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Town of Danville
Board of Selectmen
June 28, 2021
7:00 PM

6:53 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; Chloe Landry, Girl Scout; Krissy McKeeman, Girl Scout leader, Lion’s Club representative; James Seaver, Road Agent; Andy Ward, Highway Dept.; Carol Baird, Chair, Heritage Commission.

Shawn called the meeting to order at 6:53 PM 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. No members of the public ask to speak.

Shawn closes the Delegate session at 6:54 PM

II. Agenda

Girl Scout Gold Award Project: Chloe Landry, Girl Scout Gold Award candidate reminds the BOS that she attended the October 5, 2020 BOS meeting and received approval for her Girl Scout Gold Award project the “Helping House”, a structure that would be half food pantry and half library. At that time, the BOS had asked her to return to them when the structure was completed so that they (the BOS) could determine the appropriate location for it. She explains that she has finished the structure and is ready to have it installed. Ms. Landry notes that she would like to suggest the structure be located at the Community Center, around behind the dumpsters where it is not easily seen, but people will still know it is there. Ms. Landry notes the stand will need to be installed in the grass as two pressure-treated poles need to be driven into the ground and cemented in. The food that will be used to stock the pantry will be coming from the Community Center, so that location will make stocking the pantry easy. Krissy McKeeman, Girl Scout leader and Lion’s Club representative notes the location will also offer anonymity for people using the pantry.

Shawn comments that the anonymity of people using the food pantry is the opposite of what a “library” would be doing, encouraging people to come. He expresses concern the structure has “two opposite forces.” Shawn states that he was going to suggest that Dottie could handle the location process and “interfacing with the library, maybe putting it in front, on the side, or the back of the library; but that he understands the point of the food aspect of it now.” Sheila expresses her concern that the structure might be too close to the dumpsters.

Ms. McKeeman explains that the structure would be more towards the ballfield side. Dr. Farah suggests that Ms. Landry contact the Road Agent to figure out what would make the most sense based on where the Town puts the snow in the winter. Mr. Seaver and Mr. Ward both agree to meet with Ms. Landry and pick out an appropriate spot for her structure. Ms. McKeeman confirms with the BOS that they are okay with the location at the Community Center. Dr. Farah states that it makes sense to put it out behind the Community Center where it is accessible, but not readily visible. Ms. McKeeman explains that Ms. Landry has a FaceBook page that will advertise the pantry and library availability. Ms. Landry explains that the page will provide the necessary information about the project

without making it “front and center”. Ms. McKeeman states that the Lion’s Club is fully supporting Ms. Landry’s project and will be supplying the food for the pantry and monitoring the structure. Shawn agrees and states that he is okay with letting the Highway Dept. work with Ms. Landry on the location. The consensus of the BOS is for Ms. Landry to work with the Highway Dept. to determine the location for her project. Shawn asks Ms. Landry to return to the BOS when the project is completed and thanks her and the Lion’s Club for their work supporting the community. Ms. McKeeman confirms the best way to follow up with contacting the Highway Dept.

Affinity LED Lighting: Kim explains the BOS has received a revised contract from Affinity Lighting for the LED street light conversion. Shawn notes that it is his understanding that the Town was able to get another grant. Kim explains that it is an additional “incentive”. The original contract provided the Town with an incentive for \$657. She notes that she contacted the owner of Affinity and had a discussion with him. Affinity redid their numbers and talked to Unutil and now the Town is getting an incentive of \$5500. This will reduce the Town’s costs for the contract. Shawn confirms the BOS had previously authorized the contract. Shawn asks Dr. Farah if the school was using the same company. Dr. Farah states they are not as everything is being done in-house. The school will be purchasing the fixtures and will have its own electrician do the installation. The school will get rebates on the light fixtures. Shawn notes there is no action needed on the revised contract, but that it is a public service announcement that the Town will be able to save more money on the LED conversion project. He thanks Kim for her work to get the additional savings.

