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Town of Danville  
Board of Selectmen  
Monday, June 27, 2022  
7:00 PM

6:53 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; Chief Wade Parson, Danville Police Dept.; LT Justine Merced, Danville Police Dept.; Jim Seaver, Road Agent; Residents: Jeff Stone, David Drislane, Josh Manning, Dow Marin, Joe Hester, John Cooper, John Mileti, Robert Descoteaux, Nick Martin

Shawn called the meeting to order at 6:53 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.

**Tennis Court Repair Update:** Jim Seaver, Road Agent has a contract for the tennis court repairs that needs to be signed by the BOS. The contract is with New England Sealcoating. They will be starting the repairs around September.

**Kingston Retirement Parade:** Mr. Seaver informs the BOS that on Saturday, July 9, Kingston will be having a retirement parade for Rich St. Hilaire who has been their road agent for over thirty (30) years. He would like permission to take a couple of Danville Highway trucks over to participate in the parade. Shawn notes that the Town has worked cooperatively with Mr. St. Hilaire over the years. Mr. Seaver notes that he has personally known Mr. St. Hilaire for over forty (40) years. The consensus of the BOS is to allow Mr. Seaver to participate in the parade with Town Highway trucks.

**Kingston/Danville Perambulation:** Shawn states that Mr. St. Hilaire knows all the perambulation boundaries between Kingston and Danville. Mr. Seaver states that he recalls asking about that and that Mr. St. Hilaire had explained to him that Kingston has to start the process. Shawn explains that Kingston is the older town and must “invite” Danville to the perambulation. Shawn asks Mr. Seaver to speak with Mr. St. Hilaire and to ask him to show him (Mr. Seaver) the boundaries. Shawn believes they are easy to find.

Kim states that a bid request was sent out to GPS the Kingston/Danville boundaries, but there was no response, so the project “fell by the wayside.” She notes that she does have a file at the Town Hall on that issue.

**ATV Access Request:** Dave Drislane asks to update his group’s ATV access request discussion from the June 13, 2022 BOS meeting. Shawn asks if he would wait until the BOS discussed the issue as it is an item on tonight’s agenda under Audubon and Conservation Easement. Mr. Drislane agrees to wait until then.

As no more members of the public wish to speak, Shawn closes the Delegate session at 6:58 PM.

**II. Agenda**

**ARPA Grant: Fire Department New Radio Purchase Request:** Steve states that he received the required three (3) bids last December and two (2) of the bids were very close. He explains that the current vendor's bid for the Fire Dept.'s radios was \$75,401.50, only \$400 more than the next-closest bid. The BOS has already received copies of the bids. Steve notes that he likes the Fire Dept.'s current vendor. They have installed radios on the Fire Dept.'s trucks and provide great service. Shawn explains that if Steve can justify his recommended vendor for such intangibles as great service, etc., the BOS does not necessarily have to go with the lowest bidder.

Sheila explains that while the ARPA grant rules require three bids, it does allow the BOS to approve the "most recommended" vendor as long as they can document that they (the BOS) did receive three bids. Steve motions that the BOS approve the bid for new radios from TCF for \$75,401.50. Second by Dottie. Vote is unanimous (5-0). Sheila asks Steve to provide the three bids to the BOS office for documentation.

**GOFERR Grant Matching funds:** Steve notes the discussion at the June 13, 2022 BOS meeting regarding using the Ambulance Revolving Fund to pay for the Town's required match of the GOFERR grant and the maintenance agreement. There is currently over \$12,000 in that account. Steve estimates he will need approximately \$6,000 to cover the additional expenses. Sheila motions to approve the expenditure of up to \$6,000 from the Ambulance Revolving Fund to cover Town's matching fund requirement for the GOFERR grant for the autoloader stretcher and loading equipment. Second by Dottie. Vote is unanimous (5-0).

**IMC-SOP Questions:** Sheila asks to postpone this discussion.

**Distribution of Civil Forfeiture Letters:** Kim states that she has a list of the letters of Civil Forfeiture (unlicensed dogs) that need to be distributed by either the ACO or the Police Dept. Shawn explains that last year, the Police Dept. did this as a courtesy to the BOS, but they do not want to do it this year. He notes that the Police Dept. is currently short-staffed and they don't feel they can take on this additional task.

