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Town of Danville
Board of Selectmen
Thursday, December 28, 2023

7:00 pm

Meeting is Video-Recorded

Selectmen present: Shawn O’Neil, Chairman; Annemarie Inman, Vice Chair; Joe Hester; Sheila Johannesen; Dennis Griffiths

Others present: Kim Burnham, Selectmen’s Administrator; James Seaver, Road Agent; Chief Wade Parsons; Robert Sharpe; Art Griswold; Andy Ward; Chip Current; Stacie O’Connor; Beth Caillouette; Andree Marinelli; Paul Baglieri; Bianca Caillouette; Corey Booth

Shawn called the meeting to order 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. Public Hearing for Acceptance of Unanticipated Revenue

Shawn explained that the delegate session would be held immediately after the public hearing. In accordance with RSA 31:95-b, and advertised accordingly, Sheila made and Joe seconded the **motion to open the public hearing**. The motion **passed** unanimously.

Shawn explained the hearing was for the acceptance of unanticipated revenue consisting of two payments from the NHDOT. One is in conjunction with the maintenance, construction, and reconstruction of municipally owned bridges in the amount of \$18,252.71. The other is in conjunction with the normal highway block grant in the amount of \$31,241.32.

There were no questions from the public. Sheila asked if the road agent could speak about any plans for the funds. Jimmy Seaver said he plans to use them on culverts on Happy Hollow Road and Hampstead Road.

With no further comments, Sheila made and Joe seconded the **motion to close the public hearing**. The motion **passed** unanimously.

Sheila made and Annemarie made a **motion to accept the unanticipated revenue in the amounts of \$18,252.71 and \$31,241.32**. The motion **passed** unanimously.

II. Delegate Session

Fire Chief/Fire Ward

Art Griswold introduced himself as speaking on behalf of the Fire Wards. He said there have been some posts on social media regarding the hiring of a new fire chief and he wanted to announce publicly that the Fire Wards are in charge of hiring a new chief. He said the fire chief is feeling pressured into signing a letter of resignation, which he has agreed to sign, giving thirty days’ notice. Shawn asked how the Selectmen are supposed to start the process of selecting a new chief and enter a new contract in thirty days.

Annemarie said this began when she sent one email. Art said there were two emails which were read by current and past fire wards last night. Annemarie said she was given a laundry list of items by the town's HR consultant and her request of Chief Woitkun is part of normal, government record keeping. She said the original plan presented to the town was to have Chief Woitkun retire in March 2024, and it's required that the town have a letter of notice for the title and end date, which can be any end date, not necessarily March as discussed previously.

Art said that he, Chief Woitkun, is not doing that. He said the Fire Chief falls under the Wards: they are his boss. Annemarie said that the chief is a town employee, paid as a town employee. She said she does not understand his response as the request is simply keeping the paper trail. She offered to read the email and Art declined. She said her request came with no indignation; it is standard practice.

Art said that the Fire Wards have asked Shawn to be a part of the hiring process. He said they have applications coming in and noted that Atkinson recently hired a new Fire Chief and their Board of Selectmen was left out of the process.

Shawn said that as a courtesy, the Fire Wards are invited to be a part of the hiring process in Danville. Shawn asked if that courtesy also extends to the Selectmen settling a court case dealing with matters involving the fire department, of which the town had to pay \$100,000.00.

Art mentioned the social media posts stating the Selectmen are in charge of hiring a new chief and reiterated that the Fire Wards are in charge of that. Shawn said it's a mutual effort. Art said that under the state statutes it is the Fire Wards responsibility and Shawn said he disagreed, saying the Selectmen are the only ones allowed to enter a contract. Art said the contract will be done by the Selectmen.

Art explained the process they adopted for hiring a new chief. He said they have been receiving applications. The area chiefs and Chuck Hekimian will then pick applicants to go to the hiring committee. Once the hiring committee has narrowed it to possibly three applicants, those three will speak with the Fire Wards. The Selectmen will be involved in the process and stated again the Chief falls under the Fire Wards.

Shawn said the process as explained doesn't sound like the Selectmen are involved. He said we can't move forward until we acknowledge the problems. He said this Board has reports of children riding in the ambulance going to calls. He said he'd like to have that investigated and hear a report that the town does not have children riding on any vehicle that answers a call. Art said he's never been told about that, he can't do anything unless he knows about it, and Shawn said the Board was told this last week. He mentioned the lawsuit and that the report generated from it highlights other problems that have not been addressed.

