

**This document is for informational purposes only.
The original document may be obtained at the Town Hall.**

Town of Danville
Board of Selectmen
Monday, May 1, 2023
7:00 PM

6:56 PM

Meeting is Video-Recorded

Selectmen Present: Shawn O'Neil, Chair; Dennis Griffiths, Vice Chair, Sheila Johannesen, Annemarie Inman, Joe Hester

Others Present: Kimberly Burnham, Selectmen Administrator; Carsten Springer, Chair, Conservation Commission, Chair, Forestry Committee; Jim Seaver, Road Agent; Andy Ward, Asst. Director Highway Dept.; Residents: Eddie Couture, Renee Levesque, Dillon Levesque, Charlotte Trout, Edward Trout

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

I. Delegate Session

Shawn opens the Delegate Session at 6:57 PM and asks if there are any members of the public not on the agenda who wish to address the BOS.

ATV Applicants: Dillon and Renee Levesque explain they were asked to attend the BOS meeting regarding their ATV rider permission applications. Shawn explains that Dave Drislane will review all the rules with them and wants to be sure that residents understand the permission to ride their ATVs is not a blanket permission to ride anywhere but is only for a very specific 300' corridor of the Town's right-of-way under the powerlines. Shawn notes there is a lot of controversy that the ATV program will be abused and he wants to ensure that everyone understands the rules and regulations. Mr. and Ms. Levesque agree. Carsten Springer explains that a good color map was done early in the program and believes it is much clearer than the black-and-white map that has been used. Kim states that when residents come in, they get the speech, a map, and the application.

Joe confirms with Kim the applications now have the expiration date that was discussed at the last meeting. Edward Trout asks to bring up his concerns. Shawn explains the BOS wanted the permits to sunset because people move...and the BOS is concerned if (these permits) were kept in perpetuity the Town would end up with 20-year-old authorizations and people who moved out and/or passed on their authorizations. Mr. Trout states that NH Fish and Game regulate (ATV) registrations and when registering ATVs, it is done by residency, so if someone moved out of Town and then was stopped by Fish and Game, or the Police Dept, they would automatically be in violation. Mr. Trout expresses his concern with having to renew his permit yearly to ride on the property he has been riding on for the past thirty (30) years as a resident of Danville. Sheila notes that he has to register his car every year. Dennis explains that at the April 17, 2023 meeting, the BOS voted to extend the ATV renewals to every two (2) years. The current expiration date is December 31, 2024. Dennis explains that by then, the BOS will probably have a renewal form built into the Town's website. Residents would need to complete the application process the first time, but be able to renew online every two (2) years after that.

Mr. Trout states he is concerned that after living in Town for over thirty (30) years, he now has to register for the ball clubs and now to ride his ATV. He is concerned that he has to register to use what is offered to the residents through their taxes. Shawn agrees stating the BOS is trying to eliminate that and notes it is also a labor cost to the Town's staff. Mr. Trout also notes his concern the Town is using tax dollars to mail dog licenses to owners instead of giving them to the owners at the recent rabies clinic. Shawn states he understands Mr. Trout's points, but notes the procedures are in place (at the rabies clinic) to expedite the process.

Dennis explains to Mr. Trout that ATV permits are not in place as a government regulation. The process came about because riders were being harassed daily by Fish and Game when they were riding where everyone has always been riding. The only way to stop the Fish and Game fines was to ask the BOS for authorization and they needed to create a formal process for that. Dennis reassures Mr. Trout the Town is not interested in collecting personal information. Mr. Trout asks why Fish and Game were bothering riders with permission. Dennis explains that permission is in place through the ATV program, but there was no permission prior to the program. He briefly explains the issues with the Audubon Easement, the Eversource right-of-way, the Town Forest, and the private landowners. Shawn reminds Mr. Trout that there are no costs for the ATV application process.

Mr. Springer invites Mr. Trout to attend tomorrow night's Forestry Committee meeting at 7:30 PM at the Community Center. He will have a conversation with Mr. Trout and asks him to get his contact information from Mr. Drislane. Mr. Springer agrees that in the 1990s residents could ride their ATVs, but in 2009, the Town voted to have the Audubon Society take over an easement and the Town gave up its rights to its own property. Shawn emphasizes this decision was made by a Town vote and he personally disagreed with the Town's decision. Mr. Springer explains there was also a Town vote that could have taken away all of the riders' rights and the Forestry Committee pushed back against it. Mr. Springer reiterates that Mr. Trout should contact him because he would be happy to discuss these issues and agrees with Mr. Trout's frustrations.

Shawn confirms that Mr. and Ms. Levesque are all set with their ATV applications and they can pick their copies up tomorrow. He reminds them they will need to keep that copy with them because if they are stopped by Fish and Game they will need to produce that permit.

As no more members of the public wish to speak, Shawn closes the Delegate session at 7:08 PM.

II. Agenda

Stormwater Management Contract: Jim Seaver (Road Agent) and Andy Ward explain the yearly contract for stormwater management is \$10,000. The contract will have a different focus in 2023. Sheila motions to authorize the Chair to sign the contract for Stormwater (Management). Second by Joe. There is further discussion.

Dennis confirms the price of this contract is \$10,000 yearly. Mr. Seaver explains the price has been higher in previous years. Shawn and Mr. Seaver explain the contract keeps the EPA happy. Shawn explains the contract is a-la-carte and the Town does what is required by the EPA. He calls the question. Vote is unanimous (5-0).

