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Town of Danville  
Board of Selectmen  
March 22, 2021  
7:00 PM

6:54 PM

Meeting is Video-Recorded

Selectmen Present: Shawn O’Neil, Chair; Steve Woitkun, Vice Chair; Sheila Johannesen, Dottie Billbrough, and Dr. Kim Farah

Others Present: Kimberly Burnham, Selectmen Administrator; Stacy O’Connor, Colby Pond Resident; Laurie Poshpeck, Christine Tracy, Town Clerk, Mr. Hantman, Chair, Planning Board/Town Moderator

Shawn called the meeting to order at 6:54PM 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**

**Colby Pond/HAWC Water Issues:** Stacy O’Connor addresses the BOS in reference to the last meeting’s discussion of HAWC water in the Colby Pond development. The residents have written a letter to the BOS requesting their assistance keeping the water bills down and offsetting the water line increase. Ms. O’Connor also updates the BOS of the water issues generated during the recent use of the fire hydrant. She notes that the Fire Dept. began pumping water from the hydrant at 5:45PM. The first people to lose water were those on Sanborn at 6:00PM. She lost water at 6:23PM. Ms. O’Connor reminds the BOS that her residence is the first house after the pumphouse. Shawn confirms that Ms. O’Connor is stating that the water was drained in forty-five (45) minutes. Ms. O’Connor asks for the location of the second fire hydrant. Steve explains it is on Ward Way, about halfway up on the right-hand side of the road. Ms. O’Connor confirms that this second hydrant is also connected to the pumphouse. Ms. O’Connor notes that another resident had asked if Caleb Commons is a separate entity from Colby Pond. Shawn and Steve both state that they do not know. Ms. O’Connor notes that if it is separate from Colby Pond than it should not be attached to the Colby Pond pumphouse. Mr. Hantman confirms that, per Planning Board approval, Caleb Commons is a subdivision and the developers did intend to tap water from the Colby Pond pumphouse. He notes the developer assured the Planning Board there was enough water pressure and reserve to do that. Mr. Hantman also notes that because all the water was going to used for Danville residents, the Planning Board approved that issue, but they also asked for a fire hydrant. Ms. O’Connor states there is not enough pressure. She explains that homes on Sanborn run out of water constantly. Steve states he was not aware of this issue. Ms. O’Connor confirms it happens on a monthly basis. Shawn states that is something that should be brought to HAWC’s attention as that was part of their (HAWC’s) agreement for establishing that development, that they were going to be providing the water. Ms. O’Connor states that HAWC is called and they promise to send someone over to look at it, but that no one comes. Shawn notes from his previous conversations that Colby Pond is a self-contained water district and there should not be a water issue on that system. Ms. O’Connor notes that there are 160 homes on Colby Pond and that another 30-40 homes have just been built and this will tax the water supply quickly. Steve states that since the last BOS meeting, he had a meeting with NH State Rep Scott Wallace and discussed “reaching out”. He notes the BOS will also be addressing it. Ms. O’Connor asks the BOS what they need from the Colby Pond residents in order to move forward with the water issue. Shawn explains the BOS will be requesting Intervener status with the PUC. Ms. O’Connor states the rates have already increased. Her last bill went from \$30 to \$79 for the same amount of water. Steve states he will call HAWC tomorrow to try to meet with one of their representatives as the Town’s Fire Chief and is hoping to have answers on water capacities, recoveries, etc. He reiterates that he was unaware that residents of Colby Pond regularly ran out of water and thought it issue was the Fire Dept.’s fault during the fire. Ms. O’Connor notes that she never runs out, but that “Judi” used to lose her water all the time. Mr. Hantman reminds everyone

that HAWC is a public regulated company and that these issues should be reported to the State. Shawn states that HAWC is not delivering as expected.

Ms. O'Connor expresses her concern that the issue will get worse as they come into the summer. Dr. Farah suggests that even though the BOS is becoming an Intervener, someone from Colby Pond should also take the lead and become an Intervener. She notes the deadline to do this is March 28. Dr. Farah explains "The more the PUC hears from different factions, the better." Shawn suggests that Ms. O'Connor connect with Kim for information on the Intervener process. Dr. Farah suggests that it might be even more effective if the residents petitioned to become interveners as individuals rather than as a group. Kim notes the application needs to be submitted to the PUC by Friday, March 26. Ms. O'Connor assures the BOS that she will get something done.

**Kimball Terrace:** Ms. Poshpeck asks the BOS regarding water/ice issues at 16 Kimball Terrace at the end and at the bottom (of the road). Shawn agrees it is a perpetual issue. Steve states that he has spoken with the current Road Agent and that he (the Road Agent) is currently working with the Town Engineer and future plans are to re-engineer the entire road to solve the water and ice problem. He notes the State has "washed their hands", so the entire cost of the project is on the Town. Steve reiterates that Mr. Seaver, the Road Agent plans to redo the whole road. Once he has plans from the engineer, the project will go out to bid. Ms. Poshpeck asks if the BOS has received a letter from the State "washing their hands". Shawn and Sheila confirm that is the case. Steve notes the BOS had to "chase that letter down". Shawn adds "why would we (the Town) want to pay for it if it..." Ms. Poshpeck states that she has watched the BOS meetings and never heard the BOS discuss a response back."

Ms. Poshpeck asks if the project is going out to bid, did that mean the Town would not be doing the work to install the new culvert and how will that get the water up Main St. and down Kimball Terrace without going over the road. Steve explains that his understanding is that the water will go under the road, but notes they will have to wait for the engineer's plans. He states he believes the water will go under the road and down Main St. to the small creek that is there. Ms. Poshpeck confirms that when the project goes out to bid, the Road Agent will not be doing the work, "but somebody well-versed". Steve explains that Mr. Seaver is also talking about putting drainage up the road alongside Kimball Terrace so there is no problem, and reiterates the plan is to re-engineer the entire road. Ms. Poshpeck notes the road was done within the past eight (8) years and is "crushed up like a thirty (30) year old road." She asks if this project is in this year's (FY21) budget. Steve confirms that Kimball Terrace is Mr. Seaver's "number one priority."

