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Town of Danville
Board of Selectmen
Monday, December 7, 2020
7:00 PM

7:00 PM
Meeting is Video-Recorded

Selectmen Present: Shawn O'Neil, Chair; Steve Woitkun, Vice Chair; Sheila Johannesen, Dottie Billbrough, and Joshua Horns

Others Present: Kimberly Burnham, Selectmen Administrator; Chip Current, Planning Board; Judi Cogswell, Cemetery Trustee; Beth Caillouette, Cemetery Trustee; James Seaver, Road Agent; Andy Ward, Highway Dept.; Jim Bradbury

Shawn called the meeting to order at 7:00PM 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

Shawn asks if there are any members of the public not on the agenda who wish to address the BOS. James Bradbury asks if the BOS had appointed a new Road Agent. Shawn states that the BOS had appointed James Seaver several meetings ago. Mr. Bradbury asks how to find Mr. Seaver. Mr. Seaver responds from the back of the room. Mr. Bradbury thanks the BOS and notes that he will speak directly with Mr. Seaver.

II. Public Hearing

Shawn explains the BOS has posted and scheduled a Public Hearing this evening to address an issue brought up to the BOS by the Danville Budget Committee and the Danville Planning Board regarding a non-participating elected member of those boards. Shawn states that Mr. Rosati was elected via write-in vote to positions on both boards and has not attended one meeting; despite numerous attempts to contact him after he accepted the write-in results. Both boards would like to appoint new people, but Mr. Rosati is taking those respective spots. The Budget Committee and the Planning Board has asked the BOS to hold a public hearing in order to remove Mr. Rosati from those positions as provided under NH RSA 673:13:

673:13 Removal of Members. –
I. After public hearing, appointed members and alternate members of an appointed local land use board may be removed by the appointing authority upon written findings of inefficiency, neglect of duty, or malfeasance in office.
II. The board of selectmen may, for any cause enumerated in paragraph I, remove an elected member or alternate member after a public hearing.
III. The appointing authority or the planning board shall file with the city or town clerk, the village district clerk, or the clerk for the county commissioners, whichever is appropriate, a written statement of reasons for removal under this section.
IV. The council, selectmen, county commissioners with the approval of the county delegation, or district commissioners may for any cause enumerated in this section remove the members selected by them.
Source. 1983, 447:1. 1989, 266:11, eff. July 1, 1989.

Joshua motions to open the Public Hearing for the purpose stated above. Second by Dottie. Vote is unanimous (5-0). The Public Hearing is opened at 7:11PM.

Shawn asks if any members of the public wish to address this matter. There is no response from the public present. Shawn then asks if any member of the BOS wishes to address this matter. There is no response from any

member of the BOS. Shawn states that numerous attempts have been made to contact Mr. Rosati, including hand delivered notices to his residence and that Mr. Rosati is aware of tonight's Public Hearing. Joshua motions to close the Public Hearing. Second by Dottie. Vote is unanimous (5-0). The Public Hearing is closed at 7:12PM.

Sheila motions to remove David P. Rosati Jr. from the Danville Budget Committee and the Danville Planning Board in accordance with NH RSA 673:13 (cited above). Second by Dottie. Vote is unanimous (5-0). Shawn asks Kim to notify Mr. Hantman as Chair of the Planning Board and Mr. Billbrough as Chair of the Budget Committee that that BOS has executed the removal of Mr. Rosati and they may move forward with their processes of filling those openings.

Road Agent Update: Jim Seaver introduces himself and his "second-in-command" Andy Ward. He states the weekend storm was a "learning experience" including downed trees, and a major truck breakdown, resulting in certain areas of the Town not being addressed right away. Mr. Seaver expresses his thanks to his subcontractors and his Highway crew.

