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Town of Danville
Board of Selectmen
July 1, 2019
7:00 PM

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Meeting is Video-Recorded

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

Others Present: Janet Denison, Land Use/Assessing Admin; Chief Steve Woitkun, Fire Chief; Fred Smith, Town Assessor; Judi Cogswell, Committee for the New Police Station, representative for Recreation Committee

Scott called the meeting to order at 7:00 and reviewed the ongoing issues with Comcast and the Public Access Channel with the BOS, noting the Cable Committee would be addressing those issues during their contract negotiations with Comcast. He then requested a moment of silence for the troops who put themselves in harm's way. All stood for the Pledge of Allegiance

I. Delegates

Fire Chief Steve Woitkun requests guidance from the BOS regarding purchasing of a container for the Fire Department equipment currently stored in the Boathouse. The BOS advised him to get some prices and bring them to the BOS for purchase approval. There was a brief discussion on the fate of Fire Station 2 - it will be dismantled, and the Little Red School House will be moved to that location.

Chief Woitkun also asked for clarification of the procedure to purchase a new fire truck as approved in the Warrant Article. He informed the BOS he was close to making a recommendation. He had requested bids from the top four companies that provide fire trucks. Over the past six weeks, sales representatives had visited and made their presentations and he had received input from the entire department. Now he would like to meet with the Fire Wards and discuss the decision with them before bringing the recommendation to the BOS. He noted there were substantial discounts available if the order was paid in full up front and the Town would be provided with a performance bond guaranteeing the delivery of the fire truck, which takes approximately a year. Dave K. asks if there were any lease-to-buy options. Chief Woitkun noted the Warrant Article was for a purchase and the money was there to complete the purchase. He also noted that he did not feel the interest paid on a lease-to-buy was in the best interests of the taxpayers. He would have the prices for the containers and a recommendation for the purchase of the fire truck for the next meeting.

II. Old/New Business

Tax abatement questions: Fred Smith, the Tax Assessor was asked to explain a recent issue arising from the land use change tax. Shawn asked for an explanation of how the situation occurred, why did it occur, and how the BOS could ensure that it would not occur again. He noted the land use change tax was put into the Conservation fund, and this recent issue required withdrawing from that account to return funds to a landowner. He expressed his concern that this does not happen again.

Mr. Smith outlined the history of the land in question. In 1997, the owner put 56.1 acres of land (the entire lot owned) into current use. 4.3 of that land was in Sandown, 51.8 acres were in Danville. In 2008-2009, the owner requested to remove some acreage from current use in order to build a house. The assessor at that time

requested a map of the acres being removed from current use, but as there is no law requiring that, no map was provided.

In 2018, the owner sold the entire parcel to a developer, including the acreage that had previously been removed from current use (approximately 16 acres). There was an arrangement made between the owner and the developer of who would pay the taxes owed when other parcels of the land came out of current use.

The developer went to the Planning Board and all subdivision requests were completed correctly. A survey of the lot with the subdivisions was completed. A hand-drawn map of the 16 acres previously removed from current use was provided to the Assessor, and when he overlaid that map with the developer's map, there appeared to be three lots that would need to come out of current use for the subdivision. The developer then went back to the previous owner who claimed one of the lots was part of the 16 acres that had come out of current use in 2008-2009.

The issue is there were no surveys done prior to the subdivision, there are no true acreage records, so it is impossible to know what land was still in current use and where the 16 acres removed from current use in 2008-2009 actually were located within the lot. Mr. Smith explained that out of the acres originally put into current use, 17 acres are wetlands, and 16 acres were previously removed from current use. Using only the hand-drawn map, he charged the developer for removing 3 lots out of current use. The argument from the previous owner is that only 2 lots should be moved out of current use. Mr. Smith notes there is no accountability for which lots that were previously removed from current use. He states the law lists three criteria for removal from current use:

- 1) The land in current use drops to below 10 acres.
- 2) The land is sold.
- 3) The land is physically developed or changed.

Dave K. reiterates the Mr. Smith stated the land was surveyed for the first time during the subdivision process. Mr. Smith affirmed this and stated the lot was a little less than 40 acres, but it was confusing because additional acreage was purchased after the initial 40 acres. Dave K. asked if the current situation had resulted in having multiple lots on one deed. Mr. Smith replied that he was not aware of this, and to the best of his knowledge, each lot had its own deed.

Shawn questions the math used to determine what lots were recently changed from current use. Mr. Smith reviewed the breakdown:

- ✚ 40 acres was the approximate size of the original lot
- ✚ 15.8 acres were removed from current use in 2008-2009.
- ✚ 4.16 acres were removed from current use in 2019
- ✚ 2.34 acres were removed from current use in 2019
- ✚ 17.3 acres are wetlands and are on the backside of the original 15.8 acres removed from current use in 2008-2009.

Mr. Smith had recommended a refund of the land use change tax be paid to the previous owner. He noted the pitfall is that the previous owner did not have to designate which 16 acres he requested out of current use in 2008-2009, and everything depended upon the hand-drawn map, and that he had no way of knowing what land had been disturbed ten years ago in order to determine current use.

There is discussion on how the BOS can prevent this from happening again. Mr. Smith states the Town needs to do what he does, when a building permit is issued, to go out and physically view the land that has been disturbed. While he is aware of subdivisions and building permits granted, he cannot change the current use until the lot is developed or sold. Once that acreage is determined, it is removed from current use. Mr. Smith reiterates the current issue is a result of that earlier acreage that was removed from current use with no determination of where it was on the lot, and that all he had to work with was a crude hand-drawn map.

