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Town of Danville
Board of Selectmen
Monday, June 13 , 2022
7:00 PM

6:56 PM

Meeting is Video-Recorded

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

Others Present: Kimberly Burnham, Selectmen Administrator; LT Justine Merced, Danville Police Dept. Chief Joseph Gordon, Sandown Police Dept.; James Seaver, Road Agent, Carsten Springer, Chair, Conservation Commission, Chair Forestry Committee, Danville Residents: Stacie O’Connor, Dave Drislane, Terry Jamro, Joe Hester, Aaron Beliotts, Jeff Stone, Joshua Manning.

Shawn called the meeting to order at 6:56 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. Delegate Session

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

Police Dept. Grant: LT Justine Merced explains that the Danville Police Dept. has applied for a grant that requires a signature from the “Chief Financial Officer” in order to be completed. She explains that the grant was submitted without this signature to meet the deadline and start the grant process, but with the understanding that the page must be signed prior to any grant award.

Sheila asks for an explanation of the grant. LT Merced explains the grant is to pay for overtime used for speed patrols. The amount of the grant is \$3400 an amount that is set by the State to be allotted to the Town of Danville if they applied for it. Dennis asks for clarification of where the grant funds would go if they were received. LT Merced explains that her understanding is that this grant is for reimbursement of the overtime expenses. She explains that this is the first time that she has been involved in something like this and she doesn’t have a 100% understanding of how it works.

Dottie motions to authorize the Chair to sign the Chief Financial Officer page to complete the grant application. Second by Sheila. Vote is unanimous (5-0). LT Merced thanks the BOS.

Bandstand Roof Project: Stacie O’Connor explains to the BOS that she has been doing fundraising for a new bandstand roof and would like the BOS to approve a new craft fair fundraising event. She explains that several of the families at the park would like to do this summer event and she is willing to put one together. She would also like to host a Family Fun Day with the craft fair on Wednesday, June 23 at Goldthwaite so that the public can see the bandstand and know the direction of the fundraising. The consensus of the BOS is to have Ms. O’Connor move forward with her planned event. Ms. O’Connor expresses her appreciation for the support of the BOS.

Town Land Access Permission Request: Dave Drislane explains that he and several other local ATV riders would like to have written permission from the BOS to ride on Town-owned property, in particular, Town-owned property under the power lines by GH Carter, from one side of the pond to the other. He explains that the group is not really a club, and probably would not go through the process of becoming one. Mr. Drislane explains that he spoke with

NH Fish & Game and they explained that the riders would need written permission from the BOS. He notes that the riders will also be asking the other landowners for written permission to cross their properties, but not much of the land in question is privately owned. Mr. Drislane has already confirmed that the largest private landowners have already agreed to provide those permissions. NH Fish & Game has told the riders that they need specific written permission from the BOS for ATV access to that Town land. He clarifies that there are only a few of them that regularly ride together and the group is too small to form a club.

Shawn acknowledges that he heard the group was looking to form a club or potentially join a larger club. Mr. Drislane explains that the group did not feel it would work. Other members of the group in the audience agreed. Joshua Manning explains that (joining a larger club) is not feasible because it would draw riders from out of town. The group wants to be smaller and have local riders and be “a niche group of people who are Town residents.” If the group joined a larger club, then all the members of that club would have a right to ride in Danville, and that is not the type of traffic the group wants to bring into Town. Mr. Drislane states that people have been riding the trails they are discussing for the past twenty years with no problems. Over the past couple of years, NH Fish and Game have been out there patrolling the trails as a result of multiple complaints. Mr. Drislane states he believes the issues are more from “loud two-wheelers” on the other side of the power lines where they are not supposed to be. He notes that ATVs are quieter and the group is mostly men in their mid-40s, not out there tearing up the trail.

Sheila asks if the BOS grants the permission, how will they be able to stop other riders from riding on the trails. Mr. Drislane states that if riders don’t have written permission, the first offense is \$250. LT Merced explains that NH Fish and Game is enforcing the laws because “no one can be riding out there right now.” Jeff Stone states that he’s been riding out there since 2005 and has only seen the enforcement in the past year. LT Merced explains that “it doesn’t make it right.” She states that she can’t explain why the laws are being enforced more now, but that it doesn’t mean it wasn’t a problem before. Mr. Drislane asks if it is even possible to get written permission because it is Town-owned land.

Shawn explains the BOS can make that decision, but there are a lot of logistics involved. The first concern is how they can enforce that permission is for Danville residents only. Shawn expresses his concern that once the word is out that ATVs are allowed on the trail, there will be an influx of non-resident riders. The second concern is how NH Fish & Game could enforce the residency requirement. LT Merced states the NH Fish & Game have already stated that they cannot provide the extra enforcement necessary for the extra ATV traffic and that there is only one NH Fish and Game officer for the area and they depend on aid from other NH Fish & Game officers in the area. She notes that extra patrols would become the responsibility of the Police Dept. which is short-staffed right now. LT Merced notes that even if the Police Dept. was at full staff, patrolling the trails would require taking patrol officers off the road.