Mr. Seaver provides the BOS with information on several models of dump trucks and quotes on outfitting them for plowing. He notes the International and Freightliner brands are the most reasonably priced and there is very little difference in the price and models of the trucks. His quotes for outfitting the trucks for plowing are from Fairfield and Donovan Equipment. Mr. Seaver also suggests the BOS review the information on leasing programs for the trucks, noting that interest rates are very low right now. Mr. Seaver explains that basically both trucks are equal. Most of the local towns use Internationals; NH DOT uses Freightliners. He emphasizes the Town needs to have its own equipment. Shawn confirms the prices quoted are through the State program. Joshua asks if the equipment prices apply to either brand of truck. Mr. Seaver clarifies that Fairfield deals mostly with Internationals and Donovan deals mostly with Freightliners, but the BOS could choose to use either shop. Shawn remarks that the dump trucks are the same price. Mr. Seaver explains that they are the same truck, the Freightliner is more "driver friendly", and that both have the same equipment such as heated windshields and mirrors, automatic transmissions, etc. He notes the importance that the BOS make a decision and stay with that same line of trucks in the future to maintain consistency in maintenance, parts, etc. There are two companies that will service Freightliner, but only one, Liberty that will service Internationals. Liberty does have two different locations.

Mr. Ward explains the new trucks will need to go out for repair because everything is computerized and electronic. Basic maintenance such as oil and filters can still be done on site. He also notes that both the Town's plow truck and the old fire wagon are twenty (20) years old, and the Town still needs two (2) trucks. He and Mr. Seaver have also been looking at a good used truck the Town could use to get through this winter. Mr. Seaver notes that Mr. Caillouette was right when he told the BOS the Town needs to have four (4) wing trucks to keep the roads cleared. He notes that he had one (1) wing truck and nine (9) subcontractors for this weekend's storm. It took almost 4.5 hours to salt after the plowing, as there was only one big sander and a small sander on a little truck. Joshua asks if the Town needs both trucks now. Mr. Seaver explains the trucks would not be in until April-June of 2021, and that ultimately he needs three (3) wing trucks. He explains that Mr. Ward used the "big" truck to keep the main road open and that everyone else did the side roads. Shawn agrees the Town needs its own equipment and suggests the BOS look at getting one truck ASAP and then figure out what it can do. Mr. Seaver reminds the BOS the leasing program is for seven (7) years and they could lease two (2) trucks for the same price as the backhoe. Joshua asks for clarification of the pricing. Mr. Seaver clarifies the pricing is for the trucks and the plow equipment. The International is \$158,000 as a seven (7) year lease and that it is warranted for seven (7) years. He explains that International recommends trading the trucks after those seven (7) years that is when the truck has its best trade value that can go towards a new purchase. Most trucks would have 230,000-240,000 miles by then. Shawn disagrees, noting the Town historically gets extra life from its vehicles. Mr. Ward reminds the BOS that to get good personnel to work for the Town they need to provide decent equipment. Mr. Seaver notes that all the new trucks are now automatic and ride and drive like a car. Mr. Seaver and Mr. Ward also express their concern with new roads in town that will come "online" in the near future.

Joshua notes the two trucks would cost \$50,000 a year for seven (7) years. There is discussion of how much money is remaining in the Highway Budget. Mr. Seaver notes he still needs to get more salt, complete paving for

the salt shed, and complete lighting for the salt shed from the FY2020 budget. He provides additional pricing information from Ford2 for a "550" pick-up, and information on a DER-EPA buyback program for old trucks that would pay 50% of the price of a new truck. This program is an attempt to get the old diesel trucks off the roads.

Shawn states this is a big decision for the BOS. There is discussion on using the existing trucks and some of details of the buyback program. Steve asks where Freightliners are manufactured. A quick check shows they are manufactured in North Carolina. Mr. Seaver notes there is a three (3) month lead-time on the dump trucks and at least 180 days to outfit them. Steve asks what the lead-time is on the Fords. Mr. Seaver states at this point its three (3) months unless there are further delays due to COVID. Mr. Ward notes they would like a pick-up to replace the "fire wagon". There is discussion if a wing plow could be put on a pick-up. The consensus is that is not successful, noting it breaks the truck frame. Mr. Ward notes his concern with the "fire wagon" breaking down because it is being used all the time and the Highway Dept does not have a back up.