Ms. Poshpeck suggests that the BOS should have put more pressure on the State because Kimball Terrace comes off NH State 111-A. Shawn explains the State wants to give the Town the road because they do not want to pay for it. Steve explains that Mr. Caillouette started the process and after he left, the BOS and Kim had chased the State. Steve reiterates that he wanted that letter from the State. The BOS received that letter stating it "was the Town's problem". He notes the irony is that the Town must "jump through hoops with the State to get the permits to fix it". Ms. Poshpeck asks if the engineer looked at the first property as the source of the water. Steve states that he does not know. Ms. Poshpeck again notes her concerns with the icing issue. Steve assures her it will be addressed.

**Hand Recount of November Ballots:** The BOS had requested that Mr. Hantman attend the meeting to discuss the BOS' request to have the ability to do a hand recount of the ballots from the November 2020 election. Dr. Farah clarifies that it was not a request of the BOS. Shawn explains that the BOS voted to move forward on this issue prior to her appointment to the BOS "to see what the BOS could do with this (issue)". Shawn explains that he was "looking at Mr. Hantman as the most likely conduit to deal with the State and this issue". He references NH RSA 660<sup>1</sup> as the individuals right to a recount. Mr. Hantman notes there are several NH RSA's involved in the election process.

Shawn states that "none of them ever talk about when you are questioning the validity of the mechanical device that is counting them (the ballots)." Mr. Hantman explains the only person who can request a recount is the candidate themselves. In Danville, no candidate requested a recount and in November, Mr. Hantman notes that he was not aware of any presidential candidate asking for a recount of the State of NH. Mr. Hantman explained that some of the "lower tier" candidates did ask for recounts from some of the towns, but he was not aware of any request from any municipality in NH at the Presidential level. Mr. Hantman reiterates that candidates can ask for a

recount within a certain window. The Secretary of State can also petition for a recount at the State level and it can be ordered by a court. Mr. Hantman further explains that because the November election was a Federal election, a recount would have to be ordered by a US District Court. Mr. Hantman references several sets of laws outlining this process: 52-USC-207<sup>ii</sup>, NH RSA 659<sup>iii</sup>, 660<sup>iv</sup>, 669<sup>v</sup>. He notes that at this point all the windows for a candidate to request a recount have passed. The only one who could ask for a recount and authorize the opening of the ballot boxes is the US District Court for NH. Shawn notes this is the information that he was requesting- what the BOS would need to do and what would have to take place. Shawn notes that he had a “dialog” with the Deputy Secretary of State, David Scanlon. They talked about the issue with Windham and Mr. Scanlon also noted the only one who could do anything was the courts. Shawn states that when he asked if the Secretary of State’s office would object if the Town was to petition for a recount, he received no response. Shawn continues stating “we need to make sure that our Town of Danville’s responses for all races are accurate. He reiterates “that is what is most important to him. Anything less is just not acceptable, regardless of a candidate’s party, anything. That is the most important thing. And I can live with a decision that is not what I desire as long as I know that it was fair and won honestly and that it is exactly what the numbers show.” Mr. Hantman states that he “certified the results with the election officials here (at the meeting).”

Shawn states that he “wants to make it very clear he is not going down that road claiming there was any kind of mischief, foul play, or anything on anybody that has done this. But you (Mr. Hantman) will have to admit with me what gets printed on that ticket coming out of that machine is ‘gospel’ and you cannot sit there and say that you believe that what was printed is exactly what is in those boxes wrapped up and sealed. That you cannot say.”

Mr. Hantman explains, “I test that machine before every election to ensure accuracy of that machine. I mark up test ballots and approximately a week before the election, run test ballots through and get a report. I make sure the report of the test ballots comes out exactly as the ballots marked going in.” He further explains, “I test ballots right-side up, upside down, upside down and backwards, test them in all four directions in that machine, test with both cards sent by the State.” He notes that for the federal election he tested both machines, noting that one is a back-up, just to ensure they were reading ballots accurately. Shawn wonders if Windham did the same thing. Mr. Hantman notes they are supposed to, but does not know if they did. Shawn asks “if they are supposed to, and you have to assume that they did, then why are they having the discrepancies that they have? And they only talked about it because there was a close race and when they did the hand recount it showed that it (the counts) were even more skewed.”

Mr. Hantman responds that he has his suspicions about what happened in Windham, but these are only his suspicions”. Shawn states that “all can agree that the output that spit outside on that tape should be very accurate and it was not in Windham.” Mr. Hantman states, “We do not know whether the tape was accurate or whether there was human error. If ballots did not go into the machine, the machine would not count them.” Mr. Hantman explains that in Windham, like in Danville, they had a separate area for unmasked voters. Those ballots did not go directly into the machine, but went into a separate bin, just like in Danville. Mr. Hantman notes that he “does not know whether all of those ballots that went into that separate bin eventually went into the machine. He also notes it is not his responsibility to monitor that (for Windham), but suspects that may have been part of their issue.” Mr. Hantman reiterates that this is his thought/guess. He also reiterates that in Danville, they “do test the machine thoroughly before every single election to make sure”.

Ms. Tracy (Town Clerk) states that Shawn was there when the machine had the number. “we counted the ballots, you (Shawn) signed off and certified that what we counted matched what the machine said.” She continues, “My thought, when you came in the other night, was that you did not like the chain-of-command when the ballots left the Fire Hall.” Ms. Tracy corrects it to “chain-of-custody”. She asks Shawn what he wants to accomplish. Shawn clarifies, “what everyone certified was the number that came out on the tape, add on for ballots that were mis-checked (voided), a complete accounting of all the ballots. Some ballots came in as military ballots, etc. so there will be fine adjustments, so add the special bins and everything is supposed to reconcile.” Shawn notes that they “always assume that machine is counting correctly and that those ballots are divvied up appropriately.” Mr. Hantman replies, “we actually count the ballots four (4) separate ways. Several members of the audience speak at once. Mr. Hantman admits that the answer to Shawn’s question is “no”. Shawn states, “We can’t actually confirm what are

the two State Representatives”. Mr. Hantman responds “that is why we test the machine.” Shawn argues that Mr. Hantman is “testing with a small subset of ballots, not with a full load of Town votes.” He questions, “is that we’re taking that ticker that is printed and saying, ‘that’s it’.” Ms. Tracy reiterates, “we test the machines.” Shawn states, “but you test the machine at a lower load.” There is more simultaneous discussion from the audience. Mr. Hantman states, “Obviously the Presidential candidates did not feel there was a need for a recount. The Presidential candidates could have asked for one. The Presidential candidates did not feel there was a need for a recount in the Town of Danville and as far as I know, any other community in NH.” Shawn responds, “It didn’t reach the threshold that it needed to.”

