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Town of Danville  
Board of Selectmen  
Monday, July 24, 2023  
7:00 PM

6:51 PM

Meeting is Video-Recorded

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

Others Present: Kimberly Burnham, Selectmen Administrator; Stacie O'Connor, Field Supervisor; Craig Downing, State of NH Deferred Compensation Retirement State Plan

Shawn called the meeting to order at 6:51 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 6:52 PM and confirms that Stacie O'Connor is on the evening's agenda. As there are no other members of the public present, Shawn closes the Delegate session at 6:52 PM.

**II. Agenda**

**Parks and Fields Use Form:** Stacie O'Connor confirms the BOS has received copies of her proposed Park and Fields use agreement and sign-up form. She explains that she created this so that she could have everything streamlined because there are always so many questions from the BOS. It will also help keep the people and organizations that use the fields accountable and ensure everyone gets the necessary information submitted on time. Ms. O'Connor states that she is just looking for an opinion from the BOS on the paperwork. Joe asks if this would be the form that everyone will fill out. Ms. O'Connor notes if they want it. Dennis agrees it will be when they eventually get there. There are discussions regarding the paperwork.

Sheila states she would like to make changes under the Alcoholic Beverages section. She states that a Town Ordinance from March 2011 states: ***No person shall consume any liquor or any alcoholic beverage as these terms are defined in RSA 175:1, in or on: (a) A "way" as defined by RSA 259:125; (b) Town owned land or buildings without securing the proper license from the New Hampshire State Liquor Commission and a permit of use by the Board of Selectmen.*** Ms. O'Connor states she believes that is included in the agreement and asks Sheila to send her a copy of the ordinance. Dennis clarifies the ordinance refers to any Town-owned land. Annemarie explains the ordinance was passed when the Community Center was opened, noting that she was on the BOS at that time. Dennis agrees the Park and Field Use agreement should reference this Town Ordinance and suggests wording that includes the parks, fields, and any other Town-owned property. Sheila reiterates the Town Ordinance has nothing to do with making arrangements with the Police Dept. because anyone wanting to have alcohol on any Town-owned land must first have permission from the State. Ms. O'Connor explains the agreement also requires the Police Dept. for added liability and security.

Annemarie also suggests moving the insurance certificate information regarding alcoholic beverages from under the Insurance heading and inserting it under Alcoholic Beverages so all that information regarding having alcoholic beverages is together. Dennis agrees. Kim notes that anyone providing alcoholic beverages also has to have someone with a license to serve alcohol. Annemarie agrees. Ms. O'Connor believes that information is provided when the customer calls the Liquor Commission for the permit. Joe confirms this is only for the consumption of alcoholic beverages, it does not involve any selling of alcoholic beverages. Ms. O'Connor explains this would be the

case if someone wanted to rent Colby Pond for a day for a private party. That person would have to have all the permits, insurance, and someone licensed to serve drinks. Sheila adds that people can't just bring in a cold beer and watch the kids play.

Shawn suggests that under the Fire heading that there should be an exception for grilling purposes. Dennis agrees that someone could build a campfire and that could become a hazard. Annemarie expresses her concern if this would be covered by insurance. Shawn expresses his concern that a lot of people grill and suggests they could use self-contained grills. Dennis notes that other parks provide built-in grills. Joe asks if the Town has any State Plan to install these.

Shawn notes that in the past eighteen (18) years, only one person has asked to use a park and it was for a memorial service. He believes it is a good idea to put a policy in place, but doesn't see people asking to use the parks as something that will happen often. Ms. O'Connor reiterates she created the policy as a paper trail for the sports organizations. Shawn agrees it is still a good idea to have a policy in place just in case someone ever did want to hold a bigger event. He states he still believes the policy should allow people to bring in and use their own grills and asks Ms. O'Connor to wordsmith that section to include that.

Dennis notes there is no mention of how long it will take to have an application reviewed and a response returned to the applicant. Ms. O'Connor states that she can add that to the form. Dennis states it would just be so that people would know what to expect. Sheila suggests that Ms. O'Connor add the addresses of the parks and fields to the agreement. Ms. O'Connor notes that Colby Pond does not have an address. Sheila disagrees. Ms. O'Connor explains that Colby Pond was never given a physical address because it was private when it was part of Colby Pond Development. When the HOA dissolved, Colby Pond became Town-owned property. There is a discussion on the best way to describe the location of the field. It is noted that currently they use a neighborhood home as a landmark when giving directions.

