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

7:00 PM
Meeting is Video-Recorded

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

Others Present: Kimberly Burnham, Selectmen Administrator; Lisa Sears, Masiello Group, Atkinson; Resident: Bob Roeger,

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. Public Hearing: Acceptance of Acquisition of Land

Shawn states this is the first of two Public Hearings that will be held on this matter. The Public Hearings were posted in the **Carriage Town** newspaper. He explains that this is in regards to a piece of land that a late Town resident had awarded to the Town in his will and estate. In order to accept the land, the Town had to do its due diligence including a review by the Planning Board, Forestry Committee, and the Conservation Commission. The reviews were completed and recommendations have been provided to the BOS. The BOS must now hold the Public Hearings to accept the land. Shawn states that it is approximately thirty-eight (38) acres near GH Carter and the power lines and is a good continuation.... The conditions of the award include keeping the area wild and as a habitat for animals, which fits in with the Town's desire. The Forestry Committee and the Conservation Commission were happy to recommend that the Town accept this property gift. Dottie motions to open the Public Hearing. Second by Sheila. Vote is unanimous (3-0). The Public Hearing is opened at 7:04 PM.

Shawn asks for any public comment. There is no public comment. Dottie motions to close the Public Hearing. Second by Sheila. Vote is unanimous (3-0). The Public Hearing is closed at 7:04 PM.

A second Public Hearing will be held on this matter on Monday, March 21, 2022, at 7:00 PM. At the conclusion of that Public Hearing, the BOS will take the next step in the process of accepting/acquiring this piece of land.

II. Delegate Session

Shawn opens the Delegate Session at 7:05 and asks if there are any members of the public not on the agenda who wish to address the BOS.

Home Occupation Application: Bob Roeger explains that he is the owner of a small glass company in Town since 2000. He does small residential and commercial work and has done some work on the Town's buildings over the years. He wants to register a trailer for his business in Town. He states that the trailer is registered with the State, but he needs to also register it with the Town. He notes that he doesn't keep his equipment on his home property, as he rents a building in Kingston for that. He has completed the Home Occupancy Application. Shawn reviews the application and notes that Gail has gone through all the questions with Mr. Roeger. Shawn explains that once the application is signed, Mr. Roeger can pick up his copy and will then be able to register his trailer. There is a short discussion and Kim clarifies that the Town Offices will be open on Tuesday, March 8, 2022, even though it is Election Day. Mr. Roeger states that he would like to be able to pick up his paperwork and register his trailer between 8:00-8:30 AM. Kim states that she will have his paperwork ready and he can then bring it to the Town Clerk to register his trailer.

As no more members of the public wish to speak, Shawn closes the Delegate session at 7:07 PM.

III. Agenda

RFP for 599 Main St. (Elm Farm): Sheila asks if a bid that was received late can be accepted. Shawn explains that all bids must be received by the close of the proscribed date. The closing date for this RFP was February 24, 2022. The bid that Sheila is referring to was not received until March 1. Shawn notes the BOS would honor a postmark if the issue was with the Post Office; however, this bid was hand-delivered and stamped with the date received. Shawn notes that this process is to keep everything fair and aboveboard. He also notes that there was no impropriety in the request and he feels bad that the BOS cannot accept the bid. Shawn asks Kim to scan each bid and to send them to the BOS for review before the next scheduled meeting.

Bids were received from the following:

- ✚ Coco, Early & Associates: Betsy Rensa, 15 Garden Rd. Plaistow, NH
- ✚ Farms and Barns Real Estate LLC: Tammy Amnott, PO Box 719 New Boston, NH
- ✚ KW Metropolitan Realty: Greg Powers, 168 South River Rd. Bedford, NH
- ✚ Coco, Early & Associates: Betsy Rensa, 15 Garden Rd. Plaistow, NH. (Kim clarifies that this bidder sent a bid by e-mail and also as a bound bid, so this is a duplicate. Shawn asks Kim to keep the bids separate until she can review both bids to ensure they are exactly the same.

