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Town of Danville
Board of Selectmen
Monday, January 10, 2022
7:00 PM

7:06 PM

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; Carsten Springer, Chair, Forestry Committee; Rob Loree, Vice-Chair, Forestry Committee, Chip Current, Forestry Committee, Danville residents: George Nelson III, Scott Barr, Kevin Dube, Judy Jervis, Josh Manning

Shawn called the meeting to order at 7:06 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.

Forestry Management Plan: Carsten Springer, Chair of the Forestry Committee states that at last week’s BOS meeting there was a question on the Forestry Management Plan Warrant Article. He asks that the BOS re-vote on that Warrant Article and remove the part where the Warrant Article was approved by the Forestry Committee. He explains that notation was just to let the BOS know that all the members of the Forestry Committee supported the Forestry Management Plan. Shawn explains that the BOS has also learned that the Forestry Committee cannot put that in the Warrant Article. He explains that in the discussion portion of the Warrant Article, the BOS must remain neutral, but they will refer to the Forestry Committee’s vote of approval and reference the minutes of the Forestry Committee’s meetings that supported the Forestry Management Plan. Shawn states that he hopes this will provide the transparency of the process without the BOS “taking sides”. Chip Current asks the BOS to explain that there is a copy of the Forestry Management Plan that will be available in the Selectman’s Office at the Town Hall.

Mr. Springer notes that the BOS was a “small board” at the last meeting and he feels there was confusion on the vote. Shawn explains that the vote was 2-0-1 (2 yes, 0-no, 1 abstention) to move forward with the Warrant Article. Mr. Springer asks if, now that there is a full board present, would the BOS reconsider the Warrant Article and vote again, stating that he would like a “clean vote” to make it clear what the BOS is asking for. Shawn explains that he will have to bring that question back to the BOS.

Sheila asks to read the following prepared statement:

“At last week's meeting I questioned the warrant article the Forestry Committee has submitted asking the town to adopt a new forest management plan. My concern was the Conservation Easement the Selectmen signed with Audubon in 2009 and whether the correct process was being followed with this warrant article.

I've pulled and reviewed the 2009 Conservation Easement and the 2008 Ellen Snyder Stewardship Plan that is part of the easement. In the Stewardship Plan, Forestry can and was encouraged to update a 2002 Moreno forest management plan. In addition to a forest management plan, however, there are specific steps on pages 33-38 of the Stewardship Plan that are to be taken and followed with regard to forest management.

I'm bringing this up again because the Easement and Stewardship Plan documents state an amendment to the Conservation Easement is required if there are any changes to allowed activities, including changes to forest management activities. In my opinion, a new forest management plan would be a change to forest management activity.

After reviewing the easement documents, I feel the Selectmen should have an opportunity to review the new Forest Management Plan, and any agreement by Audubon, to make sure those documents are consistent with the Conservation Easement. We also need to find out whether an official amendment document needs to be prepared, signed by the Selectmen and Audubon, and recorded in the Registry of Deeds like the original Easement was. That way we will know we've complied with the terms of the Easement and there will also be a paper trail.

The town authorized placing the Conservation Easement on this property in 2003 and authorized the Selectmen to sign it. The recorded easement the Selectmen signed in 2009 is a binding legal document. I think we need to take the time to make sure we are complying with that legal document and following all of the required steps for a change, so we don't get into future problems or legal issues.

I also feel the town boards that were involved in the creation of the 2009 conservation easement should have an opportunity to review the new forest management plan and give us their input if they'd like to."

Sheila also provides a copy of the 2003 Warrant Article that allowed the BOS to grant and convey the Conservation Easement and a copy from the Rockingham Registry of Deeds where the Conservation Easement and Stewardship Plan are registered. **(See Attached)**. Sheila notes that Shawn was a signer of the 2003 Warrant Article. Shawn explains that he signed the Easement but "did not agree with it at the time and the only reason that he signed it was because the Warrant Article 2003-33 did pass and it was the will of the voters." Sheila reiterates that according to the Easement there is a procedure that is supposed to be followed and nothing should be brought forward because the BOS has not signed anything and has not looked at or read the Forest Management Plan.

Mr. Current states that the BOS does not need to sign off on the Forest Management Plan. He states that the Forestry Committee followed all the rules of the Easement with an updated management plan as they are required to do every ten (10) years. He notes that the Forestry Committee was delinquent and late with this process. The Forest Management Plan was completed in 2020 and delivered to Audubon. Audubon accepted the plan, so that part of the process is completed. Mr. Current states there are no significant changes from the original Moreno plan so he doesn't feel an amendment is needed. He also notes that this process is under the purview of the Forestry Committee and not the BOS. He states that he welcomes the BOS to their meetings where all of this is discussed in an open forum.