Dennis asks where the \$250 deposit goes. Ms. O'Connor explains that it goes to the Town, but the checks shouldn't be cashed because the deposit is refundable. She clarifies it is only a security deposit to make sure nothing gets ruined. The BOS discusses if the Town should charge for using the fields and parks. Shawn notes that as there currently is no market for this, there isn't an issue. Ms. O'Connor again explains that the agreement and form were mainly a tool to help her streamline field management for all the sports organizations. She states she will update the paperwork with the BOS' suggestions and e-mail the new version to the BOS for further review. Kim asks that she send the revisions to her and she will send it out to all the BOS members.

**State of NH Deferred Compensation Retirement Plan:** Craig Downing, representing the State of NH Deferred Compensation Retirement Plan (referred to as the State Plan), provides packets of information to the BOS. He explains these would be the packets the State Plan would provide to participants. He also provides additional material. Mr. Downing explains that he has worked for the State of NH for thirty-two (32) years, twenty-four (24) of them at the Dept. of Labor doing hearings. While there he also served on an eight (8) member commission that oversees the State of NH Deferred Compensation Retirement Plan. This State Plan is a supplemental retirement plan in addition to the NH Retirement System pension program and Social Security. Participation in this State Plan does not affect Social Security or any other retirement plan. He notes that everyone is treated the same because the limits of the program are the same for everyone regardless of their salary.

Mr. Downing states there are no employer contributions necessary for the State Plan. The State Plan is funded 100% by employee money with no costs to the Town except the incidental costs of payroll deductions. Each pay period the Town electronically remits via ACH, each employee's contribution which is then credited to their account the same day or the next day. There is a very short holding period. Mr. Downing notes there are towns with only one (1) employee participating.

The material that Mr. Downing provided shows the State Plan's partners, the towns, cities, and counties that belong to the plan. He reminds the BOS that participation is voluntary. He explains there was no official State oversight of the State Plan until he was hired because he couldn't keep up doing the work on nights and weekends. This is his

tenth (10<sup>th</sup>) year as Executive Director. His salary is paid by the State Plan's fees on the participants' accounts. Mr. Downing states that the State Plan is the lowest price retirement option for any government entity in the State. He explains that other companies that offer services other than just retirement plans; such as insurance, etc. have costs that are almost double those of the State Plan. The State Plan uses Empower Retirement as its vendor and has approximately \$500M in assets. The State bid process requires the State Plan to go out to bid regularly and the State Plan is currently in the bid process. Mr. Downing states he expects costs to decrease again. Mr. Downing notes this is important because administration fees affect retirement plan returns and now are no longer hidden from the participants.

Mr. Downing reviews the contribution limits of the State Plan. For employees under age fifty (50), the maximum contribution is \$22,500 per year. The State Plan does allow for age catch-up. If an employee is over fifty (50) they can contribute up to \$30,000 per year. If an employee is within three (3) years of their normal retirement year they can contribute up to \$45,000 per year. Mr. Downing notes that not many employees contribute that much to the State Plan for those last three (3) years, but many add their retirement payouts for annual time and/or sick time to their fund.

Mr. Downing states that the State Plan is flexible. Employees can make their contributions before-tax or as a Roth, which has the same limits. He explains that while contributions to an individual Roth IRA is limited to \$6500 per year, the Roth choice within the State Plan is allowed to use the State Plan's limits. There was a previous drawback in that employees were required to begin using their State Plan's money by the age of seventy-two (72); however, under a new law that became effective on December 31, 2022, that requirement has been eliminated and an employee no longer has this mandatory withdrawal. Mr. Downing clarifies the State Plan operates like a 401K plan, but there is no employer management support. He believes this will change as there are a lot of opportunities for employers to participate, even without doing matches, employers can do such things as incentive payments for their employees to participate.

Joe asks how often employees can change their contributions. Mr. Downing states that technically they can change them at each pay period, but the State Plan tries to limit the changes to one (1) time per month. Employees can do either a percentage of their salary or a specific dollar amount. They can split their contributions between a Roth plan and a before-tax plan. Any employee who has \$5000 in their State Plan account can take an unrestricted loan on that money. Loan repayment can be spread out up to five (5) years. Payback of the loan is through payroll deductions. Mr. Downing explains that everything comes in a file, no town administration is necessary.

Mr. Downing states the best part of joining the State Plan is there is little fiduciary risk to the Town. If the Town chooses to use a private plan, the Town owns that plan and any errors are the fiduciary responsibility of the Town. By using the State Plan, if the Town makes an error, there is joint fiduciary responsibility between the Town and the State which narrows the fiduciary liability of the Town. Mr. Downing explains that private firms meet with their clients only two(2) times per year to review their plans, assess costs, and ensure funds have a sufficiently diversified schedule so that a participant who is choosing their own funds have access to appropriately diversified funds. He states the eight (8) member commission that oversees the State Plan meets quarterly for investment overviews to ensure there are no laggard funds in the State Plan. The commission does all the fiduciary oversight and there is no responsibility for the Town other than the dollar and cent contributions. He notes that he can provide the BOS with the commission's reports and that there is an annual accounting report at the end of each year. Accounting reports for each employee's account are available to the Town's payroll department or the Town manager daily.

