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Town of Danville
Board of Selectmen
Monday, April 20, 2020
6:55 PM

6:55PM **Non-Public Session under NH RSA 91-A3: II (d)**

7:00 PM Public Meeting.
Meeting is Video-Recorded

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

Others Present: Patty Hess, Town Administrator, Beth Caillouette, Highway Dept.

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

There are no delegates to address the BOS. Shawn closes the delegate session.

II. Old/New Business

New Town Administrator: Shawn introduces April Lucier as the new Town Administrator. She will be training with Patty until Patty's retirement at the end of May.

Ball Fields Update: The Town owns several fields that are normally used heavily during this time of year. It requires ongoing coordination of schedules from multiple organizations. Stacy O'Connor has again offered to manage the scheduling of the fields. Shawn recommends the BOS re-appoint Stacy O'Connor to the Recreation Commission so she can do this. David motions to re-appoint Stacy O'Connor to the Recreation Commission. Second by Sheila. Sheila expresses her belief this was an issue of insurance. Dottie states this issue was about the scheduling of the fields. Patty clarifies she has the insurance issue later on the agenda. Shawn calls the question. Vote is unanimous (5-0).

Patty asks if the fields are able to open under the COVID-19 restrictions. David believes the Town should follow the stay-at-home and emergency orders. The consensus of the BOS is to defer any decision until they receive further information from the State.

Senior Signs: A resident has inquired into displaying signs with pictures of the High School graduates. Shawn explains this is an issue the School Board is also dealing with, noting that with the remote learning mandate all the Senior activities are gone; their prom, class trip, graduation, etc. The School Board is trying to make their year-end as normal as possible. They are looking to push graduation from May 10 to May 21 and are trying to figure out a way for Seniors to have their prom. The resident e-mailed the BOS with a request to put Seniors' pictures on poster board and display them alongside the fence of Day Field and the road by the fields. Shawn feels this is a goodwill gesture. Sheila asks how many signs. After a brief discussion, the BOS determined they did not have a number of Danville High School graduates. Sheila remarks that she has seen pictures of these signs and they appear to be displayed at the homes of the Seniors. She notes that she thinks it is a good idea, but expresses her concern about flooding the streets with signs. Patty notes that she can get the number of Danville Seniors. David asks Shawn how many Seniors are in the Timberlane graduating class. Shawn believes the number is in the low-mid 200's. Danville would be 25-30% of that, approximately 60-80 Seniors. Shawn and David discuss the possible

size of the sign. Sheila notes she thought these would be individual signs. Patty also had the impression the pictures would be on a poster board much like the sponsor signs at the ball fields. Patty reads the e-mail, "along the fence at Day Field or on the land near the Town Tree. They would be installed the second week of May and would be removed June 1."

Sheila reiterates her concern at the number of individual signs and wants to ensure they will be removed. Patty and the BOS reiterate the e-mail states the people who are involved with installing the signs will also remove them. David states he has no problem with the request. Shawn agrees. Consensus of the BOS is to give permission for the project. Shawn asks Patty to find out the details of the display. Sheila suggests that perhaps they could change the display sign at Day Field to something like "Congratulations Seniors" to explain to the public what the display is.

Fireworks Contract: Shawn explains to the BOS that he has heard back from the vendor and they are okay if Old Home Days are postponed, but will need to know by July 1. Shawn recommends the BOS table further discussion of the contract until they are clearer on how or when Old Home Days may happen. The consensus of the BOS is to table the contract for future discussion.

Town Auditors: Patty explains the auditors had a question regarding the \$41,000 in 2019-15 Warrant Article passed by the voters for the Salt Shed that was raised by taxes. That money should have been encumbered in December. The BOS can encumber those funds tonight and move those funds into the encumbrance account. If the money is used this year, that will be fine, any unused encumbrance money goes into the unreserved fund balance. Patty notes this is the first time the Town raised money by taxes and did not complete the project in the same fiscal year, and that because the money was raised by taxation, it needed to be encumbered. Patty explains she needs a motion to encumber these funds retroactive to December 31, 2019. David motions to encumber the funds raised by 2019-15 Warrant Article to be encumbered retroactive to December 31, 2019. Second by Dottie. Vote is unanimous (5-0).

