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Town of Danville
Board of Selectmen
February 11, 2019
7:00 PM

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Meeting is Video-Recorded, Katelyn Ryan operator

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: Stephanie Dube, Carsten Springer, Mary Ann Springer, Dave Cogswell, Nola Whitman, Paul DeStephano, John Hughes, Kathy Beattie, George Nelson, Richard Adkins, Holly Bright, and others

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

I. Delegates:

Stephanie Dube addresses the BOS with further information regarding School Warrant #10 to authorize a study for the withdrawal of the Timberlane School District from SAU 55 that was discussed at the School Deliberative Session.

- ✦ She wanted to clarify that 150 members from each of the four towns had signed the Warrant Article.
- ✦ Timberlane is large enough that the district does not need Hampstead.
- ✦ If voters approve the study, Timberlane schools and student education continue unchanged, unlike Sandown's warrant article to withdraw that would result in students being sent to new school districts.
- ✦ Dave points out there are no capital issues involved because the School District owns its school buildings. The only building shared with Hampstead is the SAU building.
- ✦ Ms. Dube explained the Timberlane/Hampstead relationship is not an equitable one, with few benefits for Timberlane, including that Timberlane pays 77% the SAU costs.

Scott notes that he would feel more comfortable when he sees the facts of the study.

Shawn notes the Timberlane School Board had requested a SAU meeting through its chair. The request was never acknowledged. He also pointed out that four employees of the SAU are from Hampstead. Shawn stated that during the School Deliberative Session the discussion centered on the inaccurate concern that the \$500,000 paid by the Hampstead district would have to be picked up by Timberlane. Shawn points out there would other options for senior management instead of keeping the status quo.

Scott observed there was some fuzzy math during the discussion. He also expressed great concern the perception was the Warrant was a vote to withdraw from the SAU and wanted it to be perfectly clear Warrant 10 is **NOT** a vote to withdraw from the SAU but is a vote to initiate a **STUDY** to see if withdrawal is even an option.

Ms. Dube asks this be viewed as a positive initiative of Timberlane having its own SAU. She noted that 8 out of 9 School Board members voted for the study.

Dave pointed out either the study would point out reasons why Timberland should withdraw; or conversely, why it would be better for Timberlane to remain in the SAU, which would provide an avenue for discussion and healing of the relationship. Voters would then be able to make their decision based on that report.

An audience member remarks that SAU 55 has been in existence since 1915 and has evolved through the years with member districts joining and leaving.

Carsten Springer asked how the study committee would be formed. Stephanie stated that it would include members from all four towns. Dave notes there should probably be some guidance through state laws. Shawn notes that his understanding is the District Moderator would appoint members of the study committee.

A second audience member spoke regarding some issues with the School Board. He noted the Chair, (who is from Hampstead) was elected by the Timberlane and Hampstead School Board members. Over the years, the makeup of the School Board changed and the relationship with the Chair had disintegrated. He remarked on issues such as the refusal of the Chair to put items on the agenda or request meetings with the SAU. He asked if the relationship with the SAU could be repaired if the study is not approved. Scott noted there were some steps being made in that direction, for example weighted voting that could work in Timberlane's favor. He also pointed out that the towns involved needed to understand the importance of participating in the School District process, through volunteering or running for the School Board that could create favorable changes. He expressed hope there would be some positive changes after the elections, perhaps with the election of a leader that would better represent both sides.

Carsten asked to approach the BOS with a different question. He showed the BOS blue tags that Josh Manning, a licensed surveyor working in conjunction with the Conservation and Forestry Committees and the Planning Board was using to flag the rear boundary of the 450-acre Town Forest. Carsten also showed the BOS some tags that they could also use to mark boundaries on such properties as the Meeting House. Josh had requested that Carsten put before the BOS a request that the BOS reach out to him to do the perambulation of the Town boundaries. The Planning Board was already working on the GIS piece for this. Perambulation must be done every seven years and the older town invites the younger town to the process. Carsten noted that blue tags were used because they were visible in all seasons. He also noted that even with new technology boundaries do not match up resulting in some property owners being double taxed.