Mr. Drislane explains that ATV riders rarely ride alone, they usually ride in small groups and states that they wouldn’t mind taking on some responsibility of “patrolling” the area. He also notes that people often walk on the trails and could fall or get injured and the ATV riders would be out there to provide assistance.

Dennis states that he is on the side of the ATV riders, riding where they can, as often as they can. He expresses his concern that there are two deeded easements. The first easement is the Audubon easementⁱ totaling 398 acres of the Town Forest and overlapping both sides of Tuckertown Rd. from Main St. out to Hersey Rd and GH Carter. There is one Town plot at the beginning of GH Carter into the soccer field. The Town granted the easements to Audubon in an agreement in 2009 which specifically states that “*the general public is allowed to access the land “to hike, hunt, cross-country ski, observe wildlife and participate in other low-impact, non- motorized outdoor recreational and educational activities....”*”ⁱⁱ Shawn agrees that this is how the granted easement was written and expresses his concern with the Town’s legal responsibilities if it did not abide by the contract, particularly what kinds of things the Town could be forced to do if the Audubon Society determined the Town was not providing the agreed-upon stewardship responsibilities.

The second easement is owned by Eversource and goes down the middle of the powerlines. Eversource's easement overlaps the Audubon easement. Dennis expresses his concern that the BOS needs to be careful to avoid any legal consequences (from granting ATV access permission.)

Shawn explains that Tuckertown Rd. is explicitly excluded from the Audubon easement and the BOS has previously granted access rights for trucks conversing ATVs onto Tuckertown Rd. and the Rockrimmon Trail. Riders in the audience note that Hersey Rd is included in that access as well. Shawn explains there is an "order of precedence the Town has accepted before they opened it up." He assumes there were the same concerns at that time, but the BOS tried it and had no issues, and those permissions are still active today. He notes that some of the NH Fish and Game officers are not aware of these permissions and have written tickets for people who have been on these three roads. Shawn states the BOS should make NH Fish & Game aware that these roads do have ATV access permissions already in place.

Shawn agrees that BOS needs to be aware of the concerns raised because as they open up more roads it will lead to more activity and there is nothing to preclude someone from trespassing onto the easements. Shawn explains to Mr. Drislane that it's not just a blanket permission to ride on Town property, the permission has to designate what specific trails can be accessed. The BOS will need to delineate exactly where ATVs will be allowed.

Chief Joe Gordon (Sandown Police Dept.) states that attended one of Mr. Drislane's ATV meetings about a month ago and he appreciates Mr. Drislane's remarks about four-wheelers. He explains that NH Fish and Game grants approximately \$3200 to local Police Departments for the fiscal year of July 1, 2022, to June 30, 2023, to help departments participate in the enforcement process of non-compliance. He notes that he has to address the issues from two sides. He has been on the Rockingham trail as a rider and has also had to be on the enforcement side where he "has a duty to keep people in check and answer complaints." He notes the comments from the riders about being able to ride when and where they wanted for so many years and explains that the recent year of more enforcement is a result of multiple complaints, mostly from families using ATVs and being afraid of speeding ATV riders creating safety issues. Chief Gordon agrees the trails are designed for family recreation and are not a race course. The speed limit is 25MPH which is reduced to 10MPH close to the roads and the gate at GH Carter. He notes there are also noise complaints from the residents who have homes around the trails.

Chief Gordon reminds the BOS of the issues that occurred when the BOS opened up a shooting pit on Tuckertown Rd. He expresses his concern about the lack of consideration from the shooters for the homes and residents around the shooting pit. He is particularly concerned that "bad apples will come, that is guaranteed, and this why ATV riders are getting busted now, because of complaints from the people who live nearby. It's the bad apples that tear off their mufflers and ride through the mud box, which is going to lead to DES problems. If turtles are being hurt, the Audubon Society will require answers either civilly or criminally and that is a \$10,000 fine just to play in the mud." Chief Gordon states that he is "from next door" but just wants to warn everyone that they are opening up a Pandora's box and not just for the "good" people. He is concerned that if the Town allows these opportunities, it will become a very large issue in a few years.

Chief Gordon explains that any BOS ordinance in Sandown that is put in place last only as long as that particular group of BOS members are in office. Any March elections that change the BOS members can result in a change in the ordinance. Sandown would have to vote to allow for permanent use of its town property as desired.

Mr. Drislane explains that was why his group decided not to form a club and did not want to be an extension or join up with the NH-ATV Club. They wanted to keep the group small and local. Chief Gordon agrees with what Mr. Drislane wants to do to put "that caliber of riders out there. But it won't stop the "bad apples" from coming and notes his willingness to provide enforcement. He explains a recent incident in which a local property owner confronted a group of riders to protect his property and they beat him badly. Chief Gordon is very concerned with how people are today and with the substantial call time required for law enforcement to respond. He states that he would not recommend the BOS allow ATV riders on Town property because so many logistics need to be put into

place to govern and regulate the use, the speed limits, etc. something they can't even do on the current trail access that is already in place.