Sheila states that the Forestry Committee meets with the Conservation Commission at the Community Center which means the meetings are not televised or recorded. She states that she did go back and read the minutes for both the Conservation Commission and the Forestry Committee, but there is very limited information in the Forestry Committee minutes and she couldn't go back and view a video of the meeting because there is none. Mr. Springer agrees that Sheila is correct that there is no video of their meetings, but according to State law, regardless of whether there is a video or not, the written minutes are the record of the meeting. Mr. Springer disagrees with Mr. Current's statement that the Forestry Committee missed the ten (10) year deadline of filing the Forest Management Plan because they submitted the plan to Audubon in 2020. Sheila states that it doesn't matter if the Forestry Committee missed the deadline because Mr. Moreno's Forest Management Plan was never accepted by the Town. Mr. Current and Mr. Springer both state that the plan does not have to be accepted by the Town. Mr. Current notes these are two separate issues and explains the Forest Management Plan must be approved by the Forestry Committee and the

Audubon Society for the portions of the Town Forest that are in the Easement. The portion of the Town Forest that is not in the Easement is under the purview of only the Forestry Committee.

Judy Jervis states that she would like to back up Sheila's concerns because the Easement is "all the activities that take place in the Town Forest under that Easement, so all the activities have to be in accordance with the Stewardship Plan and part of the Stewardship Plan contains Forest Management in it which talks about the Forest Management Plan of 2002." She explains that she feels if the Forestry Committee is going to revise the Forest Management Plan, there are a few missing steps, asking "is it reviewed, and is it really a revised plan that is consistent with the recorded Easement and the Stewardship Plan." She asks where is "the assent of the BOS to review the Audubon letter of acceptance with this because it's all changing with a different management plan." Mr. Current and Mr. Springer state that the Forest Management Plan is not changing. Ms. Jervis reiterates that it is changing because the Forestry Committee is putting a new plan in place with a new company to follow that plan, so the Forestry Committee needs to obey the Easement. Mr. Current reaffirms that the Forestry Committee did so.

Ms. Jervis states that the Easement is recorded and she imagines that recording must be done because the Fee owner is the Town of Danville and the Town has management over the property because of the Easement. She explains the Easement has "these parts in it that are all recorded, so when you revise that, it should be backed up with the BOS accepting it, and nobody has seen anything." Mr. Current reiterates that under State law, the BOS does not have any purview over the Town Forest. Ms. Jervis disagrees stating that the BOS has a purview over the Easement because the Fee Holder is Audubon. Mr. Current agrees and reiterates that the Forestry Committee followed all the rules. Shawn states the Forest Management Plan is not a recorded document. It wasn't recorded in 2002, 2009, and is not recorded now. Ms. Jervis re-states that the Easement is a recorded document. Mr. Current agrees and states that the Forestry Committee has done nothing with the Easement.

Dottie asks if Dalton (the company that generated the Forest Management Plan) is aware that this is part of the Easement. Mr. Springer states that it was the first thing the Forestry Committee addressed with him. He reiterates that anyone is welcome to their meetings. Mr. Springer explains that the Forestry Committee is coming forward to the BOS which was never done before, but the Forestry Committee feels that after twenty (20) years, this should be done. He states that the Forestry Committee is simply trying to let the Town know how this has been done and what the operating plan is. The Forestry Committee is not changing the Easement in any form whatsoever. They are following the rules set forth in the Easement in the Forest Management Plan and are following State law according to the Town vote that was done in 2001-2002. Mr. Current reiterates that the Forestry Committee is following the rules as they are laid out in the Easement. It requires the Forestry Committee to update the Forest Management Plan and that is what they have done.

Shawn asks if the Forest Management Plan.... Ms. Jervis states that if it changes, and the holder of it changes...Shawn states the holder is still Audubon. Ms. Jervis explains that the Forest Management Plan is no longer Moreno's plan, it is Dalton's plan. Mr. Current states that it doesn't matter who wrote the plan. Ms. Jervis disagrees stating that changes what is said in the Stewardship Plan.

Sheila suggests that the BOS ask Town Counsel to look at the deed and provide a legal opinion if the Plan should be going through... Shawn states that he wants to think about that aspect because he can't disagree with the Forestry Committee on anything and the parts that both Sheila and Ms. Jervis are bringing up, there is still a Conservation Easement in place. Shawn notes there "always was one before this plan and there will be one after this plan was created. It's just how the forest is going to be maintained, that's the plan of record that the Forestry Committee has created and they have complete jurisdiction over that process.

Mr. Springer reads from the Forest Management Plan the Purpose and Intent:

INTRODUCTION

Purpose and Intent

The purpose of this Forest Management Plan is to provide an update to a previously written and accepted stewardship plan titled "Danville Town Forest Stewardship Plan" dated September 2008 written by Ellen Snyder of Ibis Wildlife Consulting and a previously written report titled "Forest Management Plan for the Danville Town Forest, prepared by licensed forester Charles Moreno, dated March 25, 2002. Several sections of this updated Forest Management Plan will refer to the two previous plans. and, in some cases, utilize the previously written information where updates are not necessary. An existing survey was used to delineate the parcels completed by Doucet Survey, Inc. of Newmarket, New Hampshire recorded at the Rockingham County Registry of Deeds on October 27, 2006, as Plan D-34246.

