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Town of Danville
Board of Selectmen
Tuesday, September 6, 2022
7:00 PM

6:52 PM

Meeting is Video-Recorded

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

Others Present: Kimberly Burnham, Selectmen Administrator; Chief Wade Parsons, Danville Police Dept; LT Justine Merced, Danville Police Dept.; Ann Massoth, Library Director, Colby Memorial Library, Thomas Billbrough Jr., Asst. Director, Colby Memorial Library; Jim Seaver, Road Agent; Andy Ward, Highway Dept.; Residents: David Knight, David Drislane, Stacie O’Connor, Michael Fleck, Dan Scalzo, KRT Appraisal Services.

Vice-Chair Dottie Billbrough calls the meeting to order at 6:52 PM and opens the meeting with a moment of silence for the troops who put themselves in harm’s way and for the people of Ukraine. All stood for the Pledge of Allegiance

I. Delegate Session

Dottie opens the Delegate Session at 6:54 PM and asks if there are any members of the public not on the agenda who wish to address the BOS. David Knight states that he would like to make the BOS aware that he has submitted an application for appointment to the Zoning Board of Adjustment (ZBA). He explains that he has noticed how “short we were on people” and that he wanted to make himself available if anyone has concerns or questions. Dottie explains that his application is in the Signature File and will be reviewed by the BOS later in the meeting. She asks the BOS if they have any questions for Mr. Knight now. There is no further discussion.

Chief Wade Parsons states that he would like to update the BOS on the hiring issues he brought forward at the August 8, 2022 BOS meeting.ⁱ He explains that he placed the advertisement as approved a few weeks ago and has not yet received any responses. Chief Parsons notes that he is not surprised and explains that Northwood is offering a \$12,000 sign-on bonus and the NH State Police are offering a \$20,000 sign-on bonus with an additional \$6,000 to be paid out over three (3) years. He clarifies that he is not asking the BOS to follow these bonus offers but just wanted to make them aware that this is what he is up against.

Chief Parsons also reminded the BOS that during that same meeting he had discussed the possibility of offering “retention” bonuses for his current staff, “many of whom have been working crazy hours.” Dennis had suggested that he offer a larger amount for the retention bonusesⁱⁱ. He explains that after reviewing his budget, he believes that he would like to stay with his original proposal of offering a \$5000 retention bonus for his staff. Sheila states that she would agree with whatever the Police Dept. chooses to do. Chief Parsons reiterates that he knows he can cover these bonuses from his budget without having to ask for additional funds from the BOS, and he wants it as a “thank you” to his staff who have been working so hard. Steve motions to approve Chief Parsons’ request to pay a \$5000 retention bonus to his employees. Second by Sheila. Vote is 3-0 (unanimous). Chief Parsons states that he will submit those bonuses with the next payroll.

Dave Drislane asks the BOS to review and sign several more ATV access permission forms. He states that one of the ATV riders, who was not riding at the time but was walking down the soccer field path, saw some ATV riders that appeared to be from Massachusetts (MA) and told them that they had to leave. Those riders did leave. Dottie asks if the Police Department should have been involved. Mr. Drislane explains that is why is he bringing up the issue at the meeting now, and notes there was no incident to report.

Sheila expresses her concern that this subject needs more discussion. She notes that when the BOS granted ATV access, she was under the impression that the riders who wanted that access to the power lines had to fill out the permission application and come before the BOS to address their applications. She states that she is concerned there

is no verification that these applicants are Town residents or even if they have a valid driver's license. Mr. Drislane explains that riders don't need a driver's license to ride their ATVs. Sheila continues to express her concern that there is no proof of these requirements and asks about the best way to get these necessary validations. She states the BOS needs to further discuss this policy and how they will move forward to address these issues. She states that currently the process is simply handing in completed applications and the BOS has "no idea who these people are and are not checking anything" and that the applications should require some kind of verification of residency and right to operate the ATVs.

Mr. Drislane asks if Sheila wants everyone to show him their license when they give him their applications. Sheila states that the applications should not be going through him. Mr. Drislane explains that was the agreement made between the ATV riders and the BOSⁱⁱⁱ. Sheila states the ATV riders should be coming to Town Hall to pick up the Land Access permission forms and returning them to the BOS. She also states that any issues on the trail should be brought to the attention of the Police Dept.

Mr. Drislane states that he had assured the BOS at every meeting^{iv} (that this issue was discussed) that he would be there (at the BOS meetings) to report any wrongdoing. He explains that this was not an incident that the Police Dept. needed to address. It was "people who showed up, who weren't supposed to be there. (They) were told to leave and did so." Sheila reiterates her concern that this is "not something a Town resident should be doing. It is the BOS who is authorizing ATV riders to use that trail." Mr. Drislane disagrees and states that "the ATV group agreed that if they were out there and saw something/someone who was not supposed to be there, they (the group's members) were going to tell the BOS and so far, there haven't been any incidents." Dottie states that this is "a good thing."