Chief Gordon also explains the biggest offense is modified exhausts. NH RSA 215-A:12 ⁱⁱⁱ states that as soon as the exhaust is modified from the manufacturers' equipment to enhance the noise level it becomes a violation. However, the violation is never enforced by the Court because law enforcement can't prove that the noise level exceeds the lawful limit of 96 decibels. The noise level must be proven in a controlled environment with exact specifications that usually can't be met, so the law is basically unenforceable.

Mr. Manning notes that the Town voters had opened up Tuckertown Rd. to ATV riders. Chief Gordon asks if this means that anyone can use it. Mr. Manning states that the rule is unclear. Shawn agrees and states that the BOS would need to look at the wording of the Town Warrant, but he believes that it was not designated for use by only Danville residents, so it is open to the general public. Sheila states that it is only a short ride. Ms. O'Connor disagrees noting "it's actually pretty long." Chief Gordon expresses his concern with non-residents knowing where the road ends and not caring, turning the road and surrounding property into mudholes. This creates a larger issue that can't be enforced as these same riders simply run around the "No Trespassing" signs. He notes that people are paying over \$500,000 for their homes and want peace and quiet and do not want to hear the noise of the ATVs. Ms. O'Connor states those are the same issues they are having up North.

Mr. Stone explains that the issue is no one wants to drive three hours north to use those ATV trails with the current costs of gas, both for their vehicles and the ATVs. He states that "a lot of the homeowners around Danville pay their taxes and want to be able to use Town property for riding and there should be some type of leniency for those people who want to do it the right way." Chief Gordon states that he applauds the small group present at the meeting that do want to ride the right way but is concerned with the larger group that will not be "riding the right way and they are the problem." Chief Gordon discusses the lack of reciprocity with MA. There is no cross-enforcement for tickets that are issued in NH unless NH Fish and Game send a copy of the summons to the "Dereliction Court" for default. Only then will a NH summons affect someone with a MA operator's license.

LT Merced explains that neither she nor Chief Parsons had yet attended any of Dave Drislane's meetings and asked how big the group is. Mr. Drislane explains there is usually a group of five (5) riders. LT Merced asks for clarification regarding the discussion of forming a club. Mr. Stone explains the group was thinking about it. Mr. Drislane explains that when Chief Gordon and NH Fish and Game came to their meetings and explained the process, the group realized that they did not want out-of-towners and all the additional attention on Danville. They want to keep the Town the way it is. LT Merced asks the group how they get to the open ATV roads. Mr. Drislane explains that the group mostly gathers at his house which is right on the trail and their houses are all trails as well. LT Merced explains that she is not trying to stop the group from having a good time, but has to think of the Police Dept. and how to address any issues that come from riding as well as what kind of impact this will have on the Police Dept. mutual aid members depending on how bad a situation could be. She gives an example of the Tuckertown Rd. shooting pit. She notes that it was a challenge for the Police Dept. for quite a while. No one would take care of it unless the "trustees" from the Rockingham County Jail were taken over there to clean it up. The out-of-towners were parking at GH Carter, on the ball fields, and on Main St., using the shooting pit and leaving their messes. She is concerned the same kind of ATV issues will present a challenge.

Mr. Drislane notes that when ATVs are ridden on the trails, there is no extra trail maintenance needed. The ATVs keep them flat. It is the two-wheelers and the horses that create the ruts in the trails. He notes his group takes a lot of pride in the Town and wants to keep it the way it is. Chief Gordon explains the group could get individual permission from every property owner, but they would have to keep it in a binder and have it with them at all times. Joe Hester states that this is exactly what NH Fish and Game told them. Each rider individually has to have written permission from each landowner and they have to be renewed every year. Chief Gordon suggests that perhaps the written permissions could have dates on them. He also notes that the issues with the Audubon easements are a bigger problem.

Shawn confirms that he likes the idea of having individual permissions for those in attendance and likes the idea that there could be a pre-determined expiration date. Chief Gordon assures Shawn that this group is not the riders to worry about. Shawn notes that would leave everyone else riding illegally. Mr. Drislane agrees that the group does not want a blanket permission. Mr. Hester suggests snapping pictures of registrations of “someone doing something stupid” and letting the Police Dept follow up with that information.