Sheila states that in July 2019<sup>i</sup>, the Civil Forfeiture letters were handed over to the Police Dept. and she had gone to the Police Dept. to get the list. At the BOS meeting, the Police Dept. believed they were going to be distributing the letters because they already had the list. Sheila states that at that meeting she had noted that was traditionally a function of the ACO. Dave Knight had noted that the Police Dept. had resolved the unlicensed dog issue in two days last year and that people responded to letters from the Police Dept. Sheila states at that time she reminded the BOS that the Police Dept. was doing ACO duties at that time. Scott Borucki noted that his understanding was that the letters were delivered as part of the police patrols and didn't cost any extra time. Sheila notes that she had stated then that she was fine with the Police Dept. handling the Civil Forfeiture process.

Sheila states that at the June 29, 2020 BOS Meeting<sup>ii</sup> the BOS accepted the warrant for Civil Forfeiture and gave the list to the Police Dept. and the ACO to contact individuals and provide any summons. The motion was made and seconded, but there was no vote taken.<sup>iii</sup> Shawn noted that the BOS needed to remedy the vote for the unlicensed dog's warrant. The motion was to accept the warrant and move the list forward to the Police Dept as provided by the Town Clerk. Sheila seconded that motion and it was approved unanimously.

Sheila notes that at the April 5, 2021<sup>iv</sup> BOS meeting there was a long discussion regarding the Civil Forfeiture process, but no vote, and it was left that the Police Dept. would do it. LT Merced states that she believes there was a vote. Shawn states that "past indications are not necessarily indicative of future...." LT Merced states that she believes, based on the history that Sheila read, that Civil forfeitures are the responsibility of the ACO department. Sheila confirms that she has always been trying to do her job. LT Merced states that is what the Police Dept. is asking her to do and she does not disagree. She notes that the Police Dept. does the Civil forfeitures very well, but it is not the department to do this. LT Merced explains that the Police Dept. has done it as a courtesy for the Town for the past several years and doesn't want to do another department's work anymore, especially given the current circumstances. Shawn states that "it falls back on you Sheila." Sheila disagrees and states that in the job descriptions that were written as a result of "the lawsuit", the ACO would be working with the Police Dept. to do the Civil forfeitures.

Shawn states that Sheila “received a \$3000 raise and is paid \$700 per month to perform ACO duties, and now the Town is dealing with an understaffed Police Dept. which has publicly stated that they are looking for help and she is asking to pile more work on them.” Shawn states the Police Dept is under no legal obligation to do the Civil Forfeitures. The Town decided to make the ACO an elected position and that department (her) is only accountable to the voters and Civil Forfeitures are part of her tasks. Shawn states that she is “lucky that the Police Dept. has done it in the past years and they do a fine job of it.” Sheila responds that is why the Police Dept should keep it. Shawn explains that the Police Dept. “doesn’t have the manpower to do this and Sheila is getting paid to do this. When no one has done the Civil forfeitures and the summons have not gone out, the word will get out to not register your dog because Sheila is not going to do her work. It will perpetuate and no one will license their dog.” Sheila states that there are NH RSAs that outline dog licensing and Civil Forfeitures.

LT Merced states that according to NH RSA 466<sup>v</sup> there is no exact date by which the Civil Forfeitures must be done, but that they must be returned to the Town Clerk by the end of August. Shawn notes that “if they are not done properly and according to the RSA, if it gets to the point of going to a judge, it will get dismissed and be a waste of time for everyone.” He states that Sheila will need to make a decision on how to proceed.

Jeff Stone states that, as a voter, when he votes for the ACO, he believes that’s where those duties fall and not under the Police Dept. He states that he believes the townspeople should know if the ACO isn’t doing their job because that is what they are voting for. Mr. Stone believes that licensing dogs would be the number one job of the ACO and suggests that the BOS publicly announce that the ACO doesn’t want to do this because the townspeople need to know this.

Sheila asks LT Merced to read the RSA where the list goes. LT Merced reads NH RSA 466: 1-C <sup>vi</sup> “*The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog*” and “*For the purposes of this section, a local law enforcement officer means the local police department of the city or town, the dog officer in a city or town....*” Shawn adds “and an elected ACO.” Dennis asks about Shawn’s comments that the Police Dept. had done the Civil Forfeitures for the past several years and did it well and that Sheila had agreed. He asks if Sheila can do it well. Sheila states that she did it well before. Dennis asks what is preventing her from doing it well again. He asks if Sheila believes she can “perform at the same level as the Police Dept. performed.”

Sheila states that the problem will be after she serves the letters. She notes that the letters don’t have to be written out, they have already been printed out by the Town Clerk. When a dog owner doesn’t follow through, the warrant has to go back to the Police Dept. to follow through to court. LT Merced states the Police Dept. follows through with the proper documentation which has not been provided to the Police Dept. She states that they cannot take someone to court without proof that they’ve been served (with the Civil Forfeiture).