The Town of Danville Forestry Committee has requested that a Forest Management Plan be prepared to provide critical data, mapping, and management recommendations to the Town of Danville Forestry Committee and the citizens of Danville to help identify and guide long-term natural resource uses and management goals in accordance with the standards stated in the Grant of Conservation Easement Deed. This plan will serve as a working document for the Town of Danville and will satisfy the Conservation Easement requirements of having an updated Forest Management Plan every 10 years.

The parcels referred to as the Danville Town Forest are subject to the terms and conditions described in the Grant of Conservation Easement Deed dated December 18, 2009, held by the Audubon Society of New Hampshire. The easement encompasses 398 total acres and includes valuable wildlife habitat including approximately 84 acres of open wetlands and hydric soils.

The Easement is granted exclusively for the following conservation purposes:

- A. To protect, conserve, and manage: wildlife habitats; wetlands and the quality of groundwater and surface water resources; and the ecological processes that sustain natural heritage features; and*
- B. To provide public access on the Property, which will allow the general public to hike, hunt, cross-country ski, observe wildlife, and participate in other low-impact, non-motorized outdoor recreational and educational activities; and*
- C. To protect and conserve cultural resources and the historic artifacts of early settlement especially within the Historic District; and*
- D. To provide for agricultural use of the soils of agricultural significance if in the future that use is a desired part of a stewardship plan; and*
- E. To retain the Property in perpetuity as a tract of land for the production of timber, pulpwood, and other forest products utilizing sustainable forestry management and practices otherwise consistent with the foregoing Purposes of this Easement; and*
- F. To retain and protect the scenic quality of the Property as viewed from the Historic District, public waterways, great ponds, public roads, or public trails.*

These Purposes are in accordance with NH RSA 79-A which states: "It is hereby declared to be in the public interest to encourage the preservation of open space, thus providing a healthful and attractive outdoor environment for work and recreation of the state's citizens maintaining the character of the state's landscape and conserving the land, water, forest, agricultural and wildlife resources."

Mr. Springer reiterates the Forestry Committee is not changing anything and they are following exactly what was laid out in the Easement. Sheila states that she feels that Mr. Springer is missing the point. She states that she is not arguing about the plan, but she is arguing about the procedure of how it should be accepted. Mr. Springer asks who should be accepting the plan. Sheila states that it needs to be done in accordance with the grant, the Easement that was signed. Mr. Springer again reiterates that it (the plan) was done according to the rules. Sheila states that the plan is being changed because the Forestry Committee is "updating it." Mr.

Springer responds that they are updating the plan as the Easement requires. Sheila states that all she is asking is for the Forestry Committee to “follow the steps and have the new Forest Management Plan reflected at the Registry.” Mr. Springer and Mr. Current disagree, stating that is not correct.

George Nelson states that he has reviewed the Forestry Committee documents thoroughly for the purposes of creating a Forest Management Plan and noted that the only people who accepted it was the Audubon Society. Shawn explains that Audubon holds the Easement, so if they had objected to the Forestry Committee’s Forest Management Plan, they would have a right to do so, but Audubon did accept the plan and agreed with it. Shawn asks why the BOS, who has no jurisdiction over this issue is trying to “flex its muscle”. Sheila disagrees that is what she is trying to do and states that Shawn has no idea what the issue is.

NH Retirement: Kevin Dube states that at the last BOS meeting there were only three (3) BOS members present who made a motion and voted on that motion to have the Town contribute to the Library employees enrollment in the NH Retirement System. He confirms that this is a “new thing with no precedent.” Shawn confirms this information. Mr. Dube states that he is strongly against this and feels this is an enormous problem with the growth of government at the state, federal, and local level, it is unsustainable and the Town must be responsible. Mr. Dube suggests the BOS revisit the issue and vote with a full board. He states that he believes this issue should also go to the voters. Shawn agrees and states that was how he wanted the issue to be addressed.

Dottie explains that Attorney Buckley at NHMA had advised her the issue was a BOS decision, not a voter decision. She clarifies that the benefit was not just for the Library employees, but also included full-time employees in the Highway Dept. and that the benefit cannot be offered to just one Town department, it must be offered to all full-time Town employees. She notes that the only reason that the Police Department is enrolled in the NH Retirement System is that it is mandated by State law.

Mr. Dube asks if the Police Department is a “registered municipality corporation”. Shawn states that it is not. Steve explains that there are two groups in the NH Retirement System. Group 1 covers clerical workers, Highway employees, etc. and the Town pays a substantially less percentage into the System for those workers. The Police and Fire employees are in Group 2 and because of the dangers in those professions Group 2 has better retirement benefits. He states the Town pays almost 30% of Police Officers’ wages into the NH Retirement System.

