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Town of Danville
Board of Selectmen
Monday, August 22, 2022
7:00 PM

7:03 PM
Due to Technical Issues, there is no video recording of this meeting.

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

Others Present: Kimberly Burnham, Selectmen Administrator; Anne Massoth, Library Director, Colby Memorial Library; Andy Ward, Highway Dept.; James Seaver, Road Agent, Highway Dept; Mary Jo Gallagher, Trustee, Colby Memorial Library; Residents: Dave Drislane, Jeff Stone, John Mileti, Rob Descoteaux, Josh Manning, Stacie O'Connor, Brian Smith, John Cooper, John Bell, of Bell & Flynn, Stratham, NH.

Shawn called the meeting to order at 7:03 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 acknowledges the presence of the group of ATV riders who have previously addressed the BOS regarding permission to ride their ATVs on Town-owned land under the power lines. The BOS has approved that request and has approved the permission form to be used as a record of those permissions. Dave Drislane states he has the permission forms signed by the group and hands them to Shawn. Shawn acknowledges that he has received them and explains the Board will execute the necessary signatures when they review the Signature File.

II. Agenda

***2022 Paving Quotes for Candy Lane and Sawmill Lane Open Bid Process*:** Shawn states that the BOS has received three (3) sealed bids for the Paving RFP.

- ***Bid #1- Bell & Flynn, LLC, Stratham, NH: Total Bid: $505,010***
  - Candy Lane- $259,080
  - Sawmill Lane- $217,960
  - Beach Plain Rd.- $27,907
- ***Bid #2- CMI Asphalt Paving Specialists, Belmont, NH:***
  - Candy Lane- $223,828.00
  - Sawmill Lane- $169,857.50
  - Beach Plain Rd.- $25,977.50
- ***Bid #3- Busby Construction Co. Inc., Atkinson, NH: Total Bid: $ 501,472***
  - Candy Lane- $268,982
  - Sawmill Lane- $206,230
  - Beach Plain Rd.- $26,260

Shawn states that these are the three bids from 2022 Drainage, Reclaim, and Paving Projects and that Mr. Seaver can pick up copies of the bids from Kim to review and recommend.

Assessing Services Quotes for Services Open Bid Process: Kim hands one envelope to Shawn and advises the BOS that only one Bid had been received for the Assessing RFP. That bid is from KRT Appraisal of Haverhill, MA. Shawn opens the envelope and reads the following bid:

- KRT Appraisal will provide two days per month of general assessing services for a total of $14,400.00 annually.
- Any additional services beyond these office hours will be billed at $75.00 per hour.
- The total cost for a 2026 Cyclical Revaluation is One Hundred Fifteen Thousand Dollars ($115,000).

Shawn states he wants to review the information and tables the discussion for the next agenda.

Security Camera Update: Kim asks Dennis if he had any updates on this matter, Dennis states that he has not received a response from the Police Department regarding camera placement and wishes to see the proposed layout plan before moving forward. Kim is asked to follow up. Anne Massoth, Library Director addresses the Board stating that she has had discussions with the Library Trustees, and they wish to continue using their current security system with Pulsar and add cameras around the building parameter.

ARPA Update: Shawn asks Sheila if she has any news to bring forward. Sheila states she is not sure why this matter is on the Agenda. Kim explains that Shawn had requested a list of expenditures from the ARPA grant that the BOS has already approved. She advises that the following expenditures have been approved:

- RecordsForce document scanning for the Town Hall only - $45,509.00,
- Police Department Motorola Radios and equipment - $39,881.30
- Fire Department Portable Radios and equipment - $75,041.50
- **This totals $160,431.80 of approved expenditures to date.**

Sheila asks if the total includes the document scanning for the Police Department. Kim advises the total does not include this project and that once the PD has completed their negotiations, the funds will be deducted and recorded for the appropriate amount.

Dennis asks the Board if he can address Sheila for clarification on how many bids are required under the ARPA guidelines.