Carsten Springer, noting and apologizing for his late arrival at the meeting, asks if the specific language of the Audubon Deed of Easement had been discussed. Dennis explains that he had read from Section 1, Paragraph B (endnote ii) and Section 2, Paragraph B, Subsection iii. *Outdoor Recreation “shall mean low-impact, non-motorized activities that make use of nature and the elements in nature including, but not limited to, hiking, nature study, bird watching, walking, snow-shoeing, camping, hunting, and cross-country skiing, and constructing and maintaining unpaved paths and trails”.*^{iv}

Mr. Springer notes that Section 3, Paragraph 3G states that *“The Fee Owner reserves the right to erect gates and barriers and appropriate signage for the control of motorized or wheeled vehicles and equestrian access into, on, over, or across the Property.”*^v He explains that Mr. Drislane’s group came to the Forestry Committee last fall and that generally, the Forestry Committee supports the public use of public lands, but the Town has, to a large extent, already signed away these rights and that is why the Forestry Committee recommended that Mr. Drislane’s group approach the BOS as they are doing tonight. Mr. Springer reiterates that he does not believe the BOS has the right to grant these kinds of access permissions anymore and will need to review the Easement agreement very carefully. Mr. Springer notes that Joshua Manning is a surveyor, and states that he doesn’t believe that everything that everybody thinks is part of the easement is actually part of the easement. He refers specifically to Tuckertown Rd. and the shooting pit as previously discussed. Mr. Springer suggests that the BOS highlights what sections they are interested in opening up to the ATV riders so as not to waste Town money, and ask Town Counsel how those permissions could be accomplished if indeed they are not allowed by the easement.

Dennis reads from Section 7:A *“The Fee Owner and the Easement Holder desire that issues arising from time to time concerning uses or activities in light of the provisions of the Easement will first be addressed through candid and open communication between the parties rather than unnecessarily formal or adversarial action. Therefore, the Fee Owner and the Easement Holder agree that if either party becomes concerned whether any use or activity...complies with the provisions of this easement, wherever practicable the concerned party shall notify the other party of the perceived or potential problem, and the parties shall explore the possibility of reaching an agreeable resolution by informal dialogue.”*^{vi} Dennis notes that the first course of action is to just talk to the Audubon Society.

Mr. Springer agrees that the BOS can do that. Shawn confirms with Mr. Drislane that the group is looking for ATV access on Town Property, particularly under the power lines, and confirms with Dennis that some of that land is also part of the Audubon easement. Dennis notes that the language in the deed refers to the Eversource easement. Shawn explains that the BOS would not be able to grant permission to access that land because that would need to be discussed between the Town and the Audubon Society. Mr. Springer reiterates his suggestion to ask Town Counsel regarding the focused sections that the Town would like to open up to ATV riders and to ask if and how that could be done. He states that he feels the Town should not have the conversation with Audubon without being fully aware of what the legal interpretation of the easement rules could be. Mr. Springer expresses his concern that the Audubon Society was very clear they wanted to keep horses and wheeled vehicles off the easement land.

Mr. Springer expresses his personal opinion that the Town is losing a lot of its trails to overgrowth which is happening rapidly unless the trails are used. If they could find a solution (with ATV access), noting that most of the issues are with ATV noises, if that was resolved and there was a reasonable use of the Town Forest by Town residents on designated trails, that may be a way to do it (maintain the trails) cooperatively. There is a discussion about Eversource’s opposition to ATVs under their power lines. Mr. Springer states that he believes the Town should try to resolve the access issues before denying access.

Dennis expresses his concern that the Town will not be able to keep everyone out unless the BOS goes the route of giving out individual permissions to Danville residents only, and/or limiting parking at GH Carter to Danville residents

only, and start towing and ticketing offenders. He states this would discourage outsiders from parking to get on the trail. Ms. O'Connor expresses her concern that implementing resident parking only would create problems during sports events for visiting teams. There is a discussion of how often this would be an issue. Dennis agrees his ideas are just how to prevent out-of-towners from easily accessing the Town's trails.

Aaron Beliotts notes that the maximum trail size for single machines is 50" wide. Double-wide ATVs require a width of 65". He suggests that the trails be kept narrow to keep the bigger machines off the trails. Mr. Springer explains that when Eversource was doing road improvement, the Forestry Committee required them to provide a "bump gate" for the Fire Dept. This allowed a 60" wide access next to the GH Carter gate for ATVs. Shawn notes an instance where the pins in the gate have been repeatedly cut and that perhaps the visibility of a group of ATV riders could keep the Town aware of these kinds of issues.

Mr. Springer expresses his concern that a situation like the shooting pit, with trash and safety problems, could re-occur. Shawn notes this is also an enforcement problem. He states the Town did not do an adequate job and despite receiving grants for enforcement of Motocross bike and ATV access, did not utilize them. Mr. Springer disagrees, noting that when there was an organized volunteer clean-up team, the biggest problem was from the shooters from MA and he is concerned that the same dynamic will occur if there is ATV access. Shawn reiterates that the discussion is around access under the power lines. The Town only has certain segments that it controls, there are issues with the Audubon easement and the need for written permission from all the other landowners. He notes that even if only one landowner refuses to give permission, it will make ATV access impossible.

Chief Gordon suggests the Town could implement a dawn-to-dusk limitation on ATV riding, noting that night riding would not "suit the property owners well." LT Merced states that Tuckertown Rd. is not an easy area for the Police Dept. to get to, especially with the issue of being short-staffed. She notes it will require overtime and will affect the Police Dept. budget. LT Merced clarifies that the Police Dept. is not being careless, but is limited by the circumstances. Mr. Stone notes that the people who are using the trails now could require the Police Dept. for an emergency. LT Merced explains that ATV access would "add population to the area." Mr. Drislane explains that due to the pandemic, everyone went out and bought a recreational vehicle, but with the current economy, many of those people will be selling their machines so he believes that there is already "maximum foot traffic" that has been reached.

