winter. Shawn agrees and notes that the Highway facility is clean and organized. He also notes that Andy pressure washes the equipment after each use which will greatly extend the life of the equipment.

As no more members of the public wish to speak, Shawn closes the Delegate session at 7:41 PM.

IV. Agenda

Computer Software Upgrades (RMON): Shawn explains that he did talk with Tim Howard and he has provided a worksheet of the specific changes being made that will require the Town to upgrade from its current license levels and support. Shawn notes that after talking with Mr. Howard, and understanding what these issues are, he would definitely support Mr. Howard's recommendations for these upgrades. Shawn also notes that he is happy to have Dennis on the BOS as another person to help with IT issues.

Dennis states that after reviewing the previous discussions on this issue, he would like to request that the BOS not make any decisions on the upgrades. He would like to meet with Tim Howard because he has a number of questions. Dennis explains that he would like to have a "technical meeting with him and wants to understand his system." Shawn offers to set up a meeting with Mr. Howard and Dennis. Sheila states that she wants RMON to address the BOS. Dennis clarifies that the upgrades are only a small component of his questions and what he needs to understand. Sheila states that she would like to have Mr. Howard come in and have Dennis ask his questions with the whole BOS present so that everyone can hear the same information regarding the license upgrades. She explains that this was something the BOS had budgeted for and should be discussed with the whole BOS. Dennis states that "an IT is an integrated relationship with the customer and that's where he is coming from; understanding what they're providing, what kinds of margins the Town is paying on the mark-ups, and he wants to understand a lot of different things." He reiterates that the license upgrades are just a small component of his questions. He notes that MS Office can be customized by the user and renewed monthly. Shawn notes that as the Town upgrades, they move to another tier of services. Dennis states that he's not convinced that "this needs to be done across the board. MS Office can work so that the Town can pick and choose the exact levels for individuals. Some people can be enterprise level, some people can be basic level and the Town can pay those differing prices." He also notes there are different security levels as well. He explains that there is certainly no problem with Mr. Howard coming in to discuss the licensing issue with the entire BOS, but he still would like to have the "customer/systems integrator meeting of what have you done for us, what are you planning on doing for us, and how do you work with us." Shawn states that he will arrange a meeting for Dennis and Mr. Howard to go over the IT services and then have Mr. Howard come and address the full BOS. Sheila notes that Mr. Howard has already talked to the BOS during his budget presentation. The consensus of the BOS is that Dennis will talk to Mr. Howard and come back to the BOS with his comments and recommendations for the next BOS meeting. Sheila states that "it's going to be a long year."

Sheila expresses her concern that the BOS has "a lot of things coming through and that they can't just put them aside to talk about them." Shawn notes the BOS could vote on the license upgrades tonight but asks what would be the difference between waiting for two weeks. Sheila reiterates "the BOS has things that need to be done and Mr. Howard has told the BOS what they need." Dennis states that the Town spent \$30,000 on IT services last year and he wants to know what that was spent on. He explains there are lots of budget lines with zero details and things that he has industry expertise in, in particular IT, he wants to understand what RMON does for the Town, what they are charging, what kinds of contracts were negotiated, and what services the Town may not be taking advantage of. He explains to Sheila that what he is looking for will probably require two (2) meetings with Mr. Howard of 2-3 hours. He states that he can bring back the information and perhaps be able to recommend a direction for the BOS. Steve agrees.

599 Main St. RFP: Shawn confirms that the BOS received the scanned and e-mailed responses of the RFP to the BOS for review. He notes that it's hard to gauge a price and recommends the BOS invite each bidder to meet with the BOS in a Non-Public session to discuss their bid and "what do they bring to the table besides just a dollar amount for the property. What do they think the property is estimated at, and what is their market analysis?" Shawn states he believes this is the best way to approach this RFP and that this is a unique situation because the BOS is not just buying a product from the lowest bidder.

Sheila states that she understands and agrees. However, she doesn't believe...she states the Town will only receive what is owed for back taxes. Shawn does not agree, stating that is why the Town has an agreement with the Dept. of Justice (DOJ). Sheila disagrees, stating that she believes the BOS was told by their attorney that the Town would only get the back taxes. Shawn notes that this will be clarified when the property is sold. Right now, the BOS is trying to select an agent to sell the property. Sheila states that she also believes the agent has to be "run by the IRS's attorney." Shawn confirms this and notes that the IRS's "preferred vendor" did not respond to the RFP.