Shawn asks Sheila and Dottie if they have any ideas or suggestions on how to move forward on these bids. There are no further suggestions so Shawn determines that the BOS will move forward with Kim providing copies of each bid to the BOS for review over the next couple of weeks and discussion of the bids will be on the March 21, 2022 BOS agenda.

Lisa Sears, a realtor with the Masiello Group in Atkinson explains to the BOS that she was the “late bidder” and had just learned of the RFP on Saturday from a town resident. She apologizes for the bid being late. Ms. Sears explains that her partner called the BOS office this morning and was told that it was okay to submit the bid and she would like some clarification on why the bid was then rejected. Shawn apologizes for not being able to accept the bid and explains that it is an issue of transparency as all the other bids were received by the deadline. Ms. Sears reassures Shawn that she understands the process and procedures involved with the bidding process. Ms. Sears had received misinformation that the bidding process was still open which is why she and her partner submitted the bid. Shawn apologizes for her receiving the incorrect information.

Ms. Sears states that she did not see the notices and expresses her surprise that no Danville Real Estate agents had bid on the RFP. Shawn explains that the BOS had been receiving numerous calls and contacts regarding the property for a long time, but some legal issues needed to be addressed before the RFPs could go out. Shawn again apologizes for being unable to accept Ms. Sears's bid. Ms. Sears states that she understands and appreciates the BOS's time. Shawn expresses his hope that 599 Main St. will finally be resolved. Sheila agrees.

Rte. 111 and Frye Rd Access: Shawn states that he has been contacted regarding this ongoing issue. He explains that during the CCRC project with Mr. Rizzo, Chris Giordano, a former selectman was spearheading an effort to work with the NH DOT to get access off Rte. 111 to Frye Rd. for that project. A lot of work was done, but the CCRC project was ultimately abandoned. There is now another developer who is supporting that effort to get that intersection in place. Mr. Giordano has started the process of helping the BOS through talking with NH DOT and working with the Planning Board. Mr. Giordano explained to Shawn that NH DOT is looking for a letter from the BOS supporting moving the project forward. Shawn explains that he worked with Gail and Mr. Hantman and they decided to make it a joint letter from the Planning Board and the BOS. The letter is in the file. Gail also found some old documents associated with the previous efforts to have that intersection and will send copies of these with the letter to NH DOT. The cover letter explains the BOS and Planning Board continue their support for this project which started around 2011. Sheila confirms there was also a previous letter of support. Shawn states there was one from back then, but the BOS is submitting a current letter of support.

Shawn expresses his concern about how this “will go”. He notes that he hopes the NH DOT will cooperate with the Town this time but feels it may be an uphill battle because the State never wants to give access off Rte. 111.

Shawn reads the letter into the minutes:

Dear Mr. Labonte:

This letter is to inform you of the Danville Board of Selectmen and Planning Board's support for an access point through the NH Route 111 Limited Access Right of Way for the connection of Frye Road and NH Route 111 in the Town of Danville. This has been an ongoing request for many years dating back to 1991. I have enclosed prior documentation between the town and DOT from 1991 to 2012 for your review. It is our hope that approval will be granted for this requested access point.

Dottie motions to approve that Shawn signs the letter. Second by Sheila. Vote is unanimous (3-0).

IV. Old/New Business

Signature File: The BOS review and sign the pay and payroll warrants. Sheila and Dottie ask if the BOS should discuss another Home Occupation Application that was submitted. Shawn states that it is not necessary as Gail had also gone through the questions with that applicant and had noted any issues in the application.

Minutes: The BOS review the minutes for the February 22, 2022 BOS public meeting. Sheila notes that she has no corrections. There is further discussion.

