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Town of Danville
Board of Selectmen
September 2, 2014
7:00 pm

Selectmen Present: Shawn O'Neil-Chairman, Chris Giordano -Vice Chairman, Michelle Cooper, Kimberly Farah

Excused members: Annemarie Inman

Others present: Bruce Caillouette, Beth Caillouette, Carsten Springer, Nick Cristofori of Comprehensive Environmental Inc. (CEI), Janet Denison

I. Illicit Discharge/Storm Water

There was a lengthy discussion about a possible illicit discharge ordinance. It was questioned why the state won't adopt this if it is a federal mandate. The opinion was given that this is an unfunded mandate; if the town adopts this as an ordinance, the state or federal government will then be able to leverage the town to pay for whatever procedures this puts into place.

Mr. Cristofori explained the Municipal Separate Storm Sewer Systems (MS4) is under the clean water act and there are required components to any illicit discharge ordinance. He said it was left up to the local government to adopt what will work best for that community.

There was a discussion about whether this should be an ordinance or regulation or something else. The town must adopt ordinances per ballot, and it was unknown what would happen if the town voted down adopting this as an ordinance.

Those present discussed how the document itself has been trimmed and edited considerably. The one-page version did not have the required elements; therefore the current five-page document became the latest draft. Mr. Cristofori said the longer version has exemptions and definitions included in the document. He stated the town needs to have a regulatory mechanism in place or else it will not be able to enforce illicit discharge.

Carsten said this is the reverse of "grandfathering." As an unfunded mandate, if that mandate changes in the future, the town is locked into anything new which may or may not be desirable for the town. He said the town should not adopt something that can morph into something else without town approval. He pointed out the wording in the definition of "clean water act" and that it states, "as hereafter amended." It was suggested this be changed to a version of the clean water act as of a specific date.

Beth said she does not want to see the town get into trouble or be fined if this is not put into place as an official town document. Selectman Farah said she wanted it on the record that she believes the town is in noncompliance.

Those present discussed points in the draft document that are still questionable. Carsten mentioned the definition of a drain system included any natural channel and reservoir. The question was asked if the town can add language to exempt itself from the cost of cleaning up if those guilty of the illicit discharge are unable to pay.

Nick pointed out that any of the definitions can be amended or deleted as the town sees fit. Nick could not confirm whether the definitions come from the state or not.

There was a discussion about what is or is not a contaminant and what may or may not be selectively enforced. Carsten stated this document is based on poor science and solutions are being sought upstream for problems that exist elsewhere. Vice-chair Giordano stated that the Town has sought to find out what comes into and out of its waterways to see exactly what Danville is contributing.

Chairman O'Neil stated that some things are not allowed regardless of this document, such as someone dumping paint into Long Pond or using certain chemicals as fertilizer within so many feet of open water.

Selectman Cooper suggested giving this to Peter Loughlin for his comment. Carsten said giving this to Peter may still be premature, but he will discuss this with the Conservation Committee for their comments. Those comments will then be brought back to the Board of Selectmen. Vice-chair Giordano said the final version will be sent to Peter for his comments.

Beth read from the Stormwater Phase II Final Rule fact sheet dated December 2005 stating what is required in an ordinance or regulation. These included:

1. A storm sewer map
2. A prohibition on non-stormwater discharges
3. A plan to detect and address non-stormwater discharge
4. The education of people about the associated hazards of improper waste disposal
5. Best management practices

Carsten asked for Mr. Cristofori to review the definitions and ensure exactly what the EPA has. It was suggested that the word "ordinance" is stricken, leaving the word "regulation."

II. Cheney Lane/PSNH road bonds

The Board reviewed a recent request to reduce or release the Cheney Lane road bond. Dennis Quintal reviewed the road conditions and submitted his findings, including photographs, dated August 28, 2014. It was stated the bond would remain unchanged at this time. Vice-chair Giordano said shiv and compaction tests need to be in site plan review.

Bruce stated he believes the road bond amount for PSNH should be about \$50-60k. He explained the areas that will see the most activity will be along Sandown Road and any approaches to the corridor where a road intersects.

III. Policy 14-1, Election Regulations

The Board discussed the policy which precludes someone from performing their duties as an election official if their family member is on the ballot. Vice-chair Giordano suggested rescinding the entire policy. Selectman Farah stated that is not a good idea to rescind or change this policy this close to an election.

Vice-chair Giordano made a motion to temporarily rescind Policy 14-1 until after the elections. The motion was not seconded. Selectman Cooper made and Selectmen Farah seconded a motion to give the policy to legal counsel to review and to obtain their opinion. After further discussion it was agreed to send the policy to LGC, specifically highlighting the section on page 2 regarding family members of those named on the ballot.

IV. 2015 COLA

Chairman O'Neil presented information to the Board members regarding a cost of living increase for town employees. Vice-chair Giordano made and Selectman Farah seconded a **motion to set the COLA at 1.4% for 2015**. Selectman Cooper abstained. The motion **passed**.

IV. Bank RFP

The Board reviewed changes to be made to the RFP. Chairman O'Neil said he will work with Patty Shogren regarding the edits to be made.

V. Ballot Inspector

The Board discussed Barry Hantman's request to appoint ballot inspectors. There was no agreement on who will fulfill these responsibilities.

IV. Signature File/Minutes

The Board signed one veteran credit application. The 2014-18 warrants were signed. The August 18, 2014 minutes will be reviewed at the next regularly scheduled meeting.

IV. Grounds Maintenance Bids

The Board opened sealed bids from three companies as follows:

	Auger Property Maintenance	Make A Difference Landscaping	KSD Tractor Service (mowing only)
Mowing, Border Trimming	\$18,070.00	\$19,370.00	\$24,010.00
Spring Liming, Fertilizing	\$2,019.60	NA	
Spring Spruce-up	\$2,610.00	\$3,190.00	
Fall Spruce-up	\$1,580.00	\$2,440.00	

These will be discussed in more detail at the next regularly scheduled meeting.

At 10:10pm Vice-chair Giordano made and Selectman Cooper seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet S. Denison
Land Use/Assessing Clerk