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Town of Danville
Board of Selectmen
January 13, 2020
7:00 PM

7:00 PM

Meeting is Video-Recorded

Selectmen Present: Scott Borucki, Chair; Shawn O'Neil, Vice Chair; Sheila Johannesen, David Knight, and David Cogswell

Others Present: Patty Shogren, Town Administrator; Steve Woitkun, Fire Chief; Wade Parsons, Police Chief; Janet Denison, ZBA/Planning Board

Scott called the meeting to order at 7:00 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. Delegates:

There were no delegates. Scott closes the Delegate Session.

II. Old/New Business

Fire Dept. Warrant Articles: The BOS invites Chief Woitkun to sit with them to review a new Fire Dept. Warrant Article: **2020aa Mandated Replacement of SCBA for Fire**. Scott notes this Warrant Article seeks to raise an additional \$63,330 for mandated replacement of SCBA equipment. The additional funds would come from the pre-existing Protection of Personnel Equipment Capital Reserve Fund (Warrant Article 2020gg). Chief Woitkun reminds the BOS the Town was disqualified from the grant process because of this Personnel Equipment Capital Reserve Fund. Shawn suggests dissolving the Protection of Personnel Equipment Capital Reserve Fund and transferring those funds into a more general Fire Equipment account. Dave K. notes this can be done with a Warrant Article to rename the fund and revise its' purpose.

Chief Woitkun explains that Fire Departments are required by the USDOT to replace SCBA bottles every fifteen (15) years. He notes their bottles expired in 2019. He is requesting new packs because the new quick connect connections on the new bottles are not supported by the older pack systems. Patty notes the wording in the original *Protection of Personnel Equipment Capital Reserve Fund (Warrant Article 2020gg)* does not mention any mandated or required equipment replacement. Dave K. reiterates this will allow the Capital Reserve fund to be renamed and the purpose revised by a new Warrant Article. Dave K. notes this would also allow the BOS to use those funds to purchase other necessary Fire Equipment. Chief Woitkun explains his idea of closing the *Protection of Personnel Equipment Capital Reserve Fund* if Warrant Article 2020aa **Mandated Replacement of SCBA for Fire** passes. Chief Woitkun continues explaining that using expired bottles creates a liability issue if any firefighter is injured. Scott notes that Chief Woitkun needs to emphasize this serious issue at the Deliberative Session.

Dave K. and Shawn discuss the option of adding wording the proposed Warrant Article 2020aa **Mandated Replacement of SCBA for Fire** that would move any remaining funds from Warrant Article 2020gg- *Protection of Personnel Equipment Capital Reserve Fund* to a new account. Shawn notes this is an "all or nothing" if the **Mandated Replacement of SCBA for Fire** does not pass. Chief Woitkun notes there is no back-up plan if the Warrant Article fails to pass.

Dave K. also explains to Chief Woitkun that should the revised costs of retrofitting the old fire truck be too expensive, they will not need to write a Warrant Article to sell the truck. The BOS has the right to sell the vehicle and can use the funds however the BOS decides.

Dave K. motions to move the Fire Department Warrant Article for replacement SCBA equipment forward as written. Seconded by Sheila. **Vote is unanimous. (5-0)** Warrant Article will move forward

Dave K. motions for the BOS to recommend the Fire Department Warrant Article for replacement SCBA equipment. Seconded by Shawn. **Vote is unanimous. (5-0)**. Warrant Article is recommended by the BOS

Consensus of the BOS is to move forward with the Warrant Article to change the Protection of Personnel Equipment Capital Reserve Fund to a more general Fire Department Capital Reserve Fund. Patty will write the new Warrant Article for BOS review.

New Police Station Bond: The BOS received the final quote for the new police station. Charter Brothers has recommended a budget of \$2,600,990.36. Dave K. believes the NH Department of Revenue Administration (DRA) will provide the information of exactly how to write the bond, noting the only changes would be to the amount of money the Town will finance and the number of years to finance the project. Dave K. reminds the BOS of Shawn's calculation that there was very little difference in the rate of interest between 20 years and 25 years. The Town would just spend more on interest costs, changing the ratio between the principal and interest. He explains the costs multiply with every additional year of financing. Scott reiterates his belief that now is the best time to move forward with the project given the current interest rates and costs of construction; noting both will continue to increase. Dave K. motions to finance the bond for \$2.6M for 20 years. Seconded by Shawn.

