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Town of Danville  
Board of Selectmen  
Monday, February 6, 2023  
7:00 PM

7:00 PM

1. 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; Stacy O'Connor, Fields Coordinator; Vanessa Boling, Interim Chair, Recreation Committee; Jim Seaver, Road Agent, Residents: Christopher Merrill, Brenda Merrill, Haeyoon Jacobus, Carsten Springer.

Shawn called the meeting to order at 6:57 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. As no members of the public wish to speak, Shawn closes the Delegate session at 6:58 PM.

**II. Agenda**

**5<sup>th</sup> Grade Graduation:** Stacy O'Connor and Vanessa Boling join the BOS at the table to discuss ideas for the 5<sup>th</sup>-grade graduation celebration. Shawn explains that Ms. O'Connor has been the person to coordinate past 5<sup>th</sup> grade celebrations until they were stopped during COVID. During previous BOS meetings, Ms. O'Connor stated that she would like to bring the event back. Shawn states that he believes this is a great opportunity to go back to working with the Recreation Committee and wants to ensure that everyone is on the same page so that the fifth graders will have the best celebration possible.

Ms. Boling states that parents have asked her why the Recreation Committee doesn't do a Kindergarten graduation celebration and that the committee is exploring the possibility of having the Kindergarten celebration and the 5<sup>th</sup>-grade celebration on the same weekend. Ms. Boling notes that Ms. O'Connor did the 5<sup>th</sup>-grade celebration last year. Ms. O'Connor reminds everyone that it rained that weekend and they had to move all the activities and games into the Community Center. Ms. Boling explains that the Recreation Committee is looking at renting a bouncy house for the Kindergarten celebration and suggests combining the two celebrations to save on the rental costs. Ms. O'Connor explains that she doesn't use a bouncy house, she rents a 60' obstacle course for her event. Shawn agrees that it is a great idea to combine the events and save on rental costs, and reiterates a concern that Sheila had mentioned earlier that there be adequate supervision of the set-up and use of the bouncy house.

Ms. O'Connor confirms with Shawn that she will be coordinating the use of the fields in 2023. She explains that she schedules the 5<sup>th</sup>-grade celebration on Friday night because the DYL baseball teams are there first thing Saturday morning and they use the field all day Saturday, so she can't use the ballfields for anything else on Saturdays. Shawn suggests that Ms. O'Connor speaks with the DYL to see if the baseball schedule could be changed to make a Saturday available for the celebrations. Ms. O'Connor and Dennis discuss the scheduling process. Shawn asks Ms. O'Connor to keep everyone, including the BOS, informed and to keep everything on track. Ms. Boling suggests that Ms. O'Connor attend a Recreation Committee meeting. Ms. O'Connor states that she has offered the 5<sup>th</sup>-grade parents two possible dates: June 2, or June 9, to accommodate other graduations, and they will be voting on which date to

have the celebration. She explains that she just needed to confirm that she still had BOS permission to move forward with the 5<sup>th</sup>-grade celebration.

Ms. Boling explains that the Recreation Committee had budgeted for the Kindergarten graduation/celebration and is reaching out to the Danville PTA to see if they will work with the committee. Ms. O'Connor offers to share her PTA contact with Ms. Boling. Ms. Boling states that the next meeting of the Recreation Committee is Wednesday, February 15, and again invites Ms. O'Connor. Ms. Boling notes the Recreation Committee meets on the third (3<sup>rd</sup>) Wednesday of each month. Ms. Boling asks Ms. O'Connor if she would be willing to spearhead the Kindergarten discussion as she has not done this before. She explains the Recreation Committee has budgeted \$1000 for this program. There is a brief discussion on vendors. Ms. O'Connor notes that she will stay with the vendor she has used in the past as they are the only ones that offer the obstacle course that she uses for the 5<sup>th</sup>-grade celebration and again notes that those kids are "too old for a bouncy house." Ms. Boling states that the Recreation Committee is flexible and may not need a bouncy house, suggesting they could offer other types of games. Shawn suggests that Ms. O'Connor and Ms. Boling continue their discussions later at a Recreation Committee meeting and bring their proposals back to the BOS.

