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Town of Danville  
Board of Selectmen  
August 1, 2016  
7:00 pm

Meeting Live-streamed

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

Others present: Janet Denison- Land Use/Assessing Clerk, Patty Shogren-Administrator, Meghan O'Neil-Recorder, Stacie O'Connor, Approximately 5 residents

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. Public Hearing- Permit Fees

Chairman O'Neil informed the Board that the building inspector was on vacation this week and would not be able to complete the Public Hearing this evening.

Vice-Chair Giordano made the motion, seconded by Selectman Johannesen, to continue the Public Hearing on Permit Fees to the next meeting; **motion passed.**

II. Delegate Session

Steve Pascoe, of 5 Red Pine Street would like to use the upstairs as an office space for his real estate business. Vice-Chair Giordano asked him questions pertaining to the business. With his business no customers will show up to the premise, no harmful chemicals will be used, no excessive noise, no business signs and no more than one commercial vehicle will be used.

Chairman O'Neil questioned previous dilemmas with the property such as an apartment, cars, and a mailbox. Those issues have been addressed and there are no current issues. Selectman Farah questioned why the homeowner's name was blank on the application. The problem was resolved and Steve Pascoe was filled in as the owner of the residence.

Vice-Chair Giordano informed Mr. Pascoe that this permit can be revoked at any time if the previous questions were not answered truthfully. Vice-Chair Giordano made the motion, seconded by Selectman Cogswell, to grant the application of a home office for Mr. Pascoe's business. Mr. Pascoe asked if his business was a part of the business district. The Board informed him it was not because the business district ends at Mayo's Market. **Motion passed.**

Stacie O'Connor, of the Recreation Committee asked the Board for approval to allow the Recreation Committee to purchase a storage shed through fundraising and be kept at the Danville Community Center. This shed will store decorations, crafts, utensils, etc. The Committee currently has two shelf spaces that do not suffice. Selectman Johannesen suggested the basement of the Town Hall. However, if there was a weekend event the Recreation Committee would not have access and the basement is smelly. Chairman O'Neil referred Ms. O'Connor to the Community Center Committee for final approval. A Danville resident pointed out the location of the shed due to winter time plowing and this should be considered when choosing a location for the shed. The Board was in consensus of the shed for the Recreation Committee.

III. Unutil- Update on Route 111 Project

Two Unitil representatives, Jake and Nick, updated the Board about the progress of the Route 111 Project. They are currently working with NHDOT for approval to build a line and currently have approval for an overhead pole line. They are in the design review phase and are hoping to have approval within the next month. This means that construction can begin on October 1<sup>st</sup>, have poles in by November, build the pole line over the winter and hopefully have results by the end of the spring.

The plans have been changed since the last time the Board has seen them. The goal is to not add any infrastructure to the area. Selectman Farah suggested that during construction time the company work around bus schedules to allow students a reliable route, in a timely fashion.

It was questioned whether they needed a Conditional Use Permit, and the Board deemed that it was not necessary.

#### IV. Signature File/ Minutes

Vice-Chair Giordano made the motion, seconded by Chairman O'Neil, to appoint Selectman Cogswell to the Recreation Committee; **motion passed.** Selectman Cogswell abstained, Selectman Johannesen opposed.

Selectman signed Vendor Warrant #2016-15, Payroll Warrant #2016-15, Administrative Abatement, Application for Reimbursement, Check Authorization, a Cemetery Deed. The other Cemetery Deed's looked to be copies and this will be fixed for the next meeting.

Selectman Johannesen made the motion, seconded by Selectman Farah to approve the July 5, 2016 public minutes as amended; **motion passed.** Vice-Chair Giordano abstained.

Selectman Farah made the motion, seconded by Selectman Johannesen, to approve the July 5, 2016 non-public minutes as amended; **motion passed.** Vice-Chair Giordano abstained.

Selectman Farah made the motion, seconded by Selectman Johannesen, to approve the July 11, 2016 non-public minutes as written; **motion passed.** Vice-Chair Giordano abstained.

July 18, 2016 non-public minutes are being deferred to the non-public session later.

#### V. Terra Realty

Timothy Tanner Attorney and representative for Terra Realty and Wayne Morrill of Jones and Beach Engineers wanted to meet with the Board to go over the Conditional Excavation Permit they have for the area north of Tuckertown Road. This permit has been issued. Vice-Chair Giordano suggested that they meet with the Planning Board because they are the ones to issue the Excavation Permits.

The last time that this plan was approved was in 2006 and the company never followed through. They are trying to get the ball rolling again to follow through on this project. Vice-Chair Giordano informed them to forward the plans to Dennis Quintal, Town Engineer, for review.

Selectman Farah suggested that the permit be reviewed since it was generated in 1999. The dollar values have changed, and the latest plans are from 2006, which was ten years ago. She suggested that they meet with the Town Engineer. Their response was that there are no time limits on a permit.

Chairman O'Neil informed them that there would need to be money in escrow before this moved forward. Mr. Tanner informed Chairman O'Neil that the money in escrow was a part of the Conditional Excavation Permit. A resident asked if the plan was to move forward with the permit that was already drafted. This was found to be true.

Another resident informed the Board that there has been no discussion of removing brush and what is considered brush such as trees, shrubs, fallen branches, etc. Also, he informed the Board that from an environmental stand point that the road is in bad shape to be used, as is. The road condition is different from what it was in 2006. Vice-Chair Giordano said that this can be discussed with the Planning Board.