Steve asks Mr. Drislane how the forms are returned to the riders once the BOS has approved and signed them. Mr. Drislane explains that he returns a copy of the signed form to those riders. He states that after they are signed, he picks up copies from Kim. Mr. Drislane notes that "Kim has been awesome about it (handling the application forms)." Kim notes that there were a couple of applications and had asked Mr. Drislane if he knew the riders. Mr. Drislane stated that he reviewed those applications and informed Kim that he was not familiar with those applicants. Steve notes that he does know one of those applicants.

LT Justine Merced asks Mr. Drislane about the unauthorized riders. Mr. Drislane confirms the riders were on the authorized access to the Town's property, but they were not authorized to be there because they were from MA. He notes that George Brasil handled the situation.

As no more members of the public wish to speak, Dottie closes the Delegate session at 7:02 PM.

II. Agenda

Library Street Sign: Ann Massoth, Director of Colby Memorial Library, Tom Billbrough Jr, Asst. Director of Colby Memorial Library, and Jim Seaver, Road Agent, address the BOS. Ms. Massoth provides a picture of the National Library Logo sign that they would like to have installed. They are proposing installing it at the corner of Colby Dr. and Main St. Ms. Massoth explains that new residents have mentioned on multiple occasions that they were not aware there was actually a library in the Town. She states the sign would bring awareness that there is a library. She also notes that the sign is a good way to promote foot traffic, reminding borrowers that they may have library materials due, etc.

Jim Seaver, Road Agent, explains that he met with Mr. Billbrough Jr. and they have determined the sign would need to be installed across the street from Colby Rd. "where the church used to be." According to NH DOT, because Main St. is NH State Rte. 111, the sign must be installed twenty-five (25) feet away from the hot top. Mr. Seaver expressed his concern that this will mean the sign is "quite a way away from the road." Mr. Billbrough Jr. asks why the sign couldn't be installed within the normal right-of-way for the Town. Mr. Seaver explains that there is a State right-of-way on either side of Main St./Rte. 111.

Mr. Billbrough Jr. states that he spoke with Robert Heslop, a foreman at the business providing the sign, and had provided him with all this information. Mr. Seaver states that he checked with NH DOT and confirmed the law required the sign to be installed twenty-five (25) feet from the edge of the road. Sheila states that the Town had a

similar problem with a house on Main St that was installing signs. Mr. Seaver notes that NHDOT has an extremely large right-of-way on Main St./ NH Rte.111. There is a discussion concerning the ownership of the lot where the proposed sign would be installed. Dottie states that she believes the church still owns that property. Steve asks if the sign could be mounted on a closer telephone pole. Mr. Seaver explains the sign is 24”h x 24” w. Dottie states that as long as NHDOT and the church have given permission to install the sign, she has no problems with approving the request.

Steve states that he would like to see the proposed site of installation before he votes. He expresses his concern that the area being discussed is also where the Veterans install their 600-flag memorial of Veteran suicides each year, and the installation of that sign may be in the middle of that display. Dottie suggests that everyone “do a little more homework” to ensure that the proposed location will work. Mr. Seaver and Mr. Billbrough Jr. state that they were “thinking of installing the sign more towards the Garvin’s, the telephone pole, and over....” Steve states that would be fine. Mr. Billbrough Jr. states that he believes the Veteran’s flag display is “further to the right when coming out of Colby Rd.” He notes that the Library should “probably be speaking with the church because it is their property.” An audience member suggests that the Library obtain written permission from the church for the installation of the sign. Dottie agrees this is a good idea. Mr. Seaver notes that the Town is currently paying to mow that lot and should probably confirm who owns that property. He states that he will address that issue at the next BOS meeting.

KRT Appraisal Services Proposal: Kim introduces Dan Scalzo as a representative with KRT Appraisal Services. This was the sole bid received for the Assessing RFP. She explains that this is Step #2 in the process of accepting the proposal. She reminds the BOS that the proposal was for two (2) days per month of in-office assessing services. She notes that she also has questions for Mr. Scalzo.

The initial proposal was for a sum of \$14,400 per year for two (2) days per month of in-office assessing services and a sum of \$115,000 for the final year of the contract. Mr. Scalzo confirms that this amount is for the cyclically required full re-evaluation of the Town. He explains that the contract would continue from January 2023 to the next (required) complete re-evaluation. Kim states that she has reviewed the quote and believes that it is important that the breakdowns on page 18 are clarified and she would like to see the costs of the re-evaluation in the final year be included in each year’s charges. This would increase the yearly charge to \$43,150.

Kim explains that Fred Smith, the Town’s current assessor who is retiring, had updated the re-evaluations of different portions of the Town each year and then collated that information on the fifth (5) full re-evaluation. Mr. Scalzo explains that there are “statistical re-evaluations and cyclical ones that measure 20-25% of the Town each year, updating those assessments based on data, errors, and corrections. He states that it is not “really re-evaluating, but rather confirming data they already have and ensuring that it is correct. A full update is completed at the end of the fifth (5) year cycle.”

Kim states that she wants to clarify the BOS’ ability to divide the total value of the contract among the years contained in the contract. She states that she has calculated this would increase the payments beginning in January 2023 to \$43,150, noting the total value of the proposal is \$187,000. Kim expresses her concern that the Town would only be paying KRT Appraisal Services \$14,400 each year and then in the fifth year have to increase that payment to \$115, 000. Mr. Scalzo confirms that this change can be made to the proposal.