**Field Use Agreement:** As discussed at previous meetings, Ms. O'Connor has developed a written field use agreement that outlines the responsibilities of all the organizations using the fields and those of the Town. Shawn notes that it's similar to past agreements. Ms. O'Connor explains the previous agreements were never put in writing. Ms. Boling asks if there is a master schedule of when the fields are being used and if the Recreation Committee could schedule events on them. Dennis explains that there is "no centralized schedule for the fields. The field schedule is dictated by the DYL schedule of games with other teams." He explains that the schedule is defined as a "season," which runs from March through June and the fields are not available for outside events during that season.

Ms. Boling explains that the Recreation Committee is considering doing a Leprechaun event in early March and would like to use the ballfield for that event. Ms. O'Connor suggests that Ms. Boling works with her on scheduling that event. Shawn agrees they should be able to coordinate something. Dennis explains that the DYL season ends by mid-June. Ms. Boling confirms that after that, any possibly scheduled movie nights would not interfere with the use of the fields. Shawn notes that Chief Parsons has always played a big part in the Town's movie nights and suggests that Ms. Boling contact him about that program. Sheila reminds Ms. O'Connor to confirm the availability of the Community Center if she may need it for the 5<sup>th</sup>-grade celebration.

**Posting of "No Thru Truck" signs:** Shawn explains that the BOS has received many complaints from residents about construction trucks coming through Danville from a Sandown development using the Colby Pond area as a shortcut. He believes that the BOS needs to review all the areas that these trucks are using because these side streets are not designed to meet the same standards as the State roads and this kind of heavy traffic, especially in the spring when the roads are thawing, can do a lot of damage to these (smaller) roads. Mr. Seaver (Road Agent) explains that particularly this winter with the continual cycles of rain, freezing, thawing, etc. has almost been like March. Sheila expresses her concern that if the BOS posts one road, the trucks will simply use another road as a shortcut. Dennis notes that there are only a couple of roads that can actually be used to cut through from Sandown.

Sheila states that Sandown Road is one of the roads that is being heavily used by construction vehicles. Ms. O'Connor explains that the "Back 5" in Sandown, is posted for no Thru-Trucks, so the contractors are using Sandown Rd because it is not posted. Shawn reiterates that if the BOS is going to start the process of posting the Town's roads, it needs to look at posting other roads that are being used as thru-roads at the same time to save the longevity of the Town's roads. Sheila notes that Kingston Rd is another road that is being used as a shortcut by construction vehicles. Mr. Seaver agrees there is a lot of construction going on Kingston Rd, and but there are also businesses on Kingston Rd. that need to be serviced by tractor-trailers. Shawn expresses his concern that the businesses need to be able to continue to get their deliveries.

Mr. Seaver explains that the construction companies are trucking the dirt from the developments in Sandown and don't want to climb the two hills that are part of the State roads. He believes there are a couple of other ways for the trucks to go. Shawn states that he wants "something reasonable and sound" that the Police Dept. can enforce.

Mr. Seaver states that he has looked at the Town's roads, is traveling on them all the time, and doesn't feel there is much thru-trucking going on.

The BOS review Mr. Seaver's proposed ordinance for road postings. Haeyoon Jacobus asks to speak to the issue. She explains that she has lived on Boulder Rd. since 1996 and that right now she is enduring the unnecessary, and possibly unapproved passing of fully-loaded dump trucks. These trucks drive through their neighborhood from 8:00 AM to 3:40 PM on any given day. She notes the trucks are from various companies. She states that the streets these trucks are using are: the entire street of Boulder Dr. portions of GH Carter, Caleb Dr., etc. these roads were constructed by Lewis Builders over twenty-seven (27) years ago. They are the original roads and have never had any improvements done. She notes that "they endured a couple of years when Lewis Builders was developing Caleb Commons, but that project is over" and residents thought that they would have "normalcy" on their streets, but are now faced with this "dilemma." Ms. Jacobus states that she has researched the calculations that can be used to determine the amount of damage these construction trucks cause to a road and expresses her concern that while she is seeing fully loaded trucks coming from the Sandown development through her neighborhood, no empty trucks are returning the same way. She states that she is assuming they are cutting through because the fully-loaded trucks don't want to go up the hill. She asks if there these construction companies have an agreement with the Town to use these smaller roads and will take responsibility for the wear and tear these construction vehicles are doing. Shawn explains this is why the BOS is looking at this issue. Ms. Jacobus states that the roads are already damaged and need attention and expresses her concern that this traffic is coming from construction in Sandown, and doesn't even involve Danville. She is requesting that all these trucks stop using Sandown Rd and use Rte. 121. She is also asking that "No Thru Trucks" be posted at the beginning of GH Carter and at the end of Caleb Dr. Dennis confirms with Mr. Seaver that he was already proposing posting these roads. He reassures Ms. Jacobus that the proposed ordinance they are reviewing tonight lists the roads that she has expressed concerns about.