Dennis clarifies that if an employee takes out a loan, the interest paid on that loan also goes back into that employee's investment account. Mr. Downing confirms this, noting the employee is in essence paying themselves back. There is a loan fee of \$50 to begin the loan and an annual fee of \$25 for each year the loan is out for 6.25% per quarter as maintenance costs. He notes these are not the best loan terms, but the loan option is there for emergencies. Mr. Downing corrects that the amount of money in an employee's account that is necessary for an employee to be eligible for a loan is \$2000, not the previously quoted \$5000. The minimum loan amount is \$1000. Mr. Downing explains this is because the IRS allows an individual to borrow from themselves a minimum of \$1000 or 50% of their account balance with no tax consequences. The loans take about six (6) weeks to begin after an

application is submitted and as previously mentioned, the employee can choose the schedule of repayment from twelve (12) months up to five (5) years.

Joe asks if employees can choose how their investments are managed, such as aggressive, etc. Mr. Downing notes that the enrollment kit he provided discusses the various risk levels and employees get a list of investments from which they can choose. Mr. Downing states that he does not have an investment license so he can't give advice. He explains the default retirement plan from the IRS and the Dept. of Labor is a target date fund. The State Plan uses T-Rowe Price. Mr. Downing notes they actively manage their plans and do a very good job. The State is constantly looking to reduce fees as the State Plan grows and there are more investments which can lower costs. Employees get a letter that explains any changes to their State Plans and why those changes were made in clear language.

Mr. Downing explains that he is the contact person for the State Plan. Employees have access to three (3) financial advisors from Empower Retirement. They don't do the CFP plans but can advise employees of a good mix of investments if target date funds are not appropriate.

Dennis asks what is the minimum requirement of employment status that can participate. Mr. Downing explains that appointed/elected officials are eligible, but questions how much they can actually contribute to the State Plan. They are eligible to contribute 100% of includable compensation from their employer, i.e: the Town, but usually can only contribute to the State Plan from that salary. The State Plan is set up more for full-time and part-time employees. They discourage seasonal employees because they are not always on the payroll for loan repayments, etc. Mr. Downing reminds the BOS that this is one of the few plans that allow part-time employees to participate. Most retirement plans do not cover part-time employees because it raises the costs of the plans.

Shawn asks what is the process for setting up the program when the BOS makes a decision on this issue. Mr. Downing explains he would provide them with a Joiner Agreement that each BOS member signs. Within a month he will then schedule time to talk to the Town's employees in person and would be working with the Town's payroll dept to set up the online accounts. Shawn expresses his concern with the State Plan's ACH payment method, noting his reluctance to give the kind of access to the Town's checking account. Mr. Downing explains that the payment is not an automatic activation, but is a push notification. There is a button that must be actively pushed to begin the ACH process. He notes the local office for Empower Retirement is in Andover, MA and emphasizes that the Town has access to live support. He clarifies for Dennis this includes both video and ZOOM calls with local teams from Andover, MA. Website and phone apps are also available. Mr. Downing explains that even if the State Plan changes vendors, the website will remain the same as it is owned by the State and is a secure website.

Shawn explains the BOS will review the material Mr. Downing has provided and will discuss the State Plan further at the next meeting. Mr. Downing encourages the BOS to contact him with any questions. He ensures that everyone has his card, and passes out further information.

**Heritage Commission Gift:** The Heritage Commission has received a donation of various historical artifacts from Barbara (Sanborn) Byrne. These have been appraised to have a value between \$425 and \$565. Due to the appraised value of these items, under NH RSA 674:44-B: I (h)<sup>ii</sup> these gifts must be accepted at a board meeting. Sheila motions to accept the donated items as listed. Second by Joe. Vote is unanimous (5-0).

**Heritage Commission Inspection Report:** The Heritage Commission has submitted its annual report on the Little Red Schoolhouse. The report has noted any issues with the building so that they can be properly budgeted for in FY24. Shawn states that he did not see anything of urgent concern and confirms that the issues listed are okay to be part of the FY24 Operating budget.

Sheila notes that on page 2 of the report that a new crack in the ceiling is noted. Annemarie confirms the crack has been hammered pretty badly and needs to be repaired. There is a discussion if this is something that can be addressed during the budget season. Shawn asks that it be noted the report was accepted by the BOS and the BOS will bring these issues back up during the budget season. He notes these issues will be budgeted in the Government Buildings budget.