Kim confirms with Mr. Scalzo that the monthly in-office days would be for eight (8) hours each. Mr. Scalzo explains that would depend on the Town’s needs. He states those days could be broken down into four (4) 4-hour days, which would allow him to be in the office once each week. Kim confirms that Mr. Scalzo would be available for that type of change. She expresses her concern about his availability around April 1 of each year when the tax bills are mailed out and the complaints start coming in.

Steve asks Kim how the KRT proposal compares to the Town’s last assessment costs. Kim explains that Danville’s past assessor was a private individual. She reminds the BOS that Mr. Smith made himself available to the Town at all times, often taking night calls, etc. She explains that the Town is now moving to an assessing firm that will provide limited access to services each month. Steve asks what Mr. Smith had charged the Town for the fifth (5) year total re-evaluation process. Kim explains that Mr. Smith had divided that cost over the five years of each re-evaluation

cycle and hadn't increased his fees to the Town for over ten (10) years. She notes that the Town had been very spoiled over Mr. Smith's tenure. Kim assures the BOS that she had called for references on KRT's services and been told that they offered very competitive pricing.

Mr. Scalzo explains that he worked as a Town Assessor for Londonderry before joining KRT Appraisal Services and understands that working with a firm is different. He assures the BOS that he will work to make himself available if needed. Mr. Scalzo notes that he grew up in and lived in Danville for almost twenty (20) years and that it "would be a joy to work here." Kim confirms that he is familiar with Avatar, the assessing program that the Town uses, and that KRT would provide a presentation to the DRA upon receiving a written agreement for services with the Town. This is Step #3 in the process of accepting a new assessing firm. Mr. Scalzo reassures the BOS that either "Rob" or Ken" would assist the Town with the remaining steps of the process and apologized for their absence at tonight's meeting. The BOS thank Mr. Scalzo for his time.

Formation of a Village District: Michael Fleck of 277 Long Pond Rd. introduces himself to the BOS and explains that he is there representing the recently formed non-profit "Friends of Historic Long Pond Dam." The purpose of this non-profit is "to ensure that the Long Pond Dam is there for the long-term future." He notes that Long Pond has approximately 90+ acres of water. Mr. Fleck explains that there are some deficiencies with Long Pond Dam. The dam is currently owned by LER Realty. Bob Griffin is the principal of that company. Mr. Fleck notes that in the past, Mr. Griffin has appeared before the BOS to update them on the dam's deficiencies. The Friends are working with Mr. Griffin to ensure that the dam is taken care of and had made him aware that they would be attending tonight's BOS meeting.

Mr. Fleck explains that the NHDES Dam Bureau has been very patient with the issues of the Long Pond Dam as they feel that progress (on resolving the deficiencies) has been made. The risk of not repairing the dam is that the State can remove it and bill LER Realty for the costs of removing the dam. Mr. Griffin has given Mr. Fleck copies of the planned repairs. Mr. Fleck explains the Friends are concerned with what will happen to the dam once all the repairs have been completed. Mr. Griffin has stated that he does not want to continue to own the dam over the long term. LER is no longer using the dam for sawmill operations.

Steve asks if Mr. Griffin would give the dam to the Danville Long Pond Protection Association (DLPPA). Mr. Fleck states that Mr. Griffin has offered to sell them the dam for \$1.00. The challenge is that the water flowage rights and the rights to repair and maintain the dam are attached to the deed for the sawmill which is actually in Kingston, not Danville. The dam is also located in Kingston. Mr. Griffin is trying to figure out if he can detach the rights of the dam from the sawmill deed as an easement. The land where the dam is located is not part of the sawmill property. The deed was established over 100 years ago. It also contains the right-of-ways to the dam for access and repair. Steve notes that if Mr. Griffin does sell the dam to DLPPA for \$1.00 after all the repairs are made, that would give DLPPA 15-20 years to build up funds until the next set of major repairs is needed. He suggests the Friends could put a Warrant Article in each year to ask the Town to support funding the dam through a Capital Reserve Fund. Sheila notes that the big issue is that the dam is in Kingston.

Mr. Fleck explains that there are only 4-5 abutters to Long Pond on the Kingston end, so Kingston is not interested in owning the dam. This leaves two options 1) a non-profit, such as the Friends, could buy and own the dam. The challenge would be getting funding for owning and maintaining the dam, which could be done through the Warrant Article process to create and fund a Capital Reserve Fund. Option 2) create a Village District that can own the dam. A Village District can span across town lines, eliminating the issue of the dam being Kingston. Mr. Fleck states that one reason a Village District is can be established is "to impound waters, to maintain and operate a dam." He notes that this has been done in several other towns that have private dams. Mr. Fleck expresses his concern if there would be enough people in the Village District to provide adequate funding for the dam's maintenance. He notes that a bill rate could be established like an SAU and collected by one or both of the Towns through their taxes and fund the Village District through those extra taxes. He suggests that a Village District could also be taxed so that residents closer to the water would pay higher taxes, and the rest of the Town, if a Warrant Article was approved, would pay a lower rate because "the whole community benefits from the pond." Sheila asks if a Warrant Article to establish a Village District would have to pass in both towns (Danville and Kingston). Mr. Fleck states that he does not know how to establish a Village District and that he is here tonight to ask the BOS for support for a Village District. He has put together a FAQ sheet with the relevant RSAs for a Village District.^v Mr. Drislane suggests that Joshua Manning