Dennis asks Steve for the Fire Dept's perspective on the issue. Steve states that he believes it would be an advantage to the Fire Dept. The ATVs would keep the trails open for emergency services and they could ask the ATV riders for assistance if needed. The riders could also be eyes for the Fire Dept, alerting them to fire dangers and illegal campsites. Chief Gordon emphasizes that the riders at tonight's meeting are not the problem. The issue is what the impact of providing ATV access will be years down the road. There is a discussion on the present issues and future growth.

Shawn reiterates that he likes the idea of granting individual permission that must be renewed annually, and the applicant must apply in person. He confirms that other individual permission would also have an expiration date. Mr. Springer suggests that if individuals create a problem, the Town could increase the fees for those individuals the following year. Mr. Hester suggests that if a rider is ticketed, they would lose their permission. Ms. O'Connor notes that her property is right off the trails and she has never had four-wheelers be obnoxious in her yard. Her issues are with the trucks that come from Sandown Rd., tear up the power lines, and get angry with her because she won't let them turn around in her yard and they end up going down into the ballfields and are trapped.

Sheila asks if Ms. O'Connor has called anyone with these issues. Mr. Springer notes that there have been calls in the past regarding people being behind the gate (at GH Carter). He notes it is a different issue that needs to be stopped on Sandown Rd. and they know who these people are and what they are driving. Mr. Drislane states that if the ATV access permissions are done individually, he doesn't believe there will be an increase in foot traffic. Shawn agrees because any access authorization would be done on a one-by-one basis. He recommends the BOS table the discussion to do more due diligence. He asks Dennis to get the Audubon's perspective on the issue so the BOS will

know where they stand. The ATV group needs to get permission from the other landowners. Mr. Springer suggests that the Conservation Commission and the Forestry Committee look at the issue and make sure that everyone is on the same page. Shawn expresses his concern about the land that is inside of the Audubon easement because no entity in town has any jurisdiction over it, only the Audubon Society has that authority. Dennis agrees that he would like help from the Conservation Commission and the Forestry Committee noting there is “a lot of heavy lifting when dealing with the Audubon Society and Eversource.”

Sheila states that she is not in favor of allowing ATVs out on the trails. Mr. Hester and Mr. Stone ask her for her viewpoint and reason for her opinion. Sheila states that when she was on the Conservation Commission, she worked very hard for the Audubon easement to protect the lands and she is very concerned with having riders out there. Mr. Stone asks if there are any issues or complaints now. Sheila states that she has not heard of any. Mr. Stone states that if only a small group is asking for access permission, he doesn't see any problems because they are not advertising there is trail access. Sheila disagrees noting that tonight's public meeting is being filmed and televised. Chief Gordon reiterates that riders would still need permission in order to ride on the trails. Sheila states she is also concerned about the enforcement of the laws, particularly in light of the discussion regarding the lack of NH Fish and Game presence and the ability of the Danville Police Dept. to adequately patrol those areas and still maintain the patrols and safety of the Town. There is also the issue of the necessary permission from Eversource. Joshua Manning explains that the Eversource easement is for maintenance only, the landowner has the actual rights to the land. Eversource can't mandate that there be no access under the power lines. The Town owns most of the land under the power lines.

Mr. Manning confirms that the Audubon easement has been in place since 2009 and asks if the Audubon Society enforces their easement access. Mr. Springer states that the last time Audubon did a walk-through easement inspection was in 2012 and they were focused on the shooting pit which wasn't even on their easement.

Steve asks Mr. Springer what the Town received from Audubon for the easement. No one remembers. Dennis states he also would like to know what the Town received. Shawn confirms that everyone on the BOS knows their “homework” and will put this issue on a future agenda. Mr. Springer asks Sheila to provide the information on how the easement agreement was done as she was part of creating that easement. Sheila states that she doesn't have that information. It should be at the Town Hall and Kim can get it for him. She notes that Mr. Springer should also have that information in the Conservation Commission files. Sheila clarifies that she does not have any of that information in her home. Mr. Springer clarifies that he was hoping that because Sheila was so involved in the creation of the easement, that she would have information and perspective she could provide to the discussion. Sheila reminds him that it has “been a while.”

Forestry Committee Member Application: Mr. Springer states that the Forestry Committee has an application request. Shawn asks Mr. Springer to leave it with the BOS so they can address it in their Signature File and confirms that the applicant is replacing an alternate member of the Forestry Committee. Shawn confirms that the Forestry Committee is recommending Joshua Manning to the Forestry Committee as an alternate member. Steve motions to appoint Joshua Manning as an alternate member of the Forestry Committee. Second by Sheila. Vote is unanimous (5-0). Shawn congratulates Mr. Manning on his appointment.