Dennis confirms that this issue is a serial event of 1) delivering the summons, which is what Sheila is being asked to do, and 2) the next step becomes the responsibility of the Police Dept. He reiterates his question to Sheila if she feels she can do her job as well as the Police Department did and asks her to clarify her answer. Sheila states that she believes she can do her job “way better than the Police Dept. can.” Dennis states then, as serving the Town “she ought to do that” and asks if she is “passing on doing that job better than they can do it.” LT Merced notes that the letters can be mailed certified and the owners can be charged up to \$7.00 for that.<sup>vii</sup> Sheila states that she has never done that.

Chief Parsons states that despite how the issue is being presented, the Police Dept will work in partnership with Sheila. He notes that when doing Civil Forfeitures, there will always be those who won’t pay. The Police Dept. will get that information and the proper documentation and will address those owners through the court. Chief Parsons also reiterates that he is trying to provide 24-hour coverage with only four (4) full-time and one (1) part-time officer. There are eighty (80) hours each week that need to be filled and it’s been a struggle. The Police Dept. is asking Sheila to do her job and they will work with her and “make it happen.”

Dennis asks how many Civil Forfeitures need to be delivered. Kim stated she spoke to Chris Tracy today and the list is down to approximately thirty-two (32) owners. Sheila notes the list originally was about 100 owners. Kim notes that a lot of people have already come in and resolved the issue. Shawn states that for \$200, Sheila could mail the remaining Civil Forfeitures as certified letters and add those costs to the letters. Those owners who don't pay the fines would then be turned over to the Police Dept. so they can file the court proceedings. The returned receipt would serve as documentation that the Civil Forfeiture letter had been delivered. Shawn clarifies that the letters have already been generated by the Town Clerk, so the labor would be in prepping and mailing the certified letters. LT Merced the pre-generated letters already have the mailing addresses on them and all the fees are reflected in the body of the letter, so Sheila could possibly use window envelopes to do the mailing. Shawn confirms that this would still allow the letters to be mailed certified. LT Merced notes that Sheila will need to check with the Town Clerk how the system enters certain criteria. She states that the Police Dept. has never delivered Civil Forfeitures through certified mail, but is aware that under NH RSA 466:14 it is allowed. Sheila expresses her concern regarding the certified mailing and if the owners can afford the additional fees. LT states that in that case, Sheila would need to physically serve the owners with the letters. Dennis agrees that the BOS needs a solution to this issue.

Steve starts to ask a question about the certified mailing and Sheila states that "it costs money and if passing the costs onto somebody who can't even afford the \$25.00 fine of the Civil Forfeiture, it's ridiculous." Steve confirms that Sheila's other option is to "knock on the door and serve them (the owners)." He expresses his concern with that process, noting that the owners would pay more attention to a police officer than to Sheila and he is concerned about her safety. He states that he feels better with the process being completed through certified mail. Dennis agrees. Shawn reiterates that the receipt would serve as documentation that the letter had been served. LT explains that by hand-serving the Civil Forfeiture, Sheila would need three (3) signed copies: one for the owner, one for the ACO (Sheila), and one for the Town Clerk. Sheila would only need to serve the Civil Forfeiture letter to the owner if they did not license the dog in the allotted time and the Police Dept had to take them to court.

Dottie asks what would happen if an owner refused to pick up the certified mail. Shawn explains that it would be returned to the Town Clerk as a "refusal to pick up" not as a "failure to deliver." LT Merced explains that RSA 466:14 also allows the Civil Forfeiture letter to be "served in hand," so if the certified mail was refused, it would then have to be served at the house. Shawn expresses his concern that the Police Dept. has the documentation required so they can proceed through the court if necessary. He asks Sheila if this is something that she can do. Sheila responds that "it doesn't really matter." Shawn notes that the BOS can't force the Police Dept. to do this process. Sheila states that she "can't be forced either because she is elected." The discussion ends here.