Mr. Hantman notes that “in other NH communities there were recounts of other races at the lower levels. Windham was not the only one. And in none of those races did they find any kind of abnormalities that you would not expect to see in a recount. In a recount, the number is never exact, there are some ballots the machine interprets one way, but a human looking at it would say ‘that wasn’t their intent’, so the numbers are always off by a couple. In all the other recounts; with the exception of Windham, they found the ballots to be very close to what the machine said. Something went seriously wrong in Windham, there is no question.”

Shawn responds, “the only way that got brought to the surface was because of a close race that allowed the losing entity to ask for a recount, and they found out they had lost by more than that. So, it’s a problem that was hidden, that only got brought to the surface because it was thought to be a close race.”

Mr. Hantman reiterates that “something went seriously wrong in Windham.” Shawn continues, “For me, I question what’s going on here and if I can get other data points that say ‘hey this is just isolated to Windham’ and just a simple recount, that’s all we’ve got to do. We’re not looking to undo... to reappoint different people. What we’re looking to do is to say that what that machine told us is actually true and accurate. That’s what I feel is we did the right thing.” Mr. Hantman responds, “In the state of Georgia they recounted every single ballot by hand in the entire state and did not find any major discrepancies. So, it’s been done in other places.”

Dr. Farah asks Mr. Hantman “Didn’t you say there were recounts of other elections that validated the machines?” Mr. Hantman replies that, “In other towns, and they were give-or-take like a couple....” Dr. Farah, “I understand, but Windham was the anomaly of all the recounts and right now the only thing that we could do is this Board can petition to the US District Court and get into a legal battle. I’m not for it. I do not question the integrity of the elections. They’ve tested the machine before, I don’t care if it was a subset. We never surveyed 300M people, so I don’t think testing a subset negates the fact that they can run a validated test, so I’m not for it. So ,if you’re (Shawn) looking to see if this Board is going to be for petitioning the Court, my answer is ‘no’”.

Mr. Hantman suggests the BOS wait to see what the find when they do a full audit of Windham. Shawn asks if , with the Town elections postponed, if the cards that are programmed for that (ballot) machine are going to be re-programmed. Mr. Hantman states that they have already been re-programmed for the School elections. Shawn confirms that that because of this, there is no way to replicate what happened on November 3, 2020. Mr. Hantman confirms the cards have already been re-programmed for the School elections. Shawn notes that because of this, the BOS would have to “go that route” (of petitioning the US District Court).

Dr. Farah states, “I just want to thank all the election workers, publicly, for all the work that you do. I’ve never had a chance to publicly thank these people and I know it’s a lot of work.” Shawn responds, “I totally agree and they do an awesome job and there is no reflection on that at all. It’s just that we take an inanimate piece of machinery and assume that its’ ‘gospel’ coming out. And I know that you said you’ve done the testing for it, but post....” Ms. Tracy asks, “Shawn, we test the machine and you get the results, you have to do that for every single election. If you don’t believe the results, you have to question every single election, we can’t.”

Shawn asks Mr. Hantman how long the ballots have to be held for by law. Mr. Hantman replies for twenty-two (22) months. Shawn asks what happens after that. Mr. Hantman confirms they are destroyed. Shawn states, “I’m officially going on record that I’m going to make a 91-A request and when they’re going in the garbage, I’m going to grab them.” Mr. Hantman notes that ballots are not subject to 91-A. Shawn notes “That means we will never be

able to ascertain, we can't put the ballots on a table in front of a camera and count them." Barry confirms that "No, we cannot do that by State law and because they were federal ballots, by Federal law." Shawn's final comment, "Wow. Maybe they'll just come back next time pre-filled out."

## II. Old/New Business

**Asset Forfeiture Funds Update:** Dr. Farah notes that she has not seen any paperwork on this issue. She reminds the BOS that they had requested something in writing from the last meeting and that they also need to make a determination whether or not the grant funds would go in the "unreserved fund" balance. Dr. Farah states she believes that Patty Sarcione is the person to ask, but the first thing is to get something in writing. Sheila agrees that is what the BOS asked for. Dr. Farah requests that the matter be put back on the agenda until the grant funds and letter are received and that the issue be tabled until then. She reiterates her concern that the BOS has not received anything and feels that they (the BOS) should move on.

**Town Toter Policy:** Dr. Farah notes the previous BOS discussion regarding part C of the proposed policy. The question is if it should be removed from the policy because it gave the implication that it might be okay to have accessory dwelling units that were not in compliance. Shawn agrees the BOS should ask Town Counsel that question. Kim notes that section can be removed from the policy, and they could simply say that if a resident was not in compliance an extra Toter is \$200 without going into detail. Shawn expresses his concern that if the Town "sells" a Toter to someone who is non-compliant, is the Town endorsing that by selling it (the Toter). That is the question. He notes that he wants to be sure there is not an "implied contract by consent." Shawn explains that he feels the BOS needs to run the issue by Town Counsel to see if there is an "implied consent of compliancy" by selling a resident the Trash Toter, especially if the Town asks for an address and the resident gives one the Town has no record of. Dr. Farah agrees she is fine with the rest of the policy, but feels the BOS should run this part by Town Counsel. Shawn agrees just that clause needs to be focused on.