Vice-Chair Giordano pointed out that the permit states a lot about working with the water level. However, since the last time this has been worked on the Town had some elevations put in

Selectman Johannesen asked if the escrow account dollar figure was in today's dollar amount or back in 1999 when the permit was drafted. Mr. Tanner informed her that this account has a minimum balance and if the account goes below that amount, more money will be added. Residents want to see the road preserved and not destroyed.

VI. Minutes (Continued)

Selectman Farah made the motion, seconded by Selectman Johannesen, to approve the July 18, 2016 public minutes as amended; **motion passed.**

VII. Old/New Business

Selectman Farah suggested that for the November Presidential election that the voting hours be changed from 8am-7pm to 8am-8pm. This is only for the November Presidential election.

Chairman O'Neil will ask the Town Moderator, Barry Hantman about doing this.

Selectman Cogswell made the motion, seconded by Selectman Johannesen, to change the polling hours of the November Federal election to 8am-8pm, contingent upon Barry Hantman; **motion passed.**

Selectman Farah also inquired about the area Board of Selectman meeting and if any of the other selectmen attended. This meeting was cancelled.

Selectman Farah informed the Board about the school CIP committee. They are working through requests, she suggested they draft a building utilization plan, but currently there is no strategic plan.

Selectman Farah asked if the residents had access to the listing of assessments in town that can be used for comparisons. Patty Shogren informed her that the hearings that can be made in regards to the assessments are more for informing the town that a house is a 2 bath, instead of a 3 bath house.

Chairman O'Neil brought up the candidate Q&A session for both State offices to be held on August 17<sup>th</sup> at the Danville Community Center, moderated by Barry. With a lack of time, Chairman O'Neil coordinated with Barry, the notices to the running officials and the Community Center, without consent from the other Selectmen. This event is now considered to be in the hands of Barry and the rules of the last town Q&A session will be followed. It was agreed upon by the Board that candidates that cannot be present are allowed to have a 3-minute blurb that will be read by the moderator, no surrogates will be allowed. The Police Department will be notified of this event as a precaution.

Selectman Johannesen made the motion to appoint a new Chairman. **Motion failed** due to a lack of a second.

Selectman Johannesen made the motion for the Board of Selectmen to adopt the Employee Policy Manual. Selectman Farah seconded for discussion. Patty stated that elected officials cannot be held to an employee manual because they are not employees, they are elected officials with duties and expectations outlined by RSA. If the Board wanted to they could make their own set of policies. Selectman Farah withdrew her second. **Motion failed** due to a lack of a second.

Chairman O'Neil received a letter from Brian Cullen stating that Mr. Cullen got a letter from Selectman Johannesen's council in regards to the Rabies Clinic. Chairman O'Neil stated that a previous 91-A, Right to Know Request, Selectman Johannesen claimed she was unaware that this request was made, but this email proved to be otherwise. The Board will discuss this in a non-public session and Selectman Johannesen will not be present.

Selectman Farah clarified with Selectman Johannesen that she was unaware of the 91-A request that was made and now Attorney Major was filing a suit against the Town, on his own will. The information that Selectman Johannesen provided to the Attorney was the letter to Edgefield Veterinary Clinic from the Town of Danville saying that their services were not needed for the following year, a decision agreed upon by the Board.

Vice-Chair Giordano said that a letter to Corey Motors will need to be sent in regards to the cars that are parked out back are located on top of the drainage for the property and should be moved up to the pavement lot. Patty will instruct Janet to take care of the letter.

Selectman Farah brought up the Meetinghouse Subdivision letter that should have been brought up again at this next meeting. Vice-Chair Giordano said that he had spoken to Peter Loughlin and said that it seemed as though his opinion has changed because he was told that this was not a land dispute and it was still in review phase. Selectman Farah would like a letter from Peter stating that his opinion has changed and would like a copy of the question that was asked prior to the letter as clarification.

**Motion to enter Nonpublic Session** made by Giordano seconded by Cogswell

**Specific Statutory Reason** cited as foundation for the nonpublic session:

\_x\_ RSA 91-A:3, II (a) *to amend the minutes of a non-public meeting.*

**AND**

\_x\_ RSA 91-A:3, II(e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled*

<b>Roll Call vote</b> to enter nonpublic session:	Shawn O’Neil	Y
	Chris Giordano	Y
	Kimberly Farah	Y
	Shelia Johannesen	Y
	Judi Cogswell	Y

**Johannesen was excused following the (a) portion of the non-public meeting.**

**Motion to return to Public Session** made by Giordano seconded by Cogswell

<b>Roll Call Vote</b> to return to public session:	Shawn O’Neil	Y
	Chris Giordano	Y
	Kimberly Farah	Y
	<del>Shelia Johannesen</del>	
	Judi Cogswell	Y

**Motion: PASSED**

**Motion made to seal these minutes?** If so, motion made by Farah seconded by Cogswell because it is discussions of pending lawsuits are protected under 91-A.

<b>Roll Call Vote to seal minutes:</b>	Shawn O’Neil	Y
	Chris Giordano	Y
	Kimberly Farah	Y
	<del>Shelia Johannesen</del>	
	Judi Cogswell	Y

**Motion: PASSED**

At 9:55 pm Judi made the motion, seconded by Kim, to adjourn

Respectfully Submitted,

Meghan O’Neil  
Recorder-Board of Selectman

Patty Shogren, Administrator (recorded non-public minutes)