Steve asks about previously discussed used trucks. Mr. Seaver explains that he is hoping for more information on Friday. He has looked at the truck and it has a front mounted plow and the central hydraulics necessary for a sander. Another available truck would cost approximately \$24,000 to put on a front plow, central hydraulics, and a sander. He notes that Mr. Caillouette had previously purchased a plow that they could use and reduce those costs to approximately \$15,000. He notes this is a dump truck with a light front end. Mr. Seaver states the first truck discussed is heavy-duty and would be a good truck for the Town to start with. It is a 2009 automatic with a Cummings motor. If the Town purchased this truck and then leased/purchased the two new trucks, the Town would be in good shape. The Highway Dept. would have three trucks and three drivers, plus the subcontractors for next winter. Steve asks what the price is on the first truck. Mr. Seaver states \$50,000 to \$55,000. Shawn asks how much work the truck needs. Mr. Seaver states they would need to hook up the hydraulics and put a sander on it. He notes that it does not have a wing plow, but they could put a wing dragger on it. Steve expresses his concern the BOS could miss the sale on this truck. Mr. Seaver notes there are other trucks out there, but the International 2008-2014 had bad motors, and he is not interested in getting one of those as they have huge repair costs. International started using Cummings motors after 2014 and that solved the issue. There is more discussion on the trucks. Steve motions to authorize \$50,000 to purchase a vehicle coming available Friday to add to the Highway Dept. fleet. Second by Dottie. Joshua confirms the price discussion was \$50,000-\$55,000. Shawn asks Steve to amend his motion to \$55,000 to cover the asking price. Steve agrees to the amended amount of \$55,000. Mr. Seaver assures the BOS that he will negotiate the best price. Vote is unanimous (5-0). Mr. Ward thanks the BOS for their support on the trucks. He notes that the drivers need to be safe and not left stranded at 2:00AM.

Salt Shed Update: Shawn asks Mr. Seaver for the status of the Salt Shed. Mr. Seaver notes the paving has been completed. The electrical conduit is in, but he needs quotes on completing the lighting and electrical. Shawn asks if the Charter Bros are doing the lighting. Mr. Seaver states they are not. They were not going to be able to donate the lighting because the cost of the wood from the bid to purchase skyrocketed. Sheila reminds the BOS that they had received an e-mail from Charter Bros. offering to donate the lighting if their bid was chosen. Shawn asks Sheila to follow up on that, noting it is not the BOS problem that they (Charter Bros) did not properly plan and address the commodity price of timber. Steve notes that Charter Bros could have put that clause in their contract. There is further discussion of what electrical was in the contract. Mr. Seaver notes that all the conduit is in place and the paving is done. Shawn suggests that Steve and Sheila work with Charter Bros to address the electrical/lighting issue.

RMON Security Camera Update: Shawn tables the discussion on the quote, noting the BOS has other priorities at this time.

Financial Services RFP: Joshua asks for a due date for the bidding process to include in the RFP. Shawn suggests a date in mid-January. He asks Joshua to work with Kim on BOS meeting dates on the "normal" cycle of every two weeks, noting the BOS hopes to go back to meeting every two weeks and needs to meet on a warrant week. They can open and read the bids at one of those meetings. Joshua notes that Patti Sarcione put in a lot of information and the RFP is now complete. Shawn asks that Joshua put the final dates on it and make the local financial service companies aware of the RFP so they can bid on it.

Olde Rd DES Complaint: Shawn notes the issue on Olde Rd. is growing. The property owner has been cited and DES will be watching the issue very closely. Shawn confirms with Mr. Current that the owner has other business in front of the Planning Board. Mr. Current explains it is for a different property on the corner of Main St. and Olde Rd. on the right. He notes the lot that the DES has cited is at the end of Olde Rd on the left where the owner has put in a driveway. Sheila confirms this discussion is a reference to a previous question to the BOS regarding cutting down trees and hauling in fill. Mr. Current notes the neighbors complained to the "right people". Shawn notes the DES has "teeth". Mr. Current confirms that he and Mr. Hantman are aware of the situation and have all the documentation. Steve asks if the BOS should send a cease and desist letter. He confirms it is the authority of the BOS to do so. Joshua notes the DES has already requested that all work on the site cease. Mr. Current suggests the BOS send a letter to the owner and request information on what activity he is actually performing- noting that the owner does not have an approved business in Town. Mr. Current notes the property is in the Commercial/Light Industrial Zone, but there is no approved site plan for anything on that property other than recreate. He advises the BOS to send a letter and find out what the owner is doing, and what he wants to do. Steve agrees and wants the BOS to separate themselves from the DES and instruct the owner that he has to come in front of the Planning Board if he plans to do anything on that property, and to stop all work until that is done. Mr. Current reminds the BOS "anytime you do anything on your property, you need permission from somebody to do it." Shawn asks Kim to compose a letter from the BOS to the property owner.

