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Town of Danville  
Board of Selectmen  
Monday, August 9, 2021  
7:00 PM

7:00 PM Board of Selectmen's Non-Public Session under NH RSA 91-A 3:II(d)

7:40 PM Board of Selectmen's Public Session begins  
Meeting is Video-Recorded

Selectmen Present: Shawn O'Neil, Chair; Steve Woitkun, Vice-Chair; Sheila Johannesen, Dottie Billbrough, and Scott Borucki

Others Present: Kimberly Burnham, Selectmen Administrator; Fred Smith, Town Assessor; Robert Loree, President of Long Pond Protection Association; Carsten Springer, Chair Conservation Commission; Carol Baird, Chair Heritage Commission; Walter Baird, ZBA, James Seaver, Road Agent; Andy Ward, Highway Dept.; Sharon Griffin Woodside

Shawn called the meeting to order at 7:40 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. Agenda**

Due to the delayed start of the Public Session, Shawn states that he will hold the Delegate Session so the BOS can move directly to the items on the agenda.

***Town Re-evaluation Update:*** Fred Smith, the Town Assessor has provided the BOS with binders of the re-evaluation process for their review. He requests that extra or unused copies be kept at the Town Hall for hearings that will be scheduled in the next couple of weeks. In the binders, Mr. Smith notes that he has inserted a copy of the notice that will be going out to Town residents that gives the "ins and outs" of the reasons for the re-evaluation. He explains that State regulations require that a complete re-evaluation must be completed by each Town every five years. The Dept. of Revenue (DRE) will be coming in to look at the Town's assessing practices and the Town is required to generate updated values.

Section #1 of the binder: Mr. Smith explains that the re-evaluation is based on real estate sales that actually occurred in Danville. He looked at sales over the past two (2) equalization years: Oct. 2018-Oct. 2020. There were 365 deed transfers, of which 218 were "arm's length" (legitimate individual sales) and 167 were "non-arm's length" (between family members, the establishment of trusts, etc.) Mr. Smith notes this is a switch from earlier years when a majority of real estate sales were "non-arm's length" and that more sales are legitimate sales. The binder lists each of the properties sold, the date of the sale, and the price. He has adjusted the sale prices for time in order to adjust the values to 2021. Using professional resources to determine current building costs, these costs are then subtracted from the adjusted sale price to determine the price for the land. His final report will lay out each step of the calculations.

Statistics: Mr. Smith explains the Town must meet the three standards of assessment from the State.

- 1) The **median** ratio of the sale price to the assessed price must be within 90%-110%. He explains the median (middle price) is used, **not** the average price for this calculation. The use of the median price gives a truer measure of how well done the assessments are. The median ratio in Danville is 95%, representing 5% less than what properties are actually selling for. Mr. Smith notes he wants to be conservative because in 2021 there was such a spike in sale and lumber prices. He states that he believes these prices will begin to come down rather than continue to spike and the numbers will be valid for longer.

- 2) Co-Efficient of Dispersion: Mr. Smith explains this is the number closest to the median price in the middle. The closer the number is to the median equals a lower “co-efficient of dispersion”. The State mandates this number must be under 20. Danville’s number is currently 11.69. Mr. Smith explains this is a result of Danville being a diverse community of brand-new houses and houses from the 1800s.
- 3) Price Related Differential: Mr. Smith explains this is the comparison of high-end priced evaluations versus low-end price evaluations. A good balance would be reflected as 100. The State mandates this number should be in the range of 97-103. Danville’s number is 99.

The next pages of the binder reflect price changes in Rockingham County over the last twenty (20) years, as well as the quarterly prices in Rockingham County. The second quarter of 2020 to the second quarter of 2021 shows an 18% increase in prices which Mr. Smith describes as “monstrous”. The current median price for houses in Rockingham County is \$500,000. In Danville, the median price for houses is \$313,000. He notes that while Danville is following the pricing trend in Rockingham County, it is not the most expensive town in Rockingham, noting those towns would be Portsmouth and Rye. Mr. Smith continues to review the next few pages, explaining they are comparisons over the last few years, the tables are ratios for the different classifications and ages of property, the size of the zone they are in, acreage, etc., and a comparison of prices before and after the changes.

Shawn asks if the primary total for the Town’s MS1 filing increased from \$451M to \$597M for the total assessment of the Town as reflected in the binder. Mr. Smith explains this number is for the MS1 and represents the total market value of all the buildings in Danville, including Town-owned buildings. It does **not** equal the total taxable value because it not only does not account for tax-exempt Town buildings, but it also does not calculate other tax exemptions such as for the elderly, veterans, etc. However, it still helps to track the value of the Town as a whole. Shawn expresses his concern that this number will create a “new normalized value for the Town and how does that reflect what the State has and how will that project into the Timberlane School budget, etc.” Mr. Smith notes that it is reasonable to expect that the taxable value has changed with the same ratio as the Town’s value. The summary page makes a bit of that comparison. The 2021 preliminary values for the total of everything in the Town is \$597M, in 2020 that was \$451M. The difference between the values is the new base rates to the physical description of properties, which, as indicated by the market is a 33% increase. The difference between 2016 (the last re-evaluation) and 2020, is using the same base rates equals the same base rates against different physical descriptions. Growth in 2020 shows all the new houses, new subdivisions, etc. Of that 33% increase, 10% of that is actual growth in the Town.