Highway Requests for ARPA funds: Mr. Seaver explains he would like to purchase a stand-alone backup generator for the Highway Garage. He has quotes for a Generac propane-based generator from the Generac Connection in Epping and one from Sweet Electric. Sheila asks if he has a preference. Mr. Seaver explains the Sweet Electric proposal includes everything and is a larger generator. The Generac Connection proposal would require the Highway Dept. to provide some of the materials. Dennis agrees the lower quote provides more product. Sheila suggests the BOS approve the bid from Sweet Electric for \$16,800.

Dennis asks Sheila where the ARPA funds stand. Sheila states she will be discussing this later in the meeting, but reassures Dennis there are funds still available. She reminds the BOS the board had discussed purchasing a standby generator for the Highway Garage when they began planning how to spend the ARPA funds. Dennis motions to approve the Sweet Electric proposal for \$16,800 for the Highway Garage generator to be paid from the ARPA funds. Second by Sheila. There is further discussion.

Mr. Springer states he has a possible third vendor that does a lot of municipal work and is very local. He offers to provide the vendor's contact information and suggests if the vendor falls within the parameters, they could be a choice. Shawn explains he would leave that up to Mr. Seaver's discretion and suggests the BOS approve the proposal on the contingency that Mr. Seaver tries to get a third quote from this vendor. Dennis agrees to modify his motion to include this contingency. Shawn calls the question. Vote is unanimous (5-0).

Mr. Seaver states he has a second ARPA fund request to purchase a digital message board for the Highway Dept. to use when doing projects. He explains the Police Dept.'s sign is not always available. Mr. Seaver provides a quote from New England Barricade and notes this is the vendor he uses for all his signs. Dennis confirms this sign would be purchased and not leased. Sheila believes it is important to have a sign available for emergencies. She notes the costs of the generator and the security cameras are approximately \$20,000. The additional purchase of the sign would increase that amount to \$38,000 and she still does not have an invoice for the Highway Dept. fire alarm system. Kim explains the job has not been completed. Sheila expresses her concern that she does not have an estimate for that project. Kim states an estimate was provided at a previous meeting. Sheila asks Kim for the amount of the project. Kim did not have that information with her.

Dennis asks Mr. Seaver about the \$1000 shipping fee for the sign to Epping, noting that Mr. Seaver would then have to go pick it up. Mr. Seaver states that he probably could get the vendor to deliver the sign to him and teach him how to use it. He reminds Dennis it cost \$1250 to ship the recently purchased wood stove.

Sheila calls a point of order stating she would like her question regarding the Highway Dept.'s fire alarm system answered. Shawn states the BOS approved an estimate. Sheila reiterates that she does not have that information. Kim agrees the estimate was approved. There are multiple discussions around the table. Sheila states she wants to put the request for the sign on hold until the costs of the fire alarm system are confirmed. She wants to be sure of the correct amount in the ARPA funds. Kim states she will send Sheila the ARPA report tomorrow. Shawn explains the report should show what has been authorized and what has been billed. He reminds the board that what the BOS has authorized cannot be more than what the Town was awarded. Sheila agrees and confirms the Highway Garage fire alarm is not on her list. Shawn agrees the BOS should table the sign request. He reassures Mr. Seaver the BOS has no objection to his request, but they just want to make sure there are ARPA funds available. Dennis agrees the sign is a good thing for the Highway Dept. to have. Shawn suggests the BOS could do a conditional approval contingent on making sure there are ARPA funds available.

Annemarie asks if there is only one vendor for this sign. Mr. Seaver explains this is who he deals with and that his understanding is that ARPA accepts quotes from standing vendors. Annemarie explains she was just doing her due diligence. Dennis explains that ARPA requires multiple quotes for projects at a certain dollar level which he believes is anything over \$10,000, but also allows the Town to follow its own bidding requirements. Sheila notes the proposal requirement had been adjusted due to issues with getting quotes and agrees the BOS only has to do their due diligence and try to get multiple quotes. Dennis expresses his concern the ARPA funds are getting tight and suggests the BOS listen to Sheila's presentation. He states he wants to have a list of what hasn't been fulfilled, but has been previously discussed and hasn't moved forward yet. Dennis reiterates he is in favor of the sign but wants details of what hasn't been done yet. Shawn notes the Police Dept. sign was \$2,000-\$3,000 more than Mr. Seaver's quote. Mr. Seaver explains that the Police Dept. sign has flashing lights and radar. Shawn asks Kim to put Mr. Seaver's sign request on the next agenda.

Highway Dept. Road Update: Mr. Seaver reminds the BOS of the contract with Busby Construction to do Candy Rd. and Sawmill Rd., noting they will be starting the road finishing. He explains that he has learned a lot over the last three (3) years by going to conferences and networking with other Road Agents and DPW directors about how they do things, particularly the bid process and using preferred vendors. Mr. Seaver explains that some towns go out to bid for each project, some just always use the same contractor, and there is a newer third option of contracting with a vendor for one price for multiple years. He states this pricing would not include the price of hot top as those prices can vary wildly. He notes that at the end of 2022, hot top was \$90 per ton, now it is \$85 per ton. He approached Busby with this idea and they stated there were doing more and more contracts for two years. Busby has written a letter to the BOS stating they will keep their current contract price through the end of 2025, with the exception of the price of hot top. Shawn notes hot top prices are set by State bid each year. There is a discussion of how frequently hot top prices change. Andy Ward explains the letter outlines the prices and hourly rates on Busby's machines, trucks, crews, etc. Dennis clarifies the prices are based on the historical use of these by the Town. Mr. Seaver explains the second page of the letter shows the remaining contract for Candy Rd. and Sawmill Rd. including the drainage and finish coat of hot top. Other information includes the other roads that Mr. Seaver has previously

reviewed with Busby. He notes that Danielle Rd. is really falling apart and well past its' lifespan. Hickory and Beach Plain Rd. will have overlays. Mr. Seaver notes he had more roads on his list but can't do them on the default budget.

