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Town of Danville  
Board of Selectmen  
July 16, 2018  
7:00pm

7:00 PM

Meeting is Video-Recorded

Selectmen Present: Chairman Scott Borucki, Vice Chair Shawn O'Neil, Sheila Johannesen, David Knight, Judi Cogswell

Others Present: Patricia Shogren, Town Administrator; Members of the public: Bruce Caillouette, Road Agent; Beth Caillouette, Police Chief Wade Parsons, Chet Sullivan, Brian Schutt, Janet Denison, Dave Allen and Brian Groshon of Casella, Stacie O' Connor, and Eric Turer.

Scott 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. Scott indicated that he would be moving items around on the agenda in an effort to expedite the meeting.

**I. Road Bond**

Chet Sullivan presented his request to process the road bond in order to complete work in the subdivision. He explained that the original bond had been for \$697,000; however, due to the amount of work already completed that amount has dropped to \$629,000. Chet stated he would like to get going on the process so that he can pull the permits, complete the structures and have the hot top before winter. The process and receipt of the binder should take about three weeks. Dave confirmed that the bond reduction from \$697,000 to \$629,000 was a result of work that had already been completed. Chet confirmed that fact. Dave also pointed out a typo on the bond document that numerically said 12 months but stated 24 months. Chet confirmed that the bond is for 24 months.

Shawn motioned to accept the bond on the condition that the document is updated and corrected to reflect the 24-month period. Seconded by Dave. Motion passed

Dave pointed out the corrections that needed to be made to Chet.

**II. Highway District 6**

Engineer Brian Schutt introduced himself to the BOS and informed them of upcoming roadwork on Rte.111-A and Colby Rd. While the Highway Dept was prepping and patching the area, he became aware of an antiquated Y intersection at Colby and Rte. 111-A and was discussing the option to replace that intersection with a standard T intersection. He showed the BOS some rough sketches of his plan that would involve the removal of a tree and the existing island. The BOS is amenable to this change. Scott requests input from Chief Parsons and Bruce. Both parties expressed their full support of the changes. Chief Parsons fully supported it from a safety standpoint and Bruce stated that it would make be a big improvement during plowing season.

Scott mentions the Sandown Rd intersection at the corner of the Stage Coach Stop. Bruce explains there is a high embankment and trees that obstruct sight lines for traffic. He states that the new owners may be more amenable to cutting the embankment back and the removal of trees. Brian states that he will look at this issue. Bruce says this will not affect the paving process being discussed. Scott indicated that the owners had come before Planning with a preliminary discussion to create a subdivision, and there was a request to resolve this issue. Brian stated that because access to the subdivision would not be on Rte.111-A, he would be unable to enforce a resolution to that issue.

Chief Parsons asks for a time frame of the work. Brian responds that it would be a couple of days, weather permitting. Dave asks if the work is to go all the way to Rte. 107. Brian states that the work will span from Rte.111 to Rte.107. Shawn asks if the roadwork on Colby Rd would go all the way up to the new pavement that Bruce had just laid down. Brian confirms that information.

Chief Parson requests a couple of days' notice before the work so that information could be posted to Social Media and put out into the community. Bruce states that he has contact information for Pike and would be willing to contact them regarding the start date. Scott asks Bruce to be the point of contact for the Highway District. Chief Parsons will do the community alert.

### III. Delegates

Eric Turer introduces himself to the BOS. He states that he is a 20-year resident of Brentwood and is running for NH State Representative seat that includes Danville. He wanted to introduce himself and would be glad to take any input on issues impacting Danville. He has added his profile to the Danville Community Page.

### IV. Old/New Business

**Lease Agreement for new backhoe:** Bruce presents the paperwork for the new lease agreement. Patty has already filled out the BOS pieces. Shawn motioned to have the BOS Chair sign the lease agreement the Highway Dept's. Caterpillar front-end loader. Seconded by Sheila. Judi asks if there are any changes to the original lease. Bruce states that they have changed the tires, put fenders on the front, and mirrors. These changes amounted to approximately \$3000-\$4000 extra. He also changed the forks to longer forks for approximately \$150.00. Bruce stated the most expensive change was the tires. The standard tires were exchanged for a more durable tire that would last longer. Shawn amends his motion to reflect that the item is a backhoe. He would also like to add that the lease is a (3) three-year lease for a total amount of \$134,825. Seconded by Sheila. Scott states the annual payments would be \$46,710.69 and there would be a \$1.00 buyout at the end of the lease. Bruce states that the backhoe is in Londonderry being retrofitted with the changes and that he will take a ride up to check on the progress. There being no further discussion, Scott calls for a vote on the amended motion. Motion passed.