Dennis asks if the "exceptions" granted are complete enough for homeowners and businesses on the posted roads. Ms. O'Connor believes they are. There is a brief discussion of what the exceptions are. Mr. Seaver explains that if a resident of these posted roads needs any kind of services that requires a large truck, it is allowed unless the road is actually closed for Mud Season and/or there is a weight limit, noting that happens only for a limited time. He explains that delivery companies start calling his office in March to check on the road closures and explains that it is the garbage trucks that do the most damage to the Town's roads. Mr. Seaver reiterates that his proposal for road postings "does not stop any resident from doing anything in their yard." Ms. O'Connor explains that the only thing missing in Mr. Seaver's proposed ordinance is the RSA that gives the BOS the authority to implement it.

Shawn explains that the BOS can enact an ordinance, but it is only effective until the next Town Meeting (Deliberative Session/Election). The new ordinance that Mr. Seaver has proposed would need to be put in as a Warrant article in 2024 for voter approval to become permanent. Shawn states this is why he would like to list all the roads in the currently proposed ordinance so that they can all be listed in the future Warrant article. Mr. Seaver asks if Shawn means "all the roads." Shawn notes Sheila's concern with Kingston Rd. Mr. Seaver explains that Kingston Rd. "doesn't come out at the other end and that trucks are often doing deliveries." He states that he does not believe there is thru-trucking on that road. Sheila asks if Hampstead Rd. would be posted. There is a brief discussion and everyone agrees that Hampstead Rd. has been posted for no thru-trucking for a long time. It is noted that Sandown Rd., Kingston Rd., and Hampstead Rd. are already posted for "no thru-trucking" on the other towns' side, so any postings would only be on Danville's side of the roads.

Shawn asks for a motion to approve the proposed BOS "No thru-trucking" ordinance as presented. Dottie makes the requested motion. Second by Sheila. Vote is unanimous (5-0). Dottie has looked up the RSA citation giving the BOS authority to make by-laws.<sup>i</sup>

**Selectmen's Message:** Dottie has written a draft message from the Selectmen for the Town's Annual Report. The BOS has reviewed it. Shawn thanks Dottie "for a job well done." Sheila motions to approve the Selectmen's Message as written for the annual Town Report. Second by Steve. Vote is unanimous (5-0).

**Rabies Clinic:** Shawn states that LT Merced has tentatively scheduled Saturday, April 8 with Dr. Curry for the annual Rabies Clinic. He had asked Kim to put it on tonight's agenda for discussion with Sheila (as the ACO) to work with the Police Dept on this event. Sheila asks if the proceeds would be going to the Town's Welfare dept. Shawn states he is fine with that, but it may need to be discussed with LT Merced. The consensus of the BOS is to move forward with the scheduled rabies clinic.

### III. Old/New Business

**Minutes:** The BOS review the minutes for the January 4, 2023 BOS public meeting. There were several clarifications made. Line #302- The name of the building owner is Mr. Delorey. Line #185- Kim had e-mailed "Ben" at American National Insurance. Dottie motions to approve the minutes as amended. Second by Sheila. Vote is unanimous (5-0).

The BOS review the minutes for the January 9, 2023 BOS public meeting. There are no corrections or comments. Dottie motions to approve the minutes as written. Second by Sheila. Vote is unanimous (5-0).

**Signature File:** Sheila expresses her concern that the payroll warrants haven't been available for BOS signatures at their recent BOS meetings. Shawn agrees that the warrants have been posted after the meetings, requiring that BOS members come back to Town Hall to sign them, noting it is hard to get the required three (3) signatures. There is a discussion of the issue, the procedures, and the new processes necessary due to the new accounting system. Shawn explains that with the new accounting system, the BOS will be able to get timely reports to review. He states that his expectation is that when Kim receives these reports, she will forward them to the appropriate Department heads for review. It will be their responsibility to ensure that all the entries have been posted correctly against their department budgets. Sheila agrees, noting this will also help the Department heads to keep track of their budgets throughout the year.