III. Old/New Business

NH DOT and Heritage Commission: Carol Baird, Chair of the Heritage Commission provides follow-up to previous BOS discussions regarding the issue with the driveway on Main St. She, Andy Ward and Jim Seaver of the Highway Dept, and Dottie from the BOS met on Thursday, June 24 with Roger Appleton, the Assistant District 6 engineer. Mr. Appleton sent the original letter regarding the driveway to the BOS. Ms. Baird notes that the Selectmen’s response letter did get the attention of the DOT as Jason Pohopeck, Chief of Survey and Mapping from the Right-of-Way Div. of DOT in Concord also attended the meeting. Ms. Baird states that it was a good meeting with a lot of good information exchanged. The DOT officers were able to see the Town’s concern and could see the remnants of the old stone wall. As a result, they have changed their (DOT) plans for the driveway.

- ✚ DOT measured eight feet (8’) out from the culvert and put in a stake. They want MC Homes to install a swale at that location and to remove the previously installed ditch.
- ✚ DOT also wants grading done so that the landscape is sloped away from the house. As there will no longer be a ditch, the whole area is to be grassed.
- ✚ Ms. Baird notes that these changes may result in a reduction in the size of the Town’s stone wall, but it would still be less of a reduction than what was reflected in the original letter.
- ✚ DOT has stated that they have as much interest in the stone wall as the Town because it a monument for the right-of-way. Ms. Baird notes they “chided Mr. Alexander from MC Homes for dumping his excavator on Rte. 111-A and taking out the stone wall.”
- ✚ Once it is replaced, the DOT does not want the stone wall disturbed at all. DOT has noted that they wished they had been notified with the wall was first disturbed. Ms. Baird notes that it is reassuring that the DOT is “on the same page as the Town.”
- ✚ DOT has noted that the driveway is the ONLY legal access to the lot. If anyone attempts to go through the stone wall in the future, DOT will be back to support the Town.
- ✚ DOT will be sending a letter to the BOS regarding all these issues and changes.

Ms. Baird reiterates that DOT put a stake along the driveway where they want the swale installed. She notes that DOT is recommending that the Town place monument markers on the Town’s boundary, not only for them (the DOT) but also for the Town and any future owners of the lot. Mr. Pohopeck easily recognized issues that may come up. This conversation also opened the door to a conversation with the Town regarding parking at the Olde Meeting House. Mr. Pohopeck noted that he would be the contact person for the Town on that issue and reiterated that installing markers for the Town boundary and the right-of-way would be very helpful for that conversation. Mr. Pohopeck also discussed the possibility of a permitting process if the Town wants to do grading near the Olde Meeting House. The Town would need to submit a site plan for parking just so DOT would

be aware of the changes. Mr. Pohopeck also asked that DOT be notified of any large events such as Olde Home Days, weddings, celebrations of life, etc. so that they would be aware that cars would be parked on the side of the road. This would help forego future complaints, especially from the property owners. The Town is welcome to cut the brush back to make the area more visible for parking. Mr. Pohopeck also recommended that the Town check its own ordinances and regulations regarding the use of Town property.

Ms. Baird reiterates that the conversation was good because the Town now knows it has support from DOT for that area and the issue has opened the door for coming together with DOT regarding the parking, everyone is on the same page, and all are trying to avoid future problems. DOT mentions that the drainage issues changed due to the driveway installation which is why they are requiring the swale. She notes the driveway was installed before the court decision. Ms. Baird confirms with Mr. Seaver her understanding that DOT oversees driveway installations and that they (DOT) are adamant they want a swale installed where the stone wall would meet the driveway.

Shawn suggests that when the Town receives the letter from DOT, that the BOS makes the Planning Board aware of it and pulls up the plans from MC Homes to determine what was specified. The Planning Board will need to update the plans and make sure MC Homes is aware of those updates.