Civic Plus Web Site Upgrade Discussion: Shawn states he has had the opportunity to review the emergency communications systems paperwork and feels it would be beneficial for town residents. There is a discussion of the concerns about the time needed to develop the platform and the necessary training. Dennis states he will head the training process. Stacie O'Connor states for the amount of money being spent she feels 4,000 residents would have to use this online tool for the town to re-coop its costs. There is further discussion. Dennis motions to accept CivicReady Emergency Communications System. Second by Steve. Vote is 3-yes, 2-no, 0-abstentions (3-2-0) Dottie and Sheila vote no. The motion passes.

Softball Field Update: Mr. Seaver states he is still in the process of obtaining quotes for the fencing. Dennis asks Mr. Seaver if he had Rob Armata's contact information. Mr. Seaver confirms he does. Dennis notes that Mr. Armata has done a lot of work for the softball team, and states that he feels that Mr. Armata would be of great help. Dennis asks if he could have a moment to recognize the Danville Hawkes Southern NH Softball Team. They won first place with an undefeated record. Dennis recognizes each player on the phone from the left front row: McKayla Spurr, Delaney Sigillo, Clara Eggleston, Charlotte Pignatiello; middle row: Ava Raymond, Emma Dyer, Amy Scally, Ryleigh Conlon, Lylah Eggleston, Kinley Conlon, Ava Dube; back row: Coaches Tom Conlon, Matt Spurr, Chris Pignatiello and Head Coach Rob Raymond.

Heritage Commission – 2022 Stagecoach Stop Inspection: Shawn requests that Dottie, as the Selectmen Representative to the Heritage Commission, present this matter to the Board. Dottie reads from the report and states the first and most pressing issue that needs to be addressed is the carpenter ants. Kim states that Carol Baird, Chair of the Heritage Commission, has already contacted Amesbury Pest Control and they are available. Kim explains that after discussing the issue with Ms. Baird, she believes it would be best to treat after this weekend (Olde Home Days), and everyone agreed. Dottie continued reading from the report and noted some exterior areas of the building need painting attention; specifically, the red paint on the outside of the windows which is starting to peel and flake. The milk paint on the exterior four corner boards is also flaking in some places. Shawn requests that Dottie ask the Heritage Commission to obtain quotes for painting. Dottie states she will bring this to the Heritage Commission and advise the Board on how the Commission wishes to proceed.

NH DOT Block Grant Aid SB 401 Discussion: Shawn explains that the Town has received a one-time payment from the State of NH Department of Transportation in the amount of $94,857.61 which is in addition to the Annual NH DOT Block Grant funds already received. Shawn asks Mr. Seaver if he has any suggestions on how he could spend this money. Mr. Seaver notes that the BOS had just opened three (3) bids for improving the roadways and saw the costs to do so. Shawn asks Kim what the formal process is to accept the grant funds; Kim states the money needs to be formally accepted by the Board of Selectmen as unanticipated revenue. Shawn requests a motion to accept $94, 857.61 from the Department of Transportation as unanticipated revenue. Dennis motions to accept the NH DOT Block Grant Aid for $94,857.61. Second by Steve. Vote is unanimous (5-0).

I. Old/New Business

Signature File: The BOS review and sign the payroll and pay warrants in the Signature File. They also review an application for the Recreation Committee. Shawn questions if the Recreation Committee was familiar with the person who was applying. Kim states that she is not sure who the applicant is. Shawn tables the application for further review and discussion at the next BOS meeting. The BOS signs the ATV Land Use Agreements that were presented during the Delegate Session.

Minutes: The BOS review the minutes for the August 8, 2022 BOS public meeting. Shawn motions to approve the minutes as written. Second by Sheila. Vote is unanimous (5-0).

Non-Public Minutes: The BOS reviews the minutes for the August 8, 2022, BOS Non-Public session under NH RSA 91-A 3: II (c) at 9:25 PM. Sheila motions to approve these minutes as written. Second by Dottie. Vote is unanimous (5-0).