Steve explains that this was done in 2010 because the State felt the NH Retirement System was not solvent at that time. The NH State Legislature made numerous changes to the System and increased the percentage of the towns’ contributions in order to make the System solvent. Steve notes that any full-time Library, Highway Dept., or other full-time Town employees would be eligible to participate in the Group 1 NH Retirement System and that he is in support of adding Group 1 Town employees to the NH Retirement System, but that he does not support the way it was done. Steve states that he agrees with Mr. Dube and feels that the issue should be brought forward in a Warrant Article. Steve notes that his history in the Town and on the BOS, is whenever the BOS asks a question or anything about the Library, the answer is that “the Trustees handle that” and the BOS has no power or say. Steve reiterates that the question should go to the Town (voters) on a Warrant Article. He notes that when he needed to hire part-time staff for the Fire Dept., he had to put that to the voters in a Warrant Article, as well as when he changed hours from 20 hours a week to 80-man hours per week.

Scott Barr agrees that the question should go on a Warrant Article or at least nothing less than a full vote from the BOS. He asks how much this will cost the Town in ten (10) years. Shawn explains that when that motion passed it added \$27,700 to the budget for three (3) full-time Town employees. Mr. Barr states that this is essentially giving these employees an \$8,000 raise. Shawn explains that it is a retirement fund. Mr. Barr states that most people are putting their own money into retirement funds unless they are working for the government or big corporations. Steve explains that the Town employees also contribute and the percentage of the Town’s contribution is less for Group 1 employees. He reiterates that he supports this idea, explaining

that when Mark Roy retired from the Highway Dept after putting twenty-five (25) years into the Town, he left with “nothing but a handshake.” Mr. Barr states that many people do (retire with nothing), noting that most small companies do not offer retirement benefits, so it’s up to each person to set up and contribute to their own funds. Mr. Barr states that the question should definitely go before the Town because the BOS is “spending our money on someone else’s retirement.” Kevin Dube asks if the Town can see how the funds are managed. Steve explains that the NH Retirement System manages the funds. Shawn explains that the NH Retirement System is a whole department of the State.

Mr. Springer states that he understands what Dottie is saying about it being unnecessary to bring this decision to the voters, and asks why the full BOS can’t vote to go to a Warrant Article, even if they don’t have to. He states that he believes it would be “a more complete discussion”. Even if the question doesn’t go onto a Warrant Article, at least the vote was made by all five (5) members of the BOS instead of just those who were present last week. Mr. Springer reiterates that he understands from Dottie’s information that a Warrant Article is not required, but notes that just because something can be done a certain way, it doesn’t mean it should be done that way.

Dottie explains that she did a wage and salary review this year and brought up many of the Town’s employees to a better wage. Shawn notes that the BOS did this. Dottie reminds him that she did all the legwork and in the process of the survey, she spoke with many of the surrounding towns and they all offered the NH Retirement System to their full-time employees. Danville is the only town that does not. Mr. Springer again states that he understands what she is saying, but it might be a good idea to have a “fuller discussion”. Sheila states that it would have been a “fuller discussion” at the last meeting if all the BOS members were there. She expresses concern that the vote was portrayed as being done because she and Dottie knew that Steve and Scott weren’t going to be at the meeting. Mr. Springer states this is not what he is saying, but whatever the reason, there were three (3) out of five (5) members at the meeting, and with this type of a decision, unless there is some crisis, it would just seem better to wait until the full board is present. Dottie states that she has no problem re-voting on the issue if that is Mr. Springer’s concern.

Steve confirms that if the NHMA states that while the BOS can approve adding the NH Retirement benefit, it’s not against the law to bring it forward as a Warrant Article. Dottie reiterates that she doesn’t see it as necessary. Steve disagrees stating that it is binding and committing the Town to an almost endless obligation that will cost the Town every year.

Scott motions to rescind the vote from the last BOS meeting that contributed to the NH Retirement System for Group 1 full-time employees and to remove the \$27,700 from the Selectmen’s budget to fund that vote. Second by Steve. There is further discussion.

Scott states that he watched the meeting that he missed last week and he is not convinced that due diligence was done. He states that his understanding is that this impacts three (3) employees, one of which does not want to participate and it remains unanswered if an employee can “opt-out.” Dottie explains that anyone can opt-out and they have one (1) year to opt back in. After that year, they can no longer opt into the System. Sheila states that she doesn’t mind re-voting on the issue, however, she reminds them that the BOS did vote to implement the raises that were given in the budgets this year, and that is not going to the voters. Scott agrees.

Shawn calls the question and calls for a vote. Vote is 4-yes, 1-no, 0-abstentions. (4-1-0). Dottie votes no. Scott’s motion to rescind last week’s motion and vote to offer NH Retirement benefits to the Town’s Group 1 full-time employees and to remove the funding for that benefit, passes.

Scott motions to put the question (of the Town offering Group 1 full-time employees enrollment in the NH Retirement System) as an advisory question to the voters through a Warrant Article. Second by Shawn. There is further discussion.