Vote is unanimous. (5-0)

Dave K. raises the question if the BOS should remove the Capital Reserve Warrant Article for the new police station. There is a brief discussion and the consensus of the BOS is to table this decision until later in the meeting.

The BOS discusses that Stone River did not meet with the Planning Board as discussed last week. They have also not yet reached out to Chief Parsons with publicity materials for the new Police Station also as discussed last week. Chief Parsons informs the BOS that Lt. Merced will be in charge of that publicity process once they have received the materials. The BOS expresses concern that publicity materials discussed with Stone River have not been made available yet. Dave K. outlines the tasks discussed with Stone River at the January 6 BOS meeting, including meeting with the Planning Board for project approval; that Stone River had agreed to put project/publicity graphics on their website with links for access, and they had offered to provide presentations of the project to Danville residents. Scott asks Chief Parsons to follow up with Stone River for the publicity materials. He notes those discussions included the idea of a mailer, which he believes would be a good investment. This leads to extensive discussion regarding electioneering laws.

Ms. Denison asks if materials could be made available at Town Hall. Dave K. notes that materials could be at Town Hall as long as they were for informational purposes only, the same way that information on projects the Planning Board are working on are made available. Shawn reminds the BOS any such materials must be fact based: the project details (location, building drawings, the costs and the terms of financing, etc). He reminds the BOS the "why we need this project" could quickly become subjective and violate electioneering laws. Dave K. also notes the need for unpaid volunteers to help with publicity; explaining that publicity produced by paid employees also violates electioneering laws. Patty mentions the Police Association as being able to help with publicity, much as the Fire Association had done for the Community Center. It is noted that Stone River could also market their project. However, it was made clear that Town Officials and Town Employees cannot participate in that part of the project.

Warrant Articles Review:

🚧 **2020cc- "Capital Reserve Fund for New Police Station"** Chief Parsons agrees with Dave K's suggesting of eliminating the Capital Reserve Warrant Article for the new police station. He notes that ongoing annual funding of \$20,000 will not keep up with the costs of inflation for construction of the new Police Station. He is also concerned that it will be seen as yet another money item on the Warrant Articles. There is discussion regarding wisdom of removing the Warrant Article if the Bond Warrant fails.

Dave K. motions to remove the Capital Reserve Warrant Article for the new Police Station from the FY2020 Warrant Articles. Seconded by Sheila. **Vote is unanimous. (5-0)**

✚ **2020nn “Funds Generated from Community Center Rentals”:** Patty reviews this Warrant Article with the BOS noting this is an effort to continue with the renovation of the kitchen and back room. She notes they are also looking at FEMA grants to help with the project, as the Community Center is also the Town’s Emergency Shelter. She is hoping the Warrant Article will help finance the completion of the upgrades. Dave K. motions to move the Warrant Article forward and for the BOS to recommend it. Seconded by Sheila. **Vote is unanimous (5-0).** Following the vote there is discussion if the BudCom also needs to vote on this Warrant Article because there is no money written into the Warrant Article. Dave K. notes the Warrant Article does affect the Revenue Budget, so his opinion is that BudCom does need to vote on it. David C. agrees.

✚ **2020oo “Tax Impact Inclusion on the Budget”:** The BOS discussed this Warrant Article was at previous meetings. Shawn motions to move the Warrant Article forward as written and for the BOS to recommend it. Seconded by David C. **Vote is unanimous (5-0).**

✚ **2020pp “Change Recycle Program” (Advisory Only):** Patty has revised this Warrant Article as requested from previous discussions. Dave K. motions to move the Warrant Article forward as written. Seconded by Sheila. **Vote is unanimous (5-0).** Dave K. notes that because Warrant Article is advisory only, no recommendations are necessary.

Trash: Ms. Denison presents a request from a Town business to be able to participate in curbside trash pick-up. She notes the contract is for residences only. She provides the BOS with a breakdown of tonnage, recycling & costs for the past three (3) years. She notes that she broke out the 2019 costs differently than the previous two years.

