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Town of Danville
Board of Selectmen
Monday, December 13, 2021
7:00 PM

7:00 PM

Meeting is Video-Recorded

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

Others Present: Gail Turilli, ZBA/Planning Board Administrative Assistant; Police Chief Wade Parsons, Danville, PD; Resident: Doug Anderson

Shawn called the meeting to order at 7:00 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.

Compliance Update: Doug Anderson states that he went through the Planning Board and got everything to the Planning Board that they needed in order to have the BOS cease-and-desist order removed. Shawn states that the BOS has not received any written information on this matter. Steve states that he can attest to this as he is the BOS representative to the Planning Board. The Planning Board met with Mr. Anderson last Thursday, December 9, 2021. Mr. Anderson has provided a site plan, as well as everything else the Planning Board had requested. He was granted conditional approval pending the resolution of several “non-serious” matters that need to be ironed out. Steve explains that he does not think that Mr. Hantman, Chair of the Planning Board had put anything in writing because he felt that he (Steve) testifying to it tonight would be sufficient.

Shawn states that the BOS will lift the cease-and-desist order contingent upon receiving written approval from the Planning Board. He explains to Steve that the BOS will need that notice from Mr. Hantman with all the approvals and conditions reflected. Steve states that someone will get in touch with Mr. Hantman and have him draft an e-mail for the BOS records.

Mr. Anderson states that he believed the cease-and-desist would be lifted tonight so that he could move forward with prepping the site. He confirms that he still must wait until the BOS office receives the written confirmation of the Planning Board approvals. Shawn states that he will reach out to Mr. Hantman to ask for written confirmation of the Planning Board decision. He notes the BOS has done nothing wrong. He explains that the BOS must act on matters accordingly. He agrees that some issues were resolved, but the BOS still needs that paperwork from the Planning Board stating they have approved what Mr. Anderson presented to them and the conditions that were placed on the approvals. Shawn notes that Mr. Anderson should also be getting a copy of that same letter. Once the BOS receives that letter, they can lift the cease-and-desist order. Shawn explains that until the BOS receives that written confirmation, they only have verbal information and that he has learned over the years not to act on verbal information. Shawn states that he understands it is “a paperwork exercise” and that Mr. Anderson wants to move forward but notes that Mr. Anderson’s issues could have been resolved months ago.

Sheila states that she is sure that someone will reach out to Mr. Hantman tomorrow and the BOS should have the written confirmation quickly. Mr. Anderson asks if must wait until the BOS meets again. Shawn explains that Ms. Turilli will inform the BOS when they have the written information in hand and that he will authorize lifting the cease-and-desist order at that time. Mr. Anderson states that “time is of the essence” and that through

“misunderstandings” he’s jumped through hoops that have cost him thousands of dollars to get the cease-and-desist order lifted so he can start preparing this so his guys have a job in January.

Shawn reassures Mr. Anderson he will make the effort to reach out to Mr. Hantman for the letter and hopefully, the correction will be closed within twenty-four (24) hours. Mr. Anderson re-confirms that when Ms. Turilli gets the proper paperwork the BOS will lift the cease-and-desist. Shawn explains that the BOS has been through this process before, where lifting the cease-and-desist is contingent upon the BOS receiving the appropriate information in writing. Mr. Anderson expresses his concern with the Danville Police Dept. enforcing the cease-and-desist after it has been lifted. Shawn reassures him that Chief Parsons will be updated on the status of the cease-and-desist.

Shawn reiterates that the BOS needs communication that states what the Planning Board discussed and what conditions were put in place. This will inform the BOS that the Planning Board is now officially okay with updating and approving Mr. Anderson’s plan under the conditions they outlined. At that time the BOS can say that Mr. Anderson is “now in compliance” unless something else happens that would make him no longer be complying. Steve states that if Mr. Anderson wanted to go onto his property to work on the things the Planning Board mandated, those issues that Mr. Hantman wanted to be resolved, it should not be an issue. Shawn agrees.