***Audubon and Conservation Easement Update:*** Shawn states that he checked and the Audubon easements are all excluded from the right-of-way under the power lines. Dennis verifies this information and notes that it is also in the deed in the appendix.<sup>viii</sup> Dennis states that he believes this makes the Audubon easement no longer an issue in the discussion. The discussion would now be on the easement itself which belongs to Eversource. Shawn clarifies that the Eversource easement is on top of land owned by private landowners, the Town, and Eversource itself. Dennis explains that Eversource owns four (4) parcels, three(3) of them have some acreage, and the fourth parcel is the through-way under the powerlines from the East side to the West side of Town. Dennis reads from the Eversource website.<sup>ix</sup> He believes the BOS will need to work with Eversource for ideas for implementing access that would be amendable to Eversource. Shawn states that he doesn't believe Eversource has a say in the issue and can only control access to the property they own. The rest of the Eversource easements are only for maintenance and access. The landowners still retain their rights to their property. Shawn gives the example of Eversource's recent work when they removed timber. That timber belonged to the landowners who had first right to take it.

Dottie asks why the riders couldn't use the Rockingham Trail in Fremont, noting that it is close to Danville. Mr. Drislane explains that some ATV owners don't have trailers, and that "a lot of riders pay a pretty penny in taxes and for the past twenty (20) years have been riding on these (Town) trails. With the cost of gas, they don't want to have to transport ATVs to ride." Mr. Stone notes that for most of the riders, the trails are "out of their backyards." Dottie asks about access to the land in the Colby Pond development. Mr. Drislane explains that the group is getting permission to ride there as well. There is a discussion of how the Colby Pond land is managed in the absence of an HOA. Dennis notes that it is a "small sliver of the parcel and connects to the power lines."

Dennis states that he has no issue with the BOS providing access to the Town-owned land under the power lines, noting it is currently all rock and sand and the existing trail. Dennis states that he will accept Shawn's statement that the Town doesn't need permission from Eversource to access the trail under the power lines. Shawn notes that the group is already getting signed permission from the other landowners. He expresses his concern that with the Police Dept. being short-staffed there are no "eyes and ears" on the trails and asks that the group report back to the BOS if they see an issue.

Sheila states that she spoke with a landowner who had given permission to some individuals to ride, with some limitations; they needed to stay on the trail, and could only ride on their land for certain months of the year. When this landowner looked at his land, he found that the riders were using it more than they were supposed to, they had made other trails, made ruts, and "destroyed the property." The landowner put up gates and signs. The signs were removed and the gates were destroyed. The landowner reinstalled the gates and the signs. One of the riders called him and asked why they couldn't ride on the trail anymore. The landowner explained the situation to the caller and told them that he had rescinded permission for everyone. Sheila notes that on FaceBook postings from the NH Classics Trails that riders are "popping the pins (on the gates) and riding on the trails and that "people are not happy."

Dennis states that she just made the case for the BOS to oversee ATV access on the Town's trails. Mr. Drislane agrees, stating that the BOS needs to hold the riders accountable. Dennis agrees that the issues that Sheila raised are the perfect case for the BOS to create a permitting process and have oversight of the riders. Mr. Drislane notes that if the riders stay on the power line trail, they will not be on other landowner property as they would be remaining on a pre-established trail on Town property. He also notes that the riders have access permission from the largest landowner off of the power lines. He provides a copy of the agreement to the BOS.

Dennis explains that he has reviewed the ownership of the parcels from GH Carter and can go down to where the water overflows (the wetlands) where there shouldn't be any ATV riding because that area is a natural habitat for protected wildlife. Eversource owns a parcel on Main St. (Rte. 111-A) where the power lines cross the street. There are two (2) gates on either side owned by Eversource and a third Eversource gate at the end of Sandown Rd, which is part of Eversource's 65-acre lot. Mr. Drislane notes that Josh Manning has a list with all the parcels by tax map and lot number, so if the BOS does give permission, they can use that list as an appendix, etc.

Sheila asks what happens if a rider gets hurt while riding on the Town trails. Mr. Drislane reminds her of Steve's earlier remarks at the June 13, 2022 BOS meeting that the riders could help with injuries. Dennis asks if the riders would be willing to post signs of where they can and can't ride. Mr. Drislane agrees. Dennis asks if they would also develop the form so the BOS doesn't have to take the time to do that. He also asks if the group could come up with a parking method that would allow sports teams using the GH Carter parking lot to not be towed, while enforcing resident-only parking so that the Town could keep out-of-town riders off the Town trails. Shawn notes it's not a parking issue, it is a permit issue. Dennis notes that the important issue is to make the restriction of Danville residents only well-known so that anyone else using the trails will know that they are doing so illegally.

