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Town of Danville
Board of Selectmen
Monday, January 11, 2021
7:00 PM

7:52 PM: Meeting is delayed to due a scheduled Non-Public session at 7:00PM
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; Carsten Springer, Chair, Conservation Commission; James Seaver, Road Agent; Charlie Zilch, Civil Engineer; James Boracezk

Shawn called the meeting to order at 7:52PM 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.

Conservation Commission Update: Carsten Springer, Chair of the Conservation Commission asks to respond to issues and questions raised regarding the issue of a donated tractor and the following discussion by the BOS at the January 4, 2021 meeting. Mr. Springer notes that in the December 19, 2019 minutes: *“Al Hess donated a John Deere tractor with the statement that it will need some maintenance before it will operate. The Conservation Commission has declined the donation”*. At the following meeting of January 2, 2020, Mr. Springer reads from those minutes. He notes the following is based on an earlier visit by himself and Rob Loree to Al Hess’ barn. After the December 19 meeting Mr. Hess had indicated that he would sell the John Deere tractor to the Conservation Commission. Mr. Springer notes the purchase included other equipment such as shovels, post-hole diggers, etc that the Conservation Commission could use rather than using their own personal equipment for Conservation projects.

“Under ‘Old Business’ Al Hess is selling various tools and equipment along with a John Deere 410 tractor and a written receipt in the amount of \$200 is attached. Carsten made a motion to write a check in the amount of \$200. Ed Lang seconded the motion and the floor was opened for discussion. Rob Loree stated that he believed the amount was extremely low based on the value of the equipment, and that all of that equipment is currently in the Conservation Commission’s possession. Based on that discussion, Carsten withdrew his original motion and Ed Lang withdrew his second. Carsten’s new motion is to make the check for \$300 for the receipt of assorted tools and equipment as listed. Ed Lang seconded the motion and made a comment about Al Hess being a fantastic member of the Conservation Commission throughout the years. Carsten wanted to clarify the money was payment for tools only and does not want anybody in the community to misunderstand the reason for the payment. The motion was passed unanimously. Carsten is writing on the back of the invoice and all present members of the Conservation Commission are signing the updated document.

Mr. Springer has a picture of the updated document on his phone and will send it to the BOS. He reiterates that while the tractor was initially offered as a donation, it was ultimately purchased along with other tools and equipment. He also notes that Kim had been trying unsuccessfully, to access the January 2, 2020 minutes. He explains that their recording secretary, Sayre DeVito had sent them in to be posted on the website, but not all the documentation was posted and what was posted was accidentally put in February, which is why Kim was unable to find that information.

Shawn states the Conservation Commission should work at getting access to the Conservation Commission's portion of the website so they can update it on their own. Mr. Springer responds that to his knowledge, only two people have access to the website. Shawn explains that as people come on board, the BOS can authorize access to the Conservation Commission portion of the website. Mr. Springer agrees to that if that would allow the Conservation Commission to get their minutes uploaded in a simple fashion. He notes there were many "glitches" of things being sent in and not posted up until the Summer of 2020. Joshua notes that on the website he is listed as a member of the Conservation Commission (he is not). Carsten apologizes for the confusion and states that he wanted to set the record straight.

Sheila states that one of the issues that Mr. Springer brought up was that the Town now owned equipment that it did not know it owned. Mr. Springer explains that the Town did know. Sheila states that the BOS did not know. Mr. Springer states that the information was out there in a public meeting and there was a Selectman's Representative on the Conservation Commission at that time. Sheila states that the purchase should have come before the BOS. She states the second issue is that the BOS was not aware that the Conservation Commission's shed was never put on the Town's insurance, but that issue has been remedied. Mr. Springer states the shed was started late in 2019 and the BOS was invited to attend the workday building of the shed. He also notes that Joshua helped to build the shed. Mr. Springer explains the Conservation Commission started the shed in the fall of 2019 and it is listed as an 8x16 shell. He explains that he donated the logs and everyone on the Conservation Commission chipped in to run his (Mr. Springer's) sawmill for the lumber. There was a minimal amount purchased from East Coast Lumber. Mr. Springer notes that East Coast Lumber did an awesome job delivering and pricing those materials for the Conservation Commission. He also notes the shed has a clear roof for light.