Art said there are a lot of falsehoods, and both sides need to be examined. Shawn said that Chief Woitkun has done some great things and is very proud of that and wants to acknowledge those. Art said their department had 510 calls in the last year and not one was missed; this can't be said about any other area town. Shawn agreed that's great but to have children riding to calls and then sweep that under the table is not good leadership in his opinion. He said if something happens to those children, that is a lawsuit beyond belief, and to not address that is a fundamental problem. Art said that as the deputy chief, he needs to know and Shawn said he was going to bring that up at the next fire department meeting. Art said he shouldn't wait a week and Shawn agreed.

Art said at any time, the Fire Wards could have appointed another chief from any member of the department, but they chose not to. He said they're trying to do the right thing. Dennis mentioned the town voting to change the governance of the Fire Ward system recently. Dennis asked what the passing of that warrant article means in relation to this discussion. Art said that as of the next election day, the Fire Wards will be disbanded. Dennis said that warrant article came from the Selectmen's office due to the problems involving the wards. He said the Fire Wards are trying to hire a new chief only months before they are disbanded. This is the last hurrah of a non-working system, and he has a fundamental problem with that. He asked what the Selectmen's involvement was going to be and Art said that Shawn was going to be part of the interview committee.

Dennis said that the fire department is excellent at saving people's lives, but their lack of administration and leadership is not sustainable. He said the chief ought to command a level of respect and this will produce a positive change. Advertising on social media has made the town look silly. He recommended to Art that the Fire Wards do what they need to do, make some recommendations, and let the Selectmen and Wards have a conversation and see if there is a meeting of the minds.

Art said he didn't initiate the social media posts. Dennis asked if Art agreed that the five Selectmen should have an equal say with the Fire Wards on who should be the new chief. Art said the Selectmen have no idea what is required to be a fire fighter but said the Selectmen should be part of the selection process. He said he's been a firefighter for 42 years, an officer for 35 of those years, and ran three stations in Connecticut. He said he knows what he's doing and can separate friendship from business. Dennis said he's created a problem by trying to hire a chief within months of the Fire Wards being disbanded. Art asked if Dennis is saying that he doesn't have confidence in the Fire Wards to make a final decision and Dennis said no, he does not.

Art said there are several people on the department who are not happy with what's going on. Shawn said there are several who are afraid of the retribution that would come to them if they said anything.

Shawn said he'd like to have a mutual agreement with the wards. Art said he feels the town loves its fire department and Shawn agreed but said that just because we have a great fire department doesn't mean problems should be ignored. He said he believes when someone knows something and then buries it, that person becomes personally responsible. Robert Sharpe said that the issue was being handled and not buried. He said the HR consultant for the town was contacted but nothing happened. He said the situation got out of hand, details of which are not known publicly. Robert said if the town had a human resources department it would have been handled differently.

Annemarie said the conversation was getting off topic and stated this started with her asking for a year-end document, which was requested from HR which is just a standard procedure. She said she has an email from the chief with the date and has the needed documentation. She had written a second email because she thought he misunderstood her request. She said if he doesn't want to write the document, she'll use the email as the year end documentation that is required along with the several other items she collected last week. Art said to not accuse him of doing something that he didn't do.

Highway Department

Stacie O'Connor explained she's trying to reduce paperwork at Highway Department and asked if it's ok to scan and send documents to Kim. She was told this is all right.

5% COLA

Paul Taglieri of 34 Boulder Drive spoke about the vote during the previous meeting regarding the 5% COLA for town employees. He said it was snuck into the budget and said it should have been put in front of the voters to decide. He said it is probably deserved, but there are many in town who are elderly, disabled, or on fixed incomes. Shawn said the real cost of inflation is more than 5% and confirmed this is in the 2024 default budget. He said there are costs to the town that are less known, especially when the town has to deal with trained police officers leaving for other jobs offering \$20k sign-on bonuses. We lose the continuity within the force, their knowledge, and their rapport with the community. He asked what the 5% COLA out of the whole budget costs. Mr. Taglieri said that's not the point, and said there are problems with the police department. He mentioned a lawsuit filed against the department in which the plaintiffs won. Shawn acknowledged that was a while ago and said there is no "free lunch". He said the town has to raise a certain amount of money each year through taxes and if the elderly are given larger exemptions, that's great for them, but the rest of the town has to pay for it. He said it's a balancing act.