Eversource Easement Update: Shawn notes that he has received an update that Eversource has completed their line replacement project. Mr. Current notes that Eversource picked up the mats on Main St by the ball field about 15-20 days ago and that they (Eversource) appear to have been done for quite a while. Shawn states that a Non-Public session with the Planning Board generated an estimate for the sale of the permanent easement. He notes that he does not see any rationale to deviate from that number, and would like permission to move the discussion with Eversource forward with that number. Shawn states that he believes it is a fair and reasonable amount. Mr. Current states that he and Mr. Springer had also talked and agrees that is good number. Shawn explains that he has had one conversation with the Eversource representative regarding that amount and asks if the BOS want him to continue to negotiate with that number and move the issue forward to finish negotiations. Steve confirms with Shawn that the negotiations have been ongoing as stipulated in the Temporary Access Permit. Shawn suggests that if Eversource becomes unrealistic, the BOS can "put their foot down" in the future and it will put Eversource in a very bad position. Steve reminds the BOS that allowing Eversource access saved them "tens of thousands of dollars". Shawn agrees and notes that the permanent easement is a better approach environmentally, as well as many other benefits, but if Eversource refuses to negotiate, future access can be denied. Mr. Current, as vice-chair of the Planning Board and chair of the Forestry Committee fully supports the BOS position. The consensus of the BOS is for Shawn to move forward with the negotiations.

Signature File: The BOS review and sign the documents and warrants in the Signature File. There is a recommendation from the Community Center Committee to appoint Matt Bean to that committee. Dottie motions for the BOS to appoint Matt Bean to the Community Center Committee. Second by Sheila. Vote is 4-yes, 0-no, and 1-abstention. Steve abstains. (4-0-1).

Minutes: The BOS review the minutes for the November 30, 2020 BOS public meeting. There are no corrections or comments. Shawn motions to accept the minutes for the November 30, 2020 BOS public meeting as written. Second by Steve. Vote is unanimous (5-0).

III. Budgets

#4195.10- Town Cemeteries: Judi Cogswell and Beth Caillouette, Cemetery Trustees present the #4195.10 Town Cemeteries budget for \$23,450. This budget is level-funded from FY2020. Shawn notes that some things normally done could not be done due to COVID. Ms. Caillouette explains that the usual stone cleaning was not done as they were busy getting the required supplies to meet COVID protocols for the general work. She also notes the owner of the company who does the cleaning had also dealt with a family death. Ms. Cogswell explains that some of the roadwork usually done in the fall was not done yet, but the contractor has been asked to provide a quote so the Town can encumber those funds. Sheila asks which cemetery they are addressing. Ms. Caillouette states at least Center Cemetery, but the Trustees would also like to address the cemetery at the Old Meeting House, noting the

roads are growing in. Ms. Cogswell reminds the BOS this part of their regular maintenance. Sheila asks if there was anything spent from the FY2020 budget. Ms. Caillouette states that as of the last bill in October, the Trustees had spent \$9,480 on Groundskeeping. She notes that she does not have November expenditures yet. Kim explains that she did not print the Cemetery year-to-date worksheet. Ms. Caillouette reminds the BOS that there was less mowing this past summer, so the Trustees had authorized the extra projects. Sheila explains to the Trustees that when they present their budget to the Budget Committee they will need to explain exactly what has been spent and what their plans are. Ms. Caillouette asks that she be provided the current year-to-date worksheet. Dottie motions to approve the #4195.10 Town Cemeteries budget for \$23,450. Second by Steve. Vote is unanimous (5-0).