Shawn thanks Mr. Springer and the Conservation Commission. Mr. Springer notes that when the Conservation Commission has another workday, the BOS will be invited again. Shawn states that he appreciates the amount of work done up there. Mr. Springer notes that "it's a different kind of property" and that the residents use the hill for sledding, there is an apple orchard, etc. Carsten notes the property is "coming along".

Right-of-Way Access Request: Charlie Zilch presents a concept drawing to the BOS on behalf of his client Jim Boracezk of Boracezk Septic and Drain, noting that Mr. Boracezk also has a trucking component to his business. He is currently located in Hampstead. Mr. Boracezk has purchased property in Danville, tax map #242, in the Industrial/Commercial zone. The property is 10.5 acres of undeveloped land with 250' of unimproved frontage on Frye Rd and 1200' of frontage on NH Rte 111. This frontage has limited access, as there is no curb cutout on NH Rte 111. Mr. Boracezk would like to establish his business in Danville. Mr. Zilch explains that he has put together a concept plan that includes a big commercial building at the front of the property, and possible rental units in back, but in order to utilize the property, Mr. Boracezk needs access. Mr. Zilch notes that access from Frye Rd. is limited due to its configuration of twists and turns and that Mr. Boracezk is asking to create access to the property from NH Rte 111.

Mr. Zilch outlines three previous attempts to access the property from NH Rte 111. The last one was in 2011 with the previous owners of the lot and other parcels. The project was for an assisted living facility and a medical building on one side of Rte 111, and a gas station, strip mall and a restaurant on the other side of Rte 111. That project would have generated a tremendous amount of traffic onto NH Rte 111. The owners had approached NH DOT District 6 (they control the construction and layout) and the Bureau of Right-of- Way (they control access, assign value to access and permit access) and were well into the process of getting the permissions when the project lost financing and was stopped.

Mr. Zilch states that he has presented the concept to the Planning Board and they absolutely agree that access should be broken through to NH Rte 111, and requested there be an additional right-of-way for the other parcels, as they cannot connect at this point. Shawn notes that in 2011 the BOS was looking to have a "runner" as an access road. He notes those costs would be the responsibility of the initial developer, but as new properties are added, there should be some compensation for that access to the original developer. Shawn states that if the access is laid out properly, it will give the other properties access. Shawn suggests his idea to run the access road

parallel to Rte 111. Mr. Zilch explains that is what his plan shows, a road skirting two wetland areas but remains mostly parallel to Rte 111, noting it would provide “clean access” to the other properties.

Mr. Zilch notes that NH DOT District 6 already knows the section of Rte 111 under discussion is “town controlled” and states that he will need cooperation from the Town for the access project. Mr. Boracezk will sign on as the applicant to keep the project moving. The State is charging \$25,000 for the access. Shawn suggests that Mr. Boracezk remind the State that the Town of Danville gave the State that land as an easement for Rte 111-A, and now the State is selling it back to the Town and that sits “badly” with him (Shawn). Mr. Zilch notes the applications have been completed and submitted with the history of the parcel. He notes the State was previously looking for a lighted intersection, but does not believe the current project would create enough traffic to require a light. Shawn states that they need to look at future volume as the parcels are developed. Mr. Zilch agrees. He explains that with Mr. Boracezk’s property, the State will probably want shoulder improvement with a de-acceleration lane, but that future development may require more improvement to that intersection. Shawn notes the right-of-way is “huge” approximately 400’. Mr. Zilch also notes that there will be wetlands impacted by widening the road to support truck traffic. As owners of those wetlands, the Town would need to be involved in that issue. Shawn states that all of this was in place for the previous project. Mr. Zilch explains that he is looking for confirmation from the Town for the right-of-way and will set up the meeting with the people involved. He wants to keep the project costs down, as there is only one developer right now. Shawn reiterates his issue with the State charging for access from Rte 111. Mr. Zilch notes the new access would take the traffic off Frye Rd and that he is asking the BOS for their support of the project.