Scott asks if the Planning Board issued a conditional use permit. Ms. Turilli confirms this. Mr. Anderson expresses concern that Shawn is not taking the word of “two of his people”. Shawn states he understands what Mr. Anderson wants, but the meeting was last Thursday night, the Town Hall is closed on Fridays, and today is only Monday. He reiterates that the BOS has done nothing wrong and is trying to help him. He states the BOS has to enforce the laws and rules that the Town has adopted. Mr. Anderson asks what would be the best time to call Ms. Turilli. Shawn suggests that he call her later in the afternoon as she will probably contact Mr. Hantman first thing tomorrow (Tuesday) morning. Mr. Anderson thanks the BOS and exits the meeting.

As no more members of the public wish to speak, Shawn closes the Delegate session at 7:06 PM.

II. Agenda

Police Dept. Request: Chief Parsons explains he has a couple of firearms instructors in the Police Dept. that have recommended that the department look at upgrading and changing out the current weapons the officers are using. He explains the current firearms are 8-9 years old and have had hundreds of rounds through them. He states they haven’t had any problems, but he doesn’t want to wait until they do. Chief Parsons asked an officer to look into possible alternatives to the currently issued firearms as well possible trade-in values of the current weapons.

Chief Parsons explains that some departments have gone back to 9mm weapons, including Hampstead and Kingston. There are several reasons why, the most important is accuracy. He states that he would also like to go back to 9mm weapons and has received three quotes. The best quote was from Parro’s in Waterbury VT. They would take the current Police Dept. weapons in trade for \$269/ea. And would replace them with the Glock 17-9mm for \$481/ea. Chief Parsons explains that he is also looking at “red-dot” sights, something the Police Dept. has not had before, noting this will help to improve accuracy, as well as “stream lights” for use in the nighttime. With the trade-ins and upgraded equipment the cost to upgrade ten (10) weapons is \$11,039. Chief Parsons, states that he has the money in his FY2021 budget to cover these costs. Sheila asks if he has looked into the ARPA grant to cover this purchase. Chief Parsons states that he knows it is part of that, but the dollars are already available in his budget and the other Town’s departments are still compiling proposals for that grant.

Sheila explains that she is talking about the \$50,000 matching grant that is a supplement grant from ARPA that is just for Police and Fire Depts. Chief Parsons states that he is not sure this purchase would fall under that grant. Shawn suggests the purchase may be considered a “routine replacement maintenance”, and expresses concern that the purchase wouldn’t address all the requirements of the grant. Sheila reiterates this grant is different from the ARPA grant. She notes that Steve is looking into it for his radio upgrade project. Sheila asks how much money does Chief Parsons have left in his budget. Chief Parsons estimates that he has approximately \$40,000 after accounting for projected year-end expenditures. Shawn confirms that Chief Parsons has budgeted adequately for his year-end

payroll expenses, including buying-out vacation time and that with this proposed purchase would still have approximately \$40,000 left in his FY2021 budget. Scott states that he supports moving forward with the purchase, noting that is nothing more useless than a firearm that can't be trusted. Shawn agrees.

Steve states that he also agrees and asks Chief Parsons why the department is going back to the Glocks. Chief Parsons explains that it is a universal gun that his officers are familiar with, they are going from a "model 22" to a "model 17" and the structure and layout of the weapon are the same, so it will be an easy transition to the new weapon. He also notes the Police Dept. has had that weapon in the past and it is a comfortable weapon that everyone seems to be familiar with. Shawn confirms that the other officers in the Police Dept. support this change to the 9mm. Chief Parsons notes that the Glock 17 does not have as much recoil so the officers shoot better, the weapons will be set up so the officers have better tools for better accuracy, and they will be able to carry six (6) additional rounds.

Shawn suggests that that BOS look at the supplemental grant one more time and make the approval of the purchase contingent on it not qualifying for the grant. He reminds the BOS that the order "has to be on the books" before the end of December so the Town can encumber the funds. Scott confirms that the Police Dept did not want to go to 45's, noting that the State Police have just made that change. Chief Parsons notes that Parro's will also trade out the ammunition that the Police Dept. has for their current weapons for the correct ammunition for the new Glock 17's.