Dennis clarifies his understanding is that the IRS has the final say on who the BOS chooses for an agent. Shawn disagrees. Dennis expresses his concern regarding what can and can't be discussed in public. He asks what percentage goes to whom and when after the sale is done. What does the IRS get, what does the Town owe them, and can this be discussed publicly? Shawn explains that all the information is outlined in the agreement.

Shawn states that the Town is “running a tab” because it is maintaining the property. All those expenditures and back taxes would be paid upfront from the proceeds of the sale. A portion of the proceeds will go to Mrs. Eskle (as part ownership). The rest of the proceeds will be divided 50% between the Town and the DOJ with a minimum of \$150,000 paid to the DOJ.

Dennis asks if there is a minimum selling price to meet all these agreements. Shawn explains that the Town owns the property outright and there are no other encumbrances. Shawn confirms with Kim that the Town is owed approximately \$350,000 to date. Dennis asks what happens if the sale is less than what is owed to the Town and DOJ. Shawn states that the property has been assessed at \$890,000. Kim notes there has not been an updated assessment since the lot line adjustment. Dennis asks if that adjustment is from the seventy-five (75) acres that the Town is keeping. Shawn confirms this, noting that is not where the property’s value is. Dennis disagrees. He notes that only one bidder gave a sale price for the property and that the bidder compared 599 Main St. with a similar property in Epping that had 85 acres, but with a newer, updated, and livable residence that sold for over \$1M. Dennis states that he believes it will be hard to get \$800,000-\$900,000 for 599 Main St. given the comparisons. He notes that he wants a general understanding of what the Town will get out of the sale. Shawn explains that there is only an “anticipated market for what the Town will get.” He states there is historic value and the age of the house gives it more value. Dennis clarifies that his question is how the sale proceeds will be portioned. Shawn explains that all of that information is outlined in the agreement with the DOJ. Dennis confirms with Kim that he did not get a copy of the agreement. Shawn notes that it is a public document, so Dennis should be able to get a copy.

Dottie reviews the Town assessment of the property. She states that just the house and buildings have been assessed at \$800,000 without including any of the land. Kim states that she talked to Fred Smith (Town Assessor) and he will do a presentation to the BOS on his calculations. She also states that she wants to clarify that the portion of the proceeds going to Mrs. Eskle will go directly to Mrs. Eskle’s debts, not to her personally.

Dennis confirms the bidders did not have access to the 599 Main St. property when they were putting together their bids. Shawn discusses how the BOS could arrange the “interviews” with the bidders. He agrees that the BOS should provide a showing of the property to the bidders prior to their meetings /interviews with the BOS. He notes that Kim would be the ideal person to do that. Kim confirms that she has had a conversation with Town Counsel who agreed it was a good idea to have the bidders review the property and get “hard” numbers. Shawn notes the bidders will still need to be “assessed on a variety of metrics.”

Dennis asks how the Town made the agreement to separate the seventy-five (75) acres for the Town. Shawn explains the Town did a lot- line adjustment because the whole acreage is Town property. The Town’s goal was to take a portion for conservation because it abuts the Town Forest. This leaves ten (10) acres to sell with the property. Shawn explains that was what the Town wanted when it was talking with the DOJ. Dennis confirms that this was not actually part of the agreement with the DOJ. Shawn clarifies that it was part of prior discussions before the agreement. He notes that because of the way the land is set up, the actual value of those seventy-five (75) acres is only in conservation. Shawn reiterates that this has been a very long process to reach this point. Sheila notes that she would like to see the house restored and someone living in it.

Shawn confirms that the consensus of the BOS is to move forward with the RFP and bidders as discussed. He confirms with Kim regarding scheduling a walk-through of the property with the bidders and setting up individual Non-Public interviews with them to discuss their bids.

Residential Zoned Businesses: Sheila and Dottie state that they believe this discussion is in regards to the recent zoning Warrant Articles that did not pass. Kim confirms this and states the issue is how the BOS moves forward with what they have. Shawn notes that his understanding is that because the zoning change failed, everything remains the same.

Kim asks about those residents that currently have businesses that are non-conforming with the residential zoning. Dottie notes that at Candidates’ Night a resident of Kingston Rd. told her that he has businesses on both sides of him. Dottie told him that he needed to report them, but the resident expressed a reluctance to do that. Dottie asks if the BOS needs a complaint in order to address this issue.