**Default Budget:** Shawn postpones this discussion, noting that he hopes this can get back on the agenda soon.

**Rabies Clinic:** Shawn notes the Police Dept. has requested dates for a Rabies Clinic. Kim explains they have requested Saturday, April 10, 10:00AM-1:00PM at the Safety Complex. Dottie asks why the Police Dept. is doing the rabies clinic, noting that she thinks the Animal Control Officer (ACO) should be doing that. Shawn states that the Police Dept. has been doing this the entire time. Sheila disagrees. Dottie notes years ago the ACO did it, but once things got "ugly" the Police Dept. took that over and insisted on doing it. Dottie states that she would like that event to go back to the ACO with the proceeds to go into Welfare or the General Fund. Shawn responds that he's "up for keeping a well-oiled machine that has been working and working very well." He notes that he's "up for keeping it the way it is and having the Police Dept. do it." Dottie disagrees. Steve asks where the proceeds go if the Police Dept. does it. Sheila states they were putting the funds in their Police Association, then the funds went to Recreation. Shawn explains the funds paid for movie nights, etc. Dottie notes that she "just thought it would be a good thing." Sheila states that "it just seems funny to me that they request to do an ACO issue when they don't even want to help with Animal Control at all. Yet they want to participate and do something that they have no clue." Shawn admonishes Sheila "that's a pretty harsh statement... 'have no clue'". Shawn notes that he has participated multiple times and "that rabies clinic is run like a well-oiled machine." Sheila responds that "if you know what you're doing, they all do." Sheila states that she "would like to have the rabies clinic back and have the funds go into Welfare." Shawn states that he disagrees and will be voting accordingly. Shawn motions for the Police Dept. to move forward with the rabies clinic as they have already outlined on April 10. Steve seconds for discussion.

Dr. Farah asks if the clinic has been advertised. Sheila states it has not. Steve asks Sheila where she would hold her clinic. She points and states "right there" and if not, she could hold it outside at the Community Center. Steve confirms the funds would go to Welfare. Shawn clarifies with Sheila that she is directing the funds to Town Welfare. Shawn notes it will be important because the years that she did it, the funds went into "her fund". Sheila states that "her fund" is no different than the Police Association. Shawn states the Police Association benefits the Town. Sheila responds that her "Association ( Danville Rainbow Association) also benefits the Town, people with...." Shawn responds "at least according to you. Your documents that you have for your non-profit are not well descriptive and

you do not really make....” Sheila states that “I don’t have to give you....” Shawn agrees. Sheila explains “You and another officer went through Town Counsel to get my bank statements”. She tells Shawn not to deny it. Sheila states “I blacked out names because it’s none of your business who requests information off my Rainbow Association and Precious Paws. But anyways, I want it (the proceeds) to go to Town Welfare.”

Dr. Farah asks if the Police Dept. would have an issue if the proceeds go to the Town Welfare Dept. Shawn states the Police Dept. is planning on holding it, they’ve been holding it “how many years now”. Sheila states “just a couple.” Shawn asks “when was the last time you organized one (a rabies clinic) for the Town of Danville. You wouldn’t even attend it or help promote it. You even held other ones on the same day, just so you could have conflicts.” Sheila states “that wasn’t true.” Sheila asks Steve what the motion was. Steve explains that he seconded Shawn’s motion so the BOS could discuss it.

Steve asks Sheila if she had a “tentative date, have you thought about this, or is this a knee-jerk reaction to the Police.” Sheila responds “no”. Shawn asks what she has lined up for dates. Sheila states that she is not going to line up any dates until she’s going to do it. Shawn responds “so you don’t even know if you can get it.” Shawn notes that she has no dates and would be starting at “ground zero” if she was to win her motion. Sheila notes that all she would need to do would be to get the veterinarian. Shawn asks if Sheila knows if it conflicts with any other activities at the Safety Complex. Dottie notes Sheila would have to check with Kim about what’s going on at the Safety Complex. Steve states that Kim doesn’t run the Safety Complex. Dottie apologizes. Kim notes she schedules the Community Center. Dottie clarifies that is she meant. Dr. Farah confirms that the Police Dept. already has a veterinarian lined up and asks to call the question. Shawn calls for a vote. The vote is 3-yes (Shawn, Steve, Dr. Farah) and 2- no (Sheila and Dottie) (3-2-0). Motion passes. The Police Dept will be holding a rabies clinic on April 10, 10:00AM-1:00PM at the Safety Complex.

Dr. Farah notes that she’s not against the ACO running the rabies clinic, but the Police Dept. had the veterinarian already lined up. She suggests that next year, the ACO gets things straightened out sooner and come to the BOS. Sheila asks if the proceeds were going to Town Welfare. Dr. Farah notes the motions did not dictate where the proceeds would go. Sheila motions that the funds raised by the rabies clinic go to the Town Welfare Dept. Second by Dottie. Vote is 3-yes (Dr. Farah, Dottie, and Sheila) and 2- no (Shawn and Steve). (3-2-0). Motion passes. The proceeds from the rabies clinic will go to the Town Welfare Dept.

**Bulk Pick-Up:** Shawn notes that Kim has talked to Casella for possible dates. Kim tells the BOS that they (Casella) have requested the Spring Bulk Pick-up be scheduled for Saturday, April 24. Dottie notes that sounds great to her. Kim notes that Casella has also asked if the Town would be holding two (2) Bulk Pick-ups in 2021. Shawn confirms “that is what the Town wants and that is what the Town will get, and the associated bill.” Kim asks if the BOS should set the second date. Shawn suggests asking Casella as he prefers their feedback. Kim explains they gave her two dates for the Fall Bulk Pick-up: Sept. 18 or Oct. 16. Shawn states that he prefers the October date. Dr. Farah agrees. Shawn notes his concern is that the closer to Halloween they schedule, the greater the chance for snow. The consensus of the BOS is to hold the Spring Bulk Pick-up on Saturday, April 24 and the Fall Bulk Pick-up on Saturday, October 16. Shawn confirms they will still be doing sign-up sheets. Dr. Farah and Steve agree. Shawn notes that it is working out and the BOS can keep tabs on the program’s controllability and understanding of where things are getting picked up. They will use the same format as they’ve used for the other Bulk Pick-up days. Dottie confirms that Gail will be the person who gets all that information and tabulates it for the BOS.

