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Town of Danville
Board of Selectmen
June 22, 2015
7:00 pm

Selectmen Present: Chairman Shawn O'Neil, Vice-Chair Chris Giordano, Kimberly Farah, Sheila Johannesen, Josh Horns

Others present: Janet Denison, Bruce Caillouette, Beth Caillouette, Brian German, Dave Roberts, Margaret Martin, MaryAnn DiStefano,

Chairman O'Neil opened the meeting with a moment of silence for the troops who put themselves in harms way. All stood for the Pledge of Allegiance.

I. Paving Bids/Road Agent

The Board opened three paving bids with the following dollar amounts:

	Sandown Road	Colby Road	Hersey Road	Hampstead Road
Bryant Paving	\$81.50/ton	\$94.00/ton	\$94.00/ton	\$94.00/ton
Bell& Flynn	\$74.00/ton \$6.00/G	\$85.00/ton \$6.00/G	\$85.00/ton \$6.00/G	\$85.00/ton \$6.00/G
R&D Paving	\$72.95/ton	\$72.95/ton	\$72.95/ton	\$72.95/ton

There are other considerations listed on the bids which will be given to the Road Agent for his consideration.

Bruce Caillouette explained the subpar paving that occurred recently on Kingston Road. He will call the paving company tomorrow to see what can be done and speak with the Selectmen at the next meeting about it.

II. Delegate

Brian German presented an application for a home occupation. Vice-Chairman Giordano reviewed the criteria from Zoning Ordinance IV.A.2.d. Mr. German explained he will be delivering bakery products from Hookset to the Manchester area. Office work will be done at home. Vice-Chairman Giordano made and Selectman Farah seconded a **motion to approve the home business application for Brian German**. The motion **passed** unanimously.

Dave Roberts explained a home business he would like to have that involves producing and selling deionized water. He estimates he will draw about 3-4K gallons of water per month from an artesian well on his property. There was a question about what this may do to surrounding aquifers. He agreed to meet with the Selectmen at the next regularly scheduled meeting.

III. Margaret Martin – Family Promise

Margaret Martin of Family Promise explained the non-profit group is based out of Derry and serves the west end of Rockingham County. Currently they are helping 133 people in 88 families with a 90-day program that teaches life skills such as budgeting. They accounted for approximately 760k volunteer hours last year. Their program cost is \$26 per day per family. Their administration operating cost is \$54k per year. They acquired \$139k in donations last year mostly funded through private donations and grants. Ms. Martin is visiting neighboring communities to ask for their support. She was invited to speak to Chris Tracy during the budget season.

IV. Russell Wolff – Timberlane's Got Talent

Russell Wolff introduced himself as having background in producing and event planning. He said he will forward his resume. He is seeking financial support to produce a show at the Timberlane Performing Arts Center on October 2nd showcasing local talent. He said this will generate some revenue for the four school communities through ticket sales and entrance fees.

He was unsure about the insurance requirements and was told this year's budget has already been set. It was suggested he work with one community at a time, and was told Danville will need to know if it will be feasible before a commitment can be made. He was given the suggestion to talk with Chief Parsons about coordinating an event with him, possibly in conjunction with Old Home Days.

V. Signature file

Selectmen signed the 2015-13 Warrants for payroll and vendors, \$27,947.14 and \$86,959.06 respectively.

Vice-Chairman Giordano made and Selectman Farah seconded a **motion to appoint Stacy O'Connor to the Recreation Committee**. The motion **passed** unanimously.

The Selectmen approved one elderly exemption and a land use change tax bill.

VI. Policy Review

Selectman Johannesen made and Selectman Farah seconded a **motion to approve Policy 2-1, Contractor Permit and Inspection Fees**. The motion **passed** unanimously.

There was a short discussion about Policy 3-4, Fixed Assets. This policy was suggested by the town auditors. Regarding the capitalization section, it is not known if the school is GASB 34 compliant or if a capitalization policy had been recommended to the school by their auditors.