As no more members of the public wish to speak, Shawn closes the Delegate session at 8:11 PM.

II. Agenda

Tennis Courts Repairs: Jim Seaver, Road Agent reminds the BOS that he had budgeted for resealing and painting the tennis courts in his FY2022 budget, but has had a difficult time getting quotes for the project. He presents two quotes to the BOS. Dennis asks why the bidders were from companies so far from Danville. Mr. Seaver explains that he called over twenty businesses in New England and either the Town's project was too small, the companies were booked out for two years, have no workers, can't get the paint, etc. The two quotes that he presented were the only two companies that would quote the project. Mr. Seaver notes that the bidder from Vermont could not do the

project until next summer. The second bidder, New England Sealcoat had previously given Mr. Seaver a rough quote and he had added extra to that quote for the budget. The new quote from New England Sealcoat was even higher than that number. Sheila notes the quotes were “very expensive.” Mr. Seaver explains that New England Sealcoat stated that as of right now, they would be able to complete the tennis courts before winter, but that could change. Sheila suggests the BOS could go with the Vermont bidder if they agreed to hold their price until next summer, noting the timeline wouldn’t be all that different if the tennis courts wouldn’t be done until winter anyways. Mr. Seaver reiterates the difficulty in getting the quotes and the volatile pricing issues.

Dennis confirms the area that is quoted is 1000 square yards. Mr. Seaver explains this includes the tennis courts and the basketball courts. Last year’s quote was for \$10,000 and he had budgeted \$11,000. There is a discussion on how often the courts need to be redone. Mr. Seaver and Sheila agree that the current courts are original from approximately twenty (20) years ago. Mr. Seaver notes the courts are starting to crack and if water gets down into the cracks and freezes, it will destroy the courts.

Dennis asks how often the tennis courts are used. Sheila states they are used “a lot.” Mr. Seaver agrees, noting they are used heavily during the day. Dottie confirms the project has already been budgeted for in the Highway Dept. budget. Mr. Seaver explains the court repairs, a gate at Day Field, and playground chips were all part of that budget line. Shawn reminds Mr. Seaver that he can move those dollars around in his budget as needed.

Dennis asks about an item in the New England Sealcoat bid under “options” for gouges and pyrite holes in the court. The option was an extra \$3000 to address those issues. Mr. Seaver explains that pyrite is a mineral in aggregate and the tennis courts are done with this hot top. It leaves small holes that are mostly not noticeable. He suggests the BOS could do an extra coat of hot top in a few years as part of a regular maintenance routine for the courts. The quote from New England Sealcoat is for three (3) coats of hot top and crack filler which he believes will be sufficient. Sheila notes the courts are “not for professional use.”

Shawn asks for Mr. Seaver’s recommendation. Mr. Seaver states that New England Sealcoat could do the courts this year and he is concerned with trying to contract the project for next year as there are too many unknowns. Mr. Seaver clarifies that even though the New England Sealcoat quote states the Town has to provide the water necessary for the project, they have their own tanker and will provide their own water. The Vermont company does not have that equipment and the Town would need to provide a tank of water at the courts for the project. Shawn suggests that the BOS allow Mr. Seaver to manage the repairs of tennis and basketball courts as long as he can keep the costs within his budget.

Road Repair Update: Mr. Seaver has the plans for the Sawmill Rd and Beach Plain Rd. They are not finalized. He and Dennis Quintal, the Town Engineer have drilled test pits so they can put the drainage on the plans. The roads will be ground and new drainage installed. Mr. Seaver explains they will also need to meet with the residents because there are changes that will need to be made. Several mailboxes will need to be moved and some driveways will need to be excavated. He states that he hopes to have all this done within a couple of weeks. Mr. Seaver notes that hot top costs have increased to over \$90, including the State contract rate, laying it down, trucking it, and rolling it.

Mr. Seaver asks if the costs of the drainage could be covered through the ARPA grant as that would leave more money for paving. He notes the drainage part of the project would fall under stormwater management. Dennis and Sheila agree, but remind him that he will need to have three bids for that part of the road repairs. Mr. Seaver states that he estimates the projects will cost about \$35,000 over what he anticipated. Sheila asks him if there was an ARPA grant specifically for stormwater management. Kim states that she thinks there was one that was specific for that type of project. Shawn asks the BOS to look into that, and apply for those funds if they are available. Dennis reminds the BOS that stormwater management was also a part of the original ARPA grant. Sheila agrees but reiterates that she thought there was also a separate one. Dennis and Sheila will look into it. Mr. Seaver states that there was a specific grant but it was more for cities with well water.

Mr. Seaver states that the Highway Dept. will be doing roadside mowing the week of June 20. Petra will be doing the road patches as previously discussed. There is a discussion about NH State DOT mowing on Main St. Mr. Seaver explains it is an issue with manpower. Two people from the local unit are retiring and one of them is the person who maintains Danville's Main St.