Shawn asks for a motion to support the curb cut on Frye Rd onto Rte 111 and authorize himself or Steve to sign any documents or paperwork that needs to be completed. Joshua makes that motion. Second by Sheila. Vote is unanimous (5-0).

Kimball Terrace Update: Jim Seaver explains to the BOS that he has talked to Dennis Quintal, the Town Engineer, has been updated on the issue, and is looking for direction. Shawn explains the BOS was trying to get the State to own up to their part as they own the access and are responsible for it, but the BOS is getting no cooperation from there. Joshua explains that not only does the State not want to do the project, but also they want the Town to submit the plan so they (NH DOT) can approve it. Shawn instructs Mr. Seaver to take the plan developed by Mr. Quintal and submit it. Mr. Seaver asks if the State is still going to give the permits. Shawn states the BOS does not know where that process is at this point and that Mr. Quintal is to move forward with the project. Shawn reiterates that he still wants to bill NHDOT for the project, but right now the Town needs to correct the problem, as it is a safety issue. Shawn suggests that Mr. Seaver keep the area as clean as he can and to keep the intersection salted. Mr. Seaver confirms that he will meet again with Mr. Quintal, come up with the necessary plans and move forward on the project.

Highway Dept. Truck: Shawn confirms with Mr. Seaver that the check has been cut for the purchase of the truck from the Vermont dealer. Mr. Seaver explains the dealer is waiting on a paperwork issue from their end. Shawn asks for the ETA of the truck. Mr. Seaver responds “soon”.

Highway Dept. Warrant Article: Steve explains that at the January 4 BOS meeting there was discussion of creating a Warrant Article for the Highway Dept for the future purchase of vehicles and equipment. Shawn agrees. The BOS review the minutes. Joshua explains that he was not sure how to formally write up the Warrant Article, noting that it involved a different RSA. Shawn suggests using another Warrant Article as an example. He explains that the first year of a Capital Reserve Warrant Article has to create the fund and then fund it.

Dottie states that January 19, 2021 is the last date the BOS can accept Warrant Articles with appropriations. Kim confirms the date and notes the BudCom public hearing on the FY2021 budget is also on January 19. There is discussion about the language necessary to get the Warrant Article on the ballot. Kim reminds the BOS that DRA has to approve the Warrant Articles first, and that BudCom has to accept and recommend the Warrant Articles. Shawn notes they become legal and binding when they are corrected and approved at the Deliberative Session.

Kim notes the current Warrant Articles are still in draft form, if the BOS develops the new Warrant Article tonight, she can add it to the final draft. Shawn presents the following wording for the Highway Warrant Article:

Warrant Article 2021-14 To Establish a Capital Reserve Fund for Highway:

“To see if the Town of Danville will establish a Capital Reserve Fund according to NH RSA 35:1 for the purpose of purchasing future Highway Department vehicles and equipment and to raise and appropriate the sum of five thousand dollars (\$5000) to put into this fund and to appoint the BOS as agents for this fund.”

Steve asks why Shawn is funding the Warrant Article so low. Shawn explains that the important part is to have the Warrant Article accepted. The BOS can increase funding requests in future years.

Joshua motions to accept the Warrant Article as written. Second by Dottie. Vote is unanimous (5-0).

Sheila motions to move the Warrant Article forward and for the BOS to recommend the article. Second by Dottie. Vote is unanimous (5-0).

Joshua confirms the tax impact line will be added to the Warrant Article.

✚ **2021-14 To Establish a Capital Reserve Fund for Highway is approved for \$5000 and moved forward.**

Recommended by the BOS (5-0)

II. Old/New Business

Kim notes the BOS did not accept the Cemetery Capital Reserve Fund for \$1000 at last week's BOS meeting. Shawn questions if it was passed when the BOS reviewed all the existing Warrant Articles at the December 28, 2020 meeting. Kim explains the Cemetery Warrant Article was inadvertently omitted from the first draft of the Warrant Articles, that it came up at last weeks' BOS meeting as a numbering issue, but was never voted on. Sheila motions to approve Warrant Article 2021-11 Cemetery Capital Reserve Fund for \$1000, to move the Warrant Article forward, and that it be recommended by the BOS. Second by Dottie. Vote is unanimous (5-0).

