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Town of Danville
Board of Selectmen
September 15, 2014
7:00 pm

Selectmen Present: Shawn O'Neil-Chairman, Vice-Chair Chris Giordano, Annemarie Inman, Michelle Cooper, Kimberly Farah

Others present: Betsy Sanders, James George – Bluesky Towers, LLC., Maryann DiStephano, Frances Skinner, Carsten Springer

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. Delegate Session

Betsy Sanders, representing the Exeter DRA (Daughters of the American Revolution) Chapter, stated it was Constitution Week and asked the Selectmen to adopt the proclamation for Danville, first declared by President Eisenhower in 1956. Vice-chair Giordano made the motion, seconded by Selectman Inman, to authorize the Chairman to sign the proclamation to observe Constitution Week, the third week of September; motion passed.

Carsten Springer began to speak of his attendance at the State House on Friday September 12 for the tie vote in the Danville State Representative race when Selectman Farah called out "Point of Order" and stated there was no secretary to take the minutes of the meeting and although the meeting was recorded, something could happen to the recording. Carsten stated that Patty had just come in.

Carsten began again stating that a leather bottle was used with each candidate's chosen number and the die was tossed with Betsy Sanders' die winning. A recount was requested and held at the State Archives the following day, Saturday September 13. The vote remained tied and Betsy was declared the winner from the previous day's dice toss. Carsten stated that the Secretary of State and staff complemented Danville's handling of the tied election. He stated that this event is a perfect example of why every vote counts.

II. James George – Bluesky Towers, LLC

James stated he was here tonight to update the Board on the potential cell tower erection and answer the questions raised at his last attendance to the BOS meeting. He stated he was working proactively with towns including Rye, Windham, Hampstead, Sandown, and Atkinson. He discussed two warrant articles to be put together: one to amend the existing zoning ordinance and a second that would allow the Selectmen to enter into a long-term lease agreement. Vice-chair Giordano felt the ordinance could stand as it is and only one warrant article should be needed to allow the Selectmen to enter into a long-term lease. Following a lengthy discussion that included the past erection of towers in the southern Danville area and the empty tower located at the Stor-U-Self facility, potential emissions, and the style of the tower, James, taking Vice-chair Giordano's recommendation stated he would gladly meet with Planning Board to discuss the tower and see what variances may be needed. He also stated he would return to the SelectBoard after his meeting with Planning Board.

III. Signature file

Selectmen discussed an invoice received from town engineer Dennis Quintal for the Granite Run road inspection and stated this invoice needed to be forwarded to Granite Run for payment. The Board did not feel it would be prudent to pay this invoice with the Road Bond monies.

Selectmen reviewed the contract agreement from Bruce Mayberry, BLM Planning, and Selectman Farah stated she felt the Selectmen should go out to bid because she had some issues with the contract: BLM was from Portland, there were two typos within the first two pages, and she believed the town needed more than just a hard copy of the study; she felt an electronic copy and the information as to how conclusions were arrived at were important to understand and/or explain the methodology. It was stated that the Board had already discussed the engaging of BLM in a prior meeting, at the Planning Board's request. It has been twelve years since the school impact fees were updated. Chairman O'Neil stated that the agreement with BLM can be addressed to include an electronic copy of the study and the methodology used. Selectman Inman stated that an email was just received stating that BLM's previous study was challenged in court and the study stood with the courts finding for the town. The Board agreed to move forward with the school study but to tighten up the proposal from Bruce Mayberry; Selectman Farah abstained.

IV. Minutes / Signature File

Selectmen reviewed the minutes of August 18, 2014, and Selectman Farah stated that the minutes did not reflect the actual discussion and suggested the Board review the tape of the meeting. Vice-chair Giordano made the motion, seconded by Selectman Farah, to postpone the approval of the August 18, 2014 minutes until the Board could review the videotape of the meeting; motion passed. Selectman Cooper abstained.

Vice-chair Giordano made the motion, seconded by Selectman Farah, to approve the September 2, 2014 minutes as amended; motion passed.

Vice-chair Giordano made the motion, seconded by Selectman Farah, to approve the September 2, 2014 non-public minutes as amended; motion passed. Selectman Inman abstained.

Selectmen signed the 2014-19 warrants for payroll and vendors.