### III. Old/New Business

Shawn reads the Town Announcements listed below. Please note there was an added announcement e-mailed on Tuesday, June 25, 2023, that there will be a Purple Heart Ceremony on Monday, August 7, 2023, at 6:45 PM at the Town Hall before the BOS meeting.

**Minutes:** The BOS review the minutes for the July 10, 2023 BOS public meeting.

- ✚ There is a question on Line #34. Kim states that she doesn't remember and suggests that sentence be removed. Sheila notes this was the discussion regarding what budget lines the BOS was using to pay for the replacement of the Community Center windows. She agrees this sentence can be removed.
- ✚ Shawn confirms that Kim has sent out the communication to the School District regarding the payment from the School Impact Fees. Kim confirms she is sending the check out this week.
- ✚ Shawn states that the letter regarding the BOS decision to have MRI handle the HR process of conflict resolution has been sent out to the Town's employees.

Sheila motions to approve the minutes as amended. Second by Annemarie. Vote is 4-yes, 0-no, 1-abstention (4-0-1) Dennis abstains as he was absent from that meeting.

**Signature File:** The BOS review and sign the documents in the Signature File. Sheila notes that a Home Occupation Application is already located in a Commercial zone.

Sheila states she went through the payroll warrants and reminds the BOS of their previous discussion regarding requiring Highway employees to print their names. She states this has not been done and she still can't read some of their signatures. Shawn states that Kim sent a memo out to the Town's department heads that all time cards must have the employees printed names as well as their signatures. There must be a printed name because some of the signatures are illegible. Sheila states that some timesheets didn't even have a signature. Shawn notes there is a legal requirement that employees must sign their timesheets.


Joe, in particular addressing Dennis as the BOS representative to the Heritage Commission, states that his neighbors at 135-137 Beach Plain Rd. have expressed an interest in having their home as one of the Heritage Stops for Olde Home Day. Joe explains the historic and varied history of the house, noting there are many historic artifacts. He states the owners took him up to Cupula where supposedly you can see all the way to Hampton Beach which is why the road is named Beach Plain. Sheila suggests that the owners contact the Recreation Committee as they are coordinating Olde Home Day. Joe states that's why he's bringing it up at tonight's meeting to the board and Dennis.

Dennis explains there are two (2) components to Joe's information. The owners could come to a Heritage Commission meeting and the Heritage Commission will do a deep dive historical study on the home and create a full report. Dennis notes this is one of the more interesting things that Heritage does. Sheila states the Heritage Commission is already well aware of the history of this house. Shawn advises that the owners first make an appointment to talk to Heritage. Dennis states the second component of Joe's information is that the owners need to contact the Recreation Committee because they are the ones coordinating Olde Home Days. Annemarie explains the Recreation Committee is doing all the scheduling and timing of the events. Sheila notes that the neighbor next door to this home is on the Heritage Commission.

### IV. Town Announcements

#### Calendar

- ✚ **August 7- Monday:** Purple Heart Ceremony at 6:45 PM at the Town Hall before the Board of Selectmen's Meeting
- ✚ **August 7- Monday:** Board of Selectmen's Meeting at 7:00 PM at the Town Hall
- ✚ **August 25- Friday:** Senior Coffee Hour at the Community Center 10:00 AM-12:00 Noon.
- ✚ **August 25- Friday:** Olde Home Day Kickoff. More information will follow
- ✚ **August 25-Friday through August 27- Sunday:** Olde Home Day weekend

 **August 27- Sunday:** Craft and Vendor Fair @ Day Field 8:00 AM-4:00 PM. Sponsored by the Danville Police Association.

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

The public session of the BOS meeting ends at 7:43 PM

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

Respectfully Submitted  
Deborah A. Christie

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<sup>i</sup> **TOWN ORDINANCE #4. Unlawful Possession/Consumption of an Alcoholic Beverage.** Approved March 2011 Town Vote. Online at [www.townofdanville.org](http://www.townofdanville.org). July 24, 2023

<sup>ii</sup> *State of New Hampshire. **NH RSA TITLE LXIV- STATE PLANNING AND ZONING. CHAPTER 674-LOCAL LAND USE STATE PLANNING AND REGULATORY POWERS. Heritage Commission. Section 674:44-b Powers.** –*  
*I. Generally. Heritage commissions shall have advisory and review authority, specifically, as follows .:*  
*(h) Receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the board of selectmen in a town, such gifts to be managed and controlled by the commission for its proper purposes. Online at [www.gencourt.state.nh.us/rsa/html](http://www.gencourt.state.nh.us/rsa/html). July 24, 2023,*