Shawn explains that this is a “gray area and each board can address the issue differently.” He states that when he began on the BOS, the thought process was that until someone filed a signed complaint, the BOS would not address the issue.

Steve states that the Planning Board has wrestled with the issue for a long time. Some of the discussion was around the issue that Danville does not have a code enforcement officer and that is the main problem. Some believe the BOS are the code enforcement officers and asks if the BOS will put blinders on and ignores it as it has been for years. Steve notes that because he’s around town a lot, he could name numerous illegal businesses. His personal thought is that if the neighbors aren’t complaining, what should the BOS do? Steve states that he hates to deny a resident the right to make a living. Some people are

abusing it when they have multiple heavy vehicles in a residential area, but if the neighbors don't complain, the BOS needs to decide whose duty it is (to enforce the rules). Dottie agrees that this is what she was asking.

Shawn states that he believes "you should be able to face your accuser and if a resident is accusing another resident of doing foul, bring it up and let them (the resident) defend their position. At least you know who your accuser is." Shawn notes that without signed complaints, the BOS could be chasing accusations resulting from neighborhood spats.

Sheila states that some residents do the right thing and go through the ZBA process. They have been denied, yet they continue with their business. She notes the town has gone through the process, but the Town hasn't completed it at the end. Steve states there have been cases before the ZBA to get variances to conduct their businesses. Sheila reminds the BOS that the Town has even gone to court over this and it still continues. She suggests that perhaps the Building Inspector could also do the job of code enforcement.

Dennis asks if someone came through and did everything the BOS and Planning Board required, what would be the next step. Shawn agrees that the BOS has had discussions over the lack of code enforcement. He notes the BOS has asked the Town in numerous Warrant Articles over the years to approve a code enforcement officer position and it has failed miserably every time. Sheila states that she believes there may be an RSA that allows the BOS to delegate the code enforcement job to the building inspector.

Kim states that she had a conversation with "Paul", the Town's building inspector and he thought he was doing building inspecting and code enforcement when he was hired. He told her that he has no problem taking on the task of code enforcement. Dennis asks how the building inspector would be alerted (to violations). Sheila and Dottie confirm it would be by someone filing a complaint. Sheila suggests that he could also follow up when a ZBA request is denied. Dennis asks if there are Town fines for violations. Steve notes that the owners would be fined for every day they are not in compliance. Shawn explains that the Town has to petition the court to do that. Dennis confirms that taking the owners to court also costs money. Sheila notes that even when that has been done, there is little follow-through.

Dennis clarifies that he is just trying to understand the process. Sheila notes the building inspector is not a town resident which would make enforcing the rules easier. Shawn explains that the issue is that the Town has no funds set aside for the task of code enforcement. The BOS would need to create a budget line for that function and move funds into it if they want to move forward that way.

Dennis agrees with the concern of interrupting someone's business but notes it involves other issues such as property values, resale values, and people just living as residents. Sheila expresses her concerns about liability if "something goes wrong at the business." Steve notes there are "non-conforming businesses that have been there for thirty (30) years. Sheila reiterates that any action would have to begin with a complaint.

Dennis asks where is the line of enforcement between the Planning Board and the BOS. Steve explains the history of the zoning process for a certain business. He notes the Planning Board can't do anything about non-conforming uses, that enforcement falls to the BOS.

Sheila asks where this issue leaves the BOS. Shawn notes that he was not aware that the building inspector was also interested in doing code enforcement. Steve motions that the BOS explore a code enforcement official, develop a job description and cost and discuss the position with Paul. He notes the BOS can consult with other towns and that Hampstead has a full-time code-enforcement officer and that Plaistow probably has one as well.

There is further discussion. Dennis asks if the BOS can grandfather property for non-conforming businesses that have been there for a very long time. Sheila suggests that could go back to when zoning began. Steve states he believes it was in the '80s. Dottie states that she believes it was in the '70s. Dennis expresses his concern that the BOS is "even-handed with owners who have had their businesses a long time and the neighbors have not had a problem with that. He states he feels the BOS should be controlling this issue going forward. Dennis seconds Steve's motion. The vote is unanimous (5-0). Dottie thanks Kim for bringing the issue forward.

