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Town of Danville
Board of Selectmen
February 10, 2020
7:00 PM

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Meeting is Video-Recorded

Selectmen Present: Scott Borucki, Chair; Sheila Johannesen, David Knight
Absent: Shawn O'Neil, Vice Chair; excused; David Cogswell; excused

Others Present: Patty Hess, Town Administrator; Beth Caillouette, Stormwater Management; Bruce Caillouette, Highway Dept.; Allan Hess, Barry and Sue Hantman

Scott called the meeting to order at 7:00 and 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

MS4 Coalition Invoice: Beth Caillouette presents the BOS with an invoice received from Sheehan, Phinney, Bass & Green PA for services provided to the MS4 Coalition regarding the EPA mediation and settlement. She explains her concerns regarding the total reflected on the bill and notes that her e-mails to the company regarding an explanation have gone unanswered. Ms. Caillouette explains that when paying the last invoice, she paid \$1500, which was one-half of the bill with an explanation that was all the Town could afford. The new bill reflects the other half of that bill as past due, plus an additional \$3450 for a total of \$4950. Her e-mail had requested a breakdown of the bill and the payment percentages of the other members of the coalition. She notes the fees were supposed to be broken down by population and that Danville is one of the smallest towns in the coalition and was supposed to pay only a small amount.

Scott asks when the last payment was made. Patty and Ms. Caillouette both noted the last payment was more than a year ago. They also noted the usual payment prior to the last bill had been for \$1500 and that was what they paid. Ms. Caillouette noted she had contacted Attorney Bob Lucek and explained Danville would only be paying the usual \$1500 and he had appeared to be fine with that.

Dave K. asks for details of the payment agreement. Ms. Caillouette explains the agreement was a verbal agreement decided on during a meeting with the attorneys and the other member towns. At that time, the group, with the attorneys present, agreed to split the payment based on each town's population. She notes other member towns included Manchester, Dover and Rochester, towns with a far greater population than Danville. Dave K. asks Ms. Caillouette to write a letter to Attorney Lucek, cc the BOS and the other MS4 Coalition member towns that were at that meeting, and to note that per the verbal agreement, Danville has paid what it can pay as agreed to when they were invited into the coalition.

Scott expresses his concern the invoice has no breakdown of services and charges. He also questions the ability of the Town to enforce a handshake negotiation. He notes that in order to continue, the agreement should be put in writing for the BOS to review and vote on.

Patty notes the first two invoices were divided correctly and Danville was charged the agreed upon cost of \$1500. The first issue with the billing was last year and now this current invoice.

Sheila asks if any minutes were taken at the meeting. Ms. Caillouette states she assumes that a member of the legal team took any minutes. Dave K. reiterates his request for the letter stating that per the verbal agreement

this is the amount (\$1500) that will be paid. He notes that Danville did not directly benefit from the settlement. Ms. Caillouette notes the larger towns did receive direct benefit from the EPA settlement and changes made to the MS4, while the smaller towns did not. She agrees to draft a letter and send it to the BOS for review. Scott reiterates his concern the letter requests a breakdown of the charges. There is further discussion regarding the agreement and the lack of invoicing details. She again reminds the BOS that she has not received a response to her e-mail inquiries.

Bruce Caillouette notes he attended at the original meeting and the attorneys had explained they had no idea what the costs would be. This is what led to the payment agreement among the coalition members. Scott asks Patty and Ms. Caillouette to research and see what they can find regarding the beginning of the coalition and the payment arrangements. Dave K. reiterates the need for the letter of inquiry to be polite, but definitive. Ms. Caillouette will proceed as requested and expressed her appreciation for the guidance from the BOS.

Fire Truck Conversion Quote: Bruce Caillouette presents the BOS with the latest quote received for the conversion of the old pumper fire truck into a truck for the Highway Dept. He explains the total of the quote is for \$74,550, but if the BOS removes the sander body and substitutes a regular dump body there could be a savings of \$20,000. He notes that even without a sander body, the truck would still need to be plumbed for a sander and plow frames. He also believes that neither quote addressed the need to remove the pumper body and shorten to the frame to the appropriate size. There was some discussion if those costs were reflected in the attending e-mail to the original quote the BOS reviewed at the Jan. 6 meeting, as the actual quote specifically states those costs were not included. Mr. Caillouette expresses both his concern and the concerns expressed by Mr. Vaillancourt regarding the costs of the retrofit and the significant age of the truck. Mr. Caillouette further explains that the Highway Dept does not really need a 10-wheeler, and the transmission of the fire truck severely limits the personnel who can drive it.