Shawn explains that when the difference between a proposed budget and a default budget gets bigger, there is a larger probability that the default budget will win. He notes the BOS tried to increase the paving budget by \$100,000 and the overall difference between the proposed budget and the default budget was \$130,000. Shawn believes if the BOS hadn't forced the extra money for paving, the voters may have approved the proposed budget. He states that he would like to pull the paving costs from the proposed budget and present them in a separate warrant article in 2024. Shawn expresses his concern the Town has thirty-eight (38) miles of road to maintain and is not keeping up but is falling further behind each year and with increasing prices, the Town is falling even further behind.

Mr. Seaver states that some towns have a ten (10)- year schedule for road maintenance that they stick to, but these towns have budgets of \$600,000+ each year. He notes that Chester bonded \$4M dollars for their roads and their paving budget is \$500,000 and they still can't catch up. He explains the Town should be repairing the damaged roads and doing overlays of the better roads for maintenance, but that isn't happening. He notes that good roads drain better in the winter.

Dennis agrees with Shawn that going forward the BOS needs to identify road repairs as a specific need in a separate warrant article so the costs aren't lumped into the overall proposed operating budget amount. There is a discussion of Busby's proposal of approximately \$440,000 for the next two (2) years. Mr. Seaver explains this would make the process easier because he won't need to write an RFP each time which puts the process further behind. He explains he would like to do his paving program in the spring, reiterating he would like to be doing his paving right now and wants to be the first customer on the contractor's list and get it done. Shawn explains the Town has switched vendors over the years. Mr. Seaver suggests the BOS can keep the prices and just connect to the local vendor. He notes that Busby's bid was the middle bid last year. When it came time to hot top the roads in the bid, the hot top was laid in eight (8) days. Shawn confirms that Busby did all of Sandown Rd. and ground ? and Flynn Rd and did all the grading. Mr. Ward notes that Busby crowns their roads at 3% instead of the standard 2% to ensure water runoff and prevent water freezing in the cracks and popping the hot top.

Shawn states he is fine with the proposal. Dennis agrees that one of the BOS' core responsibilities is to maintain the Town's roads and if Mr. Seaver feels the proposal is good.... Mr. Seaver reminds the BOS the proposal is for three years and there are several price breaks in the proposal because Busby is local. Dennis notes this reduces costs for fuel, mileage, etc. Joe states the BOS should rely on the experts for this kind of information. Shawn believes the consensus of the BOS is to move forward with the proposal. Sheila motions to authorize the Chair to sign the Busby Construction agreement. Second by Joe. Vote is unanimous (5-0).

Household Hazardous Waste Day Update: Mr. Seaver reminds the BOS the Spring Household Hazardous Waste Day was held the past Saturday (April 29, 2023). There were 338 cars, 22 were from Danville, and things went pretty smoothly. The Fall Household Hazardous Waste Day will be held in Atkinson. Danville's turn to host the Fall Household Hazardous Waste Day is in 2024. Mr. Seaver states the towns met a few months ago and one issue is a concern about having an event where people are waiting in line for three (3) hours. Other issues include towns that are using different contractors and have different procedures for collecting oil, light bulbs, etc. The towns will be meeting again in the fall to figure out these issues.

Sheila clarifies that Household Hazardous Waste Days are two times each year. Mr. Seaver explains that Plaistow always does the Spring one and the Fall one rotates each year between the other six participating towns. Mr. Seaver notes that Danville hosted a Fall Household Hazardous Waste Day five (5) years ago and had cars lined up on Gerry Dr.

Softball Field: Dennis asks Mr. Seaver if there is any plan or schedule for developing the softball field. Mr. Seaver states the coaches are extremely busy right now, but he has spoken to them. Josh Manning will help him lay out the field and he has met with Reads Material, the company that put the material on Fenway Park, and he has received

three (3) quotes for the backstop. Mr. Seaver states the will update the BOS when the project is further along and notes that he also knows the head groundskeeper at the school and will be working with him.

Beaver Dam Update: Mr. Springer states he received a call at 7:00 AM Monday and several texts from residents thanking him for lowering the beaver dams on the upside of NH Rte. 111-A. Only one section of Main St. flooded during the recent rains, not the usual two sections. Dennis notes that an article was published three to four days ago regarding flooding in Meredith caused by a beaver dam. Mr. Seaver explains that any town with a beaver dam is looking at this issue. Mr. Springer states the Conservation Commission will continue to work with Mr. Seaver on this issue.

Shawn asks how much water the beaver dam was holding back. Mr. Seaver states he estimated thirty (30) acres of water. Shawn explains he figured out on Google Maps that it is sixty-five (65) acres of water and at 12" deep (noting that there are areas where the water is more than 12" deep) equals 366 million gallons of water. There is a board discussion on road flooding from the recent rains that took out part of the road on Main St. and on either side of Back Rd.

DES Permits: Mr. Seaver states he will be filing permit applications with NH DES. He and Dennis Quintal (Town Engineer) are working on plans for culverts on Hampstead Rd. He explains the Town received some NH State bridge grant money and can use it for this project. He notes they are also working on Happy Hollow Rd. He explains they are filing for the permits early because it takes DES forever to grant them. He reminds the BOS the Happy Hollow Rd. project is a very large project and he will be looking at different avenues for it.

Security Camera Project: Shawn reminds the BOS they were waiting for an updated quote from the vendor that included the costs of the alternate cameras the BOS had requested be used for the project. The updated proposal costs are \$20,260. The project has previously been approved to be paid for from the ARPA funds. Shawn believes the new quote is acceptable. Sheila motions to approve the quote from International Signal for \$20,260. Second by Annemarie. Vote is unanimous (5-0). Shawn notes there may be some ancillary costs for the project due to the need for new equipment at the Community Center. He has spoken with Barry Hantman (Chair, Cable Committee), and will need to have Mr. Hantman more involved with his recommendations. The security camera equipment will need to be housed in a rack and due to the current camera equipment at the Community Center, they will need to purchase an additional rack.