There being no further input from the public. Scott closes the Delegate portion of the meeting.

II. Old/New Business

Sandown Road/ Rte 111-A Intersection: Scott reads a letter sent by Chip Current, Vice Chair of the Planning Board, recommending and requesting BOS action regarding improvements to the northwest corner of Sandown Rd and Rte.111-A. NH DOT has provided the town with an uncommon opportunity to make these improvements by allowing the town to cut back the embankment that blocks the view of oncoming traffic from the North. Because Rte 111-A is a state road, towns are not usually allowed to make these kinds of changes. The recommendations from the Planning Board include

- 1) To have the Road Agent oversee the work of the contracted excavation crew
- 2) To remove the trees on the northwest corner of the intersection
- 3) To cut the slope no more than a 3 to 1 ratio and to cut the embankment back at least 6 feet, ideally to the extent of the newly proposed maintenance easement of the subdivision application the Planning Board is currently reviewing.

These changes would allow for a much clearer line of sight from Sandown Rd to traffic coming from the North for anyone pulling onto Main St. turning in either direction. If the BOS is in favor of these recommendations, the Planning Board would like them to follow up with NH DOT to enact these changes for the safety of the residents.

Scott noted that there are currently 3-4 lots being subdivided along Main St. with further subdivision proposed on the west side towards Sandown Rd. Dave asks if there is an easement in front of the existing property, as well as who is currently cutting down trees. Scott believes the current owners are cutting down the trees as there is a timber cut permit issued. Dave notes the three very large trees that physically block the view of oncoming traffic are still standing. Patty states those are not currently part of the NH DOT easement and cannot be cut without the property owners' permission.

Dave expresses his concern with the lack of a budget and unknown costs associated with reclaiming the cutback.

Scott believes the state is on board with this process and the Road Agent has begun filling out the excavation permit, which Patty states the NH DOT is waiting for. Dave asks what the timeframe is for the completion of the project. George Nelson remarks the paperwork that he saw had the dates of April 2019 to October 2019. Dave again expresses his concern regarding the money needed to reclaim the cutback, especially not knowing what the makeup of the underground is. Carsten states there is some ledge in that embankment.

Carsten goes on to explain the current owner of the development and the property adjacent to the intersection has offered to put the easement in place. NH DOT is in favor of this and has requested excavation paperwork from the Town. If the town does not accept this offer, it will be unlikely there will ever be an easement there. He pointed out NH DOT changed that intersection back in the '80's to the current dangerous configuration. Carsten urges the BOS to accept this recommendation even without a budget for the safety of the townspeople.

Dave asks how rigid the timetable for the completion of the project is, and when does the application have to be submitted. Patty responds NH DOT has already called looking for the application. Upon further examination of the application, Patty notes that there may be room for negotiating the time frame of the project. Scott believes that the BOS should not delay the application and submit it with the "contractor to be determined" and push the completion date out to 2021. That would give the town time to get the necessary bids and put the costs of the project to the voters as a Warrant Article in 2020. Carsten states that would clear the path for the easements to be established. He also mentions that he has permission from George Nelson Sr, who is familiar with the state road agent, to offer them assistance in working on a cooperative process with NH DOT.

A resident in attendance expresses her concern with the safety of the intersection. Scott reassures her the BOS has been concerned about the intersection for some time. He expresses concern NH DOT may approve multiple driveways onto Rte 111-A contributing to the issue.

Another resident questioned if some of the costs associated with remedying the intersection could be charged to the developer. Scott explains that if the developer has met all local laws and received state approval for the subdivision the town cannot mandate that they pay for the intersection work.

A third resident complained at length about the lack of enforcement of the 35MPH speed limit and encouraged better enforcement of the speed limit. Scott stated he understands their frustration but noted that speed enforcement is an ongoing issue throughout the town.

Another resident asks Scott what the next step was in getting the property owner to provide the easements. Scott responds that currently the agreement is verbal, but that would be something the Planning Board would be working on. It would require a deed change, lot of record change, and other documentation.