Regarding the issue of monuments and markers, Shawn notes that the Conservation Commission uses a different type of marker for Town boundaries. Ms. Baird explains that she talked to the Conservation Commission and they were not receptive to the idea of using their markers for this issue. They recommended that the boundaries be set by the Town's surveyor, Cynthia Boisvert of Argo Land Consultants, with pins and monuments. Ms. Baird notes that Dottie had requested that she contact Ms. Boisvert for the costs of this process. Ms. Boisvert has provided a list of recommendations and costs for stakes, pins, and cement monuments. Her recommendation was for two (2) iron pins or cement boundaries and she would also stake the right-of-way as described in the recommendation for \$1275. Dr. Farah clarifies with Ms. Baird that there was previously a pin in the stone wall that was removed. There is further discussion of the markings. Shawn asks if the two (2) stakes would straddle the driveway. Ms. Baird explains that they would not as the Town property only goes toward the north end of the driveway. Ms. Baird also notes that the driveway is not on any of the plans, but closely follows the dotted line that is noted. Shawn confirms this process would require that stakes be inserted into the stone wall itself. Ms. Baird explains that Ms. Boisvert and Mr. Pohopeck have already discussed marking the right-of-way because the road is ancient and DOT has been unable to locate a layout for the road's width. They have reached an agreement regarding the street road width and would measure that from the center of the roadway. Because everything is so old, there are lots of issues with the DOT determining where the right-of-way is. Ms. Baird notes it will be easier for the Town if everyone comes to an agreement, and that in turn opens room for conversations about having parking that everyone will be okay with.

Dr. Farah suggests the process would be to wait until the Town receives the letter from the DOT, give the letter to Ms. Boisvert for her input, and then move forward with the markings. If the Olde Meeting House Association decides they want some parking, then they could move forward with that. Dr. Farah also notes that the Parsonage Fund is now controlled by the BOS. Based on the court ruling, it is to be used for the Olde Meeting House, so the BOS could be "dipping into that fund for some of this." Ms. Baird refers to prior conversations regarding those funds, noting that when issues came up with the Olde Meeting House in past years, the BOS has taken the position of "hanging onto the Parsonage Funds for something large such as the roof or painting because those kinds of projects could make the Parsonage Funds disappear quickly." Dr. Farah expresses her concern the right now nothing is earning interest and "in essence, the fund is losing money because it is not increasing at the same rate as inflation." Ms. Baird notes the Olde Meeting House Association is aware of prior BOS' reluctance to spend the Parsonage Funds. Shawn notes the BOS is not saying "to not do this", but it is a question of how to fund it. He agrees the BOS should move forward with the process as outlined by Dr. Farah.

Ms. Baird reiterates that it appears that DOT has taken charge of the drainage issue with MC Homes and has given them direction, but that she is not aware of a timeline. Mr. Seaver confirms that he is also not aware of a timeline and asks if anyone is getting back to the developer to pay for some of these repairs, noting the

developer removed the wall and the original marker. Mr. Ward states the DOT wants 2-4 handed rocks used to repair the stone wall, not the 1-handed “chinking rocks” that were used on the previous attempted repair. The DOT wants substantially sized rocks to match the original stone wall. Ms. Baird states that both the Heritage Commission and the BOS had also noted that the original repair attempt with the smaller rocks was not appropriate. She notes that she is assuming that DOT will continue to inspect the driveway as they are concerned with water getting onto the road. Ms. Baird explains to Mr. Seaver that there are two developers of that lot and she does not know who would be responsible for repairs.

Shawn agrees the BOS needs to have that conversation. He notes the BOS has “bent over backward working with the new developer because they (the BOS) could have jammed him up pretty good. They (the BOS) are not looking to do that, but in essence, they are a corporation taking down a boundary wall, and NH RSA’s states that if that is done by a corporation, it is a felony.” Ms. Baird notes that the developer was reminded of this at the meeting, as well as the fact that he did not take advantage of the BOS’ timeline of ninety (90) days, and he has not met with the BOS regarding his land ownership issue. He had responded that he was relying on the Sudbury subdivision plans for property ownership. Shawn reiterates that does not change the law on removing a boundary wall. Ms. Baird states that the DOT Division of Right-of-Ways has the final say on this now and that she has not run the BOS decision and Ms. Boisvert’s boundary plan by them. They are dealing with it as a boundary wall and as a monument for DOT. Shawn agrees this is great work. The consensus of the BOS is to wait until they receive the letter from DOT and then move forward with the process outlined earlier. Mr. Ward notes that DOT is not happy about the developer unloading the excavator on the road. Ms. Baird agrees that they were very upset with that issue.