Purple Heart Community Update: Shawn reminds the BOS the installation of the signs has been mapped out. Kim states the signs were made last Thursday and the next delivery is Tuesday. She will call and make sure they are there and let Mr. Seaver know. Shawn asks for clarification of the installation. Kim confirms the Town Highway Dept. will be installing them and reiterates that Mr. Seaver has previously marked the locations. Dennis asks if NH DOT would be installing them on Main St. because it is also NH State Rte. 111. Kim explains that because Danville is a Purple Heart Community and not a part of the Purple Heart Trail, the Town is required to install the signs.

Shawn states he reviewed several editions of the Purple Heart proclamation that Kim had written and combined them into one piece. He sent his proposed revised proclamation to the BOS for review. Kim reminds the BOS she has also ordered a Purple Heart Community banner for the Memorial Day parade. Shawn explains it will be the Town issuing the proclamation, not him personally, and reminds the BOS they had previously discussed issuing the proclamation at the Memorial Day Parade. He asks Kim if she has reached out to the American Legion with the updates on the program. Sheila confirms that Shawn will be reading the proclamation. Dennis feels it is well written. Sheila expresses her concern the beginning of the proclamation is too busy. The consensus of the BOS is the proclamation is fine as it has been written.

Deputy Town Clerk: Shawn explains that currently, Susan Griffiths is the appointed Deputy Town Clerk and Michelle Healy is the Assistant Town Clerk. These two staff members would like permission to swap their positions. Shawn explains the Town's elected officers nominate the deputies for their offices and the BOS ratifies these nominations. Chris Tracy (Town Clerk) has explained that Mrs. Griffiths wished to resign her position as the Deputy Town Clerk for personal reasons. Ms. Tracy is recommending Michelle Healy for that position. She states Ms. Healy has worked in

the office for two (2) years and is very capable of doing the duties of the Deputy Town Clerk. Ms. Tracy states that Mrs. Griffiths has agreed to stay on the staff as the Assistant Town Clerk. Sheila motions to appoint Michelle Healy as the Deputy Town Clerk for the Town of Danville. Second by Joe. Vote is unanimous (5-0).

Unsealing of Non-Public Minutes: As previously discussed, the BOS review the approved minutes for the February 6, 2023, 7:28 PM Non-Public session under NH RSA 91-A 3:II (d). Kim confirms with Mr. Springer the deed has been recorded and is now public record. Shawn explains the BOS needed to ensure they were unsealing the correct set of Non-Public minutes as there were three (3) different sets. Sheila motions to unseal these minutes. Second by Dennis. Vote is 3-yes, 0-no, 2-abstentions (3-0-2). Annemarie and Joe abstain as they were not on the BOS at that time. Sheila asks to discuss an issue with those minutes. Shawn requests that she wait until the BOS discusses new business later in the meeting.

III. Old/New Business

Minutes: The BOS review the minutes for the Monday, April 17, 2023 BOS public meeting. One correction is noted: Line #70- correct the spelling of Mr. Springer's name. Sheila motions to approve the minutes as amended. Second by Annemarie. Vote is 4-yes, 0-no, 1-abstention (4-0-1). Joe abstains as he was absent from that meeting.

Non-Public Minutes: The BOS review the minutes for the Monday, April 17, 2023 BOS Non-Public session under NH RSA 91-A 3:II (c). Dennis asks to update the last line to read *and training the replacement*. Sheila motions to approve the Non-Public minutes as amended. Second by Dennis. Vote is 4-yes, 0-no, 1-abstention (4-0-1). Joe abstains as he was absent from that meeting.

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

Updated MRI contract: The BOS has received an updated agreement from MRI for HR services as previously discussed. Sheila motions to authorize the Chair to approve the updated HR agreement from MRI. Second by Joe. A discussion follows.

Dennis asks to review the agreement and if MRI has provided an outline of the issues they would deal with. He asks how the e-mail that would be sent to the Town's employees would outline these parameters. Shawn suggests that several BOS members work to determine those parameters and to create the letter that will be sent out. Annemarie explains the agreement from MRI has a pretty broad scope and the BOS can determine what it needs and wants to do as well as make changes going forward. Shawn calls the question. The vote is unanimous (5-0).

Board and Committee Appointments: As discussed at the last meeting, Shawn has received numerous applications for the various Town boards and committees.

✚ **ZBA (Zoning Board of Adjustment):** There are currently three (3) openings on the ZBA. Two members are applying to have their appointments renewed and David Knight has applied for the third opening. Sheila confirms all of these applications have been recommended by the Chair of the ZBA and asks if the BOS needs a motion to approve these applications. Shawn states there are three (3) openings and as long as there are only three (3) applicants and as long as three (3) members of the BOS sign the applications that will verify BOS approval. Sheila clarifies her request is to make a motion. She motions to appoint David Knight, Jason Holder, and Walter Baird to the ZBA. Second by Joe. Vote is unanimous (5-0).

✚ **Forestry Committee:** Shawn confirms with Mr. Springer there is only one (1) application for the Forestry Committee and that Mr. Springer has recommended that applicant. Sheila motions to appoint Bob Loree to the Forestry Committee. Second by Joe. Vote is unanimous (5-0).