Scott notes the Planning Board is discussing extending the Village District up to the Fremont town line on Rte 111-A. He expresses his opinion that in an effort to encourage new businesses to locate in Danville, the Town should offer those services as long as those businesses are not generating dumpster loads of trash. He also notes that these businesses should pay an annual fee for their toters.

Shawn expresses his opinion that the Planning Board has well established the requirement for developers that new developments are responsible for their own trash management and feels Scott’s proposal would open the door to more requests for curbside trash service.

Scott notes that extending the Village District will result in more mixed-use buildings. Shawn agrees that if the business owners’ residence were in the same building, they would qualify for curbside trash services. Scott reiterates his belief it is important for the Town to work towards encouraging new businesses. He notes he is not interested in giving trash services away, but feels the Town could charge a reasonable annual fee for the toters. Shawn suggests a limit of two (2) toters per address, the same limits for residences. The Town’s current fee for toters is \$250 per year. Scott asks if those fees actually cover the costs of curbside service.

There is intense discussion following Ms. Denison’s revelation there are homes with two (2) toters that do not pay for their extra toter, noting she has had no luck in retrieving those extra toters. Patty explains that toters disappear from foreclosed and vacant homes. Scott and Shawn believe that Casella should be responsible for enforcing one (1) toter per residence unless the second toter has the designated sticker. Ms. Denison will talk to Casella regarding enforcement of this issue.

Ms. Denison clarifies that when this business requesting curbside services came into Town several years ago, the Planning Board told them they would have to have a dumpster. They are now asking for a toter because they do not generate enough trash for a dumpster. Dave K. asks if the current toter fee covers the tipping fee in the new contract. After confirming the tipping fees, it was noted the Town is currently undercharging for the toters. Dave K. suggests charging a \$500 annual fee for a business toter.

Ms. Denison notes that several times, Casella has recommended that apartment buildings should be considered businesses and should not have toters. Shawn notes that would be a change mid-stream and would not go over well. He reminds the BOS the Planning Board makes independent trash management part of the approval process of new development.

Scott brings the discussion back to the request. He asks if the Town should offer trash pick-up to businesses and at what cost. Shawn suggests moving forward, but requests that Ms. Denison calculate the actual costs based on the new contract. Sheila asks if purchasing a toter would make them eligible to participate in the bulk pick-up. Scott and Shawn both believe that would not be the case. Currently business cannot participate in bulk pick-up. Scott confirms with the BOS that the consensus is to allow businesses to participate in curbside trash pick-up at a yet-to-be determined cost. Dave K. asks if other districts of Town outside of the industrial area include "businesses". Ms. Denison explains there are several small businesses outside of the Village District that have had curbside trash services for many, many years. David C. notes the only difference would be including the Village District as curbside services are already provided for businesses in the residential areas and the commercial/ industrial zone is already excluded from those services.

Scott notes he feels the costs for extra toters as well as business toters should be re-evaluated. Shawn agrees. Scott clarifies the costs should be the same for business toters and residential extra toters. Sheila reminds the BOS the Town should also be addressing the issue of those with extra toters they have not paid for.

Ms. Denison clarifies the information the BOS is requesting. She also asks the BOS if they want to follow up on a previous discussion of having Casella provide a presentation to the Town regarding the recycling issues. The consensus of the BOS is to wait until after the elections. There is some discussion regarding Shawn's online informal poll regarding when the costs of recycling become too much to validate the program. Dave K. notes that perhaps without a recycling program they could get more trash companies to bid.

Revenue Budget: Patty provides the BOS with the proposed FY2020 revenue budget. She explains there is no revenue reflected in the Community Center line as she was hoping the BOS would support the Warrant Article allowing those funds to support the ongoing renovations and upgrades of the Community Center kitchen and back room.