Minutes: The BOS reviews the minutes from the March 24, 2020 BOS public meeting (postponed from 3/23 due to inclement weather). Patty notes she corrected one typo. Sheila motions to accept the minutes as written. Second by David. Vote is unanimous (5-0).

The BOS reviews the minutes from the April 6, 2020 BOS public meeting. Sheila motions to approve the minutes as written. Second by Steve. Vote is unanimous (5-0).

The BOS reviews the minutes from the April 6, 2020 BOS non-public session. Sheila motions to accept the non-public minutes as written. Second by David. Vote is unanimous (5-0).

Roadside Clean-up: Patty informs the BOS the blue bags for the roadside clean-up program came in and that she received a call from a resident wishing to pick some up. Patty had referred the resident to Beth Caillouette in the Highway Dept. Ms. Caillouette in turn called the Town Clerk and told her the Highway Dept. would not be giving the blue bags to the local store for distribution because the "official" Roadside Clean-Up program has been postponed, but that residents can use their own bags if they wish to do clean-up at this time. Patty explains the Highway Dept. has to keep track of how many bags of trash they pick up, even if they are not in the blue bags. Shawn explains to the BOS that these numbers are part of Highway Depts.' reports to the State. Patty expresses concern the NHDOT will often pick up the bags of trash along Rte 111 before the Town Highway Dept. can get to them. Residents have been advised to use their own bags and to call the Highway Dept. for pick-up.

Land Use Change Tax (LUCT): Janet has advised the BOS of a new development that will trigger a LUCT change. The developer is one the Town has had a previous issue with in 2009 that ended up going to court. Town Assessor Fred Smith has requested the BOS reach out to the developer with some targeted questions to avoid repeating the same issues as before. Shawn explains the previous issues involved assessed values that were used in 2009 during the "great recession". The BOS at that time had agreed to the assessed value with no time limit imposed. The developer sat on those properties for a very long time at the low assessed value and did not develop them until 8-9 years later, with the LUCT tax based on that 2009 assessed value. Shawn asks the BOS for permission to work with Mr. Smith to contact the builder to ensure an understanding of the process and come to an agreement of how the LUCT will be applied. Shawn notes this will be a substantial development of approximately twenty (20) half-acre

(½) acre lots. Sheila asks where the development is being built and is told it is part of an ongoing development in Caleb Commons on Wards Way. Mr. Smith has already explained to the builder that as long as ten (10) contiguous acres remain undeveloped, those lots can remain in Current Use. The LUCT tax will be assessed as each lot is developed and a foundation permit is pulled. Shawn notes that LUCT is assessed when the land is changed and that it represents 10% of the market value. He notes that clearing of the lot will trigger the LUCT process. He also explains that while cutting trees is permissible under Current Use, and further changes to the land, such as using a bulldozer, is not. Patty explains to the BOS that another developer had built on various lots and not maintained the ten (10) contiguous acre rules. The entire parcel had to come out of Current Use at one time, resulting in a very large LUCT assessment. The consensus of the BOS is to allow Shawn to work Mr. Smith on this issue.

Signature File: Payroll and payment warrants are reviewed and signed by the BOS.

Committee Appointments: Patty has received two letters of recommendation for Committee appointments. The Heritage Commission has recommended Brenda Whitehouse to fill a current opening. Sheila motions to accept the recommendation and appoint Brenda Whitehouse as a regular member to the Heritage Commission. Second by Steve. Vote is unanimous (5-0). Brenda Whitehouse is appointed to the Heritage Commission.

The Community Center Management Committee (CCMC) has recommended Orrie Roy to fill a current opening. Dottie motions to accept the recommendation. Second by Sheila. David asks about the status of Judi Cogswell's application to the CCMC. Patty explains both applications went to the Committee for review and recommendation and the Community Center Management Committee has recommended Orrie Roy for the open position. Shawn calls for a vote. Vote is 4 yes, 1-no (4-1-0). The motion passes. Orrie Roy is appointed to the Community Center Management Committee.