**Casella Contract:** Shawn explains and confirms that the FY23 contract reflects previously agreed-upon increases for waste pickup and also now includes a fuel surcharge as previously discussed.

**Comcast Annual Notification:** Shawn explains this is the required annual notification from Comcast regarding the Town's cable franchise agreement.

Shawn reads the Town Announcements listed below.

**SAU 106 Mailing Issue:** Shawn states that a mailer received from SAU 106 listed the address for the Community Center (where the voting will take place) as Rte. 111. He has already informed the Superintendent and the Danville School Board representatives of this mistake requesting that the address be corrected. The Superintendent stated that "he would take care of it immediately" and Shawn states he has since been told that the address was corrected on the website.

**The correct address for voting on the School Ballot is the Community Center at 169 Main St. Danville, NH.**

**BOS Meeting Schedule:** Kim has notified the BOS that the next regularly scheduled BOS meeting would be on February 20, which is Presidents Day and Town Hall is closed. The next night, Tuesday, February 21 is Candidate's Night. The next open evening is Wednesday, February 22. Dottie notes that the Heritage Commission is scheduled to meet that night. There is a brief discussion of how that could work. Shawn asks Dottie to discuss the issue with Heritage. Dennis confirms that the BOS is tentatively scheduled to meet on Wednesday, February 22. Shawn notes that the BOS should meet that week as it is a payroll/pay warrant week. Dennis confirms there is still an additional BOS meeting prior to the Town Elections.

**Deliberative Session Audio Issues:** There were many, many complaints regarding the poor audio broadcast at the February 4 Deliberative Session. Shawn states that he has already spoken with Mr. Hantman (Chair of the Cable Committee) and Mr. Hantman is developing a proposal to address this issue.

Shawn explains that two big issues are the various distances that the audience is from the microphones and that everyone speaks at different levels. He believes that someone is needed to control the microphones and that this is a “staffing” issue. Shawn expresses his concern that the issue disenfranchised everyone who was watching the Deliberative Session. Dennis also suggests that even though the Community Center is scheduled months in advance, the Community Center Committee should try to not schedule any event at the Community Center on the day before the Deliberative Session. Sheila explains that in the past, the committee has asked people to re-book their event if it interfered with the Deliberative Session, but was unable to do so with this organization. Shawn agrees that it is important that the Community Center be available “pre” and “post” any of these legally required events (such as the Deliberative Session, Elections, etc.), as well as for the day of the event, for setup, etc.

Carsten Springer asks to address the issue. He notes that prior to COVID, the camera operators and Cable staff would have handed microphones to the older people in the audience as they took turns speaking. At this past Deliberative Session, not a single older person left their seat to walk to the microphone stand. Shawn agrees and reiterates that the ceiling microphones would have needed to be at different heights for the different heights of the speakers in their seats.

#### IV. Town Announcements

##### Calendar

- 📅 February 20- Monday: Town Hall will be closed in observance of Presidents Day
- 📅 February 21- Tuesday: Candidates Night at the Community Center at 7:00 PM
- 📅 March 4- Tuesday: Town Voting Day at the Community Center from 8:00 AM- 8:00 PM

As there are no further items to discuss, Shawn requests a Non-Public session under NH RSA 91-A 3:II (d) and (e). Sheila makes the requested motion. 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 7:37 PM

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

Respectfully Submitted  
Deborah A. Christie

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<sup>i</sup> *State of New Hampshire. **NH RSA TITLE III. TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES. CHAPTER 31-POWERS AND DUTIES OF TOWNS. Power to Make Bylaws Section 31:39 Purpose and Penalties. –***

*I. Towns may make bylaws for:...Paragraph (g)- Regulating the operation of vehicles, except railroads as common carriers, upon their streets....*

*II. Towns may appoint all such officers as may be necessary to carry the bylaws into effect.*

*III. Towns may enforce the observance of the bylaws by suitable penalties not exceeding \$1,000 for each offense to enure to such uses as the town may direct. Online at [www.gencourt.state.nh.us/rsg/html](http://www.gencourt.state.nh.us/rsg/html). February 6, 2023.*