Kim requests the August 8, 2022 BOS Non-Public minutes under NH RSA-A 3: II (c) at 9:25 PM, be unsealed and attached to the August 8, 2022 BOS Minutes. Shawn states that in an effort to move forward he is denying Kim's request and explains that she will need to take the proper steps to unseal the minutes if she wishes to do so.

The BOS review the minutes for the August 8, 2022 BOS Non-Public session under NH RSA 91-A 3:II (c) at 10:10 PM. Sheila motions to approve these minutes as written. Second by Dottie. Vote is unanimous. (5-0).

The BOS review the minutes for the August 8, 2022 BOS Non-Public session under NH RSA 91-A 3:II (a) at 10:37 PM. Sheila motions to approve these minutes as written. Second by Dottie. Vote is unanimous. (4-1-0).

Shawn reads the Town Announcements listed below.

ARPA Bid Process: Shawn asks if anyone had any other business to bring before the Board, Dennis reiterates his request to Sheila for a clarification of the bid process required by the ARPA grant. He asks Sheila to update and confirm the competitive bid process and rules for ARPA funds. Sheila explains that it takes three (3) bids or a written explanation. Dennis explains this information is incorrect and reads the process and rules from the ARPA documentation.

"*According to 2 CFR 200.320 (up to date as of 8/18/2022) Methods of procurement to be followed and 2 CFR 200.320(b)(1)(i)(B)* ***Non-competitive bids are allowed if:***

- *the contract is less than $10,000,*
- *the item is only available from a single source,*
- *the public emergency will not permit a delay resulting from a public competitive bid process,*
- *the awarding agency expressly authorizes a non-competitive procurement process*
- *after solicitation competition is determined to be inadequate."*

Dennis states that it is expected that Sheila understands this information and conveys it accurately so that time is not wasted by people involved in using the funds. He notes that "We need to work smarter, not harder."

Police Dept. Domain Name Update: Dennis states he has an update on the Town of Danville Police Department's new domain and reads the following into the minutes:

> *"The reason for the split in Microsoft tenant is because the Police department must adhere to CJIS Compliance. You cannot have the same domain tied to two separate tenants in Microsoft. Currently, the Town Fire and Police (Depts) all use one (Townofdanville.org) email domain. So, to make the Police Department CJIS complement in their own Tenant we would need to choose a new domain as we cannot take the Current Domain from the Town and Fire(Dept.) which does not require CJIS.*
>
> *The .gov domain is something the federal government is pushing to provide reassurance to the public that they're dealing with a legitimate entity.*
>
> *By not adhering to CJIS Compliance the Police department could lose its ability to operate as a government Law enforcement agency (Per the FBI - This is not strictly enforced at the moment.) The town of Newton would be a good example as their Town is currently in on tenant with their Fire department. Their Domain is NewtonNH.net. The Police department is in its own Tenant with CJIS compliance licensing, and its Domain is Newtonnhpd.com.*

Recreation Committee Member Discussion: Dennis states he would like to speak "on the record" in response to the outburst by Sharon Griffin Woodside at the August 11, 2022 BOS public meeting. He read the NH RSAs cited below that explain what the Recreation is and does, and what powers the officials and the people on the Commission have. He explains that people from Danville, as well as other towns, have contacted him to convey their concerns with her behavior and the lack of repercussions or accountability that the Board seemingly has for individuals who exhibit this kind of behavior in a setting such as a public board meeting. Many comments from these people said that the board was indeed "a joke" if it allowed such behavior. Dennis expresses his concern that not addressing this incident in any formal way would pave the way for anyone to behave like that in the future, further exacerbating the mockery of the BOS. Dennis states that he understands that everyone makes mistakes, and he is always willing to forgive and forget, but only if a formal apology is made, in kind, to the BOS at the next public meeting. He explains that an email apology was sent, but that he did not consider that good enough given that the outburst was so very public and the apology was very limited.