V. Old/New Business

Signature File: The BOS reviews and signs the payroll and payment warrants in the Signature File. Shawn requests authorization to sign an 87 Sandown Rd. Senior Housing site plan escrow account agreement. Money will be held by the Town in an escrow account in lieu of a contractor's bond. Dottie motions to authorize Shawn, as Chair, to sign the agreement. Second by Sheila.

Sheila asks for clarification about the escrow account and why it is in lieu of a bond. Shawn explains that the Town needs a guarantee that the contractor will finish the project. This contractor wants to pay cash to the Town instead of using a line of credit for a bond. The vote on the motion is unanimous (5-0).

Shawn notes that he is signing the agreement with Auger for the Town's property maintenance now that the budget has passed. Kim notes that 599 Main St. was not included in the original list and has been added as a separate expense. Shawn agrees that the Town needs to keep that property maintained until it has been closed on. Dottie motions to authorize Shawn, as Chair, to sign the agreement with Auger. Second by Sheila. Vote is unanimous (5-0).

Shawn asks Sheila regarding her request to purchase new IMC software for the ACO laptop. Sheila explains that the purchase was included in the FY2022 budget that just passed. Shawn asks her if she is aware that IMC is being discontinued. Sheila responds that there is something else coming that will replace it. She states that she has talked to IMC and is aware that they are changing, but they have no date when that will happen and they will have something else in place when it does happen.

Dennis asks if the subscription would just be continued. Shawn explains the request is to purchase software that is going to "sunset" with an unknown date, and the Town will have to purchase new software when that happens. Dennis confirms with Sheila that the money paid for the software now would fund the new software when the switch happens. Shawn disagrees stating the Town is purchasing the software outright. Sheila states there is a yearly renewal fee. Dennis states that there has to be a software license. The current cost of the IMC software is \$15,000. Dottie notes that the cost also covers training and other services.

Dennis expresses his concern that the Town is buying a "package" and when the change is made, the company should take the funds from the original subscription for the new program. Sheila explains that the Police Dept. has the same IMC software and when the new changes come, everything will move to it.

Kim explains that she found the contract is part of the ARPA grant and knows it was approved and brought it forward, but she hasn't looked at it. Sheila states it was in her budget and the budget passed. Shawn states that just because the budget passed, the Town approved the bottom line and that doesn't mean that if the BOS decides to move money around. Sheila states that money is not being moved around, it is coming out of her budget. Shawn notes that the BOS did not approve the IMC software in her budget proposal. Sheila states that there will be another system, but that IMC does not know when. Shawn expresses concern that it will be with a different company and the Town is purchasing something with a finite, limited lifetime. He notes the cost of the software is \$14,077.50 with a yearly maintenance fee of \$1537.50.

Sheila asks if the BOS will hold back the Police Dept. IMC updates. Shawn explains that the Police Dept. is only paying for yearly maintenance and already has the software. He states that the extra costs are because Sheila is requesting to purchase the whole system for the ACO position. He states that the Town has been running without IMC for years and that when Sheila was the ACO for Hampstead that she still did not have access to IMC. Sheila notes that the Danville ACO did have IMC years ago. Shawn agrees and notes that it was a long time ago and that things have changed. Sheila disagrees. She states that "when she started way back, she was inputting into IMC and nothing has changed." Shawn asks why she wasn't doing that in Hampstead. Sheila states it was because Hampstead didn't want to do it that way. She notes that Hampstead is using IMC now. Shawn states that he wants to read the contract in detail, he wants to understand it more and find out more about it. He is not looking to act on the purchase request now.

Dennis asks what the maintenance fee includes, noting it can include minor upgrades and/or major upgrades and that these should be outlined in the contract. He explains that typically if a company moves to a new system and the customer is paying for maintenance, it will carry over. Shawn agrees that this needs to be looked at. Shawn expresses his concern that the ACO has not used this before, and the BOS did not support it, but that BudCom did. Dennis agrees and notes that \$15,000 for a "seat" of software that is expiring is "an expensive seat for any kind of software." Sheila explains that the cost is for the whole package, including training and other services.

Dennis states that he would like to see what the package includes just to balance whether it's worth it. He explains that most companies are "sunsetting" these packages that install directly onto computers and are going to a subscription service where the customer buys a "seat" (or license), pays yearly or monthly, and the software is cloud-based. This dramatically reduces the cost of the program because the company is not sending out fully-functioning software with updates and engineers that need to maintain it. He believes that when IMC "goes away" it will be replaced with something far more cost-effective. Dennis notes that he wants to understand the contract and agrees with Shawn that spending \$15,000 on software that will be sunsetting sounds like a "sunk cost."