Sheila confirms that none of the access discussion involves any conservation easement land. Dennis states that he is 100% sure and confirms this with Mr. Manning. Dennis reads the history of the easement and the exceptions listed in the appendix of the easement deed.<sup>x</sup> He reads *"EXCEPTED THEREFROM all the land contained within 280' Electric Easement in favor of P.S.N.H."* He reiterates that the BOS and the ATV riders are discussing ONLY the dirt and rock trail that is underneath the power lines from Danville to Sandown. The forests on the right-hand side and the left-hand side are not accessible except for Tuckertown Rd. and are not part of the discussion. Mr. Drislane agrees that the group is asking for specific land use under the power lines. Dennis notes that it is a "single lane use." Mr. Drislane notes that the riders are not damaging anything and will be keeping the growth flat under the power lines. Dennis notes that Eversource has noted this in the past.

Dennis expresses his concern that the BOS Office would have to use taxpayer money to create the forms, stickers, signs, etc. Mr. Drislane agrees that the group would take care of those issues. He explains that when they were considering formally forming or joining an ATV club, they were already prepared for those expenses. Dennis notes

the group could form a local club and just not register it with the State. Mr. Drislane reiterates that the group wants to keep the ATV traffic down and keep the Town the way it is and the way it has been operating for the past twenty (20) years.

Sheila disagrees that the group will be able to keep the ATV traffic down. Mr. Stone notes that Fish and Game Officer Richard Crouse has been giving tickets daily and that only a certain number of people are going to have the Town's permission to ride on the power line trail. He also notes that if any of the permitted riders do anything illegal, they will lose their permission to ride there. He reiterates that the group of riders that the Town is giving permits to are not the ones to worry about, so it will not be any more difficult than it is now, and they will not be creating more traffic because the permits will only be given to specific townspeople and this is why the group is asking individual permissions and not a "blanket" or group permission. Shawn agrees it's a great system of checks and balances because the BOS has the ability to vet the permits that are issued.

Sheila expresses her concern that the Town may be unable to exclude non-residents because it is Town-owned land and opened to the public. There is a discussion of this issue with references to other towns' properties being limited to residents only such as beaches, etc. Dottie agrees with Sheila that the BOS doesn't have the authority to limit access to residents only because it is "public land."

Shawn motions to grant, on an individual basis, on a yearly frequency, the ability for the Town of Danville residents only to have permission to ride on Town-owned land underneath the power line corridor. Second by Steve. Vote is 3-yes (Shawn, Steve, Dennis) and 2-no (Sheila and Dottie). (3-2-0). The motion passes.

Shawn explains to Mr. Drislane that he will be the point of contact for the BOS and asks him to submit the names of the group who want to receive the permits. If someone wants permission, they will need to come in with a member of the group or bring in a letter of endorsement. Shawn notes that this is the group's responsibility to move the process forward and to self-regulate. Mr. Manning asks about the status of the existing permission to ride the Class A trails. Shawn reassures him that permission still exists. Mr. Manning asks if the BOS could notify Fish and Game. Shawn notes that the Rockrimmon Trail has ATV permitted riding as well. Mr. Manning asks if the group could get a copy of the Town Warrant to show to Fish and Game. Shawn confirms Mr. Manning is talking about Tuckertown Rd. and the Rockrimmon Trail.

Dennis asks the group to put together the paperwork, a map with the parcels labeled, and to invite Fish and Game Officer Richard Crouse to the next BOS meeting so that he can see what the BOS is doing and where ATV riders will be allowed to ride.

Tom Cooper asks if it would be a good idea for the "group" of Danville riders to meet once or twice a year, perhaps in the fall, to clean the trails. There is nodded assent from the audience. Dennis suggests the group document these efforts and "make yourselves friendly with the Conservation Commission and let them know what they're (the group) is doing, who is involved, and to keep people updated." He explains that the more the group communicates, the better off they will be and that they need to have ongoing communication about what they are doing, and what they are seeing. This will build their creditability and provide a base to stand on. Dennis explains that no matter the BOS decision tonight, there will be people that will come forward and want to make them stop riding. The group cannot let the discussion end tonight, they will need to "go above and beyond and build up creditability." Mr. Drislane states the group already has the habit of picking up trash when they ride, but that an official "work day" is a great idea. He notes that he is reluctant to advertise it. Mr. Cooper confirms that the riders are picking up the trash anyways.

Dennis states that he understands the group's viewpoint, but feels that it is important to occasionally make the case to the townspeople in case somebody gathers enough signatures on a warrant to kick them off the trails.

Mr. Drislane states that he will reach out to Sgt. Crouse and is hoping to have the signature of the second largest landowner. He has a few other signatures from some of the smaller landowners. He and the group thank the BOS for their decision.

