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Town of Danville
Board of Selectmen
December 7, 2015
7:00 pm

Meeting televised

Selectmen Present: Chairman Shawn O'Neil, Vice-chair Chris Giordano, Kimberly Farah, Sheila Johannesen, Joshua Horns (excused) – arrived at 8:30pm

Others present: Mary Ann DiStephano, Nathan Landry, Ann Powers, Brenda Whitehouse, Janet Denison, Mike Blanche

Chairman O'Neil 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 – None
- II. Eagle Scout project presentation – Nathan Landry

Nathan presented the details of his scout bandstand project with the board, outlining the scope of his project, noting each step, including the materials needed. He discussed his fundraising plans. The board discussed the pros/cons of a generator versus having the power company run a line to the bandstand. Nathan stated he had looked into this and it was cost prohibitive for him. It would cost approximately \$5000 to accomplish with the electric company, and this means of power would also generate a monthly bill for the town. Farah had concerns with an enclosed generator and the balancing between protecting it from theft and having easy access to service. Giordano made the motion, seconded by Johannesen, to approve Nathan moving forward with his Eagle Scout Project; motion passed. Nathan will drop off papers to the office for selectmen signatures.

Ann Powers updated the board stating the Vendor and Craft Fair raised \$500.00 and the Recreation Committee already had tables reserved for the Spring Craft Fair.

III. Budget

Giordano made the motion, seconded by Farah, to approve the 4191.10 Planning Board budget for \$6,800.00; motion passed. The Board added a new line for Professional Services and put \$4,000.00 into the budget.

Farah made the motion, seconded by Giordano, to approve the 4140.2 Voter Registration budget for \$24,617.00; motion passed. Four elections and the deliberative session will be held in 2016.

Farah made the motion, seconded by Giordano, to approve the 4140.10 Town Clerk budget for \$71,882.00; motion passed.

Farah made the motion, seconded by Giordano, to approve the 4445.20 Vendor budget for \$31,682.00; motion passed.

Farah made the motion, seconded by Giordano, to approve the 4441.10 Welfare budget for \$4,147.00; motion passed.

IV. Signature File/Minutes

Selectmen signed the 2015-25 Vendor and Payroll manifest. Selectmen signed a veteran credit and an application for Current Use.

Johannesen made the motion, seconded by Giordano, to appoint Cara Fatout to the Recreation Committee; motion passed.

Farah made the motion, seconded by Johannesen, to approve the November 30, 2015 minutes as amended; motion passed.

V. Old/New Business - updates

Selectmen discussed the assessing of homes utilizing solar energy and the board consensus is that the utilization of solar energy for power should not add value to a home. Farah suggested a Warrant Article be drafted to make solar panels/energy exempt from taxation. Currently, though, the RSA addressing solar energy and DRA's ruling regarding the added value of a property due to solar panels are in direct conflict with one another. Giordano stated that until the two state agencies came to terms, the town could not act on this at this time.

Horns made the motion, seconded by Farah, to hold the Town's Deliberative Session on Saturday, February 6, 2016 at 10:00AM; motion passed. Snow date will be the following day.

Patty discussed her meeting with the Department of Labor and stated that overall, everything was in good order. She discussed the definition of a volunteer that was given to her by the Inspector and stated that although the town has a letter stating that response firefighters can be paid once a year, since the firefighters receive an hourly wage, they are considered employees, not volunteers. O'Neil stated that the Inspector originally showed up at the fire department to set up a meeting time and when the DOL was contacted, a backstroke was done and it was stated that this was in error and the Inspector would need information from the town, not just the fire department. Patty stated the fire department was targeted, most of the review was done on those files. Necessary corrective measures have been taken.

Johannesen stated that she had seen someone driving the town van that was doing "something" at the Community Center with the luncheon. She would not disclose the name. This individual is not an employee or an elected official. She had concerns with this and contacted legal at the NH Municipal Association. She read the question she posed to legal stating her concern of the town's liability of someone driving the van who is not an employee, etc. (see attached email correspondence) Legal responded stating that the town's insurance coverage needed to be reviewed for coverage. It was also stated that a policy could be created that addressed the use of town vehicles by those other than elected officials or town employees.

O'Neil stated that Johannesen had originally brought this up as a non-public agenda item but when it was discovered what her issue was, this did not qualify as a non-public meeting. He stated that if Johannesen had bothered to contact the office and ask, she would have discovered that all volunteers are covered under that Town's liability insurance with vehicle coverage and medical coverage. He noted that the day in question was the set up for the Senior Luncheon, the Tree Lighting, and the following Pizza Party. He stated that this was another example of Johannesen's targeting of Police Chief Wade Parsons and it was insulting that this was continuing. He also noted that although the driver in question was not a member of a formal committee, his volunteering for multiple town events was well known and should be appreciated.

At 9:50pm, Giordano made the motion, seconded by Farah, to go into non-public session under 91-A:3 II (c). Roll call vote: O'Neil-yes, Johannesen-yes, Horns-yes, Farah-yes, Giordano-yes; motion passed.

At 10:45 Giordano made the motion, seconded by Horns, to return to public session. Roll call vote: O'Neil-yes, Johannesen-yes, Horns-yes, Farah-yes, Giordano-yes; motion passed.

Giordano made the motion, seconded by Horns, to seal the minutes under the guidelines of 91-A:3 II (c). Roll call vote: O'Neil-yes, Johannesen-yes, Horns-yes, Farah-yes, Giordano-yes; motion passed.

At 10:45 Giordano made the motion, seconded by Horns, to adjourn; motion passed.

Respectfully submitted,

Patricia Shogren
Administrator

From: legalinquiries <legalinquiries@nhmunicipal.org>
To: sheilaandroy <sheilaandroy@aol.com>
Subject: Danville insurance question regarding town vehicles
Date: Tue, Dec 1, 2015 9:55 am

Sheila:

You need to review this issue with the Town's property-liability insurance carrier to determine their position on the matter. Generally speaking, any person who is given permission to drive a vehicle owned and insured by third party is deemed to be insured under the policy of insurance covering that vehicle. You need to determine what are the contours of the permissive user coverage for Town vehicles from your property-liability carrier. It would also be recommended that the select board adopt and implement a policy concerning the operation of town vehicles, and whether a "common person", other than a town employee or town official is authorized to operate a Town vehicle.

Stephen C. Buckley, Esquire
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From: Sheila & Roy Johannesen [<mailto:sheilaandroy@aol.com>]
Sent: Tuesday, December 01, 2015 9:36 AM
To: legalinquiries
Subject: Danville insurance question regarding town vehicles

Good Morning,

From a legal standpoint, should a town allow anyone, other than an official town employee to drive any of the "town vehicles"? By anyone I mean the everyday common person, who could live anywhere in or out of the town. For example: The town has a Animal Control Van, used for the ACO. On elections it is used to transport election equipment to the poll and back to town hall, the person driving the van is a town official in his capacity of his duties to take care of the voting polls. The other day I witnessed the ACO van being driven by someone who is "a common person" with no ties to the town, not on any board to the town, driving the van. Should the Town allow someone other than an official drive the van? As a Selectman I see this to be a huge no not just on liability itself.

We have no background checks on these people, in NH you don't have to have insurance on your vehicles. I also remember we had to take a driver course by LGC so we could be certified for the insurance to drive it. I am looking for some guidance as I will be bringing this up at a BOS meeting.

Sheila Johannesen
Danville Selectman