🚩 **#4195.10- Town Cemeteries budget is approved for \$23,450.**

#4130.10- Executive/Selectmen Budget: Kim presented the preliminary budget for #4130.10- Executive/Selectmen for \$182,250. The BOS review their previous discussion for line #742- Tax Lien expenses. Kim provided them with a break out of expenses for 599 Main St. Shawn explains that when that property sells, the first part of those expenses will be addressed out of the settlement. There is also an agreement with the Dept. of Justice how the rest of the proceeds will be allocated. Shawn notes that legal costs will probably be recurring, but the SEC (survey) costs are a one-time expense. Shawn states that he would estimate approximately \$10,000 for the recurring costs in FY2021. Kim clarifies the legal costs for 599 Main St. are reflected in #742 rather than in the Legal Budget. Joshua clarifies that if the BOS budgets \$10,000 in line #742, it will be closer to the actual costs. Shawn notes that he thinks those costs may come down, and that some of those FY2020 expenses were expected, but would be covered by other, under spent, budget lines. Shawn recommends funding #742 Tax Lien expense for \$10,000. The rest of the BOS agrees.

The BOS also review line #530-Advertising. Dottie and Kim discuss the extensive employee turnover and costs of legal notices. Kim notes those expenses include the legal notice expenses for the ZBA. Sheila explains those costs should be reflected in the ZBA budget, not in the Selectmen's budget. Joshua confirms the new total for the Selectmen's budget and motions to approve the budget for #4130.10 Executive/Selectmen's for \$197,498. Second by Dottie. Vote is unanimous. (5-0).

🚩 **#4130.10- Executive/Selectmen's budget is approved for \$197,498.**

#4196.10- Insurance (Other): The BOS has received a quote for \$39,329 for FY2021 property and liability insurance. Joshua motions to approve the budget for #4196.10- Insurance (Other) for \$39,329. Second by Dottie. Vote is unanimous (5-0).

🚩 **#4196.10- Insurance (Other) is approved for \$39,329.**

#4316.10- Street Lighting: Shawn reviews the information that Kim has provided. He explains that previous years' budgets have been consistent, but the rate increases are catching up. He notes the costs have increased from 5.8/KWH to 8.7/KWH. Kim explains the formula and fee structure to Shawn. He reminds the BOS that rates are based on "max peak demand" and one of the best ways to save money is to use smart power management to reduce peak use. Shawn recommends increasing the budget from \$8500 to \$10,000 to cover the rate increase. Dottie motions to approve the budget for #4316.10 Street Lighting for \$10,000. Second by Joshua. Vote is unanimous (5-0).

🚩 **#4316.10- Street Lighting budget is approved for \$10,000.**

#4520.20- Parks Maintenance: The BOS has received the FY2021 mowing contract from Auger for \$15,000. Kim has funded that line for \$24,600 including the mowing contract. Joshua motions to approve the budget for #4520.20 Parks Maintenance for \$24,600. Second by Dottie. Vote is unanimous (5-0).

🚩 **#4520.20 Parks Maintenance budget is approved for \$24,600.**

Shawn reviews the remaining budgets the BOS need to approve. They include the Highway Dept, including Winter, Storm Water Management, and Road Maintenance. Also needing review is the IT budget, Personnel Insurance/FICA, and the RFP for Financial Services.

Household Hazardous Waste (HHW) Update: Kim has spoken to Hampstead regarding the HHW rotation. She explains it goes by alphabetical order, so Kingston will host in FY2021. Plaistow hosts the Spring HHW program every spring and is not part of the rotation. Danville's turn to host will be in three (3) years. Shawn explains that Plaistow applies for a grant for the spring program and the grant dollars are used first to fund the program. Any additional costs are allocated based on each Town's participation. The fall HHW program is entirely funded by the participating towns. The host town pays for the program and then bills the participating towns for their share. He explains that requires budgeting extra costs the year that Danville hosts, but those costs are later reimbursed by the other towns. Steve reminds the BOS that the Town also is required to send personnel to the other towns for HHW. Shawn notes staffing the HHW is usually done by the Highway Dept.