Shawn states that after receiving the petition regarding the (Beach Plain Rd.) Zoning Warrant Article from Dr. Farah, the BOS had received a second petition on another Zoning Warrant Article for Kingston and Pleasant Rd. His question about the petitions was sent to Town Counsel and the BOS has received a response, but no comment was made regarding the time of filing for the petitions. Shawn explains that after reading the NH RSAⁱ, the petitions are supposed to be filed one (1) week before Town Meeting. However, Danville is an SB2 town. The first part of the Town Meeting is the Deliberative Session which was on February 5, 2022. There is an argument that the petitions should have been delivered one week before the Deliberative Session, and they weren't so that would make them invalid. The other argument is that the petitions need to be submitted one (1) week before the “second part” of the Town Meeting which is the voting on March 8, 2022. Shawn states his suggestion is to go through the process and if the vote is above 2/3 or less than 50% then the issue is a moot point. Shawn also questions what is considered 2/3. He explains that in SB2 towns 2/3 is considered 60% of the vote on bonds, and questions if these petitions also require just 60% or a full 2/3 vote at 67%. Shawn suggests the BOS wait and see what happens with the vote before incurring legal costs to find out the answers to these questions when it may not be needed.

Shawn asks Kim if she had heard back from RMON on the license renewals as discussed at the February 22 BOS meeting. Kim explains that she looked at the budget and what was approved in both the proposed Operating budget and the Default budget were the Business Premium licenses for the Town Hall and the Fire Dept and the Government Tenant license for the Police Dept. Shawn agrees that the BOS has set aside these funds. His question is why the Town needs to upgrade to the Premium service when the Town has been running successfully on the Standard service. He notes his concern is that this may be an “upsell” and expresses his concern that the Town will be paying more for services and products that it won't be using. He states that he wants to “quantitatively see what the Town needs that it does not currently have, that upgrading the service will fill that void. He does not want to spend money for the sake of spending money.”

There is no further discussion on the minutes. Dottie motions to approve the February 22, 2022 BOS public minutes as written. Second by Sheila. Vote is unanimous (3-0).





Non-Public Minutes: The BOS review the minutes for the February 22, 2022 Non-Public Session at 7:40 PM under NH RSA 91-A 3:II(d). Dottie motions to approve these minutes as written. Second by Sheila. Vote is unanimous (3-0).

The BOS review the minutes for the February 22, 2022 Non-Public Session at 8:02 PM under NH RSA 91-A 3:II(d). Shawn asks Kim if she got the information requested. Kim confirms that she did and is proceeding with both. Shawn asks that she have that information ready in two (2) weeks. Sheila motions to approve these minutes as written. Second by Dottie. Vote is unanimous (3-0).

1. Shawn reads the Town Announcements listed below. He reminds everyone that tomorrow (Tuesday, March 8, 2022) is Election Day and encourages everyone to get out and do their civic duty and vote. He notes that with the turmoil around the world, the US has it very good, that we have the opportunity to vote for our representatives and yet are not nearly 100% participation. People across the world are fighting for that right and we have mediocre to dismal turnouts and it's disheartening.

V. Town Announcements

Calendar

-  **March 21- Monday:** Public Hearing: Acceptance of Acquisition of Land (Second Hearing)- 7:00 PM at the Town Hall.
-  **March 21- Monday:** Board of Selectmen Meeting- immediately following Public Hearing at the Town Hall
-  **April 9- Saturday:** Rabies Clinic, hosted by the Danville Police Dept. 10:00 AM-1:00 PM at the Kimball Safety Complex
-  **April 23- Saturday:** Bulk Pickup. The start time is 7:00 AM

As there are no further items to discuss, Shawn adjourns the meeting.
The meeting is adjourned at 7:40 PM

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

Respectfully Submitted
Deborah A. Christie

ⁱ State of NH. **NH RSA TITLE LXIV-PLANNING AND ZONING. CHAPTER 675-ENACTMENT AND ADOPTION PROCEDURES. Zoning Ordinance, Historic District Ordinance and Building Code Enactment Procedures-Section 675:5 Zoning Ordinance Protest Petition.** www.gencourt.state.nh.us/rsa/html. February 22, 2022.