V. New/Old Business

Vice-chair Giordano recommended that the Board rescind the Election Policy that was put into place last spring. He stated that all election policies were governed by RSA so the policy was not needed. Also, one item in the Town Policy was illegal and the Board overstepped their bounds in approving this. Policies and procedures governed by RSA do not need to be restated. Vice-chair Giordano made the motion, seconded by Selectman Farah, to rescind Policy 14-1 Supplemental Voting Regulations; motion passed.

Selectman Cooper asked if an incident involving the former ambulance vehicle that is being refitted was reported to the office. Nothing had been reported and Selectman Cooper stated that Patty needed to look into the incident and repairs to the vehicle's front fender needed to be made professionally.

Selectman Cooper raised the issue of the shooting that is continually occurring at the Town Forest and asked that this be addressed by the Board. She asked that the Board officially ban target shooting; it has become a safety issue. Selectman Cooper asked that a motion be made to close the area that is being used for target shooting suggesting that the discharge of firearms, other than what was allowed by RSA, be banned. She stated it was a liability issue and the discharge of firearms needed to be restricted. It was suggested that the issue be run by legal counsel and whatever was done needed to be legal and enforceable. Selectman Cooper made the motion the motion that the Board temporarily close the Town Forest to shooting, seconded by Selectman Farah. Motion failed 2-3, O'Neil, Inman, and Giordano voting no.

The Board discussed the election inspectors, two-year appointments, needing to be appointed and stated that the deadline was October 15 for the November election. Vice-chair Giordano stated that he thought only mayoral and senate races need inspectors. It was suggested that a sign-up sheet with allocated times be drawn up for the Selectmen coverage at the polls.

Selectman Farah brought up the proposed cell tower, the long term lease needed, and the profit to be made by Bluesky and suggested that this can go out to bid.

At 9:00pm, Chairman O'Neil called for a motion to go into non-public session and told the viewing audience that the Board would resume public session to adjourn, ending the viewing of the meeting. Vice-chair Giordano made the motion, seconded by Selectman Inman, to enter into non-public session under 91-A: 3 II (c). Roll call: O'Neil – yes, Cooper – yes, Inman – yes, Farah – yes, Giordano – yes; motion passed.

Vice-chair Giordano made the motion, seconded by Selectman Inman, to return to public session. Roll call: O'Neil – yes, Cooper – yes, Inman – yes, Farah – yes, Giordano – yes; motion passed.

Vice-chair Giordano made the motion, seconded by Selectman Inman, to seal the minutes under the guidelines of 91-A: 3 II (c). Roll call: O'Neil – yes, Cooper – yes, Inman – yes, Farah – yes, Giordano – yes; motion passed.

At 9:25pm Vice-chair Giordano made the motion, seconded by Selectman Inman, to return adjourn; motion passed.

Respectfully submitted,

Patricia Shogren
Selectmen's Administrator

From: legalinquiries [<mailto:legalinquiries@nhmunicipal.org>]
Sent: Thursday, September 04, 2014 2:11 PM
To: Janet Denison
Subject: Danville: voting regulations

Ms. Denison:

First, I would observe that Policy #14-1 Danville, New Hampshire Election Regulations appears to have been adopted by the Danville Board of Selectmen. RSA 31:41-c permits the Town Meeting, not the Selectmen, to adopt bylaws that regulate the "distribution of campaign materials or electioneering or any activity which affects the safety, welfare and rights of voters at any election". Based on that observation, I question the legal validity of the Danville Election Regulations.

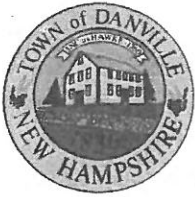
Second, neither RSA 658:24 nor RSA 659:58 addresses the disqualification of an election officer whose wife, husband, children, mother, father, sisters or brothers are on the ballot. That being the case, where the Town Meeting has not adopted the Danville Election Regulations, in my opinion these additional disqualification provisions would not be enforceable to the extent they are inconsistent with RSA 658:24 and RSA 659:58. Those statutes are as follow:

658:24 Disqualification of Certain Persons. – Any person, other than a moderator, clerk, selectman, inspector of election, or supervisor of the checklist, whose name appears on a ballot for an elective position, other than a position of an election official, shall be disqualified from performing duties as an election official in that election. A person so disqualified shall not be considered to have vacated any office but rather only to be absent therefrom. A temporary replacement shall be appointed as provided in RSA 658:22. A moderator, clerk, selectman, inspector of election, or supervisor of the checklist whose name appears on a ballot for an elective position, other than the position of an election official, shall be disqualified from the handling of marked ballots and the counting of votes.