Shawn reads the very few town announcements listed below. He notes that April 20 is Volunteer Recognition Day and he would like to thank all the volunteers in Town; noting their support is much appreciated. He reminds everyone to "Be Courteous, Stay Home and Stay Safe."

ACO Van Update: Sheila informs the BOS that the 2005 ACO van did not pass inspection. She has obtained an estimate for the work needed to bring the van into compliance. The estimate notes that previous work on the brakes was not done completely and listed the following items that needed to be repaired:

- ✚ Replacement of the ABS modular
- ✚ Replacement of the front wheel bearings
- ✚ Replacement of the front wheel brake pads and rotors.
- ✚ Total of estimate is \$1277.90

Sheila informs the BOS there is not a sufficient amount in the ACO budget to cover the repairs. David asks her where she took the van for inspection. Sheila notes she took the van to Approved Auto Service in Plaistow. Patty notes that Sheila will need two more quotes for the repairs. Sheila explains that she believes the van is not drivable and has left it at the repair shop. David states she will need to get the expanded umbrella insurance if she has to use her privately owned vehicle for ACO calls. Shawn expresses his concern with putting money into the ACO van if it is not being used. He notes that he understands the van is not heavily utilized for the number of ACO calls, but it does need to be used. Shawn notes that multiple Town departments use the ACO van for various transportation and other "general purpose" needs, and they are not going to find a replacement vehicle for \$1250. He notes the ACO van still has a good body. Shawn asks to see the quote in order to review it. David asks who had done the work for the last inspection, but on one can recall. Patty notes the Police Dept. had the work done and does not remember the vendor they used.

Steve asks why the Town is not using the Driscoll's repair shop, as it is local. Shawn expresses concern the Town has unofficially adopted "preferred vendors" in town for maintenance. He explains that by going out and selecting a new vendor without "due diligence" by the BOS, puts the BOS in a bad position, and that is not a practice of sound management. Sheila notes the Police Dept. had used Safeway, a vendor for a previous van. There was a question with their work and as she and Chief of Police tried to assess the issue, it resulted in the end of the van. Sheila reiterates the current ACO van needs the sticker.

Shawn notes the costs of moving the van would probably not offset any cost savings by changing vendors. He has reviewed the quote and finds it "palatable". Patty confirms that Sheila's reluctance to drive the van is due to safety concerns. David offers to drive the ACO van back to town. He reiterates his concern regarding the lack of umbrella coverage while Sheila is using her own vehicle for ACO calls. Shawn states he understands David's concern, as the Town has required all their vendors to carry the extra insurance, but that is a separate issue. The consensus of the BOS is to get the work done at the repair shop where the van is currently located. Shawn asks that, going forward, the BOS is asked before any Town official or employee goes outside the "preferred vendors".

Sheila reminds the BOS there is not enough money in the ACO budget to cover the estimated cost of repairs. Patty reminds the BOS the Warrant Article was for the ACO salary, and BOS had removed the vehicle maintenance line from the ACO budget during the budget hearings. Shawn reviews the ACO budget and suggests using the remaining \$750 to repair the ACO van and to pay the remainder from the Selectman's Budget Repair and Maintenance line. Shawn notes that if there are additional ACO expenses, Sheila could come back to the BOS for additional funds. Sheila notes that will include money budgeted for a new computer card necessary for access to Rockingham Dispatch. The consensus of the BOS is to accept this combination of funds for the repairs at the van's current location.

Salt Shed: Sheila notes the Town has established a Capital Reserve fund of \$295,800 to build a future EPA required salt/sand shed. She spoke to Christopher Avery at DES, who then reached out to Michael Locker at NH DES. Mr. Locker is the head of the Groundwater Recharge Program. She forwarded their responses to the BOS prior to tonight's meeting. According to Sheila's research and the response of these officials, the EPA does not tell the Towns they have to do anything and the Town complies with the existing salt storage procedure. She quotes the DES e-mailed response: "rules do not require or prescribe specific details for location, constructions, or management of existing or proposed salt shed storage or management sites. That said; these facilities are registered with the DES for inventory purposes." Sheila states the Town has been putting money away for a salt shed when it has been in compliance for all this time. She would like to put a hold on the salt shed for now and at the end of the year by Town vote, repurpose the money for the new Police Station.