Sheila explains that Danville Police Dept. and other police depts. use IMC and will be dealing with the new software as well. Dennis explains that these departments purchased their software years ago and that "seat" was far less expensive then. The Town is now buying it with a limited lifespan. The payback on the older systems is small. To pay \$15,000 now, with the possibility of the software being gone in 12-18 months is a really bad investment in software.

Dennis explains that there may be a way to get into the new program. He would ask the vendor if the Town is buying the software today, what will the pricing look like when it is moved, and will the Town be able to apply the \$15,000 investment towards the new program. He notes that if the vendor tells the Town that they would have to start all over with the new software, that is a red flag.

Sheila explains to Dennis that the "sad part is it wouldn't be costing anyone \$15,000 if she was allowed to do what she was doing before, which was having the same security measures as this software, on the computer at the Police Dept." Dennis clarifies that she is saying "we wouldn't have to worry about this now if something had been different before." Dennis notes that what happened before has changed and now she doesn't have the software, so the BOS is talking about getting the software again. Sheila states that everything changed because of politics. Dennis notes that he has no doubts, but none of it makes a difference at the point where the BOS is now. There is further discussion between Dennis and Sheila. Dennis states that "even taking her (Sheila) out of the picture, no matter who was asking for the software, he would have said the exact same thing he said tonight." He reiterates that "before the BOS puts \$15,000 into a seat that is possibly going to be sunseting, let me ask a few questions." Steve agrees. Dennis explains that when they get the answers, the BOS is informed and can make a decision. Shawn agrees that the BOS needs the answers to those questions.

Dennis explains to Sheila that she will probably end up getting what she wants, but with a clearer understanding of what it's going to be. She will probably get the functionality that she's looking for. Sheila reiterates that it is important to her. Dennis acknowledges that and reassures her that he is not working against her. Sheila explains that when officers go on calls, they need to know what is ahead of them, and she needs the same thing. Dennis reiterates that there are questions that he would like to ask the vendor before the BOS spends \$15,000 on a piece of software and he will share those answers with the BOS.

Shawn asks Kim to put this issue on the agenda for the next BOS meeting. Dennis notes the cost of the software is half of what the Town paid RMON in FY2021 for computer software and IT services for the whole town, so it is not an insignificant amount of money.

Minutes: The BOS review the minutes for the March 7, 2022 BOS public meeting. Sheila motions to approve the minutes as written. Second by Dottie. After some discussion, the minutes are corrected to reflect the correct day/date of Monday, March 7, 2022. Vote is 3-yes, 0-no, 2-abstentions (3-0-2). The minutes are approved as amended. Dennis abstains because he was not on the BOS at the time. Steve abstains because he was absent from that meeting.

Shawn reads the Town Announcements listed below.

ARPA Grant Updates: Steve states that he feels the BOS should be moving forward on the ARPA grant funds, noting that the Town has that money available. Sheila states that she has a question regarding the ARPA fund. She notes that on October 29, 2021, Governor Sununu released an additional grant for \$50,000. She provided that information to Steve and Chief Parsons. Steve states that he's in the process of applying for that grant. Sheila explains that she has been receiving e-mails stating that Danville was "not in the grant" and that the State's records "don't show anything." She notes the reply stated that "records show the Town of Danville has not applied to the Locality Parity Equipment Program." (<https://www.goferr.nh.gov/locality-equipment-purchase-program>.)

Steve confirms that he is in the process of applying for the grant, noting that two other area towns got successful grants. He states that he met last Friday with the Fire Chief of East Kingston who had successfully requested the grant. He has a copy of the grant and is obtaining his own pricing for a new motorized stretcher for the ambulance and a device to automatically load stretchers into the ambulance. Steve states that he believes in "need, not greed." Steve notes that the only reason he is applying for the grant is that Danville's ambulances are transporting more now. Trinity is understaffed and cannot guarantee the availability of a third ambulance. Over the past two (2) months, Danville ambulances have had to transport 5-6 times. Steve notes the Town's share for purchasing this equipment would be a little over \$5000, which far outweighs one back injury claim. Dottie agrees, noting her many years of lifting stretchers when she served on the ambulance crew. Steve states that his grant should be submitted within the next two (2) weeks. He notes that through his conversations with others in the Fire Services, no one has been turned down and other grants have been given for the exact same thing. Sheila explains that she was just following up on the grant.