#4155- Personnel Expenses: Steve asks why the BOS is holding off on this budget. Kim explains she needs the final FICA costs. Shawn explains this budget is historically done at the very end of budget season because an accurate count of employees is required to budget these costs. Steve reminds the BOS that the Town's costs for NH Retirement will increase by 1.5% in July 2021. He reiterates his wish that these costs should be reflected in each department's budget to show the actual personnel costs. Shawn explains that either method is correct and the current system has "just been done this way". Shawn clarifies that Steve's request is to break out the true personnel costs for each department, but it is "more viable when you have more people", noting the Town only has nine (9) employees and it is easier to budget those costs in one budget.

Steve explains his motivation is having been chastised by the Budget Committee for the Fire Dept. wages. BudCom wants to do a wage study and he is concerned that they use the actual costs of each employee in each position in Town. He notes BudCom will not get an equitable wage study if they do not count the 30% the Town pays into NH Retirement. He expresses his concern that any comparisons be "apples to apples" when evaluating personnel costs. Shawn agrees and notes that when comparing wages to other towns, BudCom will also need to know how those costs are put together. Steve states that he does not expect to make those budget changes this year. Shawn suggests the BOS could address making those changes after the March elections. Steve again reiterates his concern that the BudCom wage study be "apples to apples".

IV. Old/New Business

ZOOM Accounts: Sheila explains that some of the Town's committees are using their personal ZOOM accounts for their meetings and asks why the Town cannot set up a ZOOM account. Shawn states that he thought Mr. Hantman had set up a ZOOM account for the Town. Shawn explains the School District has one that was set up and is managed by their IT Dept. He notes that it is an IT nightmare and that he did not want to be the "point person" for all the ZOOM issues. Sheila notes that it probably would not work for the BOS meetings because of the amount of public participation. Shawn explains the BOS could do it with public input on an audio conference. Shawn explains that he supports getting a Town ZOOM account, but questions who would manage the platform. Sheila suggests the committee chairs could be the people to set up the meetings. Shawn notes that he thought the one Mr. Hantman got for the Planning Board meetings was a Town account. Shawn suggests that Sheila ask Mr. Hantman if the Town can set up an account where multiple people can set up meetings. He also suggests working with RMON on the process. Shawn reminds the BOS that there are state requirements for virtual meetings to meet the requirements of NH RSA 91. He notes there are requirements and issues with preserving the meeting, and that a helpline must be available for any technical difficulties. All this must be in place before doing a ZOOM meeting. He also reminds the BOS that if any committee fails to meet the requirements the responsibility for those violations is on the BOS. He notes his concern with the logistics required to do ZOOM meetings properly.

ACO-IMC Access Update: Sheila reads the attached statement concerning her access to IMC to the BOS. Shawn clarifies with Sheila that this is a set-up issue by the Danville Police Dept. of her "administrator rights" to IMC. Shawn will address the issue with the Police Dept. and make sure access to IMC is turned on, but notes that is as far as the Police Dept. will go. Shawn asks Sheila what she expects the Police Dept. to do if there are issues above and beyond access.


Sheila responds by reading the attached Court Order from 2015. Dottie clarifies the court order mandates both support and administrative access. Sheila states that she's "... just trying to do her job" and that this issue "does

not help the Town if stuff happens down the road". Shawn reminds Sheila there were times when she had IMC working and then something happened. Sheila explains that IMC would not work on the old laptop and that was why the Town bought a new laptop. Shawn states that the Police Dept. cannot be Sheila's/ACO's IT support people and believes that is Chief Parson's concern. He explains that he and the Police Dept. will work to make sure she has all the access rights she needs to get her job done, but notes that is not the Police Dept's job to teach her how to work IMC. Sheila reiterates it is the security issues that prevent her from getting into IMC. She states that ION told her to sit with an officer and have them log in with their credentials, log out, and then have her log in to demonstrate it is a security issue. She states she was chastised through an e-mail from the Police Dept. for going in and doing that. Steve asks if there are different levels of security available. Sheila explains that her access would only be to a "small, minute part" of the program. Her access is only to generate her ACO reports. She cannot get into anything else.