Other residents continued discussion of other safety included putting in stop signs and installing blinking lights. Scott explained multiple times the town only has authority to put signs on Sandown Rd. Rte 111-A is a state road and only NH DOT has any authority to install signs or traffic lights. Dave and Scott suggest they could talk to the Road Agent about these ideas. Scott notes it will be an uphill battle with NH DOT to install traffic signs. The resident suggests traffic changes be included on the permit application. Scott explains the permit is an excavation permit and does not allow for such requests.

George Nelson searched on his phone and found that NH DOT had approved a total of three driveways on Rte. 111-A. Two permits were already in existence and they have approved the third driveway.

There being no new information to share on the intersection issue, Scott closes discussion in order to move onto other items on the Agenda.

Minutes: Dave motioned to accept the minutes for the January 28 BOS meeting as delivered. Seconded by Judi. Vote is unanimous.

Legal Costs for Library: Shawn asked for this item to be put on the agenda. The Library Trustees had sought legal counsel for a 91-A issue and had requested the bill be sent to the Town. Shawn strongly feels that as the Library is a separate entity from the town, they should be responsible for their own legal costs.

Sheila asked Patty about a previously discussed policy regarding the use of Legal Counsel by Town Departments. Patty stated the policy was not formally completed as she was still waiting for the Zoning Board to complete their policy to ensure there is no conflict between the two policies. Dave remarks the Town policy needs to be completed, and if the Zoning Board policy is not complete, they will need to adjust to the Town policy. Patty will follow up on completing the policy.

Scott notes the BOS budgets for legal costs. He also notes the BOS has no control over matters of the library and no control over issues that may prevent legal costs. He supports Shawn's position the Library needs to budget for its' own Legal counsel and incurred legal costs.

Dave also believes the Library should be budgeting their own Line Item for Legal costs. There is no precedent of the Town paying for Library legal fees over the past ten years. The BOS needs to inform the Trustees they are responsible for their own legal costs.

Patty states that she told the Library they were not to contact Town Counsel again and informed Town Counsel not to assume the bill will be paid by the town. Scott asks if Patty has paid the bill. Patty responds in the affirmative. The Library fees were \$307.50.

Shawn motioned to have the Library reimburse the Town's general fund Legal Expense Line for \$307.50. Seconded by Dave. Sheila asks if the town can ultimately be held responsible for Library legal issues. Discussion continues on the Library Trustees' responsibility for their own legal coverage. Scott reminds the BOS that they have no say in how the Library handles its' business. Vote on the motion is unanimous.

Hazardous Waste Grant: Patty asks the BOS to authorize her to endorse Bruce Caillouette/Road Agent to apply for the state Hazardous Waste grant that is available to reduce costs for the hosting town. Dave motioned to authorize Patty to endorse Bruce to apply for the grant. Seconded by Judi. Vote is unanimous.

As mentioned earlier in the meeting, the BOS has received notice from the State regarding two new sign postings for Rte. 111-A, including a "curve" sign installed at the intersection of Rte. 111-A and Colby Rd. Shawn and Dave motioned to authorize the Chair to sign the correspondence. Seconded by Judi and Sheila. Vote is unanimous.

Judi read the town announcements.

There were no further updates from Dave regarding the Kingston Anniversary Parade or the Old Meetinghouse legal issues.

III. Town Announcements

Open Committee Seats:

- ✚ Heritage Commission- 1 alternate position
- ✚ Planning Board- 2 alternate positions.

Recreation Committee

- ✚ Paint Night: Friday, March 8 at 7:00. There is a \$25.00 fee per person. All materials are provided
- ✚ **Save the Date!** Senior Trip has been scheduled for Saturday, June 22 for Squam Lake. Cruise and Lunch included. Watch for further details in the near future!
- ✚ Recreation Committee will be forming a sub-committee for Old Home Day. If interested, please contact them at Recreation@townofdanville.org

Important Voting Information for 2019

- ✚ Voting: Tuesday, March 12, 2019 at the Community Center 8:00AM-7:00PM

There being no further items to discuss, Scott asked for a motion to adjourn. Judi motioned to adjourn. Seconded by Sheila. Vote is unanimous.

Meeting is adjourned at 8:22PM

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

Respectfully Submitted
Deborah A. Christie