Shawn clarifies the average ratio is 1.33 for the new fair market value of properties. If the current assessments are at 1.00 and the new assessments are at 1.33, everybody’s assessed property values will average an increase of .33%. Shawn notes that each individual property will have its own unique ratio specific to that property. There are also different classifications of properties: single homes, condexes, mobile homes, etc. with different ratios. The question is how will this affect individual tax rates. If the unique assessment is less than 1.33, the overall tax liability will decrease. If that assessment is over 1.33, then the tax liability will increase. Mr. Smith confirms this is how these numbers work.

Mr. Smith explains that the tables in the back of the binder all provide the same information by different reference points. The first table shows properties by their current owners, the second table shows properties by their tax map and lot number, and the last table shows properties by their street location. The tables are simply a way to cross-reference property information. At the top of the first chart, the ratio of 1.325 reflects the overall ratio for the Town. The median ratio for all the properties in Town is 1.33. Mr. Smith explains that if the Town finances were the same as last year, and a property is re-evaluated at 1.32, the tax bill would be the same. He notes the biggest factor affecting the tax bill is what the Town voted to spend in 2021. Mr. Smith also points out the biggest difference in evaluations is in the smaller, less expensive properties (e.g: mobile homes). They saw the largest increase in sale prices. He notes that mobile home sale prices have almost doubled in the past five (5) years. Mr. Smith explains that this should still result in a manageable tax bill. Shawn notes that as these values increased, the tax bills did not. Mr. Smith notes that while mobile home values climbed fast over the last five (5) years, the very large and expensive

houses did not see the same rate of increase. He notes that mobile homes are still a reasonably priced place to live, even with the increase in values, they are still around \$60,000 while the median home price is \$313,200.

Mr. Smith informs the BOS that the re-evaluation mailings will be going out next week. There will be a phone number so that people can set up appointments to meet with him for explanations and corrections. Hearings will be held within two (2) weeks and at the end of the second week, he will have the final numbers for the MS1 which is must be filed by Sept. 1, 2021. He reminds the BOS the preliminary numbers are subject to change with the hearings and are not the final tax numbers.

**Long Pond Protection Association:** Robert Loree introduces himself as the President of the Danville Long Pond Protection Association. He explains that they are responsible for the milfoil treatment in Long Pond. Mr. Loree explains that the Conservation Commission had suggested that he meet with the BOS to update them and discuss the “good news/bad news” of treatment. The good news is that the new milfoil treatment applied last year has worked incredibly well and they will not need to treat for milfoil this year. The bad news is that there is another invasive weed in Long Pond called fanwort and the Association is treating the pond for this plant this year. He presents a contract from Solitude that outlines the costs of treatment. Mr. Loree explains that fanwort has been a “moving target”. There was a minimal amount in the pond at the beginning of the year, but it has spread significantly through the summer. He notes the costs for treating for fanwort are the same as for milfoil but is concerned because the budgeting for treatment was specifically for milfoil. He is looking for guidance from the BOS on what the Town can contribute to the fanwort mitigation process.

Shawn states that he feels the “spirit” of all this is to address what is in the body of water, and at the time of the budgeting process, all they knew was that there was milfoil in there. Shawn states that he thinks any invasive species is allowed and he would “present that to a person in a black robe.” He states that he doesn’t believe that just because milfoil is the named species, treatment should be limited to just that; noting that is his interpretation. Mr. Loree agrees this sounds reasonable. Shawn does express concern with the price of the contract and asks how much was approved in the Warrant Article.<sup>i</sup> Mr. Loree state he believes it was up to \$15,000. He notes the State has agreed to fund 40% of the costs which is \$11,000. The Association is committed to cover the remaining costs. Scott asks if the State’s contribution was for the entire contract or just for the costs of the milfoil treatment. Mr. Loree states he believes it was for the total contract which includes both milfoil and fanwort.

Mr. Loree explains there was a little fanwort last year that the Association addressed using divers to pull the plants out. That was obviously not effective, so they (the Association) are looking to use chemicals to treat the fanwort this year. Unfortunately, treating for fanwort requires a different chemical than is used for milfoil. What is used for milfoil is not an effective treatment for fanwort. Shawn notes the contract calls for \$1460 for State permitting, which goes to the State, who then gives back 40% of the cost of the treatment. Mr. Loree notes that the permitting process is already completed, the abutters’ notices have gone out and the treatment is scheduled for early August.