Olde Meeting House Repairs: The Olde Meeting House Association(OMHA) has offered to pay \$840 towards the estimated repairs for the Olde Meeting House. Shawn states that he believes this was money raised during past Olde Home Days. Dr. Farah clarifies this is funding that comes from the NH Charitable Trust Funds based on contributions made by the Griffin Family Trust. Shawn confirms that the OMHA also keeps any proceeds they make from Olde Home Days and other events. Dr. Farah notes that a majority of OMHA funds come from this trust. Ms. Baird explains that OMHA does not collect any fees from Olde Home Days, any money they raised was raised when they used to do the race. OMHA does not charge for any events that they hold. Dr. Farah clarifies that the BOS had requested OMHA contribute towards the cost of repairs. She motions to authorize OMHA to move forward with the repairs for \$1335 based on OMHA contributing \$840 towards those repairs. Second by Dottie. Vote is unanimous (5-0).

American Rescue Plan Act: Sheila has received information regarding this funding. She explains funding is given to towns based on their population. The program is similar to the CARES Act but is good for two (2) years. Danville is eligible to receive \$476,966. The Town must apply for it. If the Town doesn’t use it or use all of it, the funds are turned back after two (2) years. The funds can be used to reimburse costs such as camera security, software, welfare, cable access, etc. In the first year, the Town will have \$238,482.02 deposited in their account. If the Town doesn’t use it, it will roll over to the second year. The deadline to apply is August 18, 2021. Sheila states that she would like to apply and work with it for two (2) years to see if the Town could get some reimbursements. She notes that she would need to work with Patty Sarcione, the Town’s Finance Director as the process requires a lot of financial work. Shawn expresses his concern that the “devil is in the details” and questions what the obligation of the Town would be, noting that he has seen nothing regarding this program. Dottie confirms with Kim that the e-mail about the program came from the NH Executive Council. Sheila states she believes it is part of the earlier GOFERR grant that she worked on for the Town. Shawn notes that if Sheila is “content pursuing it, he has no problem with her moving forward.”

Steve asks what the total value of the grant is to the Town, noting his concern with the costs and hours involved. He specifically is concerned with the salary of the Finance Director and wants to justify those costs, making sure they are offset by the amount the Town would receive. Sheila explains that she does not believe it will cost the Town a lot of money for the Finance Director’s assistance. Shawn notes that some grants allow those costs to be covered by the grant. Dr. Farah asks Sheila to send her the links to the program. Shawn confirms that Sheila will work with Patty Sarcione on this grant.

Minutes: The BOS review the minutes for the June 14, 2021 BOS public meeting. Shawn follows up on the recorded discussion regarding cleaning the Old Stage Coach Stop roof. Steve states that he had discussed it with the Highway Dept. Shawn confirms with Mr. Seaver that the project will be done. Dottie notes two corrections: Lines # 158 and #160 should be changed from DES to DOT. She motions to accept the minutes as corrected. Second by Sheila. Vote is unanimous (5-0).

The BOS review the Non-Public minutes for June 1, 2021, under NH RSA 91-A 3:II(a), June 8, 2021, under NH RSA 91-A 3:II(a), and June 14, 2021, under NH RSA 91-A 3:II(c). Because all three Non-Public sessions are related, Dr. Farah motions to approve the minutes from all three Non-Public sessions, June 1, 2021, June 8, 2021, and June 14, 2021, as written. Second by Sheila. Vote is unanimous (5-0).