Steve asks for clarification on an “advisory” Warrant Article. Scott explains the BOS holds the authority for the decision, but can still put a non-binding Warrant Article out to the voters that will inform the BOS how the voters feel about the issue. The BOS can choose not to follow the voters’ preference if they so choose, but at least it will inform the BOS of their preference. There are several efforts made to find the appropriate wording for the Warrant Article. *“To see if the Town will adopt for Group 1 full-time employees to be added to the NH Retirement System.” “To see if the Townspeople of Danville will advise the BOS to adopt the NH Retirement System program for full-time, Group 1 employees”* Shawn adds *“and to raise and appropriate \$27,700 to fund that.”* Scott expresses concern that the BOS would not be able to raise and appropriate those funds until March 2023. Shawn notes that he is not sure that an advisory Warrant Article can be used to raise and appropriate funds. Scott suggests that the Warrant Article could mention the current costs. Dottie asks why the BOS is doing just an advisory Warrant Article. Shawn explains that being an “advisory” Warrant Article supports Dottie’s position by saying the BOS can make the decision, so it’s a moot point going to the voters and that is why the Warrant Article is only advisory.

Scott notes it’s like Waste disposal. The BOS has the authority to change that at any given time, noting the voters have supported the Fall Bulk Pick-up over several Warrant Articles, despite the BOS’s objections to it. Mr. Current suggests the BOS puts the \$27,700 back into the Selectmen’s proposed Operating budget so if the advisory Warrant Article passes the funding is already in place. If the Warrant Article doesn’t pass those funds could be moved to offset taxes. Shawn clarifies the funds won’t be in the Default budget because tonight’s vote made it no longer a contractual obligation. Dottie confirms the funding only went into the Selectmen’s proposed Operating budget. Dottie confirms the \$27,700 was also included in the Town Operating budget that BudCom passed last week.

Mr. Springer expresses his concern that the wording of the Warrant Article does not clarify that this is not just a one-time obligation and is not clear that this is a yearly obligation in perpetuity starting at the amount of \$27,700. Scott asks if the BOS has the authority to implement this benefit, what measures can they take down the road to rescind it. Dottie clarifies that the Town can’t withdraw from the NH Retirement System once they choose to participate.

Josh Manning confirms that the \$27,700 represents 11% of the employees’ salaries and that as these salaries increase, so will the Town’s obligation. Dottie corrects the percentage to 14.06% and explains that is a total that includes other costs such as medical, etc. Scott notes that the State can change the amount the Town is obligated to pay. Mr. Current also notes the Town could hire more full-time employees as the Town grows. Mr. Dube confirms the State has the authority to mandate that the Town increases its contribution, noting “that’s scary and dangerous”.

Steve explains that towns like Danville that were never involved in the NH Retirement System before, once the Police Dept. went full-time and was mandated to join Group 2, they (the Town) were assessed for the years that the fund lost money. That is why Danville is paying 30%, even though Danville was not in the System years ago when all the problems began. He notes that for years the participating towns were paying “next to nothing.” Shawn agrees and states that he was shocked when he learned that when Group 2 employees (full-time Police and Fire employees) pay into the NH Retirement System, they and the towns do not pay into Social Security. 100% of Group 2’s retirement benefits come from the NH Retirement System. Towns were paying less into the NH Retirement System than they were paying into Social Security at the time of those NH Retirement System financial issues.

Mr. Dube states that government workers are not the ones that have lost their jobs so the burden to manage these budgets is on the private workers who have lost their jobs and the taxpayers.

Mr. Springer agrees the Town needs to take care of its employees who have spent their careers with the Town and that he believes that is what Dottie is trying to do. He states that he is “bothered by what good comes out of joining this (the NH Retirement System) other than 1) saying that we (the Town) joined it and 2) putting our neck in their (the State’s) noose forever regarding increases, etc.” He asks why the Town must do

it this way to provide retirement benefits for its employees because the Town is losing control. He notes that “no company or person would decide to join something that they can’t get out of and lose control over what they are required to contribute.”

Dottie disagrees stating that it does make sense for the employees and reminds Mr. Springer that no one knows what will happen to Social Security by the time some of these people (Town employees) are old enough to collect. Shawn disagrees stating that if Social Security goes away, the NH Retirement System is also gone. Dottie points out that Steve is getting NH Retirement benefits right now and asks him if he is happy getting them. Steve agrees that he is and that is why is advocating for it. He reiterates his support that the Town’s employees are its most valuable asset and the Town should take care of them.

Shawn agrees with Mr. Springer that if the Town could offer something outside of the NH Retirement System, for example, a typical 401K that the Town contributes into, he feels at the end the employee would have more funds available to them through a 401K than they will through the NH Retirement System. Mr. Springer agrees noting the employees would have control over their own dollars. Mr. Barr adds that you continue to donate into Social Security and once you start in the NH Retirement System, you don’t pay into Social Security anymore. Steve clarifies that is only for Group 2 (Police and Fire employees). Group 1 employees do continue to pay into Social Security.