could have more knowledge of this. Mr. Fleck explains that the Town would need to approve a Warrant Article that would establish the boundaries of the Village District, but only those people who live in the Village District can vote on the Warrant Article to establish the district because they are the ones who will have extra taxes assessed for that Village District. Steve notes that the Town votes every year to help fund milfoil control, which is paid for through Town-wide taxes. Sheila notes that there is another dam on Cub Pond and asks if that dam is already owned by the Town. Mr. Fleck explains that he just wants to open up the discussion of this issue and explore the possibilities. He notes that Mr. Griffin is “getting on in years” and is concerned about future repairs necessary to maintain the dam.

Sheila suggests that perhaps the Friends could get the dam listed on the National Historical Registry. Mr. Fleck agrees the dam and the sawmill could fall under those historical requirements, and that would make grant funds available for maintenance. He notes that the sawmill is one of the few remaining that have a horizontal turbine instead of a water wheel for power. Mr. Fleck states that he would like to have a Town official involved in the process so they could provide some guidance to the Friends. Mr. Ward suggests finding out if the residents of Danville want to be involved in funding the dam. Mr. Fleck explains that because there are only 4-5 Kingston residents on Long Pond, and that Kingston already has recreational assets at Kingston Pond, they are not interested in maintaining Long Pond dam. Mr. Fleck notes that Danville residents use Long Pond extensively for kayaking and paddle-boarding. Sheila suggests the possibility that the Conservation Commission can buy land in another Town. Mr. Fleck notes that the back side of Long Pond is posted as a Conservation property.

Stacie O’Connor states that there are thirty-two (32) “State of New Hampshire Dam Preservation Grants” available. Mr. Fleck asks if a private owner can apply, noting that if a non-profit such as the Friends owned the dam, there would be more grant opportunities. He reiterates that he is at tonight’s meeting to start the conversation about solutions to these issues, noting that he and the others do not want to wait until the next big issue comes. Sheila asks if there is Conservation land on the Kingston end of Long Pond. Mr. Fleck states that he does not know. Mr. Knight states that he believes there are 3-4 different entities that own the back side of Long Pond. Sheila suggests that maybe one of those entities would be interested in owning the dam.

Mr. Fleck states that he is looking for guidance on who the Friends should be working with as an “interface” with the Town. He explains that he is willing to do the work, but needs guidance on what the next steps need to be. Several audience members suggest that he contact Carsten Springer, chair of the Conservation Commission. Kim asks if Mr. Fleck has spoken with the DLPPA. Mr. Fleck explains that the Friends are a spin-off from the DLPPA, noting that the same people are on both boards and/or are members of both associations.

Sheila again confirms that the back side of Long Pond is owned by a Conservation organization. Mr. Fleck explains that he only knows this from the signs that are posted. He doesn’t know if the land is owned by Danville’s Conservation Commission, is part of a trust, or is owned by the State. Mr. Knight confirms that he also is not sure what conservation organization(s) own the land, but believes it is owned by multiple groups.

Dottie states that she believes the BOS does not have the power to do anything because everything has to be done through a Town vote. Mr. Fleck states that he spoke with the Planning Board and they have stated that they can help him write the appropriate Warrant Article, but there is little else that they can do.

Dave Knight explains that a Village District is a taxing authority and would require a “new set of rules within the Town’s budget.” He notes that a Village District is another political entity and “could get messy,” expressing his concern that the Town can’t control a school district budget and would now be asked to fund a Village District budget for a dam not even in Danville. Mr. Knight states that he doesn’t believe a Warrant Article would pass. He explains that while the Town is supportive of milfoil and mosquito control and works with volunteers, once that group becomes a legal entity, it “changes the game.” Mr. Fleck states that he would prefer support without having to go the Village District route, but non-profit ownership is a large liability without knowing how they would be able to fund the maintenance of the dam.

Mr. Knight agrees that the dam is a huge liability for whoever owns it. He suggests that Mr. Fleck investigate what insurance costs are associated with dam ownership. Mr. Fleck notes that the Long Pond dam is “not a high-danger dam, and will be cut to below six (6) feet because the Dam Bureau doesn’t bother with dams that are that low. Mr. Knight explains there is a 150-year-old law that states that Long Pond is supposed to be drained every year so that

it can be replanted and this is what the original deed called for. Mr. Fleck notes that the original deed also called for a “field for grazing cattle.” Mr. Knight states that he believes the dam will be the least of the Friends’ problems when “they control the water.” He notes there are also issues with landowners’ wells that depend on Long Pond for their water. Mr. Fleck agrees that it is a complex problem. Mr. Knight agrees that a non-profit (owner) is probably the best direction for the Friends to go in, but it will be extremely expensive to own the dam. Mr. Fleck states that this was why the members of the DLPPA created a separate non-profit so that the DLPPA itself would be protected. Sheila notes that there are also separate missions for each non-profit. Mr. Knight suggests that Mr. Fleck find a Town official to “champion his cause” as there is no requirement that any Town board accept the issue. Sheila notes that one of the biggest challenges is that the dam is not in Danville.