Vice-Chairman Giordano made and Selectman Horns seconded a **motion to approve Policy 3-4, Fixed Assets**. The motion **passed** unanimously.

There was a short discussion about Policy 13-1, General Assistance. Selectmen Farah will speak with the Town Clerk about this policy and report back to the Board.

There was a short discussion about Policy 14-1, Danville, New Hampshire Election Regulations. Selectman Farah stated this is more procedural guidelines than policy. This policy was the result of the Moderator's wish for consistent and correct handling of the ballots, some of which is dictated by RSA and therefore superfluous to a town policy. It was agreed to rescind this policy and give it back to the Moderator for revision. Vice-Chairman Giordano made and Selectman Johannesen seconded a **motion to rescind Policy 14-1, Danville, New Hampshire Election Regulations**. The motion **passed** unanimously.

VII. Minutes

Selectman Farah made and Selectman Johannesen seconded a **motion to approve the May 27, 2015 minutes as amended**. Josh abstained. The motion **passed**.

There was a short discussion about the June 8, 2015 minutes. It was stated that at the 2015 Deliberative Session, the school attorney stated that if Warrant Articles 4 and 11 failed, then Sandown Central School would have to close. Rob Collins, as a School Board representative, said he'd provide this Board with the written legal opinion on this matter. Selectman Johannesen made and Vice-Chairman Giordano seconded a **motion to approve the June 8, 2015 minutes as amended**. Josh abstained. The motion **passed**.

Vice-Chairman Giordano made and Selectman Farah seconded a **motion to approve the June 8, 2015 non-public minutes under RSA 91-A:3, II(e) as amended**. The motion **passed** unanimously.

Vice-Chairman Giordano made and Selectman Johannesen seconded a **motion to approve the June 8, 2015 non-public minutes under RSA 91-A:3, II(c) as amended.** The motion **passed** unanimously.

VIII. Old/New Business

Eversource is in discussion with the Planning Board regarding site plan review for the Peasley tap yard in the northwest corner of town. Town engineer Dennis Quintal has reviewed the plans and does not believe a bond is needed for this project. A bond is already in place for the roads for the entirety of the powerline corridor through town. Vice-Chairman Giordano made and Selectman Johannesen seconded a **motion to not require a bond for the Eversource's Peasley Tap Yard site plan review.** The motion **passed** unanimously.

91A requests were received from Nancy Steenson and Charles and Wanda Cote. Chairman O'Neil addressed the request from Ms. Steenson, stating that after the selectmen's meeting of June 8th, it was discovered that the school board would be meeting one last time for the year, but that meeting would be held before the next Selectmen's meeting. Chairman O'Neil determined it was imperative that correspondence be sent to the school board for their next meeting and a letter was drafted and given to the Selectmen for their review. Agreement on that letter was received via emails from each Selectman and the letter was sent to the School Board. Those emails will be attached to these minutes. (emails attached)

The requests from the Cotes were discussed. It was agreed that private emails and anything involving town counsel would not be included. Minutes have already been provided and copies of the building permits will easily be procured.

A list of unlicensed dogs was received from the Town Clerk. Vice-Chairman Giordano made and Selectman Farah seconded a **motion to authorize the Chairman to sign for receipt of the list.** The motion **passed** unanimously.

Vice-Chairman Giordano made and Selectman Farah seconded a **motion to appoint Selectman Horns as representative to the Heritage Commission.** The motion **passed** unanimously.

A letter was received from Peter Loughlin, dated June 22, 2015, and the Secretary of State, as well as a legal opinion from the NHMA that Selectman Horns can serve simultaneously as a town select person and on the school budget committee. This correspondence was received partly due to the request by the school board that Selectman Horns resign from the school board. It was noted that if the school board seeks his removal, this will have to be done through Superior Court. It was further noted the school is basing this request on an opinion they received five years ago. Selectman Farah stated this opinion has precluded at least three other people from serving on the school board/school budget committee. The letter from Peter Loughlin will be forwarded to the School Board.