### III. Old/New Business

**Signature File:** The BOS review and sign the payroll and pay warrants in the Signature File. Shawn notes that Dennis has reviewed the bill/scope of work agreement from RMON for the 24-port switch and approved the price of \$584.00. Sheila motions to authorize the Chair to sign the document. Second by Dottie .  
Vote is unanimous (5-0).

**Minutes:** The BOS review the minutes for the June 13, 2022 BOS public session. Dottie notes a spelling correction on line #45. The corrected spelling is Goldthwaite Park. Dottie motions to approve the minutes as amended. Second by Sheila. Vote is unanimous (5-0).

**Non-Public Minutes:** The BOS review the June 13, 2022 BOS Non-Public minutes under NH RSA 91-A 3:II (c) at 9:10 PM. Sheila motions to approve these minutes as written. Second by Dottie. Vote is unanimous (5-0).

The BOS review the June 13, 2022 BOS Non-Public minutes under NH RSA 91-A 3:II (a) at 9:32 PM. Sheila motions to approve these minutes as written. Second by Dottie. Vote is unanimous. (5-0).




The BOS review the June 13, 2022 BOS Non-Public minutes under NH RSA 91-A 3:II (d) at 9:51 PM. Sheila motions to approve these minutes as written. Second by Dottie. Vote is unanimous. (5-0).

The BOS review the June 13, 2022 BOS Non-Public minutes under NH RSA 91-A 3:II (d) at 9:57 PM. Sheila motions to approve these minutes as written. Second by Dottie. Vote is unanimous. (5-0).

Shawn reads the Town Announcements listed below.

### IV. Town Announcements

#### Calendar

-  **July 1- Friday:** Taxes are due. The tax collector will open the Tax Office from 8:30 AM-1:00 PM
-  **July 4- Monday:** The Town Hall will be closed in observance of Independence Day
-  **July 11- Monday:** The Board of Selectmen will meet at 7:00 PM at the Town Hall.

As there are no further items to discuss, Dennis requests a Non-Public session under NH RSA 91-A 3:II (a). Second by Shawn. Roll call vote: Shawn-yes, Steve-yes, Sheila-yes, Dottie-yes, Dennis-yes.

The public session of the BOS meeting ends at 8:06 PM

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

Respectfully Submitted  
Deborah A. Christie

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<sup>i</sup> **Dog licensing list:** Sheila explains to the BOS that she had gone to get the list of unlicensed dogs from the Police Dept and was told they thought they were doing the civil forfeitures. Sheila notes this has traditionally been a function of the Animal Control Officer. Dave K. notes that the Police Dept had resolved the licensing issues in two days last year, noting that people respond to letters from the Police Dept. Sheila reminded him that last year the police were doing the animal control duties. Scott expressed his understanding that the letters were delivered as part of the police patrols, and did not cost anyone extra time. Sheila stated she was fine letting the Police Department handle this issue. **Town of Danville NH Board of Selectmen's Minutes July 1, 2019.** Online at [www.townofdanville.org](http://www.townofdanville.org). June 27, 2022.

ii Shawn notes the BOS needs to accept the Warrant from the Town Clerk's office for unlicensed dogs. It will be given to the Police Dept. and to Sheila (ACO) in order to contact the individuals listed and write any summons required under the warrant. Sheila motions to accept the Warrant for unlicensed dogs. Second by Shawn. **(There is no vote called.- time stamp on the video is 2:09)** The document is sent around for signatures. **Town of Danville NH Board of Selectmen's Minutes June 29, 2020.** Online at [www.townofdanville.org](http://www.townofdanville.org). June 27, 2022.

iii Shawn notes the need to remedy the vote on the Dog License Warrant. He motions to accept and move forward to the Police Dept. the Dog License Warrant as provided by the Town Clerk. Second by Sheila. Vote is unanimous (5-0). This vote ratifies the open motion from June 29, 2020 on July 13, 2020. **Town of Danville NH Board of Selectmen's Minutes July 13, 2020.** Online at [www.townofdanville.org](http://www.townofdanville.org). June 27, 2022.

iv **Dog License Civil forfeitures:** Police Chief Wade Parsons reminds the BOS that all dogs must be licensed by May 1 and the Civil forfeitures process begins after that. For the past four (4) to five (5) years the Police Dept. has handled the Civil Forfeiture process, but they feel it is time to hand it over to the Animal Control Officer (ACO). He notes the Police Dept. will assist her (the ACO) with serving any civil forfeitures to residents she may not be comfortable with. Chief Parsons reiterates that it makes sense to transfer that baton.