Stormwater Management: Steve explains that he and Mr. Seaver had several conversations regarding stormwater management and that Mr. Seaver had met with the representative from CEI Engineers, the Town's stormwater management consulting firm. Mr. Seaver confirms that he had previously e-mailed the new contract price and schedule for the next couple of years to the BOS. He notes that the third year would be to finish the "outfalls". Mr. Seaver notes that every year, everything must be done and put into the reports by the end of June and sent to the EPA. The Town has until September to submit everything. Mr. Seaver expresses his concern that the BOS needs to "get something going so the Town stays compliant." He assures the BOS that the Highway Dept. will continue to stay involved with the process. Shawn states that the program demands a lot of attention and the Town is involved in the MS-4 process because part of it is on the Exeter River. Mr. Seaver confirms that the Town is trying to do just enough to maintain the status quo. Shawn explains that past consultants have suggested more than the basic requirements resulting in greater costs to the Town than was necessary. This was why the Town had taken an "a la carte" approach to these services. Mr. Seaver notes the e-mail contained a breakdown of all the pricing for this year. Sheila notes that stormwater management is included in the American Rescue Plan funding.

Shawn and Mr. Seaver review the paperwork and discuss the plan. Dr. Farah questions the \$2000 cost of preparing the annual report and asks where the Town stands on the new MS-4 format. Mr. Seaver explains the contract is a continuation of the existing MS-4 format. Shawn and Dr. Farah both note the new format has been delayed for multiple years. Dr. Farah confirms the costs are \$8800-\$10,000. Mr. Seaver notes the reports also include all the inspections. Steve asks Mr. Seaver to ask what the "public education" was that was billed. He states that he wants to "know when it happened and who was educated." Dr. Farah notes that previously, the stormwater secretary was doing all the work, sending people to school, etc., and agrees with Steve that CEI did not do any public education. Dr. Farah also questions the proposed nitrogen source for Great Bay. Mr. Seaver explains that everything from Danville ends up in Great Bay. Shawn and Mr. Seaver agree that Great Bay issues are being blamed upstream in an effort to spread out the costs of the remediation the EPA is requiring. Mr. Seaver notes the CEI representative also spoke about a ten (10) year plan. There is a discussion regarding the unsuccessful attempts of the Town to leave the MS-4 plan. Mr. Ward and Mr. Seaver explain that it is tied to the Town's population increase that began in the 1990s with the Colby Pond development. Dr. Farah asks where the stormwater records are kept. Kim notes they are in the boxes in the back of the meeting room and expresses concern with their security there. The BOS suggests storing the records in the Highway Dept. office and keeping the paperwork organized for documentation requests. Dr. Farah states the BOS needs to move forward and motions to authorize the Chair to sign the contract with CEI for services associated with MS-4 compliance. Second by Sheila. Vote is unanimous. (5-0).

Sheila asks Mr. Seaver the status of the repairs for Kimball Terrace. Mr. Seaver states that he talked to Mr. Appleton, the DOT Assistant Engineer, about that at the June 24 meeting and called him today and the plan is on his desk. Mr. Seaver notes it's "getting closer".

Signature File: Dr. Farah motions to authorize the Chair to sign the PA28. Shawn notes that all members of the BOS must sign that form. He explains the BOS members are the assessing officials and simply delegate that function to Fred Smith and his firm on the behalf of the BOS.

Tax Exempt Leasing Corp: The BOS has received the lease contract for the new Town plow truck. Shawn notes there was some flexibility on the lease as it was priced out as both a five (5) year lease and a seven (7) year lease. He states that the five (5) year lease would allow the Town to pay off the truck two (2) years early and has a reduced interest rate. Shawn recommends the BOS to go with the five (5) year lease, noting it will only cost an extra \$5000 per year. Sheila asks about the warranty on the truck. Mr. Seaver states it is for seven (7) years. Shawn notes the Town would be looking to purchase another Town truck and more Highway equipment over the next few years. Shawn requests a motion to authorize the Chair to execute the master lease/purchase agreement for the Town plow truck for a total payment of \$157,335.55 over five (5) years. The first payment is due at the execution of the contract. The annual cost for the lease/purchase agreement is \$31,467.11. Sheila makes that motion. Second by Dottie. Vote is unanimous (5-0).