MaryAnn DiStefano told the Board that members of the Heritage Commission reviewed records in Concord regarding the Old Meeting House. More research needs to be done. The new director of charitable trusts, Tom Donovan, will be invited to meet with the Board to discuss the Cy Pres.

It was agreed two members of this Board will contact two members of the Sandown Board of Selectmen to discuss sharing legal costs for matters pertaining to the school district. There was a discussion about the school district and that the Articles of Agreement for the four towns in the district are unfair toward Danville and Sandown. Selectman Horns explained that money cannot be transferred into a budget line that has been zeroed out.

At 9:42pm Vice-chair Giordano made and Selectman Horns seconded a **motion to adjourn.** The motion **passed** unanimously.

Respectfully submitted,

Janet S. Denison
Land Use/Assessing Clerk

Attachments (12 pages)

Patricia Shogren

From: kfarah84@comcast.net
Sent: Wednesday, June 10, 2015 10:25 PM
To: Patricia Shogren; Giordano, Chris; Joshua Horns; SheilaAndRoy; Shawn Oneil
Cc: kfarah84@comcast.net
Subject: Draft Letter to TRSD
Attachments: Timberlane Regional School District Warrant Articles 4 and 11.docx

Shawn and I spoke yesterday regarding the current situation with the Sandown Consolidation and Sandown Withdrawal. Based on Josh's comments and further research, I have drafted the attached letter. I still need to find the letter from Sandown to the BOS to cite in paragraph 3.

Shawn and I feel this letter should go out to TRSD BOS committees by the end of the week since most hold meetings on Monday. 6/18/15 is the last regular meeting of the TRSB and final action on the Sandown Consolidation will take place then. Typically surplus money is appropriated at this meeting also.

Since we do not have a meeting scheduled prior to then, I would like input on this tomorrow if possible. This way the letter can be sent to TRSD BOS

Please feel free to call with questions.

Kim

Patricia Shogren

From: Chris Giordano <giordanofarm@yahoo.com>
Sent: Friday, June 12, 2015 8:37 AM
To: Patricia Shogren
Subject: Re: authorize signature for school letter

Yea.

Sent from Yahoo Mail on Android

From: "Patricia Shogren" <pshogren@townofdanville.org>
Date: Fri, Jun 12, 2015 at 8:14 AM
Subject: authorize signature for school letter

All,

To authorize Chairman O'Neil to sign the letter dated 6/11/15 to Timberlane Regional District Superintendent and chair of the School Board (Dr. Earl Metzler and Nancy Steenson, respectively).

Please respond with your Yea or Nay

Patricia Shogren

Selectmen's Administrator

Town of Danville

210 Main Street

Danville, NH 03819

603-382-8253 x3

Please note that all communication to and from this email address is subject to NH RSA 91-A which affords the public access to this information, with the exception of limited, sensitive information.

Patricia Shogren

From: selectmanhorns@joshuahorns.com
Sent: Thursday, June 11, 2015 3:19 PM
To: Patricia Shogren
Subject: RE: final attached

Yea

On 2015-06-11 12:15, Patricia Shogren wrote:

- > To authorize Chairman O'Neil to sign the letter dated 6/11/15 to
- > Timberlane Regional District Superintendent and chair of the School
- > Board (Dr. Earl Metzler and Nancy Steenson, respectively).
- >
- > Please respond with your Yea or Nay
- >
- > _Patricia Shogren_
- >
- > _ _ _
- >
- > _Selectmen's Administrator_
- >
- > _Town of Danville_
- >
- > _210 Main Street_
- >
- > _Danville, NH 03819_
- >
- > _ _ _
- >
- > _603-382-8253 x3_
- >
- > Please note that all communication to and from this email address is
- > subject to NH RSA 91-A which affords the public access to this
- > information, with the exception of limited, sensitive information.
- >
- > FROM: shawn.p.oneil@gmail.com [<mailto:shawn.p.oneil@gmail.com>] ON

Patricia Shogren

From: kfarah84@comcast.net
Sent: Thursday, June 11, 2015 2:17 PM
To: Shawn Oneil
Cc: Patricia Shogren; Horns, Joshua
Subject: Re: final attached

I vote yes.