Shawn reviews the Solitude contract. With the State covering 40% (\$11,000), the Town must cover 60% and has up to \$15,000 to utilize. Scott notes the remainder appears to be close to that \$15,000 available Shawn expresses concern if the Warrant Article will cover the cost and if the State will honor their 40%, noting “they (the State) are always wishy-washy”. He is concerned with moving the contract forward and having the State lower its contribution. Mr. Loree shows the BOS a copy of the State grant stating they will fund 40% of the costs up to \$11,000. Shawn notes that leaves \$16,500 for the contract with \$15,000 from the Warrant Article. Shawn confirms with Mr. Loree that the Association will pay the remaining \$1150 on the contract. Mr. Loree reiterates that the Association is committed to mitigating the fanwort, and is looking for guidance now and for budgeting in the future. He reminds the BOS that fanwort has been a “moving target” for a couple of years now. The Association wants to be sure they’re covered for a different invasive plant.

Carsten Springer explains that the BOS has put the Association’s budget under the review of the Conservation Commission and to administer it for the BOS. He states that he asked Mr. Loree to come to the BOS because the language of the Warrant Article is for milfoil and he thinks that is what people voted for in Town. He notes that he wants to “raise that red flag” because the Warrant Article may not allow for treatment of anything except milfoil.

Mr. Springer also points out that 5-6 years ago, they (the Conservation Commission) and the BOS were not getting quarterly reports from the Association. Shawn agrees the communication has drastically improved. Mr. Springer notes the Association has done a great job obtaining funding where they can. This is due to the continuity of the people involved with the Association. Mr. Springer expresses his concern that there be cost controls, especially not knowing what other kinds of invasive plants may show up in future years, all possibly needing different chemicals for treatment. He states they need to be careful that these don't become runaway costs, noting they could get to \$50,000-\$60,000. Mr. Springer also expresses his concern there is only one State-certified vendor to do these treatments and this is the only vendor eligible for grant funding. He suggests the Association look at other vendors that may not be eligible for grant money and find out the "real" cost of treatment, not just the costs of a vendor being financed by the State. Shawn agrees but notes the State is the grant permitter and that one vendor is the only one that can disperse the grant. Mr. Springer suggests that another vendor may charge 40% less, so the State grant would not matter. Shawn states all of these are valid points. Mr. Springer explains that the Conservation Commission is trying to do a good job making sure the Town isn't spending money it shouldn't be spending.

Scott states that he is also concerned with the Warrant Article language. He notes that he "doesn't like it, and he agrees with what the intent was, he feels the intent to the voters was "invasive species", but is concerned with the way the Warrant Article was written." Sheila notes that the language was changed during the Deliberative Session to take out "Long Pond" and added "any pond".

Mr. Loree states there was an article in the budget<sup>ii</sup> as well as the Warrant Article Trust Fund. Shawn explains that milfoil was the invasive species at the time the Trust Fund was created. Scott notes that if the funding is in the budget, he is less concerned with the language. Mr. Loree reiterates that there is funding in two separate budget items, both listing milfoil as its purpose. Shawn reiterates his concern with voter intent and that if this fanwort isn't treated it will become even more invasive. Scott reviews the Solitude contract and notes that it is for treating milfoil **and** fanwort and the BOS could use the milfoil portion for this purpose. Sheila suggests the BOS should remember to change the Warrant Article language for 2022. Scott notes that if the contract is also for treating milfoil, then a portion of the Warrant Article money could be used for that treatment. Shawn asks how the BOS would be able to portion that out. He asks what is the BOS trying to accomplish, noting it is not having the pond overtaken by invasive plants. Sheila notes that the same company is treating both plants.

Mr. Loree explains that milfoil and fanwort look almost identical even though their control treatment is different. Scott notes that the contract is written for the treatment of both species and that both species of plants are identified. Shawn reiterates that the BOS will most definitely address the language issue of the Warrant Article during the coming budget season. Scott states that he is okay with the contract as it is written. Steve motions to move forward with the Town's commitment of up to \$15,000. Second by Dottie. Vote is unanimous (5-0). Mr. Loree states the Association will investigate the possibility of using other vendors as suggested. He notes the Association was going by the guidance from the State and the State's permitting.

**COVID-19 Vaccination Clinic:** Shawn states that this was added to the agenda for discussion at his request. He notes that Sheila had a conversation with Kim and was upset that Shawn was bringing it forward for discussion. She had stated that she wanted to support it. Sheila clarifies that if the BOS does not want to go along with it, the Community Center Committee would sponsor it. Shawn explains that the point he wants to bring up is that while acknowledging everyone's different views on the subject, he is a firm believer in personal choice. He expresses his concern that the vaccines are experimental, the pharmaceutical companies have immunity, and the proposal suggests that the Town is sponsoring the clinic. Shawn states he wants to clarify that the Town is only supplying a building to be utilized by a third party to implement a vaccine clinic for all people, not just Danville residents. He notes that he wants to be sure the Town is not endorsing or promoting this clinic; and that the Town does not have any potential liability for any part of the clinic. The Town is offering the building, no more, no less. Shawn notes that the document details include stating the Town will indemnify the vendor. The Town will not accept any responsibility for anything to do with the clinic.