Ms. Jervis notes that teachers in the NH Retirement System are on a scale. Steve confirms they are also in Group 1. Dottie notes that their contribution rate is higher. Sheila states that she does not believe the Town could ever do a 401K for employees, that she doesn’t believe the Town can afford it. Scott disagrees noting that the NH Retirement System is already costing \$30,000 annually for just three (3) employees. There is a brief discussion regarding the costs to the Town for the raises that were approved.

Rob Loree explains that he worked for a small company without a retirement plan. The employees united and forced the company to implement a 401K and that worked out well. He notes that it wasn’t easy for a small company to implement the 401K, but it worked well for the employees and it really wasn’t a huge cost for the company to implement it. He notes the company’s bank worked with the company (as it was a bank customer) to create the 401K.

Scott asks if there is anything that binds the Town to use the NH Retirement System. Shawn states that he doesn’t know. He does know that full-time Police and Fire departments are mandated by the State to participate. Scott suggests that the BOS could research a 401K plan for the Town with TD Bank, noting they have investment and retirement services available. Mr. Springer agrees it’s something to research before going down the path to the NH Retirement System. Scott acknowledges the Town should try to do something for the employees and expresses his concern with not knowing enough about the NH Retirement System to make an educated decision for something that is going to bind the Town and taxpayers forever. Mr. Dube adds that it will also be out of the Town’s control.

Dottie states that she has asked the NH Retirement System to send the BOS a letter with information that the BOS can review. She notes the process is going to take time and the money wouldn’t be in the budget until after the March vote. At that time, the BOS would need to do a resolution. Shawn notes that if the voters, via a Warrant Article, want the BOS to explore the NH Retirement System, the BOS started out just assuming it would use the NH Retirement System, but maybe that is not the best solution. He notes the Town has the flexibility with Group 1 employees because they are not mandated by the State to participate in the NH Retirement System and maybe there is another choice that is better for everybody. Shawn notes that most companies max their 401K match at 4-5% vs the 14.06% the Town would have to pay into the NH Retirement System, and there is no guarantee that the employees would get that back in their retirement benefits. Scott points out there are other benefits to a 401K such as loans, first-time homebuyer assistance, education loans, etc. There is more flexibility for employees’ money. Shawn notes that it takes years to be fully vested in the NH Retirement System. Mr. Springer agrees that a 401K would be so much more flexible and valuable to the Town’s employees.

Mr. Barr states that he has no problem giving retirement to employees, but notes that they all took the job knowing there were no retirement benefits and that was an individual choice. Sheila explains the Town is trying to keep the employees and reduce turnover. Dottie reminds him there are also costs for retraining new employees.

Kim reads the proposed Warrant Article “To see if the Town of Danville residents will vote to advise the Board of Selectmen to adopt the NH Retirement System for Group 1 full-time employees.” Shawn asks to change NH Retirement System to just “Retirement” or “Retirement Program”. Sheila states that if the BOS is doing a “retirement program” they should include all the Town’s employees, not just the full-time employees. Steve agrees noting that the NH Retirement System requires that employees be full-time, but another plan that could open it up to all the employees would be a “great retention tool” if the Call Fire Dept. could have that benefit. Mr. Nelson explains that a Town-based retirement plan would be a 457B. Mr. Springer agrees that opening the idea to other retirement plans might give employees a “much bigger egg” at the end over what NH Retirement offers.

Scott suggests that because the Warrant Article is only advisory, to leave it for the full-time employees because the BOS is looking for what the Townspeople want to do. If the Warrant Article is approved, the BOS could choose to look into anything, noting the advisory Warrant Article doesn’t bind the BOS to anything. He suggests the wording “look into a retirement plan for full-time employees”.

Kim reads the following: *“To see if the Town of Danville residents will vote to advise the Board of Selectmen to adopt a retirement plan for full-time employees.”* Scott notes that the Warrant Article needs to be vague because it is only advisory. Shawn expresses his concern that voters may say yes to looking into it, but balk at paying for it. Scott states that he is okay if Shawn wants to add “a certain percentage to be absorbed by the Town of Danville” to the Warrant Article. Shawn suggests “and the approximate cost will be x% of the employees’ salary” so the voters are aware that this advisory will eventually come back with a dollar amount attached to it. Shawn states that he believes the Warrant Article as it is currently written is good enough to “get them to the Deliberative Session to talk about it.” Mr. Current assures Shawn that they will be talking about it.

Shawn calls the question on Scott’s motion. Kim reads the motion and wording for the Warrant Article back: *“To see if the Town of Danville residents will vote to advise the Board of Selectmen to adopt a retirement plan for full-time employees.”* Vote is 3-yes, 0-no, 2-abstentions. (3-0-2). Dottie and Sheila abstain. The motion for the Warrant Article and the wording of the Warrant Article passes.

As there is no more public discussion, Shawn closes the Delegate session at 8:06 PM.