From: "Shawn O'Neil" <shawn_oneil@alum.rit.edu>
To: "Patricia Shogren" <pshogren@townofdanville.org>
Cc: "Kimberly Farah" <kfarah84@comcast.net>, "Joshua Horns" <selectmanhorns@joshuahorns.com>
Sent: Thursday, June 11, 2015 2:12:23 PM
Subject: Re: final attached

Patty,
Start take a roll call vote. I am a yes.
S

On Thu, Jun 11, 2015 at 1:46 PM, Patricia Shogren <pshogren@townofdanville.org> wrote:

Final, I believe, is attached.

Just need signature and I can send along to BOTH Super and SB chair.

Patty

Patricia Shogren

Selectmen's Administrator

Town of Danville

210 Main Street

Danville, NH 03819

> BEHALF OF Shawn O'Neil
> SENT: Thursday, June 11, 2015 2:12 PM
> TO: Patricia Shogren
> CC: Kimberly Farah; Joshua Horns
> SUBJECT: Re: final attached
>
> Patty,
>
> Start take a roll call vote. I am a yes.
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>
> _Patricia Shogren_
>
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>
> _ _ _
>
> _603-382-8253 x3 [1]_

>
> Please note that all communication to and from this email address is
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> information, with the exception of limited, sensitive information.
>
> --
>
> *****
> Shawn O'Neil
> shawn_oneil@mail.rit.edu
> *****
> PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS E-MAIL
>
> Links:
> -----
> [1] <tel:603-382-8253>

Patricia Shogren

From: Patricia Shogren
Sent: Friday, June 12, 2015 11:22 AM
To: earl.metzler@timberlane.net; nancypetunia (nancysteenson@comcast.net)
Cc: Sandown; selectmen@atkinson-nh.gov; townadmin@atkinson-nh.gov; ghamel@plaistow.com; 'Chris Giordano'; 'Joshua Horns'; 'Kimberly Farah'; 'Shawn O'Neil'; 'SheilaAndRoy@aol.com'
Subject: Danville BOS to TRSD and School Board
Attachments: Letter to Timberlane re Warrant Articles 6.11.15.pdf

Letter text below and attached.

June 11, 2015
Timberlane Regional School District
Dr. Earl Metzler, Superintendent
36 Greenough Road
Plaistow, NH 03865

Dr. Metzler,

Timberlane Regional School District Warrant Articles 4 and 11 (cited below) failed at the March 2015 voting for the district. Minutes from the 1/15/15 public hearing on the budget state: "Dr. Metzler stated he recently found out from the School District Attorney, if both articles regarding the operating cost for Sandown Central fail to pass, then the School Board is not legally allowed to spend any funds to keep Sandown Central open in 2015-2016. He also learned that if either one of those articles passes, the School Board is not required to keep Sandown Central open based on that vote."

At the February 5 deliberative session, the district's attorney clearly stated that failure of the two warrants would require closure of the school. The district plans on keeping the Sandown Central School open for pre-school, kindergarten, and special education. Per RSA 189:25, kindergarten falls under the definition of an elementary school.

Unless the TRSD can provide legal documentation to the contrary, the Town of Danville considers the Sandown Central School to be closed per the failed warrant articles. Use of funds, other than for operational maintenance of the building is misappropriation of funds. As such, the Town of Danville will pay only for the operational upkeep of the Sandown Central building.