✚ **2021-#11 Cemetery Capital Reserve Fund is approved for \$1000 and is moved forward.**

Recommended by the BOS (5-0)

Signature File Review: The BOS review the pay warrants and documents of the Signature File. Shawn notes there is an application for an alternate opening on the Planning Board. He explains the Planning Board appoints its' own alternates and the BOS is not involved in that process.

Minutes: The BOS review the minutes for the January 4, 2021 public BOS meeting. Joshua notes that on Line #12, his last name is missing the "s" and should read Joshua Horns. Joshua motions to accept the minutes for the January 4, 2021 public BOS meeting as edited. Second by Dottie. Vote is 4-yes, 0-no and 1-abstentions. (4-0-1) Shawn abstains due to his absence.

Joshua confirms with Kim that the letter of recommendations from Mr. Hantman will be attached to the minutes. He explains to Shawn that at the last meeting the BOS had discussed Mr. Hantman's recommendations regarding video conferencing as an option for Town board meetings. Joshua requests that those recommendations be attached to the minutes as they were adopted at that meeting.

Non-Public Minutes: The BOS review the minutes of the January 4, 2021 Non-Public BOS session. Sheila motions to accept the minutes for the January 4, 2021 Non-Public BOS session as written. Second by Dottie. Vote is 4-yes, 0-no, 1-abstentions (4-0-1). Shawn abstains due to his absence.

Health Inspector Opening: Shawn explains that with Mr. Lockard's departure, Kim advertised the position and while looking into that position in other towns has discovered that the Town was drastically underpaying that position. Shawn expresses his concern that Mr. Lockard's resignation may have been an issue with the salary. He states that he is concerned that this position has been so grossly undercompensated for so long, and notes that the BOS will need to review the position and re-adjust compensation for that position. He asks for a couple of BOS members to look at the position and develop a couple of proposals. Shawn notes that Kim has the information

from Sandown, and suggests that the BOS look at several other towns and come up with something more “sane”. Shawn personally apologizes for not recognizing this issue with the Health Inspector position, noting that while the BOS is continually dealing with “fires”, they cannot “look ahead” at other issues. He states that is not a “proper excuse to use, but it is a valid one and the only thing the BOS can do is to try to do better.” The consensus of the BOS is to re-adjust the Health Inspector program and compensation.

RFP-Auditing Services Update: Shawn explains that he has answers for questions raised by an interested individual about the RFP. With BOS approval, he will reach out and answer those questions. The consensus of the BOS is to authorize Shawn to answer questions on the RFP.

599 Main St. Update: The BOS has received pictures of the barn at 599 Main St. that show that a wall of the barn is bulging outwards. Shawn explains there is no maintenance being done on that property, and that if it was to begin; there is the potential for a large and expensive construction project. He notes that hopefully the issue with that property will be coming to an end and that the new owners can address it. Shawn reiterates he is not looking to address the issue a construction project for the Town. Joshua confirms the barn is not going to collapse.

Melanson and Heath Management Letter: The BOS reviews the management letter they received from Melanson and Heath from the December 31, 2019 audit. Shawn notes that he accepts the recommendations. Joshua motions to accept the management letter and the recommendations it contains. Second by Dottie. Vote is unanimous (5-0).

Town Announcements: Shawn reviews the Town Announcements listed below. He confirms the date, time and location of the BudCom public hearing. It will take place on Tuesday, January 19 at 7:30PM at the Town Hall. Monday, January 18 is the Martin Luther King holiday; the next BOS meeting will be Monday, January 25 at 7:00PM at the Town Hall. The Deliberative Session is scheduled for Saturday, February 6 at 10:00AM at the Community Center.