In a related question, Chief Parsons notes that a couple of his officers would like to purchase the weapon that has been issued to them and have asked if they could buy them back at the trade-in value to put towards their new weapon. Shawn states that he supports that option. The consensus of the BOS is for Chief Parsons to move forward with this purchase proposal.

Shawn expresses his appreciation that Chief Parsons came to the BOS with the purchase request. He notes that sometimes the BOS needs to move money around to other budgets to cover unexpected shortfalls. Shawn notes that both the Police Dept. and the Fire Dept usually return unexpended funds to the Town, but as those totals get closer to zero, it becomes less like for that to happen.

III. Budgets

#4323.10- Waste/Recycling Collection and Disposal: Ms. Turilli explains that she has presented the BOS with the correct budget. The FY2021 final approved budget for #4323.10 Waste/Recycling Collection and Disposal was \$467,000. The revised budget request for FY2022 is \$492,363. Shawn notes that these numbers make more sense. He notes the original estimate of \$60,000 for curbside recycling disposal has also been adjusted to \$34,480 using an average of the ACR. Shawn explains that Casella's cost for processing recycling is \$122.72/ton and that now they are getting \$109.48/ton in the ACR. The true disposal costs for the Town are currently \$13.24/ton. He notes these recycling costs are going in the "right direction" and feels the BOS does not need to allocate as much money as was originally proposed to cover those recycling costs. Scott notes that the revised budget proposal is only a 5.25% increase, much better than the original increase of 25%. Shawn asks that the budget be approved in two motions, one for the curbside pickup/disposal of waste and recycling, and a second, separate motion for the bulk pick-up program. Sheila motions to approve the budget for #4323.10 Waste/Recycling Collection and Disposal for \$442,604. Second by Dottie. Vote is unanimous (5-0).

 **#4323.10- Waste/Recycling Collection and Disposal budget is approved for \$442,604 Vote is 5-0.**

Sheila motions to approve the budget for #4323.30- Bulk Pick-up and Disposal for \$49,759. Second by Dottie. There is further discussion. Scott expresses his concern that this line went over the FY2021 budget by \$8,000 and yet the BOS did not increase this budget for FY2022. Shawn agrees and reminds the BOS that the 2021 Bulk Pickup program cost \$55,555 this year. Scott states that he would feel better increasing \$4323.30 Bulk Pickup and Disposal to \$55,000, especially after last week's discussion with Casella regarding the increase in the number of households in Town. Sheila and Dottie agree to amend their motion and second to approve the #4323.30 Bulk Pickup and Disposal budget for \$55,000. Shawn calls the question. The vote is 4-yes, 1-no, 0- abstentions (4-1-0). Steve votes no.

 **#4323.30- Bulk Pickup and Disposal budget is approved for \$55,000 Vote is 4-1.**

IV. Warrant Article Review

Shawn starts the process of reviewing the Town Warrant Articles for the FY2022 Town Ballot. *(Please note the Warrant Articles are referenced by their 2021 number. They will be re-numbered for the 2022 Ballot when the process is completed.)*

Article #2021-7: Danville Infrastructure and Facility Non-Capital Reserve Fund.

To see if the Town of Danville will vote to raise and appropriate the sum of \$10,000 to be added to the Danville Infrastructure and Facility Non-Capital Reserve Fund previously established.

Dottie motions to move this Warrant Article Forward. Second by Sheila. Vote is unanimous (5-0). Shawn calls for a vote to recommend the Warrant Article. Vote is unanimous (5-0).

Recommended by the Board of Selectmen(5-0).

Sheila asks if the Warrant Articles should be numbered now. Shawn explains that he wants to use the current Warrant Article numbers while the BOS is reviewing them so that he can keep track of what has been reviewed. He notes that they will be re-numbered for the ballot when the process is done and that the re-numbering is simply a clerical issue.