Patty also notes line #3351.10 Shared Revenue Block Grant was not funded as the FY2019 funding was a rollover from FY2018 Highway Funding. She also noted that a change in how investments were handled at TD Bank resulted in \$27,110.90 in interest revenue. She has budgeted \$12,500 for FY2020 not knowing what interest rates will do. Shawn reminds the BOS these are the first estimate of revenues. A revised revenue budget is produced in September that is used to set the tax rate. Other notable line changes included a large number of new vehicle registrations, and an increase in permits due to several new housing developments. Shawn questions the unusually low amount of Highway Block Grants funds received. Patty notes the Town did not receive an anticipated grant in December. Patty reminds the BOS that grant is funded on a different fiscal year. Shawn asks Patty to check into the reason the December grant was not received. She also notes the FY2020 Revenue budget should reflect an increase in that grant amount. Dave K. remarks that he does not remember making any changes to the Revenue budget last year. Patty provides the BOS with a letter estimating FY2020 Highway Block Grant the Town would receive for \$114,609. Shawn notes the grant's fiscal year is July1-June 30, so there is a crossover of fiscal years. Dave K. notes a mathematical error in line 3290.10-Dog Licenses and requests that be corrected to \$4000. Shawn recommends funding line #3353.10 Highway Block Grant for the amount estimated in the letter of \$114,609. There is further discussion regarding Line #3100- Tax Revenue. Patty notes the amount is determined by the DRA and that some of the LUC tax goes back to the Conservation Commission. Patty leaves to revise the Revenue Budget as discussed for a BOS vote later in the meeting.

Minutes: The BOS reviews the public minutes for the December 16, 2019 BOS meeting. Dave K. motions to accept the minutes as written. Seconded by Sheila. Vote is unanimous. The BOS also reviews the public minutes for the December 23, 2019 meeting. Dave K. motions to accept the minutes as presented. Seconded by Sheila. Vote is unanimous.

Road Agent Agreement: The BOS reviews the revised Road Agent Agreement. There is a brief discussion of what would happen if Mr. Caillouette were not re-elected as the Road Agent. The BOS determined they should review the document if that occurred. Shawn notes the current agreement would provide an outline of any future agreements. Sheila clarifies it is Mr. Caillouette's responsibility to notify the BOS of any comp time accrued and when it would be/was taken. Patty notes she has an issue with comp time. She notes the Employee Manual does not allow for comp time. She explains that she also understands that Mr. Caillouette is an elected official, not an employee. Scott notes the position is a unique situation. He reminds the BOS the main purpose of the agreement was to clarify the issues with time billed for snow removal. Patty questions how to calculate comp time that is recorded at the end of a day vs. comp time at the end of a 40-hour week. Scott reiterates the need to define the end of a day to be able to account for "contract" hours. He notes the comp time is only for time/duties that Mr. Caillouette incurs while performing "Road Agent" duties, not when he becomes a "contractor".

As the BOS reviews Mr. Caillouette's latest invoice to help clarify the discussion, Dave K. expresses his concern that one day was billed for 24 hours due to snow removal. He notes that he sees liability issues and questions if there are issues with CDL rules. Scott notes that is probably not uncommon with extended winter storms. Shawn suggests contacting NHDOT on their policy for their drivers. Scott believes snow removal is exempted from CDL rules because it is an emergency/safety issue. Dave K. notes he would like verification of exemption to protect the Town from liability.

Further discussion of Mr. Caillouette's invoice leads to a discussion of "paid" holidays for elected officials. Mr. Caillouette had noted three (3) hours of comp time on Jan. 1 for snow plowing at the school. Dave K. suggests that any time Mr. Caillouette works a day that goes beyond nine (9) hours, those hours are as a "contractor". There is also discussion why the Town was plowing the school. It was determined that there is an unofficial agreement the Town will plow the school rather than spend tax dollars by having the school contract for snow removal. Scott reminds the BOS they have a different kind of oversight for the Road Agent than for any other elected official and questions if other elected officials have "paid holidays". There is extensive discussion on how salary is paid for elected officials. David C. clarifies the time sheets should only reflect comp time and "contractor hours", as the BOS has established the Road Agent's "business hours" in the agreement. He notes the comp time and contractor hours should be detailed in attached paperwork so the BOS is aware of when and why it is generated and when it is used. After more discussion, the BOS decides Patty will pay the salary amount and any contractor hours. Dave K. notes the elected Road Agent is the only elected official the BOS has any oversight over, dictated by both RSA and need. Consensus of the BOS is the agreement is acceptable as written. Scott asks how many signatures the BOS want on the agreement. The consensus is the Chair's signature is sufficient.