Shawn confirms the administrative issue is that her credentials are not set up appropriately for ACO access. He agrees that the BOS should make sure that is in place. He reminds Sheila that once she logs in and connects, the Police Dept. is no longer involved. If she has questions how to run IMC, she will need to find her own tutorials. Sheila reiterates her problem is getting into the system because she is stopped by security. Shawn states that he was unaware that was the issue. Sheila states that has been the issue all along. Shawn clarifies the focus is on the administrative/security credentials. He notes he believes that everyone understood that she did not know how to work IMC. Sheila states that she knows how to work IMC, but simply cannot get in. Shawn states he will work with Chief Parsons to get the access issue addressed, he will let the BOS know when that is done, and Sheila can try it again and let the BOS know if she does get access. Sheila thanks him.

V. Town Announcements

Calendar

 **Monday, December 14-** BOS meeting 7:00PM at the Town Hall

There being no further items to discuss, Shawn requests a Non-Public session under NH RSA 91-A 3:II(d). Sheila motions to go into a Non-Public session as requested. Second by Dottie. Roll Call Vote: Shawn-yes, Steve-yes, Sheila-yes, Dottie-yes, Joshua-yes. Non-Public Session begins at 8:45PM.

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

Respectfully Submitted
Deborah A. Christie

- The only thing I am asking is for the Danville Police Department, Chief Parsons, to enable the security rights which allow the laptop to work. All the Admin Assistants for PD's are NOT police officers and they can input into IMC. And the PD's I spoke to said that their Admins access through Security Rights are limited. I also spoke to other ACO's in NH that input their reports into IMC that are not police officers, and their accesses through Security Rights are limited. I inputted into IMC before I was in the elected position, with these same limited rights. Last year through the budget process, the ACO budget, purchased a new laptop, as the old laptop needed to be upgraded. Since the new laptop I have been unable to use it due to the Security rights issue.

- I have spoken to the Vice Chair and the BOS regarding the laptop issue.

- I have reached out to the following:

- Lieutenant Kevin Walsh, Rockingham County Sheriff's Department. He explained that the rights are administered by each Town themselves. Each town, like Danville, sets the security rights; they alone control the settings and the control rights. There is nothing that MC at Rockingham Dispatch can help with, because of this. The Danville Police Department would have to set up the security rights for the laptop. Rockingham Dispatch can't do anything to help with the laptop as they don't have security rights themselves to any of the towns IMC. So even if they wanted to they are unable to.

- Rockingham County Commissioner, Kevin St. James. Understood the issues and was concerned. He whether I am elected or not, I still had a job to do. The Statutes of New Hampshire as passed by the legislature, the United States and New Hampshire constitutions. They are referred to as "RSA's." All Animal Control Officers in New Hampshire elected or not, enforce all applicable state statutes and local ordinances pertaining to animals. He stated that the Danville Police Department Chief Parson's is not allowing me to fore fill my job obligations sighting,

New Hampshire Revised Statutes 466:37 — Official Neglect
Any city or town officer who refuses or willfully neglects to perform the duties Imposed upon such officer by this chapter relating to dogs shall be guilty of a violation, the fine to be paid to the city or town

Kevin also suggested I speak to the Attorney General Office. He said if the town has a court order they should be following it.

- Investigator Richard C. Tracey, NH Department of Justice, Attorney General. He was familiar with the issues of the Danville Police Department and its history with Animal Control and Chief Parsons. He did look into it and explained that while this is a concern, as all reports no matter what they are should be documented into the system. As information gathered on any investigation is through this system and missing document reports could hinder a potential case in the future. They could not make the Danville Police Chief turn on the security rights.. His suggestion was to come back to the BOS and have them instruct that the Administrative rights be turned back on so that the reports are inputted into the system.

- Rockingham County Attorney Office, Investigator Chris Fenerty. His previous position was a Lieutenant Exeter Police Department. He explained that he was well aware of how important all reports are including Animal Control. He was in charge of the ACO in Exeter and well aware of what an ACO does. He explained that not inputting the reports into MC is an injustice to the town's residents and to the town.. Not allowing the ACO to do the reports, could lead to a problem if something were to happen with no reports into the system. As MC is what is used by all law enforcements in gathering information. His office could not enforce Danville Police

Department. He suggested that the BOS instruct the Danville Chief of Police to give the Administrative rights/Security rights to the ACO, and allow the reports to be inputted into the system. Town has a

court order, and should be following the court order in place.