Scott notes the MOU states that anyone getting the vaccine gives up their right to sue. He expresses his concern that the clinic is asking the Town for a commitment of staffing and custodial services, etc. He is also concerned that

the MOU is valid for five (5) years unless canceled by either party in writing. Mr. Springer asks if the law allows the BOS to enter into contracts longer than three (3) years. Shawn notes the Town has gone up to five years with leases. Scott states that he supports giving people the choice of getting their shots. Shawn reiterates that his purpose for discussion was to protect the Town from any liability. Scott reiterates his concerns. Kim offers to discuss the issue of staffing and the length of the agreement with the vendor. Scott states that if those issues are resolved, he could support the clinic. There is further discussion on the length of the MOU and how that would be accomplished with using the building. Shawn asks for more information before the BOS approves the agreement. Kim notes that the vendor will be offering the J&J and the Pfizer vaccines, so they would need to return for a second date for the Pfizer shots.

## **II. Delegate Session**

Shawn opens the Delegate Session by request at 8:25 PM.

**Home Occupation Permit:** Sharon Griffin Woodside explains that her husband's company Quality Die and Cutting, is registered as an NH business, but the manufacturing building is in Haverhill, MA. The prior registered agent for the business lives in Hampstead and has become incapacitated so her husband is now the president of the company and he needs to transfer the registration of two company vehicles to their home in Danville. The two vehicles are an Expedition and an F350. Ms. Woodside states that she has been told that she cannot do this as business-owned vehicles even though the business is registered in NH. She was told that she had to fill out a Home Occupation Permit, which states that she can only have one business vehicle at her home, and she has two vehicles. Ms. Woodside explains that the Expedition is used for transportation to and from the manufacturing building and the F350 is used for plowing, both for her home and the building in Haverhill, MA. She cannot register either vehicle until the BOS approves her Home Occupation Permit. Shawn agrees the BOS needs to do this. Steve asks if the vehicles are registered to the business or personal. Ms. Woodside states they are registered to the business but are not commercial vehicles. She also clarifies that while the physical manufacturing is in Haverhill, MA., the company headquarters are now listed at Walker Rd. (her home) because the business is registered in NH.

Kim explains that anytime a home business owner comes in to register vehicles in the business name, in any town, the State of NH notifies that Town for whatever the protocol is for how that town handles it. Steve points out that the Expedition is not a commercial vehicle, and the F350 is a standard pick-up truck, not a large commercial truck. He states that he will sign the Home Occupation Permit application. Scott states that he will sign the Home Occupation permit application based only on the fact that it is an application and not because it has anything to do with the vehicles. He reads the application questions to Ms. Woodside. She verbally agrees to all the stipulations of the application. Scott clarifies again that these are not commercial vehicles. Ms. Woodside confirms that they are passenger vehicles that are simply registered to the company. The BOS sign and approve the Home Occupation permit. Kim provides a copy of the signed permit to Ms. Woodside.

**Heritage Commission:** Carol Baird, Chair of the Heritage Commission explains that the Heritage Commission has voted to withdraw \$289.15 from the Heritage fund for the purchase of archival boxes. She needs the approval and signature from the BOS to move forward with the purchase. Sheila motions to approve the request from the Heritage Commission for \$289.15 for the purchase of archival boxes. Second by Dottie. Vote is unanimous. (5-0).

Shawn closes the Delegate Session at 8:35 PM.

## **III. Old/New Business**

**Highway Dept Paving:** Jim Seaver, Road Agent; and Andy Ward of the Highway Dept. address the BOS. Mr. Seaver has received three (3) paving proposals. He explains that originally, he was hoping to pave Pine St., Back Rd., Deckler Rd., Beach Plain Rd, Hampton Rd., and GH Carter. He notes this will only be a "shimming and skimming" project because they have the Kimball Terrace project coming up.

Mr. Seaver explains that his road repair budget is \$225,000. He is budgeting \$45,000 for the Kimball Terrace project. Shawn confirms this budget includes water management, drains, etc. Mr. Seaver states that he received the permits from the State last week and the new set of plans has been sent out because the DOT changed a couple of things.

Mr. Seaver explains that now there is \$160,000 in the budget for patching and crack sealing, so he needed to reprioritize which roads would be done to remain within the budget. Sheila confirms with Mr. Seaver that the Kimball project will be going out to bid. Mr. Seaver states that he handed it out to three (3) contractors, but had not done an RFP. Mr. Seaver confirms with Shawn that an RFP is required. After a discussion of the process, it is agreed that the sealed bids would be mailed directly to the BOS. Mr. Seaver notes that the proposals also include paving for next year and what those projected costs might be. He notes that he has listed Sawmill Rd., Candy Rd., Beach Plain Rd., and Kingston Rd. Sheila asks if the roads have been listed by priority. Mr. Seaver confirms that his priority would be Sawmill Rd. and Candy Rd. as they are the two (2) worst roads, they are horrible to drive and plow.