NH RSA 35-B:3 Officials and Powers. [i]

The power conferred by RSA 35-B:1 may be exercised by a recreation or park commission or any other board or commission as authorized by the governing body of the political subdivision and charged with the responsibility of providing leisure-time services within the political subdivisions' jurisdiction. These powers may be divided as directed by the governing body. The commission shall have powers as are necessary to carry out the purpose for which it is created. These powers may include but not be restricted to the power:

I. To acquire, hold and dispose of real and personal property; provided, however, the disposal of any real property shall have prior approval of the appropriate legislative body.

II. To make contracts;

III. To grant concessions;

IV. To make charges for the use of facilities or for participation;

V. To make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon;

VI. To contract with any municipal corporation, governmental or private agencies for the conduct of park and recreation programs;

VII. To operate jointly with other governmental units any facilities or property including participation in the acquisition; and

VIII. To hold trust or manage public property useful to the accomplishment of its objectives.

NH RSA 35-B:4 Recreation or Park Commission. [ii] **–**

If any town, city, county, or village district decides that the above powers shall be exercised by a recreation or park commission, it shall consist of citizens of such town, city, county, or village district. In cities the citizens shall be

appointed by the mayor or city council, subject to provisions of the city charter; in towns by the selectmen; and in other political subdivisions by the governing body of the subdivision. The persons initially appointed to the commission shall serve staggered terms. Their successors shall be appointed under the same appointing procedure for 3 years. Vacancies, as they occur, shall be filled by the appointing authority for the unexpired term. Any city or town may by ordinance or resolution provide that the mayor or a selectman, or councilman, shall be an ex officio member of the commission.

Q. One of our appointed officials is really not working out [iii]

A. There is a general rule, cited in *Marsh v. Hanover*, 113 N.H. 667, 670 (1973), that "[t]he power to appoint officers or employees of a municipal corporation carries with it the power of removal of such employees at the municipality's pleasure unless the power of removal is restricted by statutory law." However, many of the important offices in municipal government have statutes that prevent removal without following prescribed procedures and a showing of just cause. Examples: health officer, RSA 128:4 (removal by commissioner of the Department of Health and Human Services); police chief, RSA 105:2-a; fire chief, RSA 154:5; road agent, RSA 231:65; and land use board member, RSA 673:13.

II. Town Announcements

Calendar

- September 6- Tuesday: Board of Selectmen's Meeting- 7:00 PM at the Town Hall
- Olde Home Days Schedule:
  - August 26- Friday: Olde Home Days- Movie Night- *Sing 2*- movie starts at dusk.
  - August 27- Saturday: Variety of activities TBD
  - August 27- Saturday: Fireworks at Colby Pond Field- at dusk
  - August 28- Sunday: Crafter & Vendor Fair 8:00 AM- Sponsored by the Danville Police Association
  - August 28- Sunday: Boy Scouts Raising of the Flag at the Olde Meeting House at 8:30 AM with a Religious Service immediately following
  - August 28- Sunday: Little Red Schoolhouse, Stage Coach Stop, and the Olde Meeting House will be open for visitors from 11:00 AM – 1:00 PM.
- October 25- Saturday: Fall Bulk Pick-up. 7:00 AM Sign-up Forms are available on the Town website (www.townofdanville.org). Printed forms can be picked up in the foyer at Town Hall.

As there are no further items to discuss Shawn notes there is a need for a Non-Public session. Sheila motions to go into Non-Public Session under NH RSA 91-A 3:II (b), (a), and (c). Second by Dottie. Roll call vote: Shawn- yes, Steve-yes, Sheila-yes, Dottie-yes, Dennis- yes.

The public session of the BOS meeting ends at 8:15 PM

There is no video or audio recording of this meeting. Minutes have been collated from notes and documents provided by Kim Burnham, BOS Administrator, and BOS member Dennis Griffiths.

Respectfully Submitted

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[i] *State of New Hampshire. NH RSA Title III-Towns, Cities, Village Districts, and Unincorporated Places. Chapter 35:B Public Recreation and Parks. Section 35:B-3 Officials and Powers. Online at www.gencourt.state.nh.us/rsa/html. August 22, 2022.*

[ii] Ibid. *Section 35:B-4 Recreation or Park Commission*.

[iii] *No Citation Provided*