659:58 Disqualification of Officials. – Any election official, other than the moderator, who is also a candidate for office shall not be allowed to remain within the guardrail during the counting of votes for an office for which he is a candidate. Such official shall disqualify himself from election duties relating to the tabulation of votes; and the moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers of the election official who is disqualified until such official may properly return.

Sincerely,

Stephen C. Buckley, Esquire
Legal Services Counsel
New Hampshire Municipal Association
25 Triangle Park Drive
Concord, NH 03301
Tel: (603) 224-7447 x3408
Email: legalinquiries@nhmunicipal.org



Town of Danville
New Hampshire 03819

POLICY #14-1 Danville, New Hampshire Election Regulations

Purpose:

All elections in the Town of Danville, NH will be conducted in accordance with all applicable State and Federal laws.

Policy:

The following supplemental regulations shall also apply.

Prior to Election

1. All election officials (Selectmen, Ballot Clerks, Moderator, Town Clerk, Deputy Town Clerk, Supervisors of the Checklist, Inspectors of Election) shall have completed the appropriate election training for their position. Said training must have been completed within four years of the election and must be refreshed at least every four years. The Town Clerk shall be responsible for collecting copies of the training certificates from all election officials and shall provide certification of said training to the Moderator prior to the election.
2. The Moderator and Town Clerk shall test the voting equipment prior to election. Notice of equipment testing shall be properly noticed per state RSAs.
3. All ballots shall be posted prior to the election in accordance with State and Federal law. Ballots shall be posted in a manner such that the entire ballot (including any supporting items) is fully readable. At least one sample ballot shall be posted not higher than 48" so as to be convenient for voters in wheelchair. (RSA 658:26)
4. The Selectmen shall set the hours for voting. Unless otherwise specified, the voting hours shall be 8AM-7PM for Town elections and 8AM-8PM for State and Federal elections.
5. Ballots for Town elections shall be printed such that the first page of a multi-page ballot is in a color different from that of subsequent pages.
6. Inspectors of election should be appointed by each of the two major political parties to work with the other election officials. Generally, there are at least two inspectors of election for each of the two major parties. However, if the number of voters at the polling place exceeds 2000, the parties may appoint one additional inspector for each 1500 voters. If any such appointments are not made by the political committees and proper notification thereof given on or before October 15, they shall make the appointments of the inspectors of election in equal numbers between the two major political parties. (RSA 658:2)
7. The Moderator shall inspect the voting area at least 24 hours prior to voting to ensure proper setup.

Election Day

1. Check-in of voters by the Ballot Clerks shall be conducted in accordance with the attached procedure (Attachment A) as amended. Please note that this procedure is modified slightly for State and Federal primary elections where party affiliation must also be noted. The Moderator shall review the procedure with the ballot clerks at each election prior to the opening of the polls.