Steve notes that last year he put his proposal for new radios for the Fire Dept in for the ARPA grant. He has requested and received three (3) bids as required. He reminds the BOS that he was also a big advocate for "Premium Pay". Steve states that his personal view is that whoever put in their requests and bids, it is the BOS's obligation to vote on those requests and move them forward. He reiterates that the BOS has the money available and now he's also applying for the new GOFERR (Locality Parity Equipment) grant, but the BOS needs to move forward on the ARPA grant as the Town has had the money for some time.

Sheila reminds him that the BOS had to go through the Budget season. Shawn notes previous ARPA discussions regarding the digitization project and that the BOS has received two additional bids, but they need to set up meetings with the vendors so that they can present their services. Dennis notes that the "Final Rule" was finalized only a couple of weeks ago and that the grant requires "a lot of interpretation." Sheila agrees.

Dennis states that he believes that the grant commences on either March 3, 2021, or April 3, 2021, he was unclear on which date but notes that it does not go back to the Emergency Declaration of January 2020. The first end date for the grant is December 31, 2024, but the grant contains language that allows the use of ARPA funds until 2026. Dennis confirms with Sheila that status reports for the grant are supposed to be submitted monthly. Sheila explains that depends on how the Town is spending the grant funds.

Sheila explains that she attended a webinar today, and there are different ways to submit the grant. The best way that the ARPA advisors are suggesting is instead of trying to figure out any losses (as outlined in the grant) that towns go through the private sector and use the \$10M cap. She explains that the Town won't get \$10M, they will get the allotted \$400,000 without trying to figure out where it goes. This is the most commonly used and most flexible process and this is the process the Town will use. Dennis clarifies that it is like "using a standard deduction instead of itemizing everything out." Instead of the Town trying to figure out where it lost revenue during COVID-19, it will just use the standard amount of \$10M.

Dennis explains his understanding of how "Premium Pay" is calculated. No person can receive over \$25,000 for the entire grant period. Reimbursement is calculated using the "average wage of an NH employee based on the Bureau of Labor Statistics. When he looked this up it is \$21.00 per hour. The grant portions are up to \$13.00 per hour for Premium Pay. Dennis gives the example: if an employee makes \$15.00/hr., the Premium Pay would be calculated at \$6.00/hr. ($\$15.00 + \$6.00 = \21.00). No paperwork on this reimbursement needs to be submitted. Dennis suggests the BOS could figure out how many hours each employee worked starting from the commencement date of the grant and that would give them a dollar amount of Premium Pay. The BOS can determine what end date they want for calculating the Premium Pay.

Dennis continues to explain that if an employee makes more than \$21.00/hr. (such as those employees on salary, etc.) they can be paid Premium Pay up to 150% of their wage up to \$32.50/hr. He states that Premium Pay can be paid monthly or in one lump sum, there is flexibility in the grant. The BOS needs to look at the employee list and determine who is deemed essential. Dennis notes that he believes all the Town's employees are essential. He suggests the BOS breaks down the employee list to those below and those over the \$21.00/hr. limit. He notes that payment to those who would be paid over \$21.00/hr. require written justification for that Premium Pay. The grant has a list of questions that must be answered for those employees. Dennis notes that it is easy to justify the higher amount of Premium Pay for the Fire Dept. and the Police Dept. Once the BOS has this information, they could figure out how much of the ARPA grant would be used to pay out the maximum amount of Premium Pay for whatever period of time the BOS determines to do that. He states that he believes the BOS needs to do these numbers in order to see what will be the costs for Premium Pay.

Steve notes that during earlier discussions, the BOS had assigned a dollar amount to Premium Pay of approximately \$2.00/hr. and that the Police Dept. with overtime, could easily have 2000 hours. Dennis explains that Premium Pay does not calculate overtime at 1.5x, but is just the number of hours. He agrees with Steve, noting that the "Feds drew parameters around it (Premium Pay) which is a maximum of \$13.00/hr. so that employees who are paid Premium Pay cannot make more than the State's average wage of \$21.00/hr.

Sheila states that she's not against giving Premium Pay, but she feels that the grant should go to "stuff the Town desperately needs. And if at the end of the "desperately needs" list, there is money left over, then the BOS can work with Premium Pay." She states that she "does not think Premium Pay should be a primary expense (from the ARPA grant) and that the grant money should go back to the Town so all the residents can benefit from it without (adding) to the taxation." Steve states that he "wants to reward COVID responders" and reiterates that the definition of the grant is for COVID response. Steve states the Town "desperately needs good employee too."