Corrected Revenue Budget: Patty returns with the updated and corrected Revenue Budget for the BOS. After a quick review, Shawn motions to approve the FY2020 Revenue budget for the Town of Danville for \$1,212,129. Seconded by Dave K. Vote is unanimous (5-0)

 **FY2020 Revenue Budget approved for \$1,212,129**

FY2020 Default Budget: Patty provides the BOS with an updated summary sheet of the Default Budget reflecting corrections made to specific lines. There is short discussion as the BOS review the details of the Default Budget. Dave K. confirms the summary sheet now includes all of the budget work completed by the BOS and BudCom to date. Patty clarifies her Personnel Budget (FICA) has not been approved by BudCom yet, but as those are mandated and fixed costs, does not believe they will make any changes. Dave K. confirms the bottom line of BudCom budget and the Default Budget. There is discussion the BudCom trash budget still includes one bulk pick-up, budgeted at \$22,000 with the BOS noting it could be under budgeted. There is discussion regarding several salary lines. Sheila explains to the BOS that BudCom budgeted only the pre-approved COLA increases. Scott motions to approve the Default Budget for \$3,436,113. Seconded by David C. Vote is unanimous (5-0)

 **FY2020 Default Budget approved for \$3,436,113**

Selectman's Letter: After a short discussion, David C. volunteers to write the Selectman's Letter for the Town Report. Patty will have Ms. Denison send him the template.

Long Pond Water Issues: Dave K. brings up discussion of the ongoing concerns regarding water levels on Long Pond where a beaver dam on private property has created an area of high water. He notes the BOS have not talked to the property owner to see if he realizes the impact of his actions or if this is what the owner was intending to do. He suggests the BOS request the owner attend a Conservation Commission meeting to discuss and make sure he understands the potential impact of the situation. Dave K. wants to be sure if the owner refuses to address the issue that he is informed that he will be held liable for damages to Long Pond Rd., and that citizens can hold him liable for private property damages. Patty notes she has called the State and they have informed her they can only step in if the beaver dam causes flooding on Long Pond Rd. and they cannot address any private property damage. Sheila notes the owner had worked with the Town in the past until there was a disagreement. Scott expresses his concern how liable the property owner can be held if the State is not willing to address the issue until the water floods Long Pond Rd. Dave K. reiterates his concern that no one has talked to him. Scott suggests inviting him to a BOS meeting, noting that if he will not come perhaps Dave K. can go talk to him. Consensus of the BOS is to invite the property owner to a BOS meeting.

III. Town Announcements

Open Committee Seats:

- + Heritage Commission- 1 open position and 2 alternate position
- + Budget Committee- 3 open positions

Voting Information:

- + **February 8, 2020: Danville Deliberative Session (Town Budget) at 10:00AM at the Community Center.** If there is EXTREME weather with a state emergency, the Snow Date is Sunday, February 9.
- + **Tuesday, February 11, 2020: NH State Primary Election** - Polls will be open from 7:00AM to 7:00PM
- + **Tuesday, March 10, 2020: Danville Town & School Elections** -Polls will be open from 8:00AM to 7:00PM.

School District Voting Information:

- + **Thursday, February 6, 2020 at 7:00PM: Danville School Deliberative Session:** in the High School Gym.
- + **School Committee Vacancies:**
 - o Danville School Board: one three(3) year position
 - o Danville School Budget Committee: one three (3) position

Recreation Committee

- + **Senior Coffee Hour:** Next Senior Coffee hour will be **Thursday, January 30, 2020; 10:00AM-12:00PM** at the Community Center.

Rabies Clinic: Saturday, April 4, 2020 from 10:00AM- 1:00PM at the Safety Complex. Rabies shots for cats and dogs only will be \$12.00

Patty reminds the BOS they will need to decide the BOS schedule for attending the February 11 Primary Election.

There being no further items to discuss. Dave K. motions to adjourn. Seconded by David C. Vote is unanimous Meeting is adjourned at 9:31PM

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

Respectfully Submitted
Deborah A. Christie