2. Any unregistered person who wishes to vote in any election shall proceed directly to the supervisors of the checklist to register in the polling place. Individuals must be 18 years of age or older and must present proof of identity, age, domicile, and citizenship or complete a qualified voter or domicile affidavit at the time of registration. The supervisors of the checklist and Ballot Clerks shall follow the following procedure:
 - a. Applicant for registration goes to the supervisors of the checklist.
 - b. Supervisors check to ensure the individual is not already registered and on the checklist.
 - c. If the individual is already registered to vote, but is not in the correct voting place, the supervisor will direct the individual to the correct town or ward.
 - d. Applicant presents proof of qualification as a voter for that polling place or completes and swears to/affirms necessary affidavits.
 - e. Either the individual or supervisor fills out a voter registration form by printing legibly, with the voter signing the bottom of the registration form. (RSA 654:12)
 - f. Once the registration form is completed, the supervisor directs the voter to the ballot clerk, ensures the name, address, and party affiliation of the voter get written on the checklist, and provides the newly registered voter a New Voter Authorization Card that the voter can carry to the ballot clerk as evidence that he or she is registered.
 - g. If the voter did not present a photo ID acceptable for obtaining a ballot, the supervisors should have the voter complete a challenged voter affidavit prior to getting in the voter check-in line for presentation along with the New Voter Authorization Card.
 - h. The voter presents the New Voter Authorization Card to the Ballot Clerk who shall retain the card for return to the supervisors of the checklist at the earliest convenience (but not later than the close of polls).
3. All persons requesting assistance in voting and all persons providing said assistance shall complete the applicable oath which shall be administered by the Moderator (or designee).
4. Use of cell phones shall be prohibited within the rail.
5. Use of cameras (video or still) within the election hall shall require approval by the Moderator.
6. For State and Federal Elections, at least two Selectmen shall be present at all times (NH State Constitution, Part 2, Article 32).
7. Any moderator, clerk, selectman, inspector of election, or supervisor of the checklist whose name appears on the ballot for an elective position other than an election official is not disqualified from performing election duties so long as they do not handle marked ballots or count votes. Although State RSAs allow for the moderator, clerk, selectman, inspector of election, or supervisor of the checklist who is on the ballot for a position as an election official to perform their duties and handle marked ballots, the moderator shall have the ability to restrict such officials from handling marked ballots to ensure the purity and integrity of elections.
8. Members of the immediate family of a candidate and the candidate's spouse (wife, husband, children, mother, father, sisters, brothers) whose name appears on the ballot or who has acknowledged and accepted a write-in candidacy shall be disqualified from performing the duties of an election official in that election
9. Only one voter shall be permitted within a single voting booth (except as specifically permitted per RSA).
10. Voters shall not be allowed to remain in the voting area (i.e., behind the rail) once they have completed their ballots.
11. During the voting hours on all election days, no person who is a candidate for office or who is representing or working on behalf of a candidate, party, political organization, initiative, or ballot question for any election, shall be allowed to hold or carry any signs or handbills, distribute any handbills, post any political signs, or gather signatures in front of the entrance to

- the polling place for a distance of 100 feet on each side of such entrance and/or exit. Such activities shall be permitted only in areas specified by the Moderator.
12. During the voting hours on election days, no person shall park a vehicle in front of the entrance to the polling place, for a distance of 100 feet on each side of each entrance, except for the purpose of voting.
 13. During the voting hours on election days, no person shall park a trailer or vehicle with campaign signs that are mounted, attached or painted on said trailer or motor vehicle in the public parking lots of the properties where voting is held, except for the purpose of voting.
 14. Prior to and on election days, no unattended campaign material shall be allowed on the Danville Community Center Property or on the Westerly Side of Main Street in front of the Community Center.
 15. No one may obstruct voters as they enter or exit the polling place, and no one can electioneer within the polling place. Exit polling and other such activities shall not be permitted on the usual and customary path into and out of the polling place. The Moderator shall designate areas in which such activities may take place.
 16. Bake sales, meals for election workers, public displays by non-profit organizations (e.g., Scouts, American Legion), and/or public information displays within the voting hall on issues not before the voters at the election shall require the permission of the Moderator. Neither letter signing drives nor petitions shall be permitted. The Moderator shall have sole authority to grant or deny requests for displays within the voting hall. (RSA 659:43; RSA 659:44)
 17. Absentee Ballots shall be processed per the following process:
 - A notice indicating the time for processing absentee ballots shall be posted by the Moderator
 - On election day, prior to the time set by the moderator for processing absentee ballots the town clerk shall deliver the absentee ballot envelopes received from absentee voters, with the applications attached, to the moderator. (RSA 657:23) The deadline for receipt of absentee ballots is 5:00PM on election day. The Town Clerk shall arrange to retrieve all U.S. mail delivered on election day by 5:00PM. 659:49
 - The moderator begins processing absentee ballots by announcing that he or she is about to open the envelopes. The moderator removes the envelope containing the ballot of each absentee voter and he or she compares the signature on the affidavit and the application. If the name of the voter is on the checklist, the affidavit is properly executed, and the signatures match, the moderator then publicly announces the name of the absentee voter. With respect to any voter who has been included in the address confidentiality program under RSA 7:43 or who has been granted a protection order under RSA 173-B, the moderator shall identify such voters as "confidential voter #1" and "confidential voter #2", and so forth. (RSA 659:50)
 - The Ballot Clerk shall repeat the name of the voter and shall place a checkmark beside the name of the absent voter on the checklist with the letters "AV" in red ink.
 - The Moderator (or designee) shall deposit the ballot in the ballot box or insert it into the ballot counting device. 659:52
 - The opened (empty) envelope is preserved using the same retention period as the cast ballots. (RSA 659:49-b, RSA 659:52, RSA 659:101)
 - If the moderator determines the absentee voter is not entitled to vote, the envelope is not opened and the reason the ballot is rejected is marked on the envelope. The moderator shall also record next to the name of the absentee voter on the clerk's absentee voter list the word "rejected" and the reason for the rejection. The moderator