Mr. Fleck explains that if the non-profit cannot raise the necessary funds, it will fail. If there was a Village District, it would have the ability to set the tax rate and at least raise some money. He again asks if there is someone specific he could reach out to and is again guided to the Conservation Commission and Carsten Springer. Sheila suggests that Mr. Fleck determine who owns the conservation easements on the back side of Long Pond. Mr. Knight and the BOS thank Mr. Fleck for bringing his concerns to the meeting and for all the work that he has already done.

Stage Coach Stop Bids: Dottie states that the BOS has received two bids for work on the Stage Coach Stop. She confirms that the bids should go to the Heritage Commission for review. Kim states that she has already sent copies of the bids to Carol Baird, chair of the Heritage Commission. Dottie suggests that the BOS table the discussion of the bids until the Heritage Commission meets next week. Kim explains that the Heritage Commission reviews the bids, but it is the BOS who ultimately approves them. Sheila notes that the BOS usually agrees with the recommendation of the Heritage Commission. Kim explains that the Stage Coach Stop is a “government building” and that while Shawn asked the Heritage Commission to obtain the quotes, it is the BOS who ultimately chooses which bid to accept.

Steve asks if there is a conflict with the quotes. Dottie notes that the Heritage Commission vote would require the recusal of a BOS member. Sheila agrees that would be necessary.

Highway Dept. Updates: Jim Seaver, Road Agent, and Andy Ward of the Highway Dept. address the BOS.

✚ **Olde Home Days:** Mr. Seaver reviews the Highway Dept. participation in Olde Home Days with the “Touch a Truck” event. He states it was exciting with over twenty-three (23) pieces of equipment and agencies including the Danville Fire Dept, NH State Police, and a motorcycle from the Hampton Police Dept. He notes that he wants to publicly thank Plaistow, Brentwood, Kingston, and Fremont Highway Depts. for bringing over their backhoes; Cronin Excavation for bringing over a big and a little excavator, and equipment brought to the event by Mark Lyons and Sons. He also thanks the Danville Highway Dept. including Andy, Danny, Stacie, and Spencer for helping out. Mr. Seaver states that the kids were very excited and couldn’t choose which piece of equipment to try out first. Dottie agrees. Kim states that it was awesome that all those companies and businesses supported this Olde Home Days event. Mr. Seaver also notes that they did a raffle for a ride to school in a Fire Truck, a Police Car, and a Dump Truck. Steve notes that the Fire Dept. has already set up the “ride to school on a Fire Truck” with that raffle winner.

✚ **Radio Bids:** Mr. Seaver explains that he has received three (3) quotes for new radios for the Highway Dept. Quote #1 is from TCS for \$14,242.85. This is the same company that Steve uses for the Fire Dept. radios. Mr. Seaver notes that he would be using the same style of Kenwood radios, but not the same model. Quote #2 is from Beltronics for a total of \$12,190.14. Mr. Seaver notes that all the quotes were for the same type of radio and included five (5) portables and chargers, and three (3) mobiles. Quote #3 was from All-Comm for \$12,264.91. Mr. Seaver states that he would like to go with TCS. He notes that this is the vendor the Town has used in the past, they are familiar with the Town’s radio programs and know how the Highway Dept. needs to have the new radios set up.

Sheila asks for clarification on the Beltronics quote. Mr. Seaver explains that the bid is broken down into parts for the truck drivers, the mobiles, and the portables, but the quote is for the same number and types of equipment. Sheila confirms with Mr. Seaver that he wants to use ARPA funds to pay for the new radios. Dottie asks if there is any further discussion. Steve states that he has no questions or issues with the quotes. Sheila motions to approve the quote from TCS for \$14,242.85 to be paid from ARPA funds. Second by Steve. Vote is unanimous (3-0). Sheila confirms with Kim that this approved expenditure will be added to the ARPA expenditures worksheet.

✚ **Road Repair Bids:** Mr. Seaver has reviewed the bids that were received and opened during the August 22,

2022 BOS meeting. The bids are for road repairs on Candy Rd, Beach Plain Rd., and Sawmill Road. Mr. Seaver provides copies of the RFP to the BOS which explains the plans for the road repairs for each road, but notes there are a lot of additional details in the actual plans. Sheila confirms that the information in the RFP has been reflected in the quotes. There is a discussion regarding the scope of the work. Bell and Flint bid was for \$505,010. Busby Construction's bid was for \$501,472, and GMI's bid was for \$419,663.^{vi}

Mr. Seaver and Mr. Ward state that they have reviewed the bids. Mr. Seaver explains the hot top costs are all the same as they are from the State's bid. The differences in costs are reflected in the processes of application, grinding costs, etc. Mr. Seaver states that the Bell and Flint quote is too high. He notes that he was concerned about why GMI's bid was so much lower than Busby Construction's. Mr. Seaver explains that Busby had included additional information in their bid over what was requested in the RFP. The front page of the plans had "a lot of special details that they (Busby) read and then added those costs into their bid." Mr. Seaver states that the GMI bid did not contain those extra costs and when those costs were added to their bid, their bid was much closer to the Busby bid. Mr. Seaver states that he is recommending that the BOS accept and approve the bid from Busby Construction. He feels they are a better fit for the project, noting that the project requires drainage work, grinding, and paving.