**Health and Septic Inspector Fees:** Kim had provided a proposed fee schedule for the Health Officer, well, and septic inspections for the BOS to review. Dr. Farah confirms that the proposal reflected the permit fees for wells and septic. Shawn explains the issue discussed in previous meetings when the BOS recognized a lag in the Town’s fees and Health Officer salary compared to other towns. Dr. Farah confirms that the BOS has checked around, the proposed fees have been updated and now the BOS needs to vote on them. Shawn asks for a motion to adopt the fee structure as outlined in the document for updated well and septic permit fees. Dottie makes the motion. Second by Dr. Farah. Sheila reminds the BOS of a Warrant Article passed years ago and asks if the proposed fees need to go out for public notice. Kim notes this is reflected in Danville Policy 2-1<sup>vi</sup> and that policy does require a public hearing. All permit fees are set by the BOS as outlined in the Zoning Ordinance in RSA 41:9<sup>vii</sup>. The new fee policy does need to be posted

and does need a public hearing. Sheila notes that she is not opposed to “doing this, but just wants to make sure.” Shawn notes the BOS will hold the required public hearing and asks Kim to do the postings, set up the public hearing, etc. The motion and second die due to Policy 2-1.

Kim notes that she has another question with the ad for the hiring for the position of a Health Officer/Septic Inspector. She explains that she has looked at other towns and how their Health budgets are set up and there is no stipend for the Health Officer coming in. Steve notes that he thought there were. Kim states that all the inspectors, building, electric, plumbing and septic all simply received a percentage of the fees. She explains the reason the BOS is forming a new structured fee system is because the way the Town is currently covered (by a health/septic inspector), by paying only a percentage on the current fees, the Town is losing \$25.00 on the back end. Shawn disagrees, noting that “other people are not coming here to collect our ‘pitiful’ what we were charging people to do that service and they were not interested.” Shawn directs Kim to charge those extra service fees to the Selectman’s Professional Services line for right now. He notes it will take a budget cycle to get the issue corrected and properly funded. Kim confirms this is just for the Health Officer stipend. Sheila asks about the Health Budget. Kim explains the current budget has no stipend for the Health Officer. Sheila and Dr. Farah both state they believe there is one in the budget. Kim notes it is for \$822 for twelve (12) months.

Dr. Farah asks how many calls the Health Officer gets. Kim states they just had a call from the Danville School for a health inspection. Dr. Farah clarifies the State went down and inspected all the schools and recorded that the Town Health Officer go down there. The Health Officer who is currently covering for the open position charged his fee to the School, and the School refused to pay. Dr. Farah notes that she agrees with the School. Kim notes the Town will have to pay the fee because he does have to be paid. Sheila notes that the Health Officer was also called out over an issue with rabies. Shawn suggests that predominantly, calls for the Health Officer are not an every day thing except for septic inspections. Dr. Farah asks about the health budgets for surrounding towns. Kim states the only comparable towns are Sandown and Atkinson. Atkinson has a part-time Health Officer that is paid hourly. Other towns have an employee that deals with both septic and health inspections. Sandown and Danville are the only towns without a part-time septic/health officer. Sandown has a part-time person that is paid only when they use them. Dr. Farah notes that is not a bad way to go, but the Town would need to have someone available on short notice, perhaps someone who is retired. She states that she does not think it would hurt to advertise the position as an on-call position. Kim states the position has already been advertised and the BOS has received only one applicant who lives out-of-town. Kim notes that he is also a septic inspector.

Steve states that he had a conversation with a resident that is well acquainted with septic systems and he (Steve) recommended that this resident apply for the position. The resident then had a conversation with Brian Lockard (former Health Officer) who explained the positions was a lot more than just inspecting septic systems; they must inspect child care facilities, health and safety at the school, they are called into homes that are “bad”, and stores that serve food. Steve reiterates that is a lot more than just septic inspections. Dr. Farah states there is “no requirement for all these, they are possibilities that they could be requested to inspect. There is no requirement that they go in and check all the child care facilities.” Steve notes that he has to inspect child care facilities when they reapply to the State. He has to inspect those facilities and sign off and he believes the Health Officer also has to inspect the child care facilities and sign off. Sheila notes that if a medical call goes out and something needs to be checked, the Health Officer would be the person to do that.

Dr. Farah asks if the current Health Officer is still around. Steve confirms that he is. Dr. Farah suggests asking him to give an idea of how many hours is required, should the BOS pay on an hourly basis for each call or should they stay with a stipend. She suggests talking with the previous Health Officer to get a better idea of what the pay scale should be and how to do it.

Shawn suggests asking the former Health Officer to come to the next meetings so he could give the BOS an idea of the best approach. Dr. Farah agrees, noting that would be better than “guessing”. Shawn notes that in his observation, “most of the duties are around septic issues, and that day care are a one-off kind of thing and he thought that is where the \$822 stipend came into play. It was never a problem until he (the former Health Officer) suddenly retired.” Shawn asks Kim to have a conversation with him (the former Health Officer). Kim explains that

she has had conversations with people who are covering the open position and that is the reason that she came to the number she proposed on the new fee structure. Dr. Farah asks for clarification. Kim notes she had increased the stipend for the Health Officer to \$2800. Dr. Farah notes that she was unaware of the stipend. Kim explains that she made a recommendation for the stipend and that the well and septic fees is a whole separate issue. Sheila clarifies that Kim's proposal recommended a \$2800 stipend for the Health Officer plus additional compensation from the well and septic fees. Steve asks if the Health Officer would get 75% of the fees, or the whole fee. Kim notes that is up to the BOS, and that it needs to be part of the notice that has to be posted for the public hearing because that (what percentage of the fee would be paid to the Health Officer) would become part of the new regulation. Sheila confirms with Kim that all the other entities; building, plumbing, electrical, etc. are paid 75% of the fees. Kim explains that she hasn't look at the other fees and reminds the BOS that the only reason they are discussing the well and septic fees is because the Health Officer retired and now no one wants to do it. Sheila asks what the permits cost. Kim refers her to the proposal and notes how she has broken out the cost structure. She notes the Town is currently charging only \$25.00, but paying the covering Health Officer \$50.00.