preserves unopened rejected absentee ballot envelopes using the same retention period as the cast ballots for that election. (RSA 659:53)

Post Election

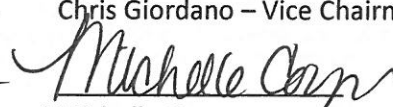
1. Ballots must be sealed immediately after the votes at a state election have been tabulated, the results have been announced, and the return prepared. The moderator or his or her designee, in the presence of the selectmen or their designee, shall place the
 - Cast ballots;
 - Cancelled ballots;
 - Uncast ballots;
 - Ballots from any additional polling places; and
 - Successfully challenged absentee ballotsin containers supplied by the Secretary of State (for state and federal elections) and shall indicate the number of such ballots on the seal. (RSA 659:95 & 659:97) Open empty envelopes are not included in the boxes with the ballots but are retained separately by the Town Clerk for a period of six months.
2. The resealing label, called the "Label for Resealing Ballots," must be signed by the moderator and selectmen or their designees
3. The procedure for sealing of the boxes shall be as follows. Each container must be securely sealed.
 - First, seal up the box with filament tape
 - Second, stick the official "Label for Resealing Ballots" on the box
 - Third, use the red security tape to make a tape seal around the entire box, and along the edge of the label
 - Then tape down the ends of the label with two short strips of the red tamper-evident tape.
4. All sealed boxes shall be marked by the moderator with the date that said boxes shall be discarded.
5. The moderator and selectmen or their designees shall deliver the ballots in their sealed container to the town or city clerk. The clerk shall subscribe upon the label the hour when he or she received the ballots and sign his or her name in the place provided. (RSA 659:98)
6. The Town Clerk shall utilize the Danville Police Department for the transport of the sealed ballots between locations if necessary. The Police Department shall file a standard police report to document such transfer. Said report shall include: Date, time, and place of pickup/delivery, officer(s) involved in the transfer, the number of boxes transferred, the condition of the boxes (sealed/unsealed), and the names of the persons from whom the ballots were received and to whom they were delivered.
7. A Chain of Custody log shall be maintained for the transfer of all ballots (See Attachment B). The chain of custody log shall be attached to Box #1 of the sealed ballots. The Moderator initiates the Chain of Custody Log upon sealing of the ballots.
8. Boxes shall be labeled such that the total number of boxes is indicated on each box (e.g., "Box 1 of 5").
9. The Town Clerk shall record absentee ballots received after 5PM on election day in ElectionNet with the return date and shall mark the ballot as rejected due to receipt after election day. (RSA 657:22)

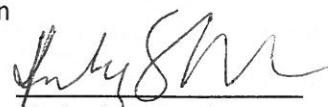
Danville Board of Selectmen


Shawn O'Neil – Chairman


Chris Giordano – Vice Chairman


Annemarie Inman


Michelle Cooper


Kimberly S. Farah

Date: 5-12-2014

BALLOT CLERK PROCEDURE

Before Voters are allowed in the voter check-in (Ballot Clerk) line, election officials should ask them if they are a registered voter, inform them of the Voter ID law and direct them to the correct line or table.