Mr. Seaver confirms that the BOS has added the \$94,857.16 that was received from the NHDOT SB401 grant was added to the Highway paving budget.^{vii} He notes that would leave approximately \$400,000 to come from his FY22 budget to complete the repairs. Mr. Seaver reminds the BOS that he has been working on these projects since December 2021, noting that these projects require plans, test pits, etc. in addition to finding out why the roads failed and this is why he feels that Busby Construction is the best fit for these projects. He explains that the work will begin this fall and will be finished with the top coat and seeding, etc. in Spring 2023. Mr. Ward explains that this will also allow the binder to set for a while before the top coat is put on. Mr. Seaver explains that because the projects are beginning so late in the year, he will encumber funds for the contract at the end of FY22 and then use FY23 budgeted funds as needed to finish the projects.

Steve confirms that Busby Construction has agreed to this arrangement. There is no further discussion. Steve motions to accept and approve the Road Repair bid from Busby Construction for \$501,472 as recommended by the Road Agent. Second by Sheila. Vote is unanimous (3-0).

 **Tennis Court Repairs:** Mr. Seaver states that the repairs to the tennis courts will be completed in a few weeks, towards the mid-to-end of September. He explains that he has purchased new posts and a net, but these won't be installed until Spring 2023. He and Mr. Ward have also checked out pickleball and will be budgeting for that in the FY23 budget. Mr. Seaver explains that they will need to measure and paint the lines. Two games of pickleball can be played at the same time. Dottie states that this is exciting. Mr. Ward explains pickleball uses a different color striping than what is used for tennis. Steve and Mr. Ward agree that the game of pickleball is growing.

 **Youth Soccer Team Donation:** Mr. Seaver states that the Youth Soccer Team has donated two (2) soccer nets to the Town for the Colby Pond Soccer Fields. Steve motions to accept the donation of two (2) soccer nets from the Youth Soccer Team. Second by Sheila. There is more discussion. Ms. O'Connor explains that the organization was requesting that the Town remove and recycling of the old soccer nets and frames, noting that this is all part of the letter that outlines the donation.^{viii} Mr. Seaver states that he will remove the old nets. Dottie calls for a vote. The vote is unanimous (3-0).

Kim asks if the Town will need to add the new nets to its insurance policy. Mr. Seaver notes that the nets cost \$3900. Kim explains that they will need to be insured if they get ripped, damaged, or stolen. Mr. Seaver agrees that they should be insured as they are part of Colby Park's fixtures.

 **Bid Process:** Mr. Seaver confirms with the BOS that the Town policy is that any project over \$5000 requires that the bid process be followed. He notes that prices have increased by 2x-3x and asks if the BOS would be willing to raise the amount allowed before having to go through the bid process. He states that he would like a limit of \$20,000. Mr. Seaver explains that he has a hard time getting bids on small projects like hot top and the tennis courts and that this makes it very difficult to put his budget together. Sheila clarifies that he wants to be able to estimate costs by calling around (to vendors) without having to go through the process of getting bids. Mr. Seaver gives an example of a recent issue with road patching. The vendor did one end of the road, but because of increased

costs, patching the other end was over \$6500 and he (Mr. Seaver) had to bid that work out instead of moving forward.

Kim explains that the policy is in the Policy and Procedures handbook and should probably be re-addressed. Sheila explains that the amount was used because other departments need to abide by the policy. Mr. Seaver expresses his concern about the amount of time and work needed for the bid process. Kim clarifies that there is a bid process for projects over \$5000 and another process for projects over \$10,000. She explains that the bid process is “involved” including publication costs, and the whole legal process required for sealed bids. Steve notes that this was an issue with the tennis court repairs. There were only two (2) bids and one of the vendors couldn’t even do the work until 2023. He states that he feels the issue should be addressed when the whole Board is present. Dottie agrees. There is further discussion. Mr. Ward notes there is also the issue with bids trying to adjust for rapid cost increases. Dottie agrees that the BOS can work on this issue.

III. Old/New Business

Signature File: Dottie confirms that the BOS has reviewed and signed the payroll and pay warrants in the Signature File. The BOS review the application from David Knight for the Zoning Board of Adjustment (ZBA). Dottie asks if the open position is for an Alternate. Mr. Knight states that he will take whatever position is open. Dottie asks what the requirements are. Mr. Knight explains that Alternates do not vote and that there may already be Alternates on the ZBA, but they don’t want to become voting members of the ZBA. Sheila asks about a current member of the ZBA. Mr. Knight explains that this member is having a hard time getting to the meetings. Steve motions to accept David Knight as an Alternate on the Zoning Board of Adjustment. Second by Sheila. Vote is unanimous (3-0). Mr. Knight asks that the BOS sign the application so that he can get it to the Town Clerk, noting that he wants to be sworn in as soon as possible.