Assessing RFP: The BOS received the first draft of the RFP at the last meeting. Dennis explains that he reviewed the draft and then compared it to Deerfield's RFP as they had done something similar in 2019. He states that he has spoken to Kim about asking Fred (Smith) to review the RFP to see what applies and what doesn't. He notes the Deerfield RFP is fourteen (14) to fifteen (15) pages long and that Kim had explained that would create a problem publishing it in a newspaper.

Kim explains that her recommendation is to have Mr. Smith look at the RFP and all the requested documentation and that the BOS respond appropriately to his recommendations. She clarifies that she would publish a cover letter for the RFP and interested bidders would come and pick up the complete package, just as Mr. Hantman did with the Cable Committee's recent Cable TV upgrade RFP. Dennis suggests the BOS wait for Mr. Smith's feedback. Shawn expresses his concern about moving the RFP forward and getting someone in place before Mr. Smith retires. He would like the BOS to have a final draft of the RFP ready for approval at the next meeting. Shawn confirms that Dennis, Kim, and Mr. Smith will review the RFP and have a final draft ready for the next meeting.

Digitization Vendor Selection: Kim reminds Shawn that he had asked the top two vendors to put a small tutorial together so the BOS could look at their products. She had sent those tutorials out to the BOS and Town Hall staff. She, Dennis and Dottie, Chris and Gail had all looked at the two different platforms and the Town Hall staff felt that the Recordsforce product would benefit them the most, is the most user-friendly, and is a small, local business. Steve confirms the cost is \$45,509. Kim explains there are yearly costs and an up-front cost of \$5,000, the custom set-up and training is \$2,000, and the monthly maintenance costs for the data are \$350. Steve estimates the project will cost approximately \$52,000. Shawn notes it will cost the Town approximately \$4300 per year once the initial scanning and set-up are done.

Steve expresses his concern the digitization project is holding up other ARPA project disbursements. Kim reminds him that the BOS has been working on this since last year and had representatives from both vendors come in and discuss their products with the BOS. She states that she feels Inception is more appropriate for corporate digitizing and the product was not as user-friendly. Steve states that he would agree with the recommendation of the Town Hall staff as they are the people who will be using the product. Shawn and Dottie agree.

Steve states that he is concerned about the ARPA request and bids that he submitted for new radios for the Fire Dept six to eight months ago. Sheila explains that the ARPA money is "still in the account" and that the BOS has prioritized projects and the digitization project was their first priority. Steve states that the ARPA funds are for the COVID response and that the digitization project is a "back door response to get those funds." He expresses his concern that "the Police Dept, the Fire Dept, and the Highway Dept. are getting nothing and that is what the ARPA grant was intended for." He states he is concerned the BOS will not move forward on these other ARPA projects and asks how much longer the Fire Dept. has to use bad radios.

Dennis asks why the BOS couldn't move the radio request forward as Steve already has the three (3) required bids. Shawn agrees that everyone has different priorities, but the BOS didn't really know how much money would be needed for the digitizing project and that would dictate what funds were available for other proposals.

Dennis confirms that the BOS is ready to pick the document solution vendor and now has a good handle on the costs, noting that it is well below the grant limit. If Steve's radio request for \$75,000 is included, the BOS would be allocating approximately \$150,000 or 33% of the grant funds. The BOS has already agreed that these are two projects they want to fund through the ARPA grant and he doesn't understand why the BOS is continuing to wait to make these decisions. Kim reminds the BOS that the "Final Rule" was not published until about a month ago and the BOS has been working on the digitization project for eight (8) months. Kim states that she doesn't believe that anyone was

saying “no” to Steve’s request for the new radios. Steve clarifies that the ARPA grant money is in the bank and the BOS needs to vote to use it. Shawn asks that Steve’s radio request be the first topic on the next meeting’s agenda.

Fire Dept. GOFERR Grant: This is the \$50,000 grant that Steve worked on this past spring for the automatic stretcher and loader for the ambulance. He reminds the BOS that the Danville Fire Dept. is transporting more patients now that Trinity is less available. He applied for the grant and was notified this week that he had received it and will be issuing a purchase order for the new equipment. Steve reminds the BOS that the Town has to make a 10% match (\$5000). He explains that he also purchased a maintenance plan for the unit and there is a \$2200 installation fee, so the total amount of the project came to \$58,000.

Steve explains that the Fire Dept. has an “Ambulance Revolving Fund.” Every time the ambulance transports a patient and bills for that transport, the money goes into a special account that can be expended for ambulances and/or ambulance equipment. He would like to use some of those funds to complete the installation of the new equipment and will have the exact amount in the account for the next meeting. Shawn asks if the BOS could use those funds to pay the Town’s 10% match for the grant. Steve states he believes there is approximately \$15,000 in the Ambulance Revolving fund. Sheila clarifies that the ambulance transport is to a hospital and that it is insurance companies that are billed. Steve explains that the Fire Dept. uses a billing company and that company gets 8% of the payments received.