Shawn asks Mr. Seaver which proposal he would recommend for the current year. Mr. Seaver explains that with his remaining budget, he would recommend Bell & Flynn for the paving. Shawn and Mr. Seaver both acknowledge the Town has been using this company for years. Mr. Seaver notes that all three (3) are great companies and two of them have done work for the Town in the past.

Sheila expresses concern that the Town policy is not being followed and asks that there be a motion to waive the policy. Shawn states that he believes the intent of the policy was followed; Mr. Seaver had provided bids/proposals from three (3) companies even though there was not a formal RFP with sealed bids. Shawn also notes that the time to do the paving is running out. Sheila agrees, but again expresses her concern with the competitive bid policy. Scott suggests that by approving the proposals, the BOS is ultimately waiving the bid policy. Shawn confirms with Mr. Seaver that he wants to use two (2) of the responding vendors. Mr. Seaver states that he wants to use Bell & Flynn for the paving and Petra for the crack sealing. He states that he would need an additional \$10,000 for the crack sealing to do the Sandown bridge and repair the sinkhole in Old Johnson Rd. Mr. Seaver explains that the large trucks hold 3000 gals of tar and the vendors want to use all of it on a project. Petra is a smaller company and can truck in just the amount of material the budget will support. Shawn confirms that the tar prices are through the State bid. Mr. Seaver confirms that the crack sealing material also falls under the State bid and that the differences in the proposals are the labor costs.

Sheila motions to waive the Town bid policy to accept the Bell & Flynn paving proposal. Second by Scott. Vote is unanimous (5-0). Shawn motions to approve the Bell & Flynn paving work as outlined in the proposal up to \$160,000. Second by Steve. Vote is unanimous (5-0). Kim confirms with Mr. Seaver the roads that are being done are: sections of Pine St., Back Rd., and Brentwood. GH Carter will not be done this year.

Mr. Seaver asks for approval for an extra \$10,000 above the \$160,000 for crack sealing, noting that he feels he can fit that into his budget. Sheila motions to waive the Town bid policy to accept the Petra Paving crack sealing proposal. Second by Steve. Vote is unanimous (5-0). Sheila motions to accept the Petra Paving crack sealing proposal for up to \$10,000. Second by Scott. Vote is unanimous (5-0).

**Town Parks Update:** Kim explains that she and Mr. Seaver had a conversation regarding the Porta-Potties in the Town parks and who was going to pay for them. She explains that currently, the Baseball Assoc. puts them in for the baseball season and then has them removed. The Town then brings them back in. Kim states that she and Mr. Seaver agree that it is important to have bathroom facilities on all the fields for the whole season. They are suggesting that the BOS approve paying for the Porta-Potties for the entire season and ask the Baseball Association, and any other groups that use the fields to donate to the costs of the Porta-Potties. The Porta-Potties would be paid out of the Parks and Recreation budget. Shawn and Steve agree that this is a good idea. Scott asks what would happen if the Baseball Association decides not to “donate”. Kim explains that they (the Baseball Assoc.) would have nothing to do with whether the Porta-Potties are there, as it would now be a service provided by the Town for the entire season. Mr. Seaver explains there was a miscommunication and the Porta-Potties were removed without anyone being aware of it, leaving the fields with no bathroom facilities. Shawn states that he believes the Baseball

Association would continue to donate to the costs of the Porta-Potties, and if that should change the BOS could address the issue.

**Highway Mowing:** Mr. Seaver state that the Highway Dept. will be doing roadside mowing from August 16- August 30. He has rented two mowers; a boom mower and a brush hog, from MB Tractor. He has also rented Jeff Suite and his excavator with a mow-head. Mr. Seaver notes that by using three (3) different types of mowers, he will be able to evaluate and determine which is the best for a future purchase. He states that he hopes to get most of the Town mowed during this time.

**On-Call Plow Drivers:** Mr. Seaver states that he has put an ad in the paper for a driver for one of the Town trucks during the winter season and has an interested resident. They would be driving the old rescue truck. He explains that he is unclear on how to hire for this position. Shawn states that he believes the person should be hired as a part-time Town employee. Scott suggests that Mr. Seaver try to estimate how many hours would be needed for this position. Mr. Seaver questions if the salary for this person would be coming from his “part-time” staff budget. Shawn clarifies that it would come from the “Winter Maintenance” budget. Sheila and Steve agree. Shawn explains that the BOS created the separate “Winter Maintenance” budget because the Town was subcontracting all that work out and this was a way to track those expenses. As the Town begins to purchase its own equipment, the BOS will integrate those costs back into the Highway budget. Shawn notes the 2022 Highway budget should begin to reflect some of these changes. Mr. Seaver confirms that the interested resident needs to fill out an application, go through the process of getting all the driving records, etc., and that he would just use him when he needed him.

**Olde Home Days:** Mr. Seaver states that he would like to do “Touch-a-Truck” during Olde Home Days. He spoke to Chief Parsons who suggested that they do this on Sunday, August 29. He states that he would like to use Goldthwaite Field. Mr. Seaver explains many new residents in Town may not be aware of this field and he would like to make everyone aware of it.