Steve asks who is covering the position. Kim states the building inspectors are covering because the Town cannot get anyone. Steve asks why they couldn't give the position to the building inspectors all the time. Kim explains that because the Town isn't paying and the building inspectors do not want that position. Shawn reminds Kim that the BOS is looking to be fair and equitable. Kim explains that one person works full-time and one is retired. The retired person wants to continue with the building inspections and was covering the Health Officer position as a favor, but it is not something he wants to continue doing. Kim notes that is why she has been having conversations with them and proposed the increased fees to a fair amount and an increase in the stipend. Shawn notes that the BOS cannot move forward until the new fees are approved at the public hearing and formally adopted. Right now, the Town cannot charge any new fees and must maintain the status quo, but the Town is really paying for services at the proposed fee increases. Shawn reiterates his request to Kim to see if Brian Lockard can come in to meet with the BOS and update them.

**Heritage Commission/ Master Plan Update:** Dottie explains that Carol Baird, Chair of the Heritage Commission, has heard from the Planning Board regarding updating the Master Plan and wants to know the BOS' long-range plan for the Town Hall. She (Ms. Baird) noted that in 2017 the BOS said that they did not want to put any more money into the building and was looking forward to a new building. Dottie explains that she is wondering how the BOS stands and what the BOS should do for the Master Plan. Shawn notes that there are great things about being in an old building, but it is not cost effective for energy conservation. The windows aren't good, there is a lack of insulation. Dottie confirms the second-floor windows were changed a few years ago, but notes that now the roof needs to be replaced. There is confusion over a recent roof repair/replace quote. Several members explain that Kim had received a price for a new roof, but the BOS had no intentions of replacing it. Kim notes there will be another quote coming with different recommendations. Shawn notes that modern facilities are geared for what is needed in the modern era. He remembers trying to retrofit the Town Hall for cameras and having to drill into the old historic paneling, etc. He refers to the process as "opposing forces." Shawn reminds the BOS that they don't use the upstairs because it costs enormous amounts of money to heat it. He also notes the issues with accessibility upstairs and that chair lifts and elevators cost a lot of money. Shawn reiterates that he loves the Town Hall for its' "oldness", but as an office space, it is limited to three (3) rooms; Town Clerk Office, Tax Collector Office, and Selectman's Office. He explains that the Selectman's Office is "bursting at the seams" because there are three people working in there that must make schedule adjustments so that they don't overlap due to space issues. He notes that he understands that funds aren't an infinite resource and they have been making do with what they have.

Dr. Farah states that she "tends to disagree." She explains that she believes the BOS could still look at the Master Plan and state the BOS has no intention of using the second floor, but there should be, in the Master Plan, that at some time the Town needs to build new Town Offices and "frankly, I'm against the new Police Dept. Complex if we're not going to build the Town Offices at the same time." She explains that if the Town is going to bond, they might as well bond for everything. Dr. Farah notes that the Town could recoup some of the money by not doing upkeep that needs to be done on the Town Hall. She states that she thinks "in five years there is a discussion on how to move the Town Offices and the Police Dept. (though that is a different section of the Master Plan). It doesn't have to come to fruition, but it's clear, like Shawn said, the Town Hall is outgrown space and not what you need

today. There should be a plan for purchasing or building new Town Offices. Interest rates are low. Bond rates are lower. All I'm saying regarding the Master Plan is we should make it known there are problems with this building that haven't been fixed and it probably makes more sense to move towards new Town Offices." Dr. Farah notes that she's not sure where to put them ( the new Town Offices) and that no one is probably in favor of razing the existing Town Hall. Shawn reminds everyone that the costs of the old Town Hall will not go to zero with a new facility. Those costs will depend on what the building is used for "post vacating". He likens it to the Red Schoolhouse that has to be kept updated and paying every year for upkeep and heat. Shawn reiterates that a lot of thought needs to go into that. Dr. Farah notes that if they don't put it (the idea of new Town Offices) in the Master Plan, there won't be much thought given to it. She agrees it is a lot, but that the BOS should be looking at putting up a Warrant Article for building new Town Offices. Dr. Farah also notes that she disagrees with putting the Police Complex on without the Town Offices. She reiterates her opinion that "if the Town is going to bond, they might as well bond what the Town needs building-wise".

Shawn states that in hindsight the land next to Town Hall, now a church parking lot, would have been great if it was a part of a Town land complex. The Town could have built things. Dottie recalls that back in the 1970's, when what was called the Fire Association building was built, the fire trucks were going to be underneath the building and the Town Offices were going to be in the back of the building.

Dr. Farah suggests that if the BOS wants to update the Master Plan, they note that they (the BOS) still have no intentions of using the second floor and that the Town needs modern office space as it gets more complex and the Town continues to build out. The Town needs to start planning for new Town Offices, just like it needs to plan for the Police Dept. Dr. Farah confirms the Police Station is not on the 2021 Warrant and asks why not. Dottie responds that she worked on policy last year with the Police Dept. and asked them what they could they live without. The answer was that they couldn't live without anything. Dottie states that she "told them to let her know and she would back them (the Police Dept.) to get it back on the Warrant for 2021". She had no response. Shawn notes that it was probably due to everything with COVID, jobs, and the economy. Dottie agrees and reiterates that she is willing to help.