Mr. Taglieri said the Selectmen have a lot of power and this is something that should have gone to the voters. Joe said that if the operating budget is voted down, the town employees do not get a raise, which is what happened last year. Shawn pointed out that the cost of insurance has increased again and the 5% will probably be swallowed up in that. He pointed out that if year after year this happens to employees, at some point they will leave for other jobs that pay better. He said the Selectmen are a volunteer board, no one is getting rich working for the town, and the town employees should be taken care of.

III. Agenda

Encumbrances

After reviewing paperwork, Sheila asked Chip Current where the pipe is going to be placed. Chip said it depends on weather conditions. It will either be under Tuckertown Road where the beaver damage is, which is between the shooting pit and the Eversource easement, or on the lot off of Happy Hollow Road, across from the wetlands.

Shawn asked about the warrant for \$209.37 for the saplings, and Chip said that's already been paid. There was a short discussion about what can be encumbered. Shawn said there are two amounts that will be encumbered. Joe made and Annemarie seconded a **motion to encumber \$1,225.78 for the pipes and \$400.00 for beaver control**. Shawn, Joe, Dennis, and Annemarie voted in favor; Sheila was opposed. The motion **passed**.

Kim assured Chip the committee secretary will be paid and there is no need to encumber funds for payroll.

Jimmy Seaver explained he'd like to encumber the remaining amount of his funds, about \$40,000.00, to pay toward the Busby contract. Shawn explained they need paperwork specifically for what is being done to which the encumbered funds will go. This is for accounting and legal purposes. Jimmy explained, and the paperwork was reviewed, the work being done on Danielle Street and Hickory Lane. After a short discussion, Sheila made and Annemarie seconded a **motion to encumber \$40,000.00 to go toward the Busby contract as discussed**. The motion **passed** unanimously.

Cemetery Trustee Discussion

Beth Caillouette introduced Andree Marinelli, the newest trustee elected this year. Dennis said there had been some questions about cemetery expansion in the previous meeting. Beth said the Old Meeting House and Center Cemeteries cannot expand beyond the current acreage, but the trustees are looking into areas for a mausoleum. Beth said there are about 100 cremation lots left and 150 full burial lots. The cost is

\$400.00 for a single lot. Two-by-two cremation lots can be sold for a lower price. There was a short discussion about following the RSA regarding having space for a mass burial.

2024 Warrant Articles

1) Colby Memorial Library Expend Interest

To see if the Town of Danville will vote to raise and appropriate the sum of One Hundred One Dollars and Fifteen Cents (\$101.15) to purchase books and authorize the use of that amount from the interest income earned from the library's checking account and to authorize the expenditure of those funds by the Library Trustees.

Sheila made and Joe seconded the **motion to move this article to the ballot**. The motion **passed** unanimously.

Per the recommendation by the Selectmen, all voted in favor. The **recommendation by the Selectmen will be 5-0**.

2) Colby Memorial Library Infrastructure and Facility Non-Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000.00) to be placed in the Colby Memorial Library Infrastructure Expendable Trust Fund for engineering, repair, and renovation of facilities and the upgrade of the Colby Memorial Library's infrastructure.

Sheila made and Joe seconded the **motion to move this article to the ballot**. The motion **passed** unanimously.

Per the recommendation by the Selectmen, Shawn and Sheila voted in favor; Joe, Dennis, and Annemarie voted against. The **recommendation by the Selectmen will be 2-3**.

3) Modification of Elderly Exemption

To see if the Town of Danville will vote to modify the provisions of RSA 72:39-a for elderly exemption from property tax, based on assessed value, for qualified taxpayers, to be the following: for a person 65 years of age up to 74 years, Ninety Six Thousand Dollars and no cents (\$96,000.00); for a person 75 years of age up to 79 years, One-Hundred Thirty Seven Thousand Five Hundred Dollars (\$137,500.00); for a person 80 years of age or older, One Hundred Sixty Nine Thousand Dollars (\$169,000.00). To qualify, the person must have been a New Hampshire resident for at least three consecutive years, the person may own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least five years and the property must be the primary residence. In addition, the taxpayer must have a net income of not more than Forty Thousand Dollars (\$40,000.00) or, if married, a combined net income of less than Fifty Thousand Dollars (\$50,000.00); and own net assets not in excess of Eighty-Seven Thousand Five Hundred Dollars (\$87,500.00) excluding the value of the person's residence." This article shall take effect for 2024 property tax year.