✚ **Conservation Committee:** There are two applications for the Conservation Committee, Jason Holder and Dave Drislane. Sheila confirms that Mr. Springer is recommending Mr. Drislane as an Alternate. The BOS discusses the membership and alternates with Mr. Springer. Shawn confirms with Mr. Springer that Mr. Holder is applying for renewal of his membership on the committee and Dave Drislane would take Sayra

DeVito's place. Shawn clarifies that Sayra DeVito's position was as a full member and Mr. Drislane would become a full voting member of the Conservation Committee, not an Alternate. Mr. Springer will look into this further and make any adjustments necessary. Shawn reviews the current members and their expiration dates and the matter is resolved. Joe motions to approve the applications for Jason Holder and Dave Drislane to the Conservation Committee. Second by Annemarie. Vote is unanimous (5-0).

- ✚ **Planning Board:** Shawn notes the BOS has received an application for an Alternate position on the Planning Board. He explains that because the Planning Board is an elected board, they approve and appoint their own members and alternates. He asks Kim to forward that application to the Planning Board.

Sheila states that by NH RSAⁱ if the appointed representative from the BOS cannot attend a Planning Board meeting, there should be an alternate member designated to attend in their place. Annemarie explains the issue came up accidentally at the last meeting because she has taken the initiative to attend meetings for all the Town's boards and committees. She had attended the April 27, 2023 Planning Board meeting and was asked if she was Joe's delegate because he was absent. She explained to the Planning Board that she had only come to observe. This resulted in the meeting lacking a quorum, so no action could be taken that evening. Annemarie explains that if she had been appointed as Joe's delegate it would have made the quorum for that meeting. Shawn asks Annemarie if she would be willing to be the BOS's alternate delegate to the Planning Board. Annemarie states she would have been happy to do it, but felt she wasn't delegated and was unprepared. Dennis confirms with Sheila the same rule does not apply to the Heritage Commission or the Conservation Commission. Dennis motions to appoint Annemarie as the BOS alternate delegate to the Planning Board. Second by Joe. Vote is 4-yes, 0-no, 1-abstention (4-0-1). Annemarie abstains from the vote.

Shawn reads the Town Announcements listed below while Kim prepares additional material for the BOS to continue the appointments to the Town's boards and committees.

- ✚ **Heritage Commission:** Shawn explains the BOS seeks and reviews recommendations for the Heritage Commission. He states he has heard from a lot of people in the community that they are frustrated with the Heritage Commission and he personally would like to make sure things are done a little differently this year. Shawn clarifies this is just his viewpoint. He states that it was also recently brought to his attention the original warrant article when the Heritage Commission was established in the mid-late 1990sⁱⁱ requires more members to be on the commission and he is not aware of any warrant article that changed that number of board members. Shawn expresses his concern the Heritage Commission does not currently have the correct number of board members based on that warrant article. Sheila believes the number of members was changed in a later warrant article. Shawn states he wants to see where that number was changed, reiterating the original warrant article created a seven (7) member board. Annemarie notes that Heritage Commission membership is governed by NH RSAⁱⁱⁱ. Dennis believes that the law has been updated and there can be up to five (5) alternates appointed to the Heritage Commission.^{iv} He reiterates the Heritage Commission was created with six (6) members and one (1) BOS representative for a total of seven (7) members and that it is unknown how long the Heritage Commission has been functioning with only five (5) members: four (4) appointed members and the BOS delegate. Shawn states he does not know because he hasn't been following the Heritage Commission that closely. There is a discussion of the process of following boards and committees with elected and appointed members. Shawn confirms with Dennis the current Heritage Commission has five (5) members including the BOS representative so they currently have two (2) vacancies for membership and multiple vacancies for alternates. Shawn asks Sheila to bring documentation if and when the number of Heritage Commission members was changed. He believes until then the BOS should move forward with the appointments, adhering to the original warrant article until any changes have been documented.

Shawn states there are multiple applications for membership to the Heritage Commission.

- ✚ Dottie Billbrough has applied as an Alternate
- ✚ Bill Hull has re-applied as a member.
- ✚ Judy Jervis has applied as a member. She is currently serving on the Heritage Commission as an Alternate
- ✚ Christiann Unger has applied as a member
- ✚ Dave Drislane has applied as a member.

Dennis states that Bruce Carye was supposed to have applied. Shawn confirms that he does not have that application, but if it is received late, Mr. Carye could be appointed as an alternate. Shawn reiterates there are currently two membership vacancies. Dennis checks his computer and realizes that he does have Mr. Carye's application but was unaware that Mr. Carye had sent his application directly to him. Kim asks him to send it to her so she can print it for the rest of the BOS. Joe confirms there are two (2) vacancies in addition to Mr. Hull's reappointment as a member and Ms. Jervis' application to move from an alternate to full membership, and these two applicants are already serving on the Heritage Commission. Shawn believes that with the current applications, the Heritage Commission should be able to fill all membership vacancies and alternate positions. He reviews the following:

- ✚ The current membership includes Carol Baird, Kathy Dennis, and Dennis as the BOS representative.
- ✚ Re-appoint Bill Hull as a member
- ✚ Appoint Judy Jervis as a member (she is currently an Alternate)
- ✚ Add Christiann Unger and Dave Drislane as members. Sheila confirms that Mr. Drislane applied to be a member of the Heritage Commission.
- ✚ Dottie Billbrough and Bruce Carye would be appointed as alternates. Dennis suggests the BOS appoint Bruce Carye as a member and Dave Drislane as an alternate, noting that Mr. Drislane has already been appointed as a member of the Conservation Commission. Sheila reminds Dennis that alternates are expected to attend all the Commission's meetings. Dennis agrees. Annemarie confirms the consensus of the BOS is following Dennis' recommendation to make Mr. Drislane an alternate and Mr. Carye a member. Sheila asks these applications be forwarded to the Heritage Commission for their records.