The BOS review an application from Tara West for the Recreation Committee. Kim states that she has spoken to the Recreation Committee. Sheila states that she and Shawn also spoke with Sharon Woodside, the Recreation Committee Chair, and the Recreation Committee has recommended her. Sheila motions to accept Tara West for the Recreation Committee. Second by Steve. Vote is unanimous (3-0).

The BOS review a tax abatement request. The request has been recommended by Fred Smith, the Town Assessor. It is signed by the BOS. There is a brief discussion about the various documents being in the Signature File. Kim explains that “other people have keys to the drawer,” so she doesn’t always know what is in the Signature File.

Minutes: The BOS review the minutes for the August 22, 2022 BOS public meeting. Due to technical issues, the meeting was not live-streamed or recorded. Kim explains that the minutes were put together from notes taken at the meeting. The BOS was generous with their praise for the job that she did. There is a discussion regarding the missing time note of one of the Non-Public sessions for that evening on Lines #127 and #130. Dottie states that she noted the time on the envelope of the sealed Non-Public minutes. Kim confirms that the envelope notes that the Non-Public session was at 9:25 PM under NH RSA 91-A 3:II (c). Sheila motions to accept the minutes for the August 22, 2022 BOS public meeting as amended. Second by Steve. Vote is unanimous (3-0).

Non-Public Minutes: The BOS review the minutes for the August 22, 2022 Non-Public Session at 8:37 PM under NH RSA 91-A 3:II (b). Sheila motions to accept the minutes as written. Second by Steve. Vote is unanimous (3-0).

The BOS review the minutes for the August 22, 2022 Non-Public Session at 8:47 PM under NH RSA 91-A 3:II (a) and (b). Dottie motions to accept the minutes as written. Second by Sheila. Vote is 2-yes, 0-no, 1 abstention (2-0-1). Steve abstains.

Paid Time Off (PTO) Policy: Kim explains that under the current PTO policy all eligible Town employees receive their PTO benefits at the beginning of each year in January. If an employee then leaves in March, they are paid for the whole amount of PTO. Kim suggests that the PTO policy needs to be changed and asks for permission to ask Town Counsel to reword the PTO policy phrase to read that “if an employee separates from employment, they will be paid the accrued PTO and to change the policy so that PTO is divided and credited quarterly. Sheila clarifies how an employee would be paid if they left in the middle of a quarter. There is more discussion on the issue. Dottie states

that she believes Town Counsel should look at this. The consensus of the BOS is to have Kim bring the PTO policy to Town Counsel to review this issue.

ATV Access Permission Forms: Sheila states that the names of the people who are receiving ATV access should be published in the minutes. Steve notes that the BOS has a record of the permissions that the public can request. He states that he does agree with Sheila that when someone comes to pick up a permission form, they need to present a driver’s license both to ensure they are residents and that they have a valid driver’s license, or if they are a minor, a safety certificate. Sheila notes that she pulled the license and certificate requirements off the ...page.^{ix} Steve suggests waiting until the next meeting for further discussion and a vote on the issue. He reiterates that access approval was for Danville residents only. Sheila states that there were a couple of non-residents that had applied for access permission and Shawn had caught those applications before they were presented to the BOS.

Mileage Reimbursement: Kim states that she e-mailed the BOS with the new mileage reimbursement rates from the IRS. The rate increased from .52 to .63 per mile for the remainder of 2022. She notes that there are classes coming up that Town employees and officials will be attending. Sheila motions to increase the Town’s mileage reimbursement rate to .63. Second by Steve. Vote is unanimous (3-0).

Recording Secretary: Kim explains that the current recording secretary has been doing this for a long time. During this time Robert Half has increased the amount of the contract with Danville but has overlooked the fact that the recording secretary has not received any pay raises. Robert Half is asking the BOS to increase the recording secretary’s pay by \$2.00 per hour. Kim notes that this issue can wait until budget time. Sheila confirms that the recording secretary is a vendor. Kim explains that the account manager from Robert Half changed and that was when it was discovered that there had been no pay increases. The recording secretary has been with the Town’s contract for over four (4) years with no raise. Kim states the current charge from Robert Half is \$23.63 per hour and the pay increase would increase the contract to \$25.63. The consensus of the BOS is to table this discussion. They ask Kim to find out what the recording secretary makes for further discussion and to see if the issue can wait until budget season.

Town Announcements: Dottie reads the Town Announcements listed below.

IV. Town Announcements

Calendar

-  **Sept 13- Tuesday:** State Primary Elections @ Community Center, 169 Main St.- 8:00 AM- 8:00 PM.
-  **Sept 19- Monday:** Board of Selectmen’s Meeting – 7:00 PM @ the Town Hall. The BOS will begin meeting every Monday thereafter.
-  **Sept 26- Monday:** Board of Selectmen’s Annual Meeting @ the Olde Meeting House at 7:00 PM
-  **Oct. 15- Saturday:** Bulk pickup. Sign-up forms can be found on the Town Website or in the foyer at Town Hall. **Sign-up ends on Monday, October 3 at 4:00 PM- No Exceptions.**
-  **Oct. 29- Saturday:** Household Hazardous Waste Collection- 12 Main St. Kingston, NH 9:00 AM-Noon.