Before a Voter is allowed into the area within the guardrail to vote:

1. The Voter shall announce his or her name to the Ballot Clerk.
2. The Ballot Clerk shall repeat the name given by the Voter.
 - a. If the Voter's name is NOT found on the checklist, the Ballot Clerk shall direct the Voter to the Supervisors of the Checklist/Registrars.
 - b. If the Voter's name is found on the checklist, the Ballot Clerk shall, using a ruler, put a check mark ✓ beside the name and repeat the name again.
3. The Ballot Clerk shall then state the domicile/mailling address for the Voter that is listed on the checklist and ask the Voter if the domicile/mailling address is correct
 - a. If the domicile/mailling address is NOT correct, and the Voter's current domicile address is within the same town or ward, the Ballot Clerk shall correct the address(es) in RED on the paper checklist to reflect the correction.
 - b. If the domicile/mailling address is NOT correct, and the Voter's current address is NOT within the same town or ward, the Ballot Clerk should inform the Voter that he or she is not at the correct polling place and that he or she can only vote where they are domiciled.
4. The Ballot Clerk shall request the Voter present a valid photo ID in the form of:
 - a. A driver's license issued by any state or the federal government;
 - b. A non-driver's license issued by any state;
 - c. An ID card issued for voting purposes only;
 - d. A United States Armed Services ID card;
 - e. A United States Passport or Passcard;
 - f. A NH Student ID card;
 - i. An acceptable student photo ID card issued by: (The Department of Education list is available on the Secretary of State's website - www.sos.nh.gov)
 1. A college, university or career school approved to operate or licensed to operate in New Hampshire;
 2. A public high school in New Hampshire;
 3. A nonpublic high school in New Hampshire accredited by a private school accrediting agency that is recognized by the NH Department of Education;
 4. Dartmouth College;
 5. A college or university operated by the university system of New Hampshire or the community college system of New Hampshire.

BALLOT CLERK PROCEDURE

- ii. The card has either an expiration date or an issuance date that has NOT exceeded 5 years;
 - iii. EXCEPTION: Student ID cards without a date of expiration or issuance will be accepted until September 1, 2018.
 - g. A photo ID not mentioned above, but determined to be legitimate by the Moderator, Supervisors of the Checklist or Town or City Clerk.
 - h. Verification of the person's identity by the Moderator, a Supervisor of the Checklist or the Town or City Clerk (not a Ballot Clerk).
5. A valid photo identification shall show:
- a. Name and photo of the individual.
 - i. The name shall substantially conform to the name of the individual on their voter registration record
 - b. Photo ID expiration date shall not exceed 5 years.
 - i. Exception: a voter 65 years or older has NO expiration date
6. If the Voter does NOT present a valid photo ID, the Ballot Clerk shall tell the voter they will be permitted to vote if they complete a "Challenged Voter Affidavit" (CVA).
7. If the Voter presents a "CVA" to the Ballot Clerk, the Ballot Clerk shall put a check mark ✓ in the "CVA" box on the checklist to the right of the Voter's name.
8. The Ballot Clerk shall take the "CVA" from the Voter and place it in a folder or container marked for this purpose.
9. The Voter, if still qualified to vote in the town or ward and having presented an acceptable photo ID or completed a "CVA", and unless challenged as provided for in RSA 659:27 through 659:33, shall then be allowed to enter the space enclosed by the guardrail.
10. The Ballot Clerk gives the Voter the appropriate ballot(s).



After a Voter is allowed into the area within the guardrail to vote:

11. The Ballot Clerk uses a ruler or straight edge to mark the checklist to indicate that the Voter has obtained his or her ballot. We recommend crossing out the last name of the Voter on the checklist, which requires a second look at the Voter's name and the use of the ruler, for example, Jones, John.

Town of Danville, NH Voter Checklist						
Party	Voter Name	Identity	Current Address	Mailing Address	Ward	Voter ID Barcode
Ward 01		CVA				
DEM	ACADE, ANNE S	<input type="checkbox"/>	2 MAIN ST	PO BOX 2323	03	037002001
DEM	ACADE, MICHAEL H	<input checked="" type="checkbox"/>	1 MAIN ST	PO BOX 1000	03	037002002
DEM	ACADE, LESLIE D	<input type="checkbox"/>	10 NORTH RD	ANYTOWN, NH 03000	03	037002003
REP	ACADE, TED G	<input checked="" type="checkbox"/>	5 Elm Street	PO BOX 1000	03	037002004

Attachment B

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