Dottie motions to accept the digitization proposal from Recordsforce and to move the digitization project forward. Second by Sheila. Vote is unanimous (5-0). Shawn reminds the BOS that they will need to keep detailed accounts of any expenditures from the grant.

III. Old/New Business

Signature File: The BOS review and sign the payroll and pay warrants in the Signature File.

Shawn notes that RMON has submitted a service agreement and statement of work that was prepared on June 6, 2022. Kim clarifies this is for the Office 365 licenses. Dennis reviews the paperwork. Dottie motions to authorize the Chair to sign the agreement. Second by Sheila. Vote is unanimous (5-0).

Shawn notes the Town has received the contract for \$5200 for the Fireworks display for Olde Home Day. Dottie motions to authorize the Chair to sign the contract. Second by Sheila. There is further discussion.

Dennis confirms that Olde Home Day is in late August and states that he would rather have the fireworks on July 4 than “some random day.” Mr. Springer states that there are “a lot of July 4th celebrations and that he understands Dennis’ perspective, but as an ancestor of one of the founding families of Danville that raised the Olde Meeting House, and that he still has the deed to pew #1 in the Olde Meeting House which helped to pay for the building, he is proud of the Town and believes the Town should be celebrated on Olde Home Day.” Dottie notes there may also be an issue of availability to have someone do a fireworks display in Danville on July 4. Shawn suggests that the Town possibly gets a better price because August is a “lull” time for fireworks companies. He reiterates the importance of understanding Town history for Olde Home Day. Dottie confirms that the costs for the fireworks come from the Recreation budget.

As there is no further discussion on this issue, Shawn calls for a vote. The vote is 4-yes, 0-no, 1- abstention (4-0-1). Steve is absent from the vote.

Shawn reviews the list of unlicensed dogs.

Minutes: The BOS review the minutes for the May 23, 2022 Non-Public session under NH RSA 91-A 3:II(d). Dottie motions to approve the minutes as written. Second by Sheila. Vote is unanimous (5-0).

The BOS review the minutes for the May 31, 2022 public BOS meeting. Dottie questions the time of the ending of the meeting. Kim confirms that the Non-Public session that evening began at 7:20 PM, so there is no correction of that issue. Sheila motions to approve the minutes for the May 31, 2022 public BOS meeting as written. Second by Dottie. Vote is 4-yes, 0-no, 1-abstention (4-0-1). Shawn abstains because he was absent at that meeting.

The BOS review the minutes for the May 31, 2022 Non-Public session at 7:20 PM under NH RSA 91-A 3:II (c). Dottie motions to approve the minutes as written. Second by Sheila. Vote is 4-yes, 0-no, 1-abstention (4-0-1). Shawn abstains because he was absent at that meeting.

The BOS review the minutes for the May 31, 2022 Non-Public session at 7:45 PM under NH RSA 91-A 3:II (c). Dottie motions to approve the minutes as written. Second by Sheila. Vote is 4-yes, 0-no, 1 abstention (4-0-1). Shawn abstains because he was absent at that meeting.

IV. Town Announcements

Calendar

 **June 27-Monday:** Board of Selectmen's Meeting at 7:00 PM at the Town Hall

As there are no further items to discuss Shawn requests that the BOS move into several non-public sessions. There will be two (2) Non-Public sessions under NH RSA 91-A 3:II (d) and one (1) Non-Public session under NH RSA 91-A 3:II (c). Roll call vote: Shawn-yes, Steve-yes, Sheila-yes, Dottie-yes, Dennis-yes.

The public session of the BOS meeting ends at 9:00 PM

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

Respectfully Submitted
Deborah A. Christie

ⁱ Town of Danville, Rockingham County, State of New Hampshire. **Grant of Conservation Easement**. Rockingham County Registry of Deeds. December 28, 2009.

ⁱⁱ *IBID.* Section 1- Purposes. Paragraph B. p.2

ⁱⁱⁱ State of New Hampshire. **NH RSA TITLE XVIII FISH AND GAME CHAPTER 215-A.OFF HIGHWAY RECREATIONAL VEHICLES AND TRAILS. Section 215-A:12 Manufacturing Specification Requirements. – Paragraph III.** No person shall modify a OHRV in a manner that shall amplify or otherwise increase total vehicle noise above that emitted by the OHRV as originally manufactured with the original muffler nor shall any person operate any such modified OHRV. The provisions of this paragraph shall not apply to OHRVs operated at permitted OHRV events as defined in the department's administrative rules, Fis 1501.01(d). Online at www.gencourt.state.nh.us/rsa/html. June 13, 2022.

^{iv} Town of Danville, Rockingham County, State of New Hampshire. **Grant of Conservation Easement**. Rockingham County Registry of Deeds. Section 2-Stewardship. Paragraph B- Permitted Conservation Uses. Subsection iii. p.4. December 28, 2009.

^v *IBID.* Section 3- Reserved Rights. Paragraph 3G-Limitations of Public Access. p. 13.

^{vi} *IBID.* Section 7- Disputes. Paragraph 7:A. p14