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

The public session of the BOS meeting ends at 8:30 PM

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

Respectfully Submitted
Deborah A. Christie

ⁱ **Police Dept. Staffing Request:** Chief Parsons explains that the Police Dept. currently has four (4) full-time and one (1) part-time officer. He notes that he has been short two (2) full-time officers for a while, but has continued to provide 24-hour coverage with a small staff. He notes that it is not uncommon for his officers to do 16-hour shifts, or work 7-days a week to provide this coverage. Chief Parsons expresses his concern that his staff is “getting weary.” He explains that many departments are looking for officers. He states that recently he sent out thirty-five (35) letters to the Great Bay Police Alliance to candidates that had

tested and were actively looking for jobs in law enforcement. He only received one (1) response to those letters....**Town of Danville NH Board of Selectmen's Minutes August 8, 2022**. Online at www.townofdanville.org. September 6, 2022

ii **IBID**... Chief Parsons explains that he is suggesting that he offer a sign-on bonus for currently certified officers to see if more will apply and a "retention" bonus for those officers who stay with the department. He is proposing a \$5000 sign-on bonus and a \$5000 retention bonus.... Dennis states that he agrees with Chief Parsons' proposal for the retention bonus and the sign-on bonus noting that Chief Parsons "has to do something to attract new staff." He suggests that the retention bonus be higher than the sign-on bonus, noting that the Chief already knows the efforts of his existing staff.

iii **Audubon and Conservation Easement Update:** ... 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....**Town of Danville NH Board of Selectmen's Minutes June 27, 2022**. Online at www.townofdanville.org. September 6, 2022

Heritage Commission/ ATV Access Permission:...Mr. Drislane explains that the group agreed at an earlier discussion that if they were out there and saw something, they would document it and say something to the Police Dept., Fire Dept., and the BOS. Ms. Baird asks that they also notify the Heritage Commission. Mr. Drislane agrees.... **Town of Danville NH Board of Selectmen's Minutes July 25, 2022**. Online at www.townofdanville.org. September 6, 2022

Delegate Session: ...Permission for Land Use Agreement: ... "Rider also agrees to notify the town of any observed activity that could be cause for concern while out riding on trails. Any illegal activity, camp sites, fires, dumping, emergencies, etc." Entire Agreement was read into the minutes and presented for discussion and approval. **Town of Danville NH Selectmen's Minutes August 8, 2022**. Online at www.townofdanville.org. September 6, 2022

IBID.... Delegate Session: ...Dennis expresses his concern with asking the riders to wait for another meeting to begin the permission process and would like to approve and have the form ready at tonight's meeting. He motions to accept the application form as written. Second by Steve. Vote is 3-yes (Shawn, Steve, Dennis) and 2-no (Sheila and Dottie) (3-2-0). The motion passes. **Town of Danville NH Board of Selectmen's Minutes August 8, 2022**. Online at www.townofdanville.org. September 6, 2022.

iv **IBID**

v State of New Hampshire. **NH RSA Title III- Towns, Cities, Village Districts, and Unincorporated Places. Title 52: Village Districts. 52:1- 52:26**. Online at www.gencourt.state.nh.us/rsa/html. September 6, 2022.

vi **2022 Paving Quotes for Candy Lane and Sawmill Lane Open Bid Process....** **Town of Danville NH Board of Selectmen's Minutes August 22, 2022**. Online at www.townofdanville.org. September 6, 2022.

vii **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. **Town of Danville NH Board of Selectmen's Minutes August 22, 2022**. Online at www.townofdanville.org. September 6, 2022.

viii See Attached letter

ix **Do you need a driver's license to operate an ATV?**

All operators 12 years of age or older must have in their possession while riding either an OHRV Safety Education Certificate or a valid driver's license. This requirement is not limited to just public land and extends to private rights of way as well. If your driver's license is under suspension or revocation in any state or Canadian Province, you are not permitted to operate an ATV in New Hampshire. You cannot get a safety education certificate to try and overcome this issue either. If your driver's license is suspended, you can't operate an ATV period. Statement derived from **NH RSA Title XVIII- Fish and Game. Chapter 215-A Off Highway Recreational Vehicles and Trails. Section 215-A:29- Operation and Licenses. Paragraph I- B (2)**. Online at www.gencourt.state.nh.us/rsa/html. September 6, 2022. Other sources are not cited.

Are minors allowed to operate an ATV?

Yes, but as mentioned above, they must have either a valid driver's license or an OHRV Safety Education Certificate. Additionally, any operator under the age of 14 must be accompanied by a licensed adult over the age of 18. There are also certain restrictions when it comes to minors. For example, an operator under the age of 18 cannot carry a passenger on an ATV. They are also

*required to wear a helmet and eye protection . It is also important to know that these restrictions don't just apply to ATVs, but also to UTVs where most people aren't as used to wearing helmets and such. Finally, if the operator is under the age of 12, they may not cross any roads. **NH RSA Title XVIII- Fish and Game. Chapter 215-A Off Highway Recreational Vehicles and Trails. Section 215-A:29- Operation and Licenses. Paragraph III.** Online at www.gencourt.state.nh.us/rso/html. September 6, 2022. Other sources are not cited.*