II. Budgets

Selectmen’s Proposed Operating Budget Update: Shawn, noting the motion and vote earlier in the evening, removes the \$27,700 added to the Selectmen’s proposed Operating budget last week. He states the Default budget will remain the same. Kim states the revised Selectmen proposed Operating budget, after removing \$27,700 is now \$4,188,991. The Default budget is \$4,109,570. Shawn confirms that these are the new amended amounts for these budgets.

Warrant Article Updates: The BOS reviews the latest version of the 2022 Warrant Articles. Shawn notes that the Planning Board Warrant Articles are now included and that they are just waiting for the Operating budget amount from BudCom’s public hearing to insert into the Operating Budget Warrant Article.

Kim states that she discussed the Mosquito Expendable Trust Fund with Patty Sarcione and the correct amount for FY2022 is \$1000.

🚩 Warrant Article #2022-17: **Mosquito Expendable Trust Fund** should be amended to \$1000.

Other updates include:

- Warrant Article #2022-20: **The Town Forest Management Plan** should reflect the Selectmen's vote as 2-0-1 because there was an abstention. She has removed the "Recommended by the Forestry Committee" and added, "Recommended by the Selectmen 2-0-1" in accordance with the recorded vote in the minutes.

III. Old/New Business

Forest Management Plan: Sheila asks if the BOS is going to ask Town Counsel for a legal opinion on tonight's discussion of the Forest Management Plan. Shawn asks if the BOS wants to incur that legal cost. Sheila states that she believes a legal review should be done and that she believes the Forest Management Plan does not need to be on the Town ballot, but that all the steps need to be followed. She notes that no one has even looked at the plan.

Sheila motions to put the Forest Management Plan Warrant Article on hold pending the outcome of a review by Town Counsel. There is no second. There is further discussion.

Shawn confirms that Sheila does not want the Forest Management Plan Warrant Article on the ballot. Sheila reiterates that it doesn't need to be on the ballot. Shawn states that he wants it on the ballot because he wants the Forest Management Plan to be accepted.

Steve asks for clarification of the discussion. He notes that the Forestry Committee seems to be very capable. Sheila explains the issue is that the Town has a deeded Conservation Easement that has steps in it that a previous BOS signed. She notes that Shawn was on the BOS at that time. The BOS and the Audubon Society signed it and the Easement was recorded in the Registry of Deeds. There are certain steps that must be taken, including acceptance of the Forest Management Plan, by the BOS and Audubon. Steve notes that Mr. Current has stated that the plan was accepted by Audubon. Sheila states there is nothing in writing.

Scott notes that the Warrant Article states that the Forest Management Plan was accepted by the Forestry Committee and the NH Audubon Society and he is willing to take the word of the Forestry Committee that Audubon accepted the plan. Sheila states that the 2003 Warrant Article gave the BOS the authority to sign the deed. The deed is now registered and there are changes to the deed. Shawn disagrees that there are any changes to the deed. Sheila states there are changes because the Forest Management Plan was written by a different Forest Management company. Shawn states it is a Forest Management Plan. Ms. Jervis notes the Forest Management Plan has been revised and that is a change. Shawn states that he believes that as long as Audubon is in agreement.... Ms. Jervis asks where the plan and the agreement are. Shawn notes the plan is at the Town Hall. Ms. Jervis asks if anyone has seen it or read it, noting that she has not.

Steve asks Sheila what exact changes concern her. Sheila states the Forest Management Plan needs to be recorded at the Registry. Ms. Jervis reiterates that the Forestry Committee is revising the Forest Management Plan, which they are supposed to do, and the revisions are supposed to be documented in the Easement and the Stewardship Plan. Shawn states that it is documented in the Forestry Committee.

Scott notes that it was a while ago that he read the Easement, he can't imagine that every time the plan changes a new deed needs to be recorded. Ms. Jervis explains that a new deed is not recorded, just the revisions and because the new Forest Management Plan changed who the Forester is, it needs to be recorded. Scott asks who would challenge the issue, other than Audubon, and if Audubon has accepted the plan, what is the risk. Steve expresses his concern that the Town Forest will continue to not be managed properly. Shawn admits the Town Forest has been neglected for the last twenty (20) years and now the Forestry Committee is doing something and "the same people that started twenty (20) years ago want to stop it." Ms. Jervis states that no one is trying to stop it and that it is a good thing that the Forest Management Plan is finally getting reviewed. But no matter when it was done, if they (the Forestry Committee) have changed Foresters, it would still be the same issue; any change to the Stewardship Plan should be reflected. Shawn states that the Forestry Committee has the statutory right to do what they are doing, they had the Forest Management Plan approved by Audubon and they are now asking the Town to accept the plan. Shawn states that he believes this is exactly the way it should be happening.