Steve reads the Town Announcements listed below. The BOS meeting date is corrected to Monday, June 12, 2021. Sheila asks that the Town Elections on Tuesday, July 13, 2021, from 8:00 AM-8:00 PM also be included.

Eaton Trust Fund: Dr. Farah provides copies of the Eaton will and the Trustee of the Trust Funds report to the BOS. She notes that it is not a copy of the actual Eaton Trust, but is only the will. Dr. Farah explains that when she asked Ms. Baird if she knew anything about the Eaton Trust, Ms. Baird had noted that the Heritage Commission had received several Trust funds from the Hawke Historical Society that should be turned over to the Trustees of the Trust Funds. Ms. Baird had also stated that there should be a book of all the current trusts describing what the trust is, how long it lasts, how payments are made, etc. Dr. Farah asks Kim to track down that book, noting that Patty Hess had put all that information together and the book should be in Town Hall. Dr. Farah suggests that copies be made of the book, Kim suggests that a copy also be made for the fire safe. Dr. Farah explains she is looking for a breakout of the trust funds that are part of Common Funds #1 and Common Funds #2. She confirms that Kelly is currently the only member of the Trustee of the Trust Funds as Ed Lang resigned and she (Dr. Farah) had to resign when she accepted the appointment to the BOS. There is a discussion of how to fill those openings. Shawn asks that Patty Sarcione be listed as an authorized user on the Trust Funds.

HAWK/PUC: Shawn reviews the letter the Town has written to the PUC outlining its concerns regarding HAWK's request to increase water rates. He notes that several points that HAWK has made to justify their request are based on the "benefits of their system that they can pass on to their subscribers" but these benefits "are not applicable to the residents of Danville because Danville's system is an isolated system". He notes the letter takes all the different statements and filings of the Town's objection to the rate increases and states the reasons why the Town is objecting. Shawn states that he wants to credit Karen Steele for all her work and effort. Dr. Farah notes the data reflected in the letter is from the docket of the public hearing that she also attended and that some of those comments could be hers because she did speak up for the Town. Shawn reiterates he still wants to acknowledge Ms. Steele for bringing the issue to the BOS' attention. Dr. Farah also acknowledges Ms. Steele's efforts and clarifies that she only wanted an accurate reflection of the source of the data. Shawn thanks both Ms. Steele and Dr. Farah for their time and efforts in this matter. Dottie motions to authorized the Chair to sign the letter to the PUC. Second by Dr. Farah. Vote is unanimous (5-0).

599 Main St.: The BOS review the boundary line agreement. Dr. Farah motions to authorize the Chair to sign the boundary line agreement between the Town of Danville and the Waters Family Trust. Second by Sheila. Vote is unanimous (5-0). Kim reminds the BOS that the document requires the signatures of all BOS members. Shawn states that he still wants the motion and the vote recorded in the minutes.

Mosquito Control: Kim asks for clarification on scheduling the mosquito spraying for Olde Home Days. She confirms the BOS wants all three fields to be sprayed. She also asks if the BOS wants the spraying done monthly as she has received a quote for spraying all three fields for the next three months for \$1000. Shawn agrees that is the best way to address the issue and asks that Kim have the fields sprayed the day before Olde Home Days for maximum benefit.

IV. Town Announcements

Calendar

- ✚ **July 12- Monday:** BOS meeting at 7:00 PM at the Town Hall
- ✚ **July 13- Tuesday:** Town Elections at the Community Center 8:00 AM-8:00 PM

Olde Home Days Schedule:

- ✚ **August 27- Friday:** Movie Night- dusk at Day Field
- ✚ **August 28- Saturday:** Olde Home Day- a variety of events 11:00 AM-3:00 PM at Day Field
- ✚ **August 28- Saturday:** Fireworks Display- dusk at Colby Field (currently there is no rain date)
- ✚ **August 29- Sunday:** Olde Home Days Flea Market- 11:00 AM to 3:00 PM at Day Field

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

The public session of the June 28, 2021 BOS meeting ends at 8:06 PM

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

Respectfully Submitted
Deborah A. Christie