Dr. Farah states that she doesn't know who designed the Police Station, and asks how much it would cost to add Town Offices to that plan. She notes that she was not on the BOS, but "why was that not considered when talking about the new Police Station". Shawn explains it was about location. Extra space would have to be vertical and that would involve elevators, etc. and would be too expensive. He explains that the terrain made it possible for multiple entrances (to the Police Station) with no elevator. Dr. Farah asks if there is enough room to house the Town Offices, noting that voters might find it more palatable if the plan included them. Shawn states that was never considered, but he guesses that it could. Sheila notes her belief that they didn't want anything else except the Police Dept, that's what the BOS had gathered and the building was structured for certain things the Police Dept. needed. Shawn agrees, and notes that people run back and forth between the Town Hall, the Police Dept and Fire Dept. for a lot of things and with the separation, they wouldn't be able to do that with the new building.

Dr. Farah again asks who drew the plans, but Shawn can't remember. She states she was wondering if it would be worth it to call the architect and tack on calculations for another block of six (6) to eight (8) offices. Sheila states it was "sticker shock" when the architect brought the costs to the BOS. Steve agrees. He notes that "when the committee was originally formed, they had heard a price of a little over \$1M. Then they hire an architect and a G.C. (General Contractor) and suddenly the price is \$2.4-\$2.6M and that's why it didn't pass. If the Police Dept. was conservative about it, with room to add on, he thinks would have passed last year". Steve states that the Townpeople historically don't like spending a lot of money. He notes that even the Master Plan "and he doesn't mean to insult it", but nothing binds the Town to follow it, it's just a "Christmas list." Dottie states that it is just long-range planning. Steve states that he agrees with Dr. Farah and Shawn regarding the future of Town Hall and putting the new Town Offices on with the new Police Station.

Steve suggests putting the Town Hall where the Community Center is. Dr. Farah notes the Community Center would have to be taken down. Shawn agrees. Dr. Farah explains there is a variety of reasons; structural issues, the current

floor plan would not work for offices. She notes that in the past they had looked at it as using the existing Community Center and suggests it might make more sense to take it down and rebuild it.

Shawn states that he has looked at properties in Town and notes that building the Police Station on Hershey Rd. was not the best place for it, but it was the best place the Town could provide without purchasing another piece of land. He notes that strategically, having the Police Dept. in the center of town would be great. Dr. Farah confirms the Town owns the land next to the Post Office. Sheila notes that she believes it is two (2) acres. Shawn explains that land has a lifetime lease with the American Legion. Dr. Farah states that she does not think it would be problem and doesn't believe the American Legion would be putting a building there. Dr. Farah suggests that it would behoove the BOS to pull out the lease and review it. She asks if two (2) acres is enough. Shawn notes that piece of land was taken off the scope because of the arrangement with the American Legion, they had access to it and that would bring up issues if the Town was trying to build a Police Station there, taking away that access. Dr. Farah notes that no one approached the American Legion with that question. Shawn asks her to inquire with the American Legion on the issue. Dr. Farah agrees to do so when they meet in a couple of weeks. Shawn explains that if the American Legion agrees, the Town would need to properly end the lease and that might be a potential, maybe better location for the Police Station than Hershey Rd. Dr. Farah agrees, suggesting that maybe the American Legion could hold their monthly meetings in the new Police Station.

**Library Disbursement Schedule:** Dottie explains that the Colby Library receives its first payment from the Town on the first full payroll cycle in January of each year. She notes this makes it very difficult for the Library to send the money back to the Town for the Library payroll. The Library Trustees are asking if the Town could send that first payment on the first business day in January of each year. Shawn notes the second payment to the Library is based on the Town voting in March, and now that won't happen until July. Dottie notes the Trustees received a check from the Town based on the Default Budget. Dr. Farah suggests the Library Trustees need to come to the BOS with a written request to change the date of the first payment. Dottie notes the request has been made in the revised payment schedule given to the BOS. Dr. Farah explains the request needs to be in a different form and shows Dottie the correct format, explaining the Town will need that form for its records if the BOS is going to change the payment schedule. Dottie explains the document presented requires the signature of the BOS and the Library Trustees. Dr. Farah clarifies that the Trustees need to provide page 1 so the BOS can sign page 2 of the document. Shawn agrees. Dottie states that she understands the need for a written letter requesting the change. Shawn notes that right now the Library Trustees are seeking verbal BOS approval. Dottie will bring back the written request signed by the Library Trustees so the BOS can sign the new schedule of payments. Shawn asks Kim to format page 2 of the document for the BOS signatures at a future meeting.

**Minutes:** Shawn explains the BOS will delay reviewing the minutes of the March 22, 2021 BOS public meeting as the BOS wanted to give Karen Steele a chance to look at them and update them if necessary.

**Non-Public Minutes:** The BOS review the minutes for the March 22, 2021 Non-Public BOS session. Dr. Farah motions to approve the March 22, 2021 Non-Public BOS minutes as written. Second by Dottie. Vote is unanimous (5-0).

**Signature File:** The BOS review and sign documents presented in the Signature File. Shawn notes the BOS mistakenly signed the paperwork appointing Nola Whitman to the open position on the Trustee of the Trust Funds during the Non-Public session, and that needs to be done in a public session. Dottie motions to appoint Nola Whitman to the open position on the Trustee of the Trust Funds. Second by Sheila. Vote is unanimous (5-0).

Shawn notes the BOS needs to sign two (2) copies of the Right to Intervene request to the PUC and that it needs to be sent and recorded.

**Road Acceptance:** Shawn also notes there is a bond reduction form for Brandon and Megan's Way. The Planning Board has agreed to sign off, accepting the road as a Town road. The bond reduction will reduce the Town's bond balance to \$70,515 and release the remaining balance of \$86,598.24 to CMS/Sullivan. Shawn notes the BOS has the letter and the Planning Board endorsement for the acceptance of the road. Sheila asks who notifies the Road Agent. Shawn notes that he's already been notified. Shawn states the BOS office needs to notify the Highway Dept. at

NHDOT to add the road to the Town's road inventory so that it is part of the Highway Block Grant. He asks Kim to follow up and ensure that the binder for the new road has been received, added, and recorded by the State. Steve motions to accept Brandon and Megan's Way. Second by Dr. Farah. Vote is unanimous (5-0).