Scott will complete signing the documents and return them to Patty. Bruce will pick them up from Patty on Tuesday, July 17.

**Noise Reduction Ordinance:** Patty stated that the Chief had requested more specifics on the proposed ordinance. Dave commented the previous discussion centered on how open-ended the ordinance should be. He stated that he liked the open-ended ordinance as he felt it was easier to prosecute but wanted input from the Chief. Chief Parsons explains that currently noise complaints are handled as a disorderly conduct issue only when they are called to address a problem. He stated that he feels if people knew of acceptable/unacceptable time for loud noises, they would comply. Statute for Disorderly Conduct does not account for a specific time. Chief Parsons has looked at other town ordinances, and most towns do have noise ordinances. However, he expressed concern that many of these ordinances have specifics such as decibels, DBA's, instruments, etc. and feels that presents a whole bunch of problems when presenting cases to the courts. He suggests if the ordinance was generalized to a specific time, and that the violation was of a town ordinance, it would be more palatable than a disorderly conduct violation. He also explains that a disorderly conduct charge is a violation. However, if they are called back there, it then becomes a misdemeanor, and he's not sure that is an appropriate charge for someone playing loud music. Chief Parsons expresses his opinion that he likes the Belmont Ordinance because it is more in line with the Statute and gives them a little more wiggle room when addressing the issue with the courts. Dave stated that he had a problem with the 10:00PM time being too early.

Scott asks what the penalty is for the disorderly conduct charge vs. a town ordinance violation. Chief Parsons explains that everyone gets a warning first. If it becomes a violation, the fine is up to \$2000. A town ordinance violation/fine would at least benefit the town. His recommendation is to authorize a town ordinance and hold a public meeting, getting public input, and he believes that warrant article would pass.

Patty has checked with legal counsel and there is no difference between a regulation and an ordinance in NH. Depending on the RSA that supports the change, they must both be voted on as a warrant article at Town Meeting. Scott states his only concern about an ordinance is if there was a desire to repeal it. The process would be the same-warrant article, public meeting, etc. Chief Parsons states that would be the same for any other ordinances already existing. Dave suggests a time of 12:00AM-7:00 AM, seven days a week. Scott asks why not change the hours for the weekends, for example Friday and Saturday nights and the night before a Holiday? Judi agrees with that idea. Scott suggests that people may be more forgiving on Friday and Saturday nights. Dave mentions that on holidays, kids don't have to get up for school. Chief Parsons expresses his support for whatever time the BOS decides on. Scott states he feels the "end time" of the ordinance should stay consistent all seven days. Judi asks the Chief what time he gets most of his calls for noise complaints and he responds that it is usually around 10:00PM. Scott seeks assurance from Chief Parsons that the Police Department would exercise their discretion in enforcement of any ordinance and is reassured that would be the case.

If the BOS agrees with the Belmont ordinance, Patty offers to draw up a document with the changes the Chief wants, make it "Danville's", then times could be discussed at a public meeting. Dave supports Scott's idea of changing the hours for the Friday and Saturday nights as well as the night before a holiday.

As Chief Parsons departs, Dave asks him how the Police Station process is going. Chief Parsons states they've had several tours and meetings and have received useful advice from several departments regarding construction.

**Playground Equipment:** Bruce asks the BOS if he can get rid of the old playground equipment. He states it's all old metal and stuff. Consensus of the BOS is yes.

**Casella/Recycling:** David Allen and Brian Groshon stated that they last time they had spoken with the BOS there had been a discussion on the elimination of the recycling program and that they had been asked to provide the BOS with a cost analysis for the town's waste and recycling contract. They explain that costs haven't changed much over the past couple of months however the future is unknown. They state that one of the major things that the recycling dept. would like to focus on to control costs is "clean recycling", removing such items as plastic bags, Styrofoam, eliminate "wishful" recycling. Some towns are removing glass from the recycling because the only processing plant in New England has closed. Because glass is the heavier item in recycling, costs are reduced. Currently Danville is a weekly, 2-day route (Tues & Wed) and recycling is a bi-weekly 2-day route. Current annual tonnage averages 1400 tons @\$71.00/ton for Waste and 450 tons @ \$91.00/ton for Recycling. Recycling costs are based on the average costs for the last three months.