Dave K. notes that in the previous discussion, the BOS had set aside \$37,000 for the fire truck conversion. Mr. Caillouette informs the BOS that in another few months he may be able to purchase two trucks from NH DOT for approximately that cost. Unfortunately, he does not yet know what they will have available. Scott suggests waiting for any further discussion or decision until the full board is present. Mr. Caillouette notes he will try to see what NH DOT will have available, noting that Towns often have first refusal before the equipment goes to auction.

Dave K. notes that Chief Briggs in Kingston seems to be able to acquire a substantial amount of discounted equipment. Mr. Caillouette explains it is from the National Guard and that he has already contacted Chief Briggs regarding the process. He was told that Chief Parsons would need to be involved, and that Chief Briggs was willing to work with Chief Parsons. Chief Briggs explained that only the Police Dept. can be involved and must be the agency making the request. There is also a requirement that the Police Dept. must "own" the equipment for at least a year before it changes hands/departments.

II. Old/New Business

Emergency Trailer Issue: Patty informs Mr. Caillouette the Emergency trailer behind Town Hall is sinking into the mud. She notes her concern this will ruin the tires and that the trailers are also on top of the septic tank. Mr. Caillouette clarifies which trailers are involved and notes they will be moved.

Kimball Terrace Water Issue: Dave K. asks Mr. Caillouette the cause of an ongoing issue with water in the road by Kimball Terrace. Mr. Caillouette explains that he originally thought this issue was the septic system, but the owner had the tank fixed last year and the land was dry through the fall. Unfortunately, there has been a recurrence of the water issue and Mr. Caillouette does not know where it is coming from. He explains there are two houses on the side of the road in question and that behind those homes there is a 6-8" raised water table and ice. He has seen a sump pump hose from one house that is intermittently attached, but notes it is not draining into the street. He explains that John had an idea there was a very old underground pipe from that same property that originally went under the ground, under the road and ultimately drained into the brook; and perhaps that pipe is broken or

plugged resulting in the water being pushed into the yard and ultimately draining into the road. Dave K. notes that he has seen the water run like a stream into the road.

Scott asks Mr. Caillouette to contact NH DOT as the water is getting very close to the State road at the intersection of Rte. 111. Dave K. notes that property owners are not allowed to run water over a roadway. Mr. Caillouette notes he will connect with the division contact person. Scott states he wants something in writing from the State acknowledging they are aware of the issue due to the dangerousness of the situation. Sheila requests the ice at the intersection be kept scraped to the pavement. Mr. Caillouette notes he had scraped out the accumulated ice and filled the resulting potholes, and the best he can do is to continuously sand and salt the area. Scott suggests that perhaps the State could find a temporary fix, perhaps laying down some gravel for traction. Mr. Caillouette notes there is no temporary fix to address the issue for the remainder of the season without digging up the road. Scott asks if there have been any pictures taken to document the situation. There apparently are not any to date. Both Scott and Dave K. ask Mr. Caillouette to make sure there are pictures taken of the situation. Dave K. expresses his concern with a hill and a corner along Rte. 111 creating an inability to see cars entering the intersection and a very real possibility of cars sliding out without into the intersection with the main road without being able to be seen by oncoming traffic. Patty expresses her concern there is also a school bus stop at the intersection.

Election Coverage: Patty notes all the necessary arrangements for election coverage were completed via e-mail. There is a brief discussion among the BOS regarding schedules. Town Moderator Barry Hantman cites the NH RSAs' governing election coverage to ensure that all BOS members are aware of their responsibility.

Revision of Holiday Calendar: Patty notes the July 4th Holiday is scheduled for Friday, July 3 and that several Town Offices are already closed on Friday which would result in some Town employees not receiving the benefit of the holiday. She is requesting the BOS approve to observe the holiday on Monday, July 6. Dave K. motions to observe the July 4 Holiday on Monday, July 6 so that all the Town employees will have the same day off and it will be clear to the public when all Town Offices will be closed. Seconded by Sheila. Vote is unanimous (3-0).

Minutes: After confirming the correction of the transcription of the minutes for the Jan. 13 BOS meeting, Dave K. motions to accept the Jan. 13, BOS minutes as presented. Seconded by Sheila. Vote is unanimous (3-0).

The BOS reviews the partial minutes provided for the Jan. 27 BOS meeting. Patty explains there was an issue with the second half of the BOS meeting in which the video was not uploaded to the Town website. Sheila confirms the issue has been resolved and the minutes will be completed. Scott suggests waiting until the minutes are completed before accepting them.

Dave K. has found the minutes regarding the BOS decision for year-end pay rates. Page 6 of the Dec. 9, 2019 minutes confirmed the BOS vote that they had approved only step and COLA increases prior to the end of FY2019.

Kimball Terrace Water Issues (Cont.): There is further discussion on this issue. Dave K. notes his belief the issue arises under certain weather conditions that cause a stream to emerge. He notes it will take a civil engineer to actually determine that and provide a resolution and that is why NH DOT needs to be involved in the issue. He notes the only resolution is to build a ditch and culvert to redirect the water.