Sheila states the issue is it (the Forest Management Plan) was “sprung” on the BOS at last week’s meeting and it was the first time the BOS saw the Forest Management Plan. She reiterates that she is asking for the BOS to get an approval of the process from Town Counsel. Scott asks if the BOS does not believe the Forestry Committee has the authorization to proceed with the Town Warrant Article based on the recorded Conservation Easement. He notes that Sheila refers to the BOS because they signed the original Easement, but the Forestry Committee was created and is responsible for managing the Town Forests and he is not sure the BOS has the authority to seek Legal Counsel. He notes that he believes it is the Forestry Committee that has the authority to ask for that. Shawn agrees.

Sheila reiterates her motion to “have the BOS seek a legal opinion on how the Town should move forward based on the plan currently recorded at the Registry of Deeds”. She states that she believes the Forest Management Plan needs to be recorded at the Registry of Deeds. Dottie seconds Sheila’s motion. There is further discussion.

Sheila states that she was in the BOS office this afternoon (January 10, 2022) and a copy of the Forest Management Plan was not available. She notes that a copy of the Easement or the Stewardship Plan was also not available. She states that those copies should have been in the BOS office. Kim states that those copies are probably there, but if she had been asked, she would not have known where to look for them. Sheila states that these copies are also missing from the Library. Shawn notes that these are recorded at the Rockingham Registry of Deeds and are public (records). Sheila states that at one point the Town did have a copy and it still should have a copy. She notes that now everyone has a copy.

Kim reads Sheila’s motion “to have the BOS seek a legal opinion on how to proceed with the Town Warrant Article based on the recorded Conservation Easement dated and recorded on 12/18/2009, Book #5076, pg. 0076.” Ms. Jervis explains the Forest Management Plan is part of the Stewardship Plan which is part of the Easement and that all three work together. She states that the Easement should be amended and signed by the BOS and Audubon. Audubon should state there is an updated Forest Management Plan and the amended document should be recorded with the original Easement to create a paper trail.

Shawn calls for a vote on Sheila’s motion. Vote is 2-yes, 3-no, 0-abstentions (2-3-0) Shawn, Steve, and Scott vote no. The motion fails. Sheila asks that this be recorded in the minutes.

Inspection Fees Update: Kim explains that the Town is charging between \$10-\$12 below what the surrounding towns are charging for their inspection fees. Shawn reminds the BOS that they will need to go through the process of holding a Public Hearing before these fees can be increased. Sheila asks why the plumbing fees are not increasing. Kim explains that he (the plumber) is happy with what they are and that they are justified with the other towns. Shawn notes the earlier issue the BOS addressed was with the Health Officer. Kim reminds him that the BOS increased the Health Officer fees, but did not increase the inspection fees. Shawn asks Kim to write a proposed fee schedule with all the rate increases in line with the other towns’ fees so the BOS can schedule the Public Hearing and to put the review of the proposal on the agenda.

Income/Revenue Update: Sheila asks Shawn about an e-mail that was sent to the BOS regarding an increase in the State’s reimbursement rate for the Rooms and Meals tax. She asks if the BOS should reflect that change in the Income/Revenue proposed budget. Shawn explains that he usually uses an estimate from the amount the State sends back to the Town and that amount varies. He reminds Sheila that the BOS will have to update the Income/Revenue budget by September 1 and they can reflect any changes then, noting the State is “on its own timetable” when reimbursing towns.

Signature File: The BOS review and sign the payroll warrants and other documents

Minutes: The BOS review the minutes for the January 4, 2022 BOS public meeting. Sheila motions to approve the minutes as written. Second by Dottie. Vote is 3-yes, 0-no, 2-abstentions (3-0-2). Steve and Scott abstain as they were absent from the meeting.






Non-Public Minutes: The BOS review the minutes for the January 4, 2022 BOS Non-Public session under NH RSA 91-A 3:II(c). Dottie motions to approve the minutes as written. Second by Sheila. Vote is 3-yes, 0-no, 2- abstentions (3-0-2). Steve and Scott abstain as they were absent from the non-public session.

Shawn reads the Town Announcements listed below.

Sheila asks Steve to explain a note that he made on the Library’s year-end payroll. He explains that the Library was open on Monday, December 27, but was closed the remainder of the week and those days were not on the BOS approved holiday calendar. Sheila explains that the Library employees used their “earned” paid time off for the remaining days. Shawn asks if it was comp time. Dottie explains that it was “vacation time, now referred to as earned time.” Sheila notes that the Library Trustee minutes reflected approval of the closing and the use of the employees’ earned time. Steve thanks Sheila for clarifying the issue.

IV. Town Announcements

Calendar

-  **January 11, 2022- Tuesday:** *Citizen’s Petitions due no later than Tuesday, Jan. 11, 2022, at 4:00 PM*
-  **January 17, 2022- Monday:** Martin Luther King Day. The Town Hall will be closed.
-  **January 18, 2022- Tuesday:** Board of Selectmen’s meeting at 7:00 PM at the Town Hall
-  **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.

As there are no further items to discuss, Shawn adjourns the meeting at 8:33 PM

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

Respectfully Submitted
Deborah A. Christie