Dennis states that he believes it is important that the BOS uses the grant to fund things that "taxpayers can feel a benefit from." He explains that it is only a mathematical exercise to figure out how much the employee Premium Pay will cost and suggests

the BOS do that so they have that number to work with. He reiterates that the BOS needs that information. Dennis also notes that the ARPA grant parameters are almost exclusively based on providing broadband access, and water and sewer projects. Based on the Federal Rules, there is very little room for infrastructure. He states that Premium Pay is a major component of the grant, so the BOS “should not feel bad about giving that money out because that’s what the grant was designed for.” He states that “Danville has no sewer, and very little dealing with water other than funding culverts.” Dennis explains that he has read the entire grant and the only thing he can figure out that a significant amount of the grant money could go to would be to where the Town needs to expand broadband access.

Steve asks if fire suppression water aiding the Fire Dept. would qualify. He states that he has a project in mind, but has not explored the costs of it yet. It would be to provide a pressurized water source in the center of town. Dennis agrees there is a lot of room in the Treasury’s interpretation to make that work, while maybe not for the costs of the whole project, but certain components of it. Sheila notes that it is all in how each project is presented. Dennis states that part of the ARPA grant is also “green”, noting the grant discusses run-off, road flooding, ground chemicals, and helping bio-diversity. He agrees with Sheila that it is all in how the grant is written. Dennis notes that the Treasury’s “okay” is so ambiguous the Town could probably write a pressurized water system to fit within the grants rules. He states that he thinks anything to do with the water in Town should be considered for the ARPA grant.

Dennis suggests that the BOS investigates how the Town could get a 5G cell tower installed. He states that “if there are ways to improve the community using the ARPA money, the BOS should tackle it. The Town has \$476,000 and the only amount of expenditure the BOS can lock in is the costs of Premium Pay because that is simply a spreadsheet exercise. Then the BOS will know what is left over and can start digging into real projects.” He reiterates that he is not suggesting the BOS allocate Premium Pay automatically, but the BOS should at least know the costs of that.




Steve reminds the BOS that his proposal to replace the Fire Dept.’s 25-year-old radio equipment to respond to COVID calls is \$73,000. Sheila agrees that project should be funded. Dennis also agrees and notes that should be documented in the grant. Sheila states that should be a primary priority. Steve reminds them that funding this equipment through the grant saves taxpayer dollars.

Shawn states that the Town’s “wants and needs are endless and \$476,000 can be easily spent.” Dennis explains that he somewhat disagrees, noting that after reading the restrictions on what the Feds say the ARPA grant can be used for, the Town may have a hard time spending all of the grant money outside of Premium Pay, communication systems, and water. He states that he believes that in the end, the Town will have more money than they can spend. Sheila notes that the digitization project was about \$70,000. Dennis expresses his concern about how they can make that fit into the ARPA rules. Sheila confirms that it does fit. Dottie explains that the project would provide easier access to the Town’s records so that residents have remote access without needing to come to Town Hall. Dennis agrees that could fit within COVID issues.

Other 2022 BOS Goals: Dottie states that she would like to have Chief Parsons come in and discuss the new Police Station plans with the BOS. She explains that she spoke with him on Election Day. She reminds the BOS that last year they had also discussed planning for more office space for Town Hall employees. She also notes that the Town passed the Warrant Article resolution to explore retirement plans for the Town’s employees so the BOS will need to discuss that as well.

VI. Town Announcements

Calendar

-  **April 4- Monday:** Board of Selectmen’s meeting- 7:00 PM at the Town Hall
-  **April 9- Saturday:** Rabies Clinic, hosted by the Danville Police Dept. 10:00 AM-1:00 PM at the Kimball Safety Complex
-  **April 23- Saturday:** Spring Bulk Pick-up. Start time is 7:00 AM

As there are no further items to discuss, Shawn requests a Non-Public session under NH RSA 91-A 3:II(c). Dottie makes the motion. Second by Sheila. Roll Call vote: Shawn-yes, Steve-yes, Sheila-yes, Dottie-yes, Dennis-yes.

The public session of the BOS meeting ends at 9:12 PM.

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

Respectfully Submitted
Deborah A. Christie