Recreation Committee: Dave K. motions to accept the appointment of Vanessa Bolin to the Recreation Committee. Her term will expire April 2023. Seconded by Sheila. Vote is unanimous (3-0).

599 Main St.: Dave K. notes he would like the opportunity presented with the 599 Main St. property to be completed before he leaves the BOS. If that cannot happen, he requests that he be put on the agenda for his last meeting so that he can publicly express his ideas for that property. He would like the public to hear his viewpoint. He also notes he would like the other members of the BOS to respond to their attorney regarding a meeting to discuss recent transactions, noting the DOJ has moved closer to a proposed resolution and the BOS needs to act on

it. Scott notes his preference to discuss the issue in a non-public session. Dave K. confirms there is already a non-public session requested regarding a question of compensation scheduled for later in the meeting.

Scott reads the Town Announcements listed below.

Warrant Article Tax Impacts: Sheila expresses her reservation with being requested to determine the tax impact of each Warrant Article for the mailer. Scott notes that he has already completed the calculations on the last spreadsheet and e-mailed them to Patty. Dave K. reviews the formula for the public:

✚ **Cost of the Warrant Article / Full amount of the Town's Valuation= The Cost per Valuation dollar**

To determine the tax impact on each property:

✚ **The Cost per Valuation Dollar x 1000= Cost per \$1000 of property's valuation.**

Scott notes he did his calculations based on the 2019 Town Valuation of **\$406,292,000**. Dave K. adds the caveat that tax impacts are merely a close estimation based on information available at the time the Warrant Article is written. Scott notes a bigger issue is completing the discussion points for the mailer. He adds that unless/until the Town passes the Warrant Article allowing the tax impact to appear on the ballot, that information will only be available on the mailer. If the Warrant Article passes, the tax impacts will be added to the ballot in 2021.

There is discussion regarding the need to expedite the approval of the Warrant Article discussion points to be included in the mailer. Due to the very tight deadline, Dave K. announces the BOS will pre-authorize the review and correction of the discussion points by consensus via e-mail.

III. Town Announcements

Open Committee Seats:

- ✚ Heritage Commission- 2 alternate position
- ✚ Budget Committee- 3 open positions

Voting Information:

- ✚ **Tuesday, February 11, 2020: NH State Primary Election** - Polls will be open from 7:00AM to 7:00PM
- ✚ **Tuesday, March 10, 2020: Danville Town & School Elections** -Polls will be open from 8:00AM to 7:00PM.

Lions Club: will be hosting a Spaghetti Dinner Fundraiser on Saturday, February 15 from 4:30PM-6:30PM at the Lion's Club, 169 Main St. Tickets for Adults are \$7.00. Children are \$5.00. Children 3 and under are Free.

Recreation Committee

- ✚ **Senior Coffee Hour:** Next Senior Coffee hour will be **Thursday, February 27, 2020; 10:00AM-12:00PM** at the Community Center.

Rabies Clinic: Saturday, April 4, 2020 from 10:00AM- 1:00PM at the Safety Complex. Rabies shots for cats and dogs **only** will be \$12.00 per pet.

National Grilled Cheese Sandwich Day is Sunday April 12. Everyone is encouraged to pick their favorite cheese and enjoy this wonderful comfort food.

Non-Public Session: The BOS determines there is a need for a non-public session based on NH RSA 91: A-3, II (a) Dave K. motions to enter Non-Public session. Seconded by Sheila.

Roll call vote: Scott Borucki- yes, Shawn O'Neil (absent, excused), Sheila Johannesen- yes, David Knight- yes, David Cogswell (absent, excused). Non-Public is entered at 7:52PM. Patty is requested to attend to take minutes.

At 8:00pm Dave K. motions to return to Public Session. Seconded by Sheila.

Roll call vote: Scott Borucki –yes, Shawn O'Neil (absent-excused), Sheila Johannesen- yes, David Knight- yes, David Cogswell (absent-excused).

Dave K made the motion, seconded by Sheila, to return to public session: Roll call vote: Scott Borucki- yes, Shawn O'Neil (absent-excused), Sheila Johannesen- yes, Dave Knight-yes, David Cogswell (absent-excused).

Dave K. motions to seal the minutes of the Non-Public session. Seconded by Sheila.

Roll call vote: Scott Borucki- yes, Shawn O'Neil (absent-excused), Sheila Johannesen- yes, Dave Knight-yes, David Cogswell (absent-excused). Minutes of the February 10, 2020 Non-Public session are sealed.

There being no further items to discuss. Sheila motions to adjourn. Seconded by Dave K

Meeting is adjourned at 8:05

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

Respectfully Submitted
Deborah A. Christie