**Driveway Permit:** Shawn confirms that the issue with the driveway on the corner of Back Rd. and Rte. 111-A has been resolved. Kim confirms there is now a sign there.

**Olde Meetinghouse Stone Wall:** Kim states the BOS has received the anticipated letter from the DOT as discussed in previous meetings. Ms. Baird states that she has not seen the letter yet. She notes the Heritage Commission members are aware of the new building and have questioned her on the status of the wall. There have been no repairs done on the wall and the Commission has not approved any plans for those repairs. She reminds the BOS that the Heritage Commission’s authority is limited only to the stone wall. All the other issues fall under the purview of the BOS.

Steve states that as the Fire Chief, he received a call from Mr. Alexandro asking him to do a final inspection on the house for an occupancy permit. He informed Mr. Alexander that the BOS had decided to hold the occupancy permit until the stone wall issue was resolved. Mr. Alexander told Steve that he was incorrect. Steve states that he explained to Mr. Alexander that he was not signing off on a final inspection and that unless he signs off on that inspection, the building inspector should not issue the occupancy permit. He notes that he spoke with Paul, the new building inspector, who stated that he was unaware of the BOS’s decision. Shawn states that he was not aware that the building inspector had not been made aware of the BOS decision. Steve states he believes this project was Bob Bogash’s “final act” as the outgoing building inspector. He notes that he thinks the house may have been sold as numerous things were being done on the house and today the builder was adding irrigation. Steve states the developer had stated to him that “I put that wall back as a courtesy and out of the generosity of my heart.” Steve expresses concern that if the excavating contractor removed that wall, then he and the builder are responsible for the repairs. He is also concerned that if the wall is not fixed to the Town’s standards, the Town employees appear to not be on board with the BOS decision. Shawn notes that if the occupancy permit is signed in error, the Town has lost all recourse in resolving the issues. Sheila states that the electric service is still above ground and she believes the plans called for buried utilities. Shawn asks that Kim make the building inspector aware of the plan requirements.

Kim states that Mr. Bogosh and Paul had both been told that there was to be no occupancy permit issued. Paul had stated that he did not want to be involved because there was too much controversy with this project and asked Mr. Bogosh to complete the follow-up with this property as he had been involved from the beginning. Kim reiterates she and Gail had told both inspectors there was to be no occupancy permit. She is not sure if there is anything in writing, but will check the e-mails for documentation. Kim explains that the requirement for underground utilities was on the original subdivision plan of six (6) parcels. When MC Homes purchased the parcel, the underground electrical was not on the plan and no one went back to the original plan. If the builder is forced to go underground, the stone wall will have to be moved again. Dottie states that it would be a different section of the wall at the other end. Scott suggests the BOS put everything in writing for both Mr. Bogosh and Paul to make these issues “clear as day”. He asks what the standards for rebuilding the wall are. Shawn explains that the wall needs to be approved by the Heritage Commission because it is in the Historic District. Scott asks about issues with flooding and was told that the DOT has already addressed those issues.

Ms. Baird states that if the stone wall must be disturbed again in order to bury the electric lines, the builder would have to follow the process of presenting a plan of how they would remove and replace the wall to the Heritage Commission for approval, and then presenting that information to the BOS for final approval. She notes that this exact same process was explained to Mr. Alexander in January and he has refused to acknowledge and follow it. Ms. Baird reiterates that the stone wall can be disturbed to meet the zoning requirements for underground utilities, but it must be approved by the Town. She reminds the BOS that since January, Mr. Alexander has refused to follow any of the Town’s procedures or zoning. And, although he told Steve that he put the wall back “out of the goodness of his heart” he has received two very explicit letters from Town Counsel informing him that he had removed a boundary wall and broke the law and now he had to go to the Town to resolve the issue. He has ignored both of those letters.

Scott asks if the Planning Board granted a waiver allowing the electric to remain above ground. He explains that if the Planning Board did not grant that waiver, then the builder should be required to put the utilities underground. Shawn agrees and notes that when the builder purchased that parcel, he must follow the original rules of the subdivision plan. He suggests that Mr. Bogash inquire about this and ask the builder why the electric has not been buried. Scott recommends that information also be told to the electrical inspector. Kim explains that the electrical inspector only inspects the interior electric and has nothing to do with the outside electric from the pole to the house.

Steve states that he was under the impression that a “foundation only” permit had been issued until the issues were resolved. He notes that he is concerned that the builder has disregarded everything from the Town. Shawn agrees that Mr. Alexander had “used the generosity of the Town”. Steve notes that an earlier BOS had discussed a cease-and-desist order and had agreed to issue a foundation permit but no building permit. Two weeks later, the builder was framing the house. Scott expresses his opinion that in the future, no foundation permit should be granted if there are unresolved issues.