Article #2021-8: Milfoil Control Expendable Trust Fund

Shawn reminds the BOS the issue of renaming this fund has come before the BOS on several occasions this past year and proposes the following:

*“To see if the Town of Danville will vote in accordance with RSA 35:16ⁱ to change the name and the purpose of the Milfoil Expendable Trust Fund to **The Invasive Species Control Expendable Trust Fund** and allow funds in the trust to be used for the purpose of managing and eradicating milfoil as well as other invasive species infestations found in Danville’s ponds and other bodies of water.”*

Shawn notes that this change will require a 2/3 (60%) vote to pass because Danville is an SB2 Town. Sheila confirms the Warrant Article changes both the name and description to broaden the ability to address additional invasive species. Scott states that he doesn’t believe the purpose has changed and that the people who voted when the trust was originally set up will still support this. Sheila expresses her concern with the wording and wants to ensure that someone will look closely at the wording of the Warrant Article. Scott motions to accept Warrant Article 2021-8 as amended. Second by Dottie. Vote is unanimous (5-0). Shawn calls for a vote to recommend the Warrant Article. Vote is unanimous (5-0).

Recommended by the Board of Selectmen (5-0).

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, or if Warrant Article #8 passes, to be added to the Invasive Species 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 Expendable Trust Fund.

Sheila motions to move this Warrant Article forward. Second by Scott. Vote is unanimous (5-0). Shawn calls for a vote to recommend the Warrant Article. Vote is unanimous (5-0).

Recommended by the Board of Selectmen (5-0).

Article #2021-11: Municipal Mosquito Control Expendable Trust Fund

To see if the Town of Danville will vote to raise and appropriate the sum of \$1,400 to be added to the Municipal Mosquito Control Expendable Trust Fund established for the purpose of management and spraying for mosquito control.

Dottie asks how the amount in this fund is calculated. Shawn explains the request depends on how much the service costs each year. Scott motions to move this Warrant Article forward. Second by Dottie. Vote is unanimous (5-0). Shawn calls for a vote to recommend the Warrant Article. Vote is unanimous (5-0).

Recommended by the Board of Selectmen 5-0.

Article #2021-12: Cemetery Capital Reserve Fund

Shawn states that he has not heard from the Cemetery Trustees regarding this Warrant Article.

Article #2021-14: Establish Capital Reserve Fund for Highway

To see if the town will vote to raise and appropriate the sum of \$5,000 to be added to the Highway Capital Reserve Fund previously established for the purpose of purchasing future highway vehicles and equipment. Further, to name the Selectmen as agents to expend from said fund.

Shawn notes that Mr. Seaver had asked for guidance regarding how much to ask to fund this trust fund. Scott confirms that Mr. Seaver has recommended to appropriate \$5,000. Shawn and Scott agree the amount can be amended at the Deliberative Session. Sheila motions to fund the Highway Capital Reserve Fund for \$5,000 and to move the Warrant Article forward. Second by Dottie. Vote is unanimous (5-0). Shawn calls for a vote to recommend the Warrant Article. Vote is unanimous (5-0).

Recommended by the Board of Selectmen 5-0.

Article #2021-15: Animal Control Vehicle Replacement Capital Reserve Fund

To see if the Town of Danville will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of purchasing an Animal Control Vehicle and raise and appropriate the sum of Five Thousand Dollars (\$5,000) to be placed in this fund. Further, to name the Animal Control Officer and Board of Selectmen as agents to expend from said fund.

Shawn questions if the fund was set up correctly so that the BOS could withdraw the money when it was needed without having to have another Town vote to do so. There is further discussion. Dottie reads the Warrant Article from the Town ballot and confirms that the ACO and the BOS are named as the agents to expend from this fund. She also confirms that the Warrant Article establishing and funding the Highway Equipment Capital Reserve Fund also names the BOS as agents to expend those funds. Dottie motions to fund the Animal Control Vehicle Replacement Capital Reserve Fund for \$5,000. Second by Sheila. Vote is 4-yes, 1-no, 0-abstentions. (4-1-0). Steve votes no. Shawn calls for a vote to recommend the Warrant Article. Vote is (4-1-0). Scott does not recommend this Warrant Article.