Sheila explained that she contacted several area towns, and all had different numbers. She added the 8% COLA given by Social Security last year. Sheila suggested the residency status could be changed to five years instead of the current three. Annemarie asked if there is any statutory guidance for this. Shawn stated the three has always been a fair amount of time for exemptions. He stated this coincides with a good practice of ensuring those receiving the exemption still qualify. He said there have been instances in which the qualifying individual has passed away, yet the other household members continue receiving the

exemption. Annemarie asked about Sheila's research into other towns' residency requirements and she said Plaistow is five years and others are three years.

Sheila explained the change in income eligibility requirements. The net assets amount has increased from \$81,000.00 to \$87,500.00. Net income has been increased from \$37,000.00 to \$40,000.00 and total net assets amount has increased from \$46,200.00 to \$50,000.00.

Sheila made and Joe seconded the **motion to move this article to the ballot**. The motion **passed** unanimously.

Per the recommendation by the Selectmen, all voted in favor. The **recommendation by the Selectmen will be 5-0**.

There was a short discussion of scrivener's errors to be corrected in the latest draft of warrant articles.

IV. Minutes

The minutes of Wednesday, December 20, 2023, were reviewed. Sheila made and Joe seconded a **motion to approve the Wednesday, December 20, 2023, minutes as written**. The motion **passed** unanimously.

The non-public minutes of Wednesday, December 20, 2023, were reviewed. Sheila made and Joe seconded a **motion to approve the non-public Wednesday, December 20, 2023, minutes as written**. The motion **passed** unanimously.

V. Old/New Business

Shawn said he received a notice from Kathy Beattie that the town has received a deposit for the room and board tax. It is about \$421,000.00. To explain why the rest of the Board had not heard yet, Shawn said he had been speaking with Kathy about other business and she had mentioned this.

Chief Parsons explained he's been trying to get a tactical vest for the new K9 officer. He wanted to get something with adequate protection but not overheat the officer. One was found for \$3,479.00 and Chief Parsons said that Sheila has offered to pay for this through her non-profit Rainbow Association, Precious Paws project. Wade had originally thought the funds could be encumbered, but it may be easier if Sheila wrote a check to the company directly and the town can agree to accept the vest after its received. Sheila was thanked for her kind and generous offer. Joe made and Dennis seconded a **motion to accept the vest on behalf of the town**. Sheila abstained. The motion **passed**. It was agreed that Wade and Sheila will work out the details.

Kim explained that the complaint about the mailhouse on Emily Street has been addressed. The builder has been contacted who presented as-built plans, and the Planning Board will have this on their agenda January 11.

VI. Announcements

Wednesday, December 29, 2023: Senior coffee hour at the Community Center, 10am to 12pm.

Monday, January 1, 2024: Town Hall is closed in observance of New Year's Day.

Friday, January 5, 2024: Last day for voters to petition Select Board to include articles proposing bonding.

Tuesday, January 9, 2024: Last day for voters to petition Select Board to include Warrant Articles in the town meeting.

Tuesday, January 23, 2024: NH Primary Elections at the Community Center from 8am to 8pm.

Wednesday, January 24, 2024: Declaration of Candidacy begins this day and continues through Friday, February 2, 2024

Saturday, February 3, 2024: Town Meeting Deliberative Session, 10am at the Community Center.

Thursday, February 8, 2024: TRSD Deliberative Session, 40 Greenough Road, Plaistow, NH at 7pm (Timberlane Performing Arts Center or PAC)

At 8:06pm, Sheila made and Joe seconded a **motion to go to a non-public session under RSA 91-A:3, II (c)**. A roll call vote was taken:

Shawn:	yes
Dennis:	yes
Sheila:	yes
Annemarie:	yes
Joe:	yes

The motion **passed** unanimously.

Shawn stated the public portion of the meeting was adjourned.

Respectfully submitted,
Janet Denison