Shawn finds a 2011 Warrant Article that did change the number of members on the Heritage Commission. He reads the following:

2011-11 Heritage Commission Membership-

To see if the Town will vote to adopt the following amendment to the 1996 Warrant Article regarding Board membership on the Heritage Commission to the following. The Heritage Commission so established shall consist of 5 members who shall be appointed by the Board of Selectmen. One commission member shall be a member of the Board of Selectmen. One commission member may be a member of the Planning Board. Not more than 3 alternates may be appointed.

In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the purpose of the Heritage Commission.^v

Dennis and Annemarie discuss if the proposed amendment referenced the NH RSAs cited in the 1996 Warrant Article that created the Heritage Commission. Warrant Article 2011-11 passed by a vote of 558- yes to 244-no. ^{vi} Shawn states this did change the membership to a five (5) member board. Annemarie disagrees stating the warrant article was for five (5) members plus a BOS representative for a total of six (6) members. There is further discussion. Shawn explains the previous discussion of the applicants actually filled vacancies that did not exist. Sheila notes that Mr. Hull is requesting to be re-appointed to his current position as a member and Ms. Jervis is requesting to be appointed as a full member after serving as an alternate. She reiterates the Commission's current members are Carol Baird, Kathy Davis, and Dennis as the BOS representative. There is further discussion if the BOS representative is the sixth (6th) member or if they are part of the five (5) member board.

Shawn reads the discussion included in the warrant article:

Discussion: The Heritage Commission membership was set by Town meeting previously at 6 members. The Heritage Commission currently has vacancies in its membership which has made it harder to meet quorum requirements even with alternate members. This reduction in membership will make it easier for the Heritage Commission to meet quorum requirements in doing their business for the Town of Danville.^{vii}

Annemarie, Dennis, and Shawn agree the warrant article is for five (5) members plus the BOS representative. The BOS again reviews the current and proposed Heritage Commission membership:

- ✚ Carol Baird- term expires in 2025

- ✚ Kathy Dennis- term expires in 2024
- ✚ Dennis as the BOS representative
- ✚ Bill Hull- applying for re-appointment at a member
- ✚ Judy Jervis- currently an Alternate, is applying to become a member

This leaves one membership vacancy to be filled. Dennis recommends the following changes to the proposed membership appointments: Christiann Unger, Bruce Carye, and to re-appoint Bill Hull. Shawn confirms that Dennis is recommending that Judy Jervis remain an alternate and Dottie Billbrough and Dave Drislane be appointed as additional alternates. Dennis states that they can be if they want to be. Shawn reminds him that according to the warrant article, only three (3) alternates can be appointed. Dennis reiterates that the law was changed to five (5) alternates in 2022. ^{viii} There is a discussion if the changes in the number of alternates allowed by NH RSA have to be changed via a warrant article and Town vote. Sheila believes it does. Shawn agrees there would need to be a new warrant article approved in order to increase the number of alternates on the Heritage Commission. Sheila reviews her appointment recommendations to the Heritage Commission including re-appointing Bill Hull as a member and appointing Judy Jervis as a full member. Dennis notes that is Ms. Jervis' request. There is further discussion. Dennis suggests the BOS vote to fill each vacancy individually. Shawn agrees this will end the confusion as there are more applications than vacancies.

The following appointments are made and voted on:

- ✚ The BOS appoints Bill Hull as a Member. Vote is unanimous (5-0).
- ✚ Dennis motions to appoint Christiann Unger as a Member. There is a discussion with Sheila to clarify there are three (3) vacancies for membership on the Heritage Commission. Mr. Hull's appointment fills one of those vacancies. The BOS votes on Dennis' motion to appoint Christiann Unger as a Member. Vote is unanimous (5-0).
- ✚ Sheila motions to appoint Judy Jervis as a member. She states that Ms. Jervis has done her due diligence as an alternate and attends the meetings. She believes it would be nice to allow Ms. Jervis to continue as a full member. She believes that most people begin as an alternate and work their way into full membership. Vote is 1-yes by Sheila. Shawn puts Ms. Jervis' application aside.
- ✚ Shawn notes that Dottie Billbrough applied as an Alternate on the Heritage Commission.
- ✚ The BOS appoints Bruce Carye as a Member. Vote is 4-yes, 1-no (4-1-0). Sheila votes no.
- ✚ The BOS appoints Dave Drislane as an Alternate.

Kim confirms that Ms. Billbrough and Mr. Drislane have been appointed as Alternates to the Heritage Commission. Dennis suggests that Ms. Jervis remain as the third (3rd) Alternate. Sheila believes some BOS members are voting on personal issues and asks them to think about what they are talking about. Shawn states a lot of people vote that way, that she does as well, and had her time to comment.

Shawn asks to ratify the BOS Heritage Commission appointments:

- ✚ Judy Jervis will continue as an Alternate
- ✚ Dave Drislane is an Alternate
- ✚ Dottie Billbrough is an Alternate (this fills the three (3) alternate members allowed by the 2011 warrant article)

The new Heritage Commission Members are:

- ✚ Bruce Carye
- ✚ Bill Hull is re-appointed as a member
- ✚ Christiann Unger.

Shawn motions to accept the Heritage Commission board and alternates as voted above. Second by Joe. Vote is 4-yes, 1-no, 0-abstentions (4-1-0). Sheila votes no. Sheila states it's very unfair to not let someone move up to full membership. Shawn states this was duly noted and he was aware the issue would be contentious. Joe clarifies that alternates are allowed to fully participate in all Heritage Commission activities. Dennis agrees and notes the only difference is that alternates cannot vote.