Further, due to the Sandown Feasibility Withdrawal Study currently underway, the Town of Danville will not pay for any future capital improvements for the Sandown Schools unless an agreement is reached between the TRSD and the Town of Sandown in regards to repayment of capital expenditures should the Town of Sandown leave the TRSD.

Article 4 – Sandown Central Elementary School Kitchen Renovation and Operational Costs

Shall the voters of the Timberlane Regional School District raise and appropriate up to **\$1,160,544**, with \$744,299 to be used for the operational costs of Sandown Central Elementary School and \$416,245 to renovate the kitchen at Sandown Central Elementary School and to further authorize the District to withdraw the said

\$416,245 from the existing School Building Construction, Reconstruction, Capital Improvements and Land Purchase Capital Reserve Fund? *(Only \$744,299 shall be raised by taxation.)*

Article 11 - Continue Operation of Sandown Central on Warrant Petition by Shawn Freligh et al

Shall the voters of the Timberlane Regional School District raise and appropriate up to \$602,528 for the continuing operation of Sandown Elementary School as an elementary school? This warrant will be void if warrant article "Sandown Central Elementary School Operational Costs and Kitchen Renovation" passes.
(MAJORITY VOTE REQUIRED)

Respectfully,

Shawn O'Neil
Chairman, Danville Board of Selectmen

Cc: Nancy Steenson, School Board Chair

1/15/15 Public Hearing on Budget Minutes

"Dr. Metzler stated he recently found out from the School District Attorney, if both articles regarding the operating cost for Sandown Central fail to pass, then the School Board is not legally allowed to spend any funds to keep Sandown Central open in 2015-2016. He also learned that if either one of those articles passes, the School Board is not required to keep Sandown Central open based on that vote".

2/5/15 Transcript from Deliberative Session Vimeo:

Josh TRSD Budget Member 3:00:04 I just want to clarify that if article 11 and article 4 are both defeated that we cannot open, remain, that Sandown Central cannot remain open.

School District Attorney: 3:00:22 I can rephrase it for you. If both article 11 and article 4 defeated can Sandown Central remain open. The answer is NO. There is a law that bars the transfer of appropriations to a purpose that has been defeated by the body. So if a purpose in a separate warrant article was defeated, it is the so called "No means No" law. And that law indicates that money cannot be transferred to or expended for a purpose that is defeated at the by the voters on a separate warrant article. So if both articles 11 and 4 are defeated the School Board could not keep Sandown Elementary School open.

5/21/15 Timberlane Regional School Board meeting minutes

Motion: Mr. Collins motioned to approve the consolidation of the Sandown Schools and the relocation of the district-wide Timberlane Learning Center Preschool program to Sandown Central School as well as Sandown North Kindergarten classes to Sandown Central School (housing grades 1-5 at Sandown North Elementary School) and to create a transition team to support this consolidation plan. Mrs. Sherman seconded.

Motion to Amend: Mrs. Sherman motioned to amend by including establishing an early learning environment at Pollard School. Mr. Collins seconded. With no further discussion the motion to amend passed by unanimous vote 9-0-0. With no further discussion the motion as amended passed by unanimous vote 9-0-0.

Patricia Shogren

Selectmen's Administrator

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Town of Danville



Selectmen

Shawn O'Neil
Chris Giordano
Kimberly S. Farah
Sheila Johannesen
Joshua Horns

Town Clerk

Christine Tracy

Tax Collector

Kimberly T. Burnham

June 11, 2015

Timberlane Regional School District
Dr. Earl Metzler, Superintendent
36 Greenough Road
Plaistow, NH 03865

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Unless the TRSD can provide legal documentation to the contrary, the Town of Danville considers the Sandown Central School to be closed per the failed warrant articles. Use of funds, other than for operational maintenance of the building is misappropriation of funds. As such, the Town of Danville will pay only for the operational upkeep of the Sandown Central building.

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Respectfully,



Shawn O'Neil
Chairman, Danville Board of Selectmen

Cc: Nancy Steenson, School Board Chair

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