**Home Occupation Permit:** Steve updates the request from 122 Kingston Rd for a Home Occupation Permit. He notes there were issues with the zoning requirements that limit vehicles to one business vehicle with a gross weight limit. Steve notes that when he drove by there were two (2) tri-axle trucks in the yard, multiple trailers, an excavator, and that there might be unknown equipment out on t job sites. Shawn states that if the applicant put forward that they met the criteria, then that is the information that Gail would put in the application. If that is the case, then the BOS need to inquire to ascertain if the applicant was truthful. Shawn states the BOS needs to look at this issue further and notes there appears to be some discrepancies. Dr. Farah asks about the current procedure, noting that in the past, applicants met with the BOS. Shawn explains the new process in place in which the ZBA secretary meets with the applicant and fills out the application. He questions if this applicant answered the questions appropriately due to the discrepancies.

Shawn reads the Town Announcements listed below.

**Town Hall Roof Update:** Dr. Farah asks Kim about her conversation on repairing the Town Hall roof after the storm damage. Kim had received one quote and was waiting for another that noted needed repairs of the roof from the inside. Shawn notes that he was concerned when he saw the pictures, and reiterates his concerns with repairing an old building. Dr. Farah notes that she would not support laying plywood over the roof. She notes that she looked at the roof over the weekend and clearly it is not ten (10) years old and there should be no reason to redo the roof. Kim explains that they have determined the loose shingles were coming from the two parapets and around the chimney. Dr. Farah notes they also need to fix the area that needs support where the plywood was on the inside. Kim explains that in addition, the ridge vent was not properly installed and not properly ventilating the roof, causing moisture to build up inside. She also reminds the BOS that the front window in the attic was falling in due to rot.

**Security:** Sheila states that she is unsure if this issue needs to be discussed in Non-Public; but notes that Mr. Hantman wanted an answer from the BOS. Shawn explains that he wants Mr. Hantman to work with the Police Dept. on security issues and information. The issue is all set. Anything from that discussion will come back to the BOS for a decision. Shawn notes that Mr. Hantman is basically answering questions so that he can get information to get the proper proposals for the BOS to decide and move forward. Shawn notes that not all the questions are applicable.

### III. Town Announcements

#### Calendar

- ✚ **April 5, Monday-** BOS meeting at 7:00PM at the Town Hall
- ✚ **April 10, Saturday-** Rabies Clinic- 10:00AM- 1:00PM at the Safety Complex
- ✚ **April 24, Saturday-** Bulk Pick-up Day
- ✚ **June 5, Saturday-** Town Deliberative Session: 10:00AM at the Community Center
- ✚ **July 5, Tuesday-** Town Elections 8:00AM to 8:00 PM at the Community Center
- ✚ **October 6, Saturday-** Fall Bulk Pick-up

There being no further items to discuss, Shawn adjourns the meeting. Meeting is adjourned at 8:22PM

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

Respectfully Submitted  
Deborah A. Christie

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<sup>i</sup> **NH RSA Title LXIII: Elections**: Chapter 660: Post Election Procedure 660:1-660:27.  
[www.gencourt.state.nh.us/rsa/html/indexes/default.html](http://www.gencourt.state.nh.us/rsa/html/indexes/default.html)

<sup>ii</sup> **UNITED STATES CODE 52, CHAPTER 207—FEDERAL ELECTION RECORDS**

*Sec.20701.* Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation.

*20702.*Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties.

*20703.*Demand for records or papers by Attorney General or representative; statement of basis and purpose.

*20704.*Disclosure of records or papers.

*20705.*Jurisdiction to compel production of records or papers.

*20706.*"Officer of election" defined.

<https://uscode.house.gov/view.xhtml?req>

<sup>iii</sup> **NH RSA Title LXIII: Elections**: Chapter 659: Election Procedure 659:1-659:103.  
[www.gencourt.state.nh.us/rsa/html/indexes/default.html](http://www.gencourt.state.nh.us/rsa/html/indexes/default.html)

<sup>iv</sup> **NH RSA Title LXIII: Election**: Chapter 660: Post Election Procedure 660:1-660:27.  
[www.gencourt.state.nh.us/rsa/html/indexes/default.html](http://www.gencourt.state.nh.us/rsa/html/indexes/default.html)

<sup>v</sup> **NH RSA Title LXIII: Elections**: Chapter 669: Town Elections 669:1-660:75.  
[www.gencourt.state.nh.us/rsa/html/indexes/default.html](http://www.gencourt.state.nh.us/rsa/html/indexes/default.html)

<sup>vi</sup> See Attached Policy

<sup>vii</sup> **NH RSA TITLE III: TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES**

*CHAPTER 41: CHOICE AND DUTIES OF TOWN OFFICERS. Selectmen, Section 41:9-a Establishment of Fees. –*

I. A town may, by majority vote at any annual or special meeting, authorize the board of selectmen to establish or amend fees, as provided in this section. Such a vote shall continue in effect until rescinded.

II. Following such vote, the board of selectmen, without further vote of the town, may establish or amend fees or charges for the following purposes:

(a) The issuance of any license or permit which is part of a regulatory program which has been established by vote of the town.

(b) The use or occupancy of any public revenue-producing facility, as defined in RSA 33-B:1, VI, the establishment of which has been authorized by vote of the town.

III. Such fees or charges shall not exceed, in the case of licenses or permits, an amount reasonably calculated to cover the town's regulatory, administrative and enforcement costs.

IV. Prior to the establishment or amendment of any such fees, the selectmen shall hold a public hearing, notice for which shall be given at least 7 days prior to the hearing by posting in 2 public places in the town and by publication in a newspaper of general circulation in the town. The notice shall include the proposed schedule of fees.

V. This section shall not be deemed to prohibit a town from delegating authority over specific fees to another official or official body of the town. This section shall not supersede other provisions of law concerning the establishment or amount of specific types of fees.

**Source.** 1989, 38:1, eff. June 11, 1989.

[www.gencourt.state.nh.us/rsa/html/indexes/default.html](http://www.gencourt.state.nh.us/rsa/html/indexes/default.html)