Budget Updates: Sheila reminds the BOS that they had discussed sending updated budgets to all the boards and committees to prevent any confusion about where they stand with their budgets. Shawn confirms the budgets have been sent out to everyone and these were the updated budgets with the year-to-date expenditures. He reminds Sheila these reports are automatically generated on the new accounting system. Sheila asks for clarification. Shawn confirms with Kim the budgets were sent out as requested. Kim states she was absent for the initial discussion, but she did send out the budgets. Sheila asks Kim to send her copies of the budgets she (Kim) has sent out.

Fall Bulk Pickup Date: Sheila asks if a date has been set for the Fall Bulk Pickup. Annemarie asks how far in advance the date needs to be set. Sheila states that Gail has to work with Casella to set the date. Shawn and Kim suggest waiting to set the date until the end of summer. Shawn states he wants to see how much the Spring Bulk Pickup will cost the Town. When the BOS has that information, he will put the Fall Bulk Pickup discussion on the agenda.

Library Climate Control: Sheila reminds the BOS of their previous discussion of an ARPA project with the Library regarding an energy management program for the building's HVAC system so the systems would run at staggered times. Shawn clarifies this is a building management system that will help the Library and the Town avoid peak power surcharges from the utility companies. Director Ann Massoth still only has one quote from 2022 and has had trouble getting any additional quotes. She would like to confirm with the BOS that she can move forward with an updated quote from the one vendor that has provided a proposal. Shawn reiterates that peak usage costs are expensive. The current quote that Ms. Massoth has from December 2022 is for \$6,175. Kim asks to have a copy of the quote e-mailed to her.

ARPA Grant update: Sheila states that April 30, 2023 was the deadline for the first report for the ARPA grant. She has submitted Danville's report. Danville received \$476,966. The Town has spent \$384,745.50 prior to the projects that were approved tonight. Sheila explains the report required an explanation of what the ARPA funds have been used for and reads the following narrative into the minutes.

Our town used monies on a number of projects. Top of our list was to digitally convert and index public records for the town, to eliminate paper and to automate the process of our town's records going forward. This project included all of the town's offices, including the Police Department, Fire Department, library, town clerk, tax collector, town commissions and boards minutes, and historical papers just to name a few. Keeping our records safe and stored properly in case of a disaster. Monies were used for upgrading and replacing our Police Department, Fire Department, Highway Department, Animal Control much needed radio communications and equipment. Public safety was also a top priority of our town. We were able to combine ARPA funds with a town warrant to purchase a new fire pumper truck. (The warrant passed by voters this year) Radio communications for the new pumper truck were also included in our ARPA accounting. Our town's library heating and cooling system needed to be upgraded. We were able to upgrade the system, and the library dehumidification, and the air quality. We also installed outdoor security cameras at the library. The town's website was upgraded, to be more user friendly, and to keep our residents up to date with goings on. Safety alerts, news flashes and warnings will help our residents stay informed in case of an emergency or warnings if needed. Our Highway Department moved forward with a culvert that needed to be replaced. After having the project engineered, the culvert was installed.

Sheila states that to date, fifteen (15) projects have been paid through the ARPA grant. Shawn asks that a copy of her statement be sent to the BOS.

Dennis notes that previously through this past March, Sheila was clearly the tip of the spear with the ARPA funds logging in online, having access, the username and password, and that Dottie Billbrough was her backup. He asks who is the backup now that Dottie is no longer on the BOS. Sheila states that the Town's Finance Director, Chris Peterson from MRI is currently the backup person. Dennis asks why another BOS member is not the backup and if she was making the decision on her own about who gets access to the username and password. Shawn expresses his concern that all the work that Mr. Peterson does on the ARPA grant is billable hours for MRI. Sheila explains that MRI is only able to go in and look at the ARPA account. Shawn reiterates those are billable hours. Sheila clarifies that Mr. Peterson is not doing anything for the Town on the ARPA account. Shawn expresses concern that if anything happened to Sheila, MRI would have to work on the ARPA account, and the Town would be charged for that work.

but would have no access to the account. Sheila explains to Annemarie that Mr. Peterson is acting as the Finance Director for the Town.

Annemarie asks if Dottie was Sheila's designee, why wasn't someone else on the BOS.... Shawn states for continuity. Annemarie clarifies she is not talking about the financial piece, noting it is fine if MRI is assisting with that. Sheila states there is no financial part, it is only a matter of inputting information. Everything else is coming through the votes of the BOS. Shawn clarifies that Annemarie is looking for a replacement for Dottie Billbrough, the role would be assisting Sheila, and should something happen to Sheila, it should be another BOS member. Annemarie agrees. Sheila asks Annemarie if she would be her assistant. Annemarie agrees to do that.

Shawn motions that Annemarie will be the backup for Sheila as the ARPA account point of contact and designee for all ARPA funds. Second by Sheila. There is a discussion of account access. Annemarie requests that Sheila show her how the account works. Vote is 3-yes, 1-no, 1-abstention (3-1-1). Dennis votes no. Annemarie abstains.




Dennis motions to rescind the previous vote and have the username and password stored in the BOS Administrations files so the BOS has access to the ARPA account at any time. He notes that it is Kim who keeps track of the ARPA funds on a regular basis and the account's access should be with her as a central location. Sheila explains the ARPA account doesn't work that way. Shawn states the BOS has a second designee and doesn't feel there should be a problem if they have a third designee. Noting that Dennis' concerns have merit, Shawn asks Annemarie to add access for Kim so she can confirm what the Fed's accounting is. He states that Kim has to pull the reports and present them to the BOS for discussion. Sheila reiterates this is not how the ARPA account works and that Shawn has confused everything.