Recommended by the Board of Selectmen 4-1.

V. Old/New Business

Signature File: The BOS review and sign the payroll warrants in the Signature File. Shawn states that Patty Sarcione had sent him the refund information from Health Trust. He explains that 85% of that refund will go back to the Town. The other 15% will be pooled to be disbursed to the participating Town employees based on their contribution. The information has been presented in a spreadsheet, but Shawn asks for more time to review it in detail. He also notes that the Town received a refund on their short-term disability insurance. The Town pays 100% of that premium and will hold 100% of the refund.

Minutes: The BOS review the minutes for the November 22, 2021 BOS public meeting. Scott motions to approve the minutes as written. Second by Sheila. Vote is unanimous (5-0).

The BOS review the minutes for the November 29, 2021 BOS public meeting. Steve motions to approve the minutes as written. Second by Sheila. Vote is unanimous (5-0).

The BOS review the minutes for the December 6, 2021 BOS public meeting. Scott notes the reference to “a member of the public” on lines #227 and #234 and states that he believes this person to be David Drislane. Shawn states that

he isn't sure if Mr. Drislane is the person who spoke. Scott confirms that Mr. Drislane had signed into that meeting. Shawn agrees that Mr. Drislane was "most likely the one who made those statements but he is not 100% sure". Sheila confirms this is the person who spoke. Shawn asks that this change be reflected in these minutes, but not in the approved December 6, 2021, BOS minutes. Sheila motions to approve the December 6, 2021, BOS public minutes as written. Second by Dottie. Vote is unanimous (5-0).





Shawn reads the Town Announcements listed below.

Fire Hydrant Update: Stee states that Lewis Builders has installed a dry hydrant on GH Carter at the pond on the left, right before the power lines. This was at no cost to the Town as it was part of the negotiations for water use from the fire hydrants.

Steve asks what the Fire Dept. needs to do to participate in the short-term disability insurance. Scott and Dottie believe it is based on employment status (i.e: an employee must be full-time). Scott asks if it is up to the insurer. Shawn suggests the BOS check with the vendor regarding the terms and conditions.

VI. Town Announcements

Calendar

-  **December 20- Monday:** Board of Selectmen's Meeting at 7:00 PM at the Town Hall.
-  **January 11, 2022- Tuesday:** Citizen's Petitions due no later than Tuesday, Jan. 11, 2022, at 4:00 PM
-  **February 5, 2022- Saturday:** Deliberative Session will be held on Saturday, Feb. 5, 2022, 10:00 AM at the Community Center
-  **March 8, 2022- Tuesday:** Town Elections at the Community Center 8:00 AM- 8:00 PM.

Hazardous Mitigation Plan meetings will be held on Wednesday, via ZOOM, on Dec. 15. From 1:00PM-3:00PM.

As there are no further items to discuss, Sheila requests and motions for a Non-Public session under NH RSA 91-A 3:II(c) regarding personnel and the payroll warrants that were signed tonight. Roll call vote: Shawn-yes, Steve-yes, Scott-yes, Sheila-yes, Dottie-yes.

The public session of the BOS meeting ends at 7:49 PM

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

Respectfully Submitted
Deborah A. Christie

ⁱ State of New Hampshire, NH RSA TITLE III-TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES. CHAPTER 35. CAPITAL RESERVE FUNDS OF COUNTIES, TOWNS, DISTRICTS, AND WATER DEPARTMENTS. 35:16 Change of Purpose. – After the purpose for which a capital reserve fund is established has been determined, no change shall be made in the purpose for which said fund may be expended unless and until such change has been authorized by a vote of 2/3 of all the voters present and voting at an annual town or district meeting, in the case of a town or district, or by vote of 2/3 of the entire membership of a county delegation, in case of a county, or by unanimous vote of the water board or commissioners of the water department, in the case of a water works department, as provided in RSA 35:7. Online at www.gencourt.state.nh.us/rsa/html. December 13, 2021.