Because the town has 2 half routes for recycling, plus the weekly trash pick-up, it is considered to be on a 3-week schedule. If waste and recycling were combined for weekly pick-up, the route would become a 3-day route, and while the combined tonnage would not change, the costs would increase because the trucks would fill up faster requiring either more trucks or an extra service day. Additionally, because MA prohibits recyclables mixed in with waste, Casella would no longer be able to use their MA facility and would incur additional expenses trucking the combined waste/recycling to their transfer station in Allenstown. Scott expressed concern that this change would not result in any kind of reusable product. Scott states that as of right now, Danville is not upside down on the recycling costs, but it is very close. Dave asks about the possibility of removing glass from the recyclables, which because of its weight, would decrease the tonnage of recycling. Shawn suggests that if the glass was removed from recycling, the costs should go down because Casella is no longer processing the glass in recycling. He goes on to suggest the BOS audit and verify the cost structures presented to ensure that Danville is not being taken advantage of.

David Allen explains that the cost of recycling is now around \$90.00/ton. The shrinking market combined with a low tolerance for contamination slows the process of recycling down even further.

Scott reiterates Dave's idea of pulling glass from the recycling. David Allen states that glass represents approximately 20% of the recycling, however in order to realize any real cost savings, more communities would have to participate in that change.

Scott reiterates his concern of losing recycling and the impact of reverting to incinerators landfills. Dave states that it is an issue of understanding long-term costs and he doesn't see that in the near future.

Dave requests two actions 1) answer the glass impact on costs and 2) verify the cost structures of the contract. Scott concurs. Further discussion around the "new normal" of recycling and the unknown future.

Based on the discussions, the consensus of the BOS is as follows:

- 1) David Allen will get the BOS their weighted material revenue avenue so the BOS can understand how that feeds into the math.
- 2) Casella will arrange a tour of their facility for the BOS.
- 3) There will be further investigation into the possibility of moving glass into the Waste stream

#### V. Signature File

Shawn questions if the Veterans Tax Credit applies to someone with only two years of service. Janet Denison responds that the law only requires 90 days of active service, Judi confirms. Dave states they must have a DD214. Patty confirms the 90 days of active service and an honorable discharge are required. Dave questions the date to put on the application because it is not effective until 2019. Consensus is to date it with the current date and note that it is not effective until the later date.

Judi would like to thank Matt Butterworth for the new sign he made for the Town Forest., and that the BOS appreciates his efforts. Scott would like to thank George for mowing the fields in the Colby development.

Dave motioned to accept the minutes from the July 2, 2018 as presented. Seconded by Judi. Scott asks if the BOS wants to add his notes into the minutes. Dave and Judi agreed. Scott will get those notes to Patty to be added to the minutes. Scott called for a vote on the motion with the additional notes. Motion passed.

Dave updates the BOS on a court case. The expert witness for the opposing side was not available and the case was postponed until November.

Scott announces that Sandown is offering a Budget Workshop at 6:30 PM, Wednesday, July 25 at the Town Hall. Shawn stated that he would like to attend and has already notified Sandown. They are requesting a head count. Scott would also like to attend. Patty will notify Sandown. Shawn explains the Budget Workshop will center on new legislative changes to the definition of a default budget. New language was added. The changes will probably affect school districts more, particularly in regard to open and unfilled positions and turnover.

Patty received a donation from Casella towards Old Home Days for \$3000. She will need a vote from the BOS to accept the donation. No public hearing is required as the donation is under \$5000. Dave motioned to accept the donation, seconded by Sheila. Motion passed.

Dave updates the BOS on Far View cul-de-sac. According to Peter, no warrant article is needed to accept the cul-de-sac from Dave Storey since the town has the authorization to buy, sell, and select land and then transfer ownership to the abutters. Shawn suggests that when the transfer is signed, there is a BOS discussion to lay out the whole history of the issue. He would like to be more transparent, so the people understand how the road was re-configured and it was part of someone's property. He again thanked Janet for finishing this issue. Dave cautioned that every time they fix something like this it is unique because the details are always different. There is further discussion about how important it is for the town to follow through and complete the final details of decisions.

Sheila requests that the landscapers weed around the buildings at 599 Main St.

#### I. Town Announcements

##### Open Committee Seats:

Forestry- 1 open position, 1 alternate  
Heritage- 1 alternate position  
ZBA- 1 alternate position

On July 29 from 2:00PM - 4:00PM the Little Red Schoolhouse on Main Street (across from Hersey) will be open

On September 23 from 2:00PM – 4:00PM Paul Wainwrite will be at the Old Meeting House to talk about Old Meeting Houses around the state.

Dave motioned to adjourn, seconded by Judi. Motion passed  
Meeting adjourned at 8:25PM

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

Respectfully Submitted  
Deborah A. Christie