Ms. Baird notes that she had personally told Mr. Alexander that he needed to check the zoning for his house with regards to the underground utilities during her only conversation with him regarding the Heritage Commission procedures and that would have been in April or May. The comment that “he didn’t know or was not aware” is simply not true. She also reminds the BOS he had received the letters from Town Counsel that outlined the state statute and the fact that he could be taken to court and fined \$275 per day for the destruction of the stone wall. The wall was destroyed in January. If the court awarded that fine, the Town could hire their own stone wall expert to repair the wall. Shawn suggests the BOS bring in Town Counsel and start coming down on the builder. Steve disagrees, stating the Town has already spent a fortune on this issue. Scott agrees and feels the BOS should let the builder take the Town to court. Steve states he believes the builder will resolve the issues because if the house is sold, the bank will not close on the sale without an occupancy permit. Scott agrees and notes that “not knowing about the underground utilities is not a BOS issue.” He reiterates that unless a waiver was issued, the utilities must be underground as per the zoning requirements. Steve states that the underground utilities should be part of the inspection process. Shawn reiterates there is to be no occupancy permit until all the issues are resolved, including the new issue of underground utilities. He suggests the BOS send the builder a notice outlining these issues, both

the stone wall repair and the underground utilities, and restate there will be no occupancy permit issued until the issues are resolved. Walter Baird reminds the BOS that the DOT had also mandated that the rocks used to repair the stone wall be “2-4 handed rocks” noting that the “repair” that was made was made with small rocks that do not match the original wall. He reminds the BOS this is a permanent marker, and that the State wants it done correctly because the right-of-way butts up against that part of the wall. He notes that what is there does not meet the State’s standards and is not satisfactory. Shawn agrees, noting the repairs look “cheesy”. Walter Baird notes the wall should look like the old cemetery wall and reiterates this is a “forever” marker of the Town’s land boundary.

Ms. Baird raises the question of ensuring the stone wall is replaced in the correct location, as all the original markings were destroyed with the wall. Shawn agrees that it should be surveyed and marked out as the DOT recommended. Shawn agrees that the process of approving the plans and repairs by the Heritage Commission and the Town needs to be followed. Ms. Baird notes that Mr. Alexander’s partner Peter had been told by the Heritage Commission during the preliminary discussion that this issue would be part of what Heritage was looking for; that the line had been reset and the wall was going to be rebuilt in its correct location. Steve wants to be sure that because the builder destroyed the wall, the surveying is “done on his dime and not the Town’s”. Ms. Baird expresses concern that the surveyor is approved by the Town. Shawn reminds her that this is something the Heritage Commission would oversee. Scott suggests that the Town could hire its own surveyor after the stone wall is repaired to ensure the location is correct and have the builder pay for that.




***Town Building Dehumidifier:*** Dottie confirms her understanding there was a previous BOS discussion that the safe needs a dehumidification system because the old paper documents are getting moldy. She states that she understands the discussion involved putting in a system that required having the dehumidification system in the safe and drilling through the safe floor for the drain. There is a discussion of the damage that could cause the historic safe, as well as issues with vermin getting through the hole and damaging the documents. Sheila expresses her concern with putting a dehumidifier in the safe and keeping it running with the doors closed. Scott suggests using chemical desiccants to absorb the moisture in the safe. There is further discussion of other alternative ways to address the moisture issue, most of which had an inherent danger of unknown fire in the enclosed space. There was a consensus these methods would not be acceptable. Ms. Baird notes the shell of the safe is cement and the inside doors are metal and that if there was a fire in the safe, no one would know because it would be self-contained. Shawn asks Kim to explore the desiccant options. Scott notes the disadvantage of desiccants is that it is a “manual process”, but that there are several options available.

***American Relief Program Update:*** Sheila states that she has no update and that this should not be on every agenda because it is a two-year process. She reiterates that the application has been submitted and the Town is waiting for the process to begin. She reassures the BOS that she will keep them updated when she gets any updates.

***Samuel Eaton Trust Update:*** Shawn states that he saw a communication from Kelly, Trustee of the Trust Funds, that the vacationing Trustee had returned to Town and she would be holding a Trustee of the Trust Funds meeting. Shawn asks that this be kept on the agenda once a month so the BOS continues to work on it.

***Minutes:*** The BOS review the minutes for the July 26, 2021 BOS public meeting. Dottie believes the date of 1811 on line #75 is incorrect and should be 1871 when the Eaton will was probated. Kim states she believes the trust was established in 1811, at the time the will was written. There is a discussion of documenting when the trust was established. Scott suggests that the entire sentence be struck so there is no future confusion of the correct date. Dottie motions to approve the minutes for the July 26, 2021, BOS public meeting as amended. Second by Sheila. Vote is unanimous (5-0).