Dr. Farah notes that when she "sat on the BOS before, the issue was a "big bone of contention" that the ACO was doing it and the Police Dept. wanted to take it over". She asks why it is changing again. Chief Parsons states that at that time it was "not in good shape" and the Police Dept "has everything organized and in good shape now. They are handing over a clean plate and she (Sheila/ACO) should have no issues moving forward." Dr. Farah asks what wasn't organized before. Chief Parsons replies "the records." Dr. Farah asks if the records were done on an annual basis. LT Merced explains this was something that she primarily handled. She explains that the Police took the process over the year the ACO responsibilities went back to the Police Dept. and has stayed with the Police Dept. since then. LT Merced states there was an issue with the record keeping. She gives an example that the Town Clerk had not received any receipts as proof of service. The Police Dept. created a system: they have a record, the defendant gets a record, and the Town Clerk gets a record of the Civil forfeitures served. Through this process, the Police Dept. was able to clean up the dogs that had passed, moved, etc. At this point the Police Dept. wants to give the process back to the ACO. LT Merced states that she does not want to fight anybody, they just believe it is the ACO's responsibility.

Dr. Farah confirms the Police Dept. set up the system that works. She asks if the Police Dept. was also turning over this new "system". LT Merced explains that they can "tell her what we did, but she's elected and can do what she wants with it." Dr. Farah asks again "you're not going to give her access to the system?" LT Merced states that it is a paper system. It is a citation that she created and had printed as a three-part carbon form at Hampstead Print and Copy. Dr. Farah confirms that all the records are paper and there is no electronic means of keeping track. LT Merced explains that Chris Tracy (Town Clerk) is the only one with an electronic copy and the only one who can add or remove from that list. Shawn notes that she (Ms. Tracy) has a system that she has to enter everything in and believes that is coordinated with the State. LT Merced states that she is unsure but knows the Ms. Tracy is the only one who can change the list, add, remove, adjust fines, etc. She (Ms. Tracy) generates the list and dates from that system and that is the list that she provides to the BOS and then presents to the Police Dept. or the ACO. Dr. Farah notes the Town Clerk always generates the list. Sheila and LT Merced agree.

Dr. Farah asks for clarification of what was wrong and what was cleaned up. LT Merced explains that they would go out to an owner on the list who had already reported that their dog had died. When they went back to the Town Clerk and asked what records she had that indicated the owner was served, the dog was dead, etc., the Town Clerk said that she never received anything. Because she never received anything, she would have to go on the good faith of the resident to say that they were served a citation. The Town Clerk never got a copy of the citations, so she couldn't update her records. There was no documentation. Dr. Farah confirms that LT Merced had developed a piece of paper to hand to the Town Clerk. She clarifies that "she is just trying to figure this out." LT Merced clarifies that she created the citation based on the information that the Town Clerk needs, it is a three-



part copy. LT Merced explains she would bring a stack of citations that had been served to the Town Clerk so she (the Town Clerk) could update her records.

Sheila states that was the “old system”, a paper form that was filled out by hand from the list provided by the Town Clerk. She notes the new system is all computerized. Letters are generated for each resident and two copies are printed out, one for the Town Clerk and one for the dog owner. Sheila explains that she would note directly on the list when the letter was served. Sheila also notes the computerized letters are all pre-dated, so even if the dog owner tries to pay before being served, they would still have to pay the fine. LT Merced notes the law provides for payment fifteen (15) days from the date of service. Sheila notes the dog owners are still charged \$1.00 for each month the dog is not registered, even if they haven’t been served the Civil Forfeiture notice. LT Merced states that she is not going to argue about it. Shawn states “just hand it back.” Dr. Farah reiterates that “the point is, she (Dr. Farah) sat on the BOS years ago when the argument was made for the Police Dept. to adopt this function and she doesn’t see what has changed.” Shawn disagrees and says the change is that “the process is working”. Dr. Farah asks “if the process is working, why give it back to the ACO?” Shawn notes the issues were with the “feedback mechanism” that never brought the information back when the owners were served, so the lists were never updated. Now the process runs smoothly. Shawn notes that he understands the Police Dept. position that the Town has said they want animal control done by an ACO, and notes the Police Dept. has brought the process to where it is working and doing its job and that he hopes that transferring the process to the ACO will keep it that way.