Rockrimmon Noise Complaint Update: Sheila confirms the previous discussion of the BOS that there is no noise ordinance for the issue of the crowing rooster. She states that she had suggested the complaining resident confirm that the chicken coop meets the Town’s setback ordinances, apparently, it does, and the owner is not willing to move the coop. Shawn notes that both residences are in the “rural” zone. Sheila reiterates there is no way to stop farm animals from making noise. Sheila states there is a NH RSA that she can use to address the issue of the chickens “trespassing” on the complaining residents’ property, but until the written complaint, she (Sheila) had not heard about the issue since December of 2019.

ZOOM Meeting Update: Kim notes that when the recommendations were adopted, no one was appointed to manage the virtual meeting process. Shawn firmly states he will support virtual meetings and will be a participant in them, but he is not able to work as a support person for the process. He expresses his concern that there are many “aspects” to having virtual meetings and if they are not done properly, the meetings becomes null and void. Kim expresses concern that she does not have adequate internet access at home. Joshua explains that he can log in and start the meeting. He questions who will be the administrator, who will initiate the Zoom meetings, and notes that he can do that. Kim expresses concern that now that the BOS adopted the recommendations, they will need to determine who needs webcams, who needs internet access, and how the meetings will be recorded. Shawn notes the ZOOM meetings can be recorded and explains some of the rules required for virtual meetings. He notes the School District has an IT department and staff that manage their virtual meetings, but that Danville does not have that kind of staff at the Town level.

There is discussion of using ZOOM as a hybrid if some members of the boards are physically present and the other members ZOOM in. Joshua asks what happens if only one member of the BOS is physically present in Town Hall. Shawn questions what constitutes a quorum in that instance. There is further discussion on the complexity of the issues virtual meetings present. Joshua reminds the BOS that if an issue arises with COVID, the options are to 1) postpone or cancel the scheduled meeting(s), or 2) hold them virtually. Steve states his support for simply postponing/cancelling the meeting(s). Shawn notes the BOS is putting a lot of energy into having “contingencies”

that have not happened yet and the BOS could come up with a great plan they will never have to execute. He expresses concern with amount of effort necessary to develop and put such a plan in place. Joshua notes that the BOS adopted Mr. Hantman’s recommendations at the January 4 BOS meeting and questions if the BOS should “unadopt” them.

Shawn states that he will support the BOS and other boards using ZOOM, but reiterates that he does not want to be their IT support for ZOOM. He reiterates his concern that a comprehensive plan needs to be in place. Joshua offers to be IT support if the Town will provide a cell phone for that purpose, noting that he is not willing to use his own personal phone for that purpose. He explains that when he originally brought up the issue he was intending that the Town hire somebody to handle all these issues. However, as Mr. Hantman noted in his recommendations, this process is in response to a temporary executive order, and he (Mr. Hantman)recommended that the BOS not spend a lot of money on the issue.

Joshua motions to repeal the adoption of Mr. Hantman’s recommendations. Second by Steve. Vote is 3-yes, 1-no, 1-abstention. (3-1-1) Dottie voted not to repeal the recommendations and Shawn abstained. Motion carries.

Shawn and Joshua both express their appreciation to Mr. Hantman for his plan. Shawn notes the Town is just too small for a comprehensive virtual meeting set-up and just does not have the appropriate staff or an IT department, noting the Town outsources those supports and they are available only during normal business hours.

Default Budget: Shawn states that he has reviewed the Default Budget that was approved at the January 4 BOS meeting. He notes there are a couple of minor things that need to be explained and amended, but these changes are not critical as the Default budget can be changed up until the printing of the Town Ballot. These issues will be reviewed at a later BOS meeting. He states that Sheila did a good job.

III. Town Announcements

Calendar

-  **Tuesday, January 19-** Budget Committee Public Hearing on the FY2021 budget. 7:30PM at the Town Hall
-  **Monday, January 25-** BOS meeting 7:00PM at the Town Hall
-  **Saturday, February 6-** Town Deliberative Session- 10:00AM at the Community Center

There being no further items to discuss Sheila motions to go into Non-Public session under NH RSA 91-A 3:II(c). Second by Dottie. Roll Call Vote: Shawn- yes, Steve- yes, Sheila- yes, Dottie- yes, Joshua- yes.

Non-Public session begins at 9:08PM

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

Respectfully Submitted
Deborah A. Christie