Annemarie asks Sheila if there is a limit on the number of people who are allowed to have access to the ARPA account. Sheila explains that anyone can look at the account, but there should be limited access of how many people can make changes to the account. Annemarie confirms that certain credentials are required and she will work on the issue as a team. There is further discussion and it is determined the BOS does not need Dennis' motion. Motion dies for lack of a second.

Unsealed Non-Public Minutes: Sheila asks to discuss the February 6, 2023 Non-Public minutes that were unsealed at tonight's meeting. She states that looking at the minutes, she believes the issue was a lot-line adjustment, but that discussion did not include twenty (20) acres. The land discussed belonged to the Town, it was given to the Town by the Parsonage and she believes the BOS has no authority to do what they did. Shawn states that Town Counsel reviewed and approved the action. Sheila states she wants to see his opinion in writing. Dennis notes that Sheila had motioned and seconded approvals for the BOS to move forward on the issue. Sheila reiterates the discussion was not about twenty (20) acres and the Town just gave up twenty (20) acres. She confirms for Dennis the twenty (20) acres were conveyed to Elm Farm with the lot line adjustment. Dennis asks Sheila to fact-check this information and bring it back to the BOS. Shawn states she is repeating gibberish from other committees and reiterates Dennis' request that she fact-check her information and bring it back to the board. Sheila states the land was in conservation and the BOS had no business changing anything without a public hearing. Dennis disagrees and states he's not sure she knows what she is talking about. Sheila states that Dennis doesn't know what he is talking about and couldn't explain it to the Heritage Commission. As the discussion turns personal, Annemarie asks that everyone pause the discussion.

Request for First Aid Supplies: Joe explains that at the last PTA meeting, it was noted the Danville Elementary School needed some first aid equipment including bandages, etc. He understands the School Board should pay for this, but is asking if the Town can do anything in the meantime. Shawn suggests that he speak with Fire Chief Woitkun with his request. He also suggests that Joe attend the School Board's delegate session, noting the Town pays a lot of money to the school. Shawn offers to attend the School Board delegate session with Joe. Dennis agrees to hold his updates until the next meeting.

IV. Town Announcements Calendar

-  **May 15- Monday:** Board of Selectmen's Meeting at 7:00 PM at the Town Hall
-  **May 26- Friday:** Senior Coffee Hour at the Community Center from 10:00 AM to 12:00 Noon.
-  **May 27- Saturday:** Memorial Day Parade- 11:00 AM Kickoff at Danville Elementary School, the American Legion, and the Purple Heart Ceremonies will be held at the Veteran's Memorial across from the Danville Market immediately following the parade.

As there are no further items to discuss, Shawn adjourns the meeting at 9:09 PM

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

Respectfully Submitted
Deborah A. Christie

ⁱ State of New Hampshire. **TITLE LXIV-PLANNING AND ZONING CHAPTER 673: LOCAL LAND USE BOARDS. Appointment and Terms of Local Land Use Board Members. General Provisions Section 673:11 Designation of Alternate Members.** – Whenever a regular member of a local land use board is absent or whenever a regular member disqualifies himself or herself, the chairperson shall designate an alternate, if one is present, to act in the absent member's place; except that only the alternate designated for the city or town council, board of selectmen, or village district commission member shall serve in place of that member. Online at www.gencourt.state.nh.us/rsa/html. May 8, 2023.

ⁱⁱ Town of Danville New Hampshire. **1995 Town of Danville Annual Report. Warrant Article 32.** Shall the Town establish a Heritage Commission under the provisions of RSA 674:46-a, which Commission shall assume, as provided in RSA 674:44-b III and RSA 674:46-a V. the composition, duties, responsibilities and powers of a Historic District Commission as provided by law? The Heritage Commission so established shall consist of six regular members to be appointed by the Board of Selectmen and one member of the Board of Selectmen as set forth in RSA 673:4 and shall serve for terms as provided for in RSA 673:5. Under the provisions of RSA 673:6, three alternate members shall be appointed by the Board of Selectmen. (By Petition) Page J. Online at www.townofdanville.org/sites/files

ⁱⁱⁱ State of New Hampshire. **NH RSA TITLE LXIV-PLANNING AND ZONING: CHAPTER 673-LOCAL LAND USE BOARDS Appointment and Terms of Local Land Use Board Members. Section 673:4-a Heritage Commissions.** – I. The heritage commission shall consist of not less than 3 members and no more than 7 members who shall be appointed in a manner as prescribed by the local legislative body. Online at www.gencourt.state.nh.us/rsa/html. May 8, 2023.

^{iv} State of New Hampshire. **NH RSA TITLE LXIV-PLANNING AND ZONING: CHAPTER 673-LOCAL LAND USE BOARDS Appointment and Terms of Local Land Use Board Members. Section 673:4-a Heritage Commissions.** – II. Each heritage commission member shall be a resident of the city or town which establishes the commission. One commission member shall be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers.... Online at www.gencourt.state.nh.us/rsa/html. May 8, 2023.

^v Town of Danville New Hampshire. **2010 Town of Danville Annual Report. Warrant Article 2011-11.** Pg. 56. Online at www.townofdanville.org/sites/files

^{vi} Town of Danville New Hampshire. **2011 Town of Danville Annual Report. 2011 Town Election Results.** Pg. 24. Online at www.townofdanville.org/sites/files

^{vii} Town of Danville New Hampshire. **2010 Town of Danville Annual Report. Warrant Article 2011-11.** Pg. 56. Online at www.townofdanville.org/sites/files

^{viii} State of New Hampshire. **NH RSA TITLE LXIV-PLANNING AND ZONING: CHAPTER 673-LOCAL LAND USE BOARDS Appointment and Terms of Local Land Use Board Members. Section 673:4-a Heritage Commissions.** – as above.