Dr. Farah clarifies that the citations are issued physically. She notes that she personally does not think a civilian should be knocking on peoples’ doors and giving them citations. LT Merced responds “that is not up to us”. She reminds them that Chief Parsons offered to send an officer for safety, if necessary, to any questionable addresses. Dr. Farah notes that “if issuing citations, it should come from a Police Officer”. LT Merced responds that because it’s a “civil forfeiture” the Police do not have to serve it. Dr. Farah understands but states that “if they have the option, it should be coming from a police officer... for safety reasons.” LT Merced responds that this an ACO issue. Shawn notes that if the ACO doesn’t feel safe dealing with a citation, she will potentially be going to same residence to deal with an animal matter. Dr. Farah disagrees. LT Merced and Chief Parsons note that raises the issue with citing for vicious dogs. LT Merced notes that if dogs remain unlicensed after fifteen (15) days of being served, the owners would need to go to court. The Police Dept. would then become involved because they have to make the complaint to go to court and they would be asking for the documentation that the citation was served. Shawn reiterates the importance of having the complete paperwork before going to Court. He notes his support of returning the job of issuing the civil forfeitures to the ACO. LT Merced reiterates the Police Dept. “just wants to give the responsibility back and whatever the ACO, or any ACO wants to do”. Shawn agrees the process should be between the ACO, the Town and the BOS and to “take the Police Dept. out of the equation.”

Dr. Farah disagrees noting that “after fifteen (15) days, the Police Dept. has to step in anyways.” LT Merced notes that last year’s list had approximately two hundred (200) dog owners on it, but only ten (10) to eleven (11) actually required a court complaint, the rest were resolved.

Steve asks what Sheila’s feelings are about the issue. She responds “they’re doing a great job, let them keep it. That was the bone of contention since 2013, we went through the whole thing every year. They’re doing a great job, let them keep doing the great job they’re doing.” LT Merced states that she wants to “make the point that the Police Dept. has been accused of keeping the ACO from doing her job. The Police Dept. can do it, they’re capable and have been doing it, but the Police Dept. has been accused of interfering with the ACO duties.” Shawn notes the BOS has until June 20, when the list comes out, to make a decision. He asks that the issue be put on the next agenda. ***Town of Danville NH Board of Selectmen’s Minutes April 5, 2021. Online at [www.townofdanville.org](http://www.townofdanville.org). June 27, 2022.***

<sup>v</sup> State of NH. ***NH RSA Title XLV. ANIMALS. CHAPTER 466- DOGS AND CATS Unlicensed Dogs Section 466:14. Warrants; Proceedings.*** – The town or city clerk shall annually, between June 1 and June 20, present to the local

governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1.

The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog. The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. The civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog owner. The cost of service shall not exceed \$7 and may be recovered by the city or town in addition to the amount of the civil forfeiture. If the unlicensed dog is seized, it shall be held in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner. Online at [www.gencourt.state.nh.us/rsa/html](http://www.gencourt.state.nh.us/rsa/html). June 27, 2022.

<sup>vi</sup> State of NH. **NH RSA Title XLV. ANIMALS. CHAPTER 466- DOGS AND CATS Unlicensed Dogs Section 466:1-c Authorization to Issue Licenses; Local Law Enforcement Officers.** – The town or city clerk may authorize a local law enforcement officer to issue licenses and collect license fees pursuant to RSA 466:4. For the purposes of this section, a local law enforcement officer means the local police department of the city or town, the dog officer in a city or town, or a humane society which performs animal control functions as may be designated by the local governing body. The town or city clerk shall determine the criteria for the receipt of funds and recordkeeping. Online at [www.gencourt.state.nh.us/rsa/html](http://www.gencourt.state.nh.us/rsa/html). June 27, 2022.

<sup>vii</sup> State of NH. **NH RSA Title XLV. ANIMALS. CHAPTER 466- DOGS AND CATS Unlicensed Dogs Section 466:14. Warrants; Proceedings.** – ..... The civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog owner. The cost of service shall not exceed \$7 and may be recovered by the city or town in addition to the amount of the civil forfeiture.... Online at [www.gencourt.state.nh.us/rsa/html](http://www.gencourt.state.nh.us/rsa/html). June 27, 2022.

<sup>viii</sup> Town of Danville, Rockingham County, State of New Hampshire. **Grant of Conservation Easement;** “Excepted Therefrom the land contained with 280’ Electric Easement in favor of P.S.N.H.” p.28 (2009)

<sup>ix</sup> Online at <https://www.eversource.com/content/docs/default-source/transmission/atvs-snowmobiles-transmission-right-of-way...pdfs?> June 27, 2022

<sup>x</sup> Town of Danville, Rockingham County, State of New Hampshire. **Grant of Conservation Easement;** p.23-29 (2009)