Kevin Coyle, Town of Danville's Prosecutor. Mr. Coyle was concerned with reports not in the system. The impact of not having all the reports for a case or lack thereof. The importance of the records being recorded into MC.

- On March 5, 2015 Case# 218-2014-CV-00442 Sheila Johannesen v Town of Danville, NH, et al this is when the final order was issued.
- Through this court order, a Elected ACO job description and Elected ACO SOP (Standard Operation Procedure) was accomplished and developed through both sides legal counsels, myself, the Board of Selectmen and Chief Parsons. In an email from the Town Attorney, Brian Cullen, "The Chief approved the SOP as drafted. Copy attached. The final Job Description is also attached. I don't think there is anything left except for Ms. Johannesen to contact the Chief and confirm her start date, which I see no reason not to have Tuesday. brian

1.. Unless and until the Town adopts a warrant article or charter to the contrary, it must maintain and fund an erected Animal Control Officer position.

The Animal Control Officer may be attached to the Police Department for administrative purposes. The

Police Department shall provide the Animal Control Officer with reasonable accommodations, utilities and support, in substantially the same manner as it provided such accommodations and support to the appointed Animal Control Officer in 2011.

2. Unless and until the Town adopts a warrant article or charter to the contrary, the elected Animal Control Officer shall have the same responsibilities, duties, powers and authority as the appointed Animal Control Officer had, as a matter of fact, in 2011.

3. Because the appointed Animal Control Officer position never required certification as a police officer, and because the appointed Animal Control Officer was not certified in 2011, the responsibilities, duties, powers and authority of the elected Animal Control Officer shall not include any matter for which certification is required under RSA Chapter 188-F, unless the Town adopts a warrant article or charter to the contrary.

4. The Police Chief and Select Board¹ shall share responsibility for the Town's animal control policies and practices with the elected Animal Control Officer, in the same manner that they shared responsibilities, as a matter of fact, with the appointed Animal Control Officer in 2011.

5. Within 30 days of the clerk's notice of this order, the parties shall either (a) file with the court a stipulation that details the specific responsibilities, duties, powers and

¹ The parties' filings refer to the "board of selectmen." This order uses the gender neutral term 'Select board.' See, RSA 21:28,11 ("The words 'selectwoman,' 'selectpersdn,' and 'select board' may be used interchangeably with 'selectmen' in all instances where appropriate.").

authorit authority of the Animal Control Officer or (b) file a notice stating that, after
 good fa making a good faith effort to meet and confer they were unable to agree, in
 shall sc which case the court shall schedule an evidentiary hearing and issue a further
 order clarifying the Animal
 Control Officer's responsibilities, duties, powers and authority.

6. If a dispute later arises concerning (a) the scope of the elected Animal Control Officer's duties and responsibilities or (b) the scope of the Police Chiefs or Select Board's responsibilities with respect to animal control, any party may seek clarification and guidance from this court, provided that the party first attempts in good faith to meet and confer with any opposing party in an effort to resolve the dispute. Any motion for contempt, clarification or other relief shall be accompanied by an affidavit that details the effort made by the moving party to resolve the dispute.

7. Until such time as the Town adopts a warrant article (including an article relative to appropriations or a budget) or charter to the contrary, the elected Animal Control Officer shall (a) be paid at the same rate, on the same terms as the appointed Animal Control Officer was paid in 2011 but (b) subject to the maximum budgeted amount for animal control in 2014.

8. As a municipal officer and official, elected pursuant to RSA 41 the Animal Control Officer may be removed from office only by (a) expiration of her elected term, (b) petition to the Superior Court for violation of her oath as provided for in RSA 42:1-a, or (c) such other means as may be established by statute or law.

9. Nothing in this order prevents the legislative body of the Town of Danville—
 —
 i.e. the voters—from altering, eliminating or defunding the Animal Control Officer position.