***Signature File:*** Dottie motions to authorize the Chair to sign the Driveway Permit Application. Second by Sheila. Vote is unanimous (5-0). The BOS review and approve the following appointments to the Town’s boards, commissions, and committees:

-  Charles Underhill to the Planning Board
-  Kimberly Burnham to the Community Center Committee
-  Matthew Bean to the Community Center Committee

- ✚ Robert Loree to the Conservation Commission
- ✚ Edward Lang to the Conservation Commission as an alternate
- ✚ Vince Edwards to the Conservation Commission
- ✚ Bonnie Bowley to the Conservation Commission
- ✚ Steven Mangus to the Conservation Commission
- ✚ Joshua Horns to the Forestry Committee
- ✚ Armand Current to the Forestry Committee as an alternate
- ✚ Barry Hantman to the Cable Committee
- ✚ Carsten Springer to the Forestry Committee
- ✚ Robert Loree to the Forestry Committee
- ✚ Steven Mangus to the Forestry Committee
- ✚ Dorothy Billbrough to the Heritage Commission as the Selectman's Representative
- ✚ Terry Cornell to the Recreation Committee

Dottie read these appointments into the record. Shawn motions to approve the appointments as reviewed and read. Second by Sheila. All the appointments are approved by the signatures of the BOS. Shawn thanks everyone who applied, noting that the BOS cannot get everything done and these volunteers provide great service to the Town.

Shawn reads the Town Announcements listed below and includes the new announcement of the Highway Dept. "Touch-a-Truck" for Olde Home Days.

**Town Hall AED:** Kim informs the BOS that the AED in the Town Hall had expired and was removed. It was originally donated by the Police Association. She has spoken to LT. Mercer and she had suggested the BOS purchase the replacement AED through the Police Dept. as they can purchase AEDs through the State at a reduced price. The cost would be \$1005. Shawn agrees that the BOS needs to replace the Town Hall AED and that there should be an inventory of Town-owned AEDs and their expiration dates noted so that replacements are ordered promptly and there is never an empty station. Steve notes that inspections are usually done by an outside company. Scott notes his employer has them and when people go through the training the machines are tested, usually once every month or two months. Kim notes that LT Mercer had stated that the vendor for the AED will provide training in the Town Hall. Scott suggests that someone should be assigned to check the AEDs on a regular schedule. Walter Baird notes that he was involved with the AEDs in his former workplace and that it is important to regularly check the batteries. Shawn reiterates that the goal should be that there is never a "vacancy" for any AED machine, and the replacement of any expired AEDs should be immediate.

**Ad Hoc Committee for Pine St. Town Hall:** Kim asks the BOS for guidance for the make-up for the ad hoc committee to explore the possibility of building Town Offices on the Pine St. lot. Sheila has volunteered and suggests that everyone at the Town Hall should participate. Shawn states that if they are interested, they can apply for the committee. Kim asks what the BOS would like for the make-up of the committee. Shawn suggests that if people are interested, they should be on the committee. Scott disagrees and explains that the committee needs to be large enough for input, but small enough that it won't be a "free-for-all". Shawn notes the BOS ultimately decides how many members are on the committee. He explains that even though it is an ad hoc committee, it must follow the open meeting laws, including postings, minutes, etc. and meetings should have public comment sessions. Scott suggests 3-5 members. Sheila suggests the committee have 3-7 members. Shawn states the BOS will address the number and make-up of the committee members when they get the applications.

**ACO Laptop:** Sheila states that she has a message on the ACO laptop that her license had expired. Kim explains that RMON looked at it and that it had something to do with the e-mail program. Sheila states that she does not use the e-mail program, only Word and Documents. The license would come from the IT budget and is \$13.00 per month. Scott suggests the BOS purchase the Office 365 bundle for the laptop. Scott motions to have the ACO laptop set up with an Office 365 license. Second by Dottie. Vote is 4-yes, 0-no, 1- abstention. Steve was absent for the vote. (4-0-1).

**New Police Station:** Scott states that he would like to bring the discussion of the new Police Station to the BOS in a future agenda. He reminds the BOS that there has already been a substantial amount of work and money spent on the project and he would like to see it move forward. Shawn suggests that he have a discussion with Chief Parsons on this subject.

#### IV. Town Announcements

##### Calendar

✚ **August 23- Monday:** Board of Selectmen's meeting at the Town Hall at 7:00 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 (Hosted by the Danville Police Association)
- ✚ **August 29- Sunday:** Touch-a-Truck at Goldthwaite Field. Hosted by the Highway Dept.

##### Olde Meeting House:

- ✚ **August 29- Sunday:**
  - Boy Scout Flag Raising at 9:30 AM
  - Pastor David Hammer of the Danville Baptist Church will provide a service at 10:00 AM
  - Open House 1:00 PM- 3:00 PM

There being no further items to discuss, Shawn adjourns the meeting at 9:48 PM

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

Respectfully Submitted  
Deborah A. Christie

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<sup>i</sup> **Article 2021-8 Milfoil Control Expendable Trust Fund:** To see if the Town of Danville will vote to raise and appropriate the sum of \$10,000 to be added to the Milfoil Control Expendable Trust Fund for the purpose of management and eradicating the milfoil infestation found in Danville's ponds/bodies of water and to name the Selectmen as agents to expend from this Milfoil Control Expendable Trust Fund. Warrant Article passed 511-199 July 13, 2021.

<sup>ii</sup> **2021 Danville Town Budget.** Conservation Commission 4611.20- Milfoil- \$15,000. Approved by the BOS 10/19/20.