Shawn explains the Town has already voted to build a salt shed and has been appropriating money for this purpose since 2007. Patty clarifies that the Town has authorized building the salt shed and that she (Sheila) is saying not to do this. The Town would first have to vote to not build the salt shed before there was any kind of re-allocation of those funds (which would also need a Town vote). David notes that Mr. Caillouette had provided documents showing the EPA requirements. He also notes the DES does not necessarily know all of the EPA requirements. Sheila states that she wants to see the requirements in writing. Patty clarifies that Sheila is stating that what the Town currently has complies with EPA. David notes that she (Sheila) had only talked to DES who could not find any EPA rulings on the matter. Dottie confirms with Shawn that the BOS has to do what the Town voted and asks why the salt shed was not built last year. Shawn and David explain the BOS had put a hold on the salt shed while trying to coordinate its construction with that of the new Police Station. Shawn explains it was the economies of scale as the Salt Shed and the new Police Station are on the same lot. Now that the new Police Station did not pass, the BOS can move forward with the construction of the Salt Shed. Shawn notes the BOS cannot arbitrarily decide not to build the salt shed. Dottie states the BOS should do as the Townspeople voted.

Sheila agrees, but notes the Warrant Article was for "future requirements" and states there are no "future requirements". David comments that she (Sheila) does not know that. Shawn recalls conversations where even if this is not a current requirement, it does not preclude it from becoming a future requirement, noting these rules are made by the government. Patty gives the example of recent changes in the requirements for street sweeping. Shawn reiterates David's comments that the EPA and DES are two totally different entities and their policies sometimes interact well and at other times do not. He notes the Town is required to follow the rules from both entities and that both have "teeth" if the Town chooses not to do that. Shawn notes that he fears the EPA the most.

Dottie asks where the BOS should go from here. Shawn and David both note that Mr.Caillouette has been moving forward clearing the site and will bring an updated proposal to the BOS. Shawn notes his reservations with the heavily discussed vinyl roof system. Patty suggests that Mr.Caillouette bring his previous proposals back to the BOS so that new members can review them, reminding them the prices have probably changed. Shawn makes clear he would only support the project if it were done by an outside contractor. He would not support the project if the Highway Dept. did it.

Sheila asks if the BOS has had an update on the repair project for Kimball Terrace. The BOS is still waiting for an estimate of those costs and there has been no further information from NHDOT regarding sharing the costs of the project. Patty will follow up on that.

Ms.Caillouette enters the meeting and is recognized by Shawn. She is clearly agitated and Shawn tries to calm her down. Ms.Caillouette states that she is beyond upset that Sheila is accusing them (she and Mr. Caillouette) of not telling the truth, and she "will not EVER be told that!"

Ms.Caillouette then reads from the NH Small MS4 General Permit from 2017; pg. 56 as posted on the EPA website:

2017 NH Small MS4 General Permit

Page 1 of 67

**United States Environmental Protection Agency (EPA)
National Pollutant Discharge Elimination System (NPDES)
GENERAL PERMITS FOR STORMWATER DISCHARGES
FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Salt Storage Piles or Piles Containing Salt: For storage piles of salt or piles containing salt used for deicing or other purposes (including maintenance of paved surfaces) for which the discharge during precipitation events discharges to the permittee's MS4, any other MS4 or to a Water of the United States, the permittee shall prevent exposure of the storage pile to precipitation by enclosing or covering the storage piles. Such piles shall be enclosed or covered within two (2) years of the permit effective date. The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. The permittee is encouraged to store piles in such a manner as not to impact surface water resources, ground water resources, recharge areas, and wells.

After Ms.Caillouette finishes reading this section of the 2017 NH Small MS4 General Permit, Sheila asks for a copy of it. Ms.Caillouette provides her copy to Sheila and advises her to call the EPA and speak to the Stormwater Management Division, as they will understand Sheila's questions.

III. Town Announcements

Open Committee Seats:

 Heritage Commission- 2 alternate positions

There being no further items to discuss, Shawn requests an adjournment of the public meeting
Meeting is adjourned at 7:59PM

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

Respectfully Submitted
Deborah A. Christie