Scott asks how many large parcels still existed in Danville that could cause this issue. Janet noted there were a few. Mr. Smith noted there are several large acre lots that could be subdivided. Scott reiterates Shawn's question

of how to prevent this issue from happening again. Mr. Smith states when he inspects each house, he also would determine how much land had actually been disturbed. Dave K. states the Town has to go out and do current use maps of every lot in order to prevent this issue from happening again. Mr. Smith explains he does not foresee another situation as this one, stating that most lots removed from current use for construction average around 3 acres. He again explains that until the land is actually disturbed, he cannot determine how much land will come out of current use.

Scott asks Janet for her input. Janet informs the BOS there are still several large parcels in town and to her knowledge, two of them have not been surveyed. Janet notes this is where the issues the BOS is currently facing begins; unless the owner has the land surveyed and either records it or provides a copy to the Town, there is no way for the town to verify acreage. Scott asks what would prevent the Town from determining which 16 acres had been taken out of current use. Shawn explains the Town does not have a fiduciary responsibility of notifying itself of the change in current use. It is the responsibility of the landowner to inform the town of the change when they are paying the land use change tax.

Mr. Smith reiterates the issue is when the house was built in 2009, there was no determination of what land was disturbed, and now, ten years later, he has no way to determine what land was disturbed at that time. He explains in detail to the BOS his procedures for determining how and when land qualifies to be removed from current use.

Dave K. expressed his concerns that while Mr. Smith's standards of practice are thorough, there is no demand for this standard of practice, there is no demand from the State that owners provide a map, and no authority from the State for the Town to make its' own rules for procedures. Mr. Smith explains that his practices are standard procedures for assessors.

Dave K. asks Mr. Smith if, after all this discussion, he would still recommend abating this money. Mr. Smith states that he would. Dave K. asks if Mr. Smith would take a tax map, mark out the 17 acres removed from current use, have the current owner agree and sign it. This led to some discussion of the process. Scott reminds the BOS with the exception of the original lot and the 17 acres of wetlands and the 3 acres currently at issue, the lots already have been subdivided and removed from current use. He expressed his opinion that any further documentation would not matter at this point in the issue.

Dave K. motions to approve the abatement request. Seconded by Sheila. Vote is unanimous.

Dave K. tells Mr. Smith that Patty and Janet have been generous in their praise of his work and communication with them. Mr. Smith wanted to give the BOS a heads up regarding an issue with Rock Rimmon they had been working on. He believes that issue is close to resolution; noting that two camping trailers in question had disappeared, others were registered vehicles and not eligible for property taxation, and noting that since the park had gone co-op accountability had greatly improved.

Shawn wanted the record clarified that the money for the abatement would be removed from the Conservation fund to reimburse the town including all interest. He motions to authorize the Town Treasurer to reimburse the Town the exact amount of the land use change tax abatement including interest. Seconded by Dave K. Vote is unanimous.

Scott has another qualifying abatement request. The consensus of the BOS is to accept the request and it is sent around for signature.

Police Station Update: Scott believes this was on the agenda in error as the agreement was to appear at the July 15 meeting. David C. gave a brief update from the site walk. He noted that some abutters from Cobbler's Ridge were also there and expressed some concerns. David C. noted the test pits still needed to be drilled to ensure there was no hidden ledge. He also noted several viable sites were discussed. Scott noted he heard the placement of the station had changed. David C. stated the placement had been moved closer to Hersey Rd, away from the back of the lot in an effort to avoid conflict with Highway Dept. vehicle access. He also informed the BOS the

Committee has approached Charters Brothers to discuss the possibility of their providing some architectural services.

Scott asked if there had been discussion on the location of the salt shed. David C. stated there are locations where it would not over shadow or over hang the new Police Department. He states the Committee needs to understand the EPA requirements on size. Mr. Caillouette had requested a shed 80x100 in order to store sand and salt. Scott noted he had two questions, 1) does the Town need a salt shed that size and 2) what are the actual EPA requirements, commenting that he suspects they have more to do with runoff and protecting the environment than with size. Judi Cogswell noted she was doing research on the size and use of salt sheds in surrounding towns and checking on the EPA requirement, which she believes is just for salt storage. Scott notes that 10,000 square feet of storage is a huge amount of space. Dave K. notes the salt and sand storage may be a desire of the Road Agent, but felt the discussion needed to wait until he was there to present his ideas. Dave K. also recalled a previous discussion regarding whether the equipment had to be covered while loading and unloading, noting that Mr. Caillouette had expressed his desire to be able to bring the equipment into the salt shed for loading and unloading, and that was why the size of the shed was so large. He suggests perhaps the Town Engineer could look at the requirements and determine the minimum required and the BOS could then make a business decision of the best options. Scott notes he would like a better understanding of the requirements and why are they looking at such a large sized shed, when perhaps something in the middle would serve better. Shawn reminds the BOS to look at long-term needs. There is more discussion about the number of state roads vs. town roads, build-out of the town, state and federal requirements.

Judi adds that another reason the Committee was considering moving the Police Station was to avoid upper Hersey Road and the deliveries of salt and sand as well as accommodating enough turning radius for the Highway trucks. The change would also make the area more accessible to the Police Dept., noting the more secure areas of the Police Dept. would be away from the Salt Shed. Judi noted the rocky ledge at the back of the lot not being appropriate for building. Janet asked if there had been any consideration for putting a cell tower there. David C. noted the committee had looked beyond the garages where there is a substantial amount of ledge as a possible location for a cell tower. Scott commented that just for safety reasons the Police Department would at least need antennas.

Heritage Commission: Dave K. updates the BOS on the insurance issue. Unless there is an accurate list of exactly what each item is, and there is some type of appraisers' value attached to each item, it cannot be insured. He states the real issue now is how to protect the items from theft, misplacement, and animal damage if it remains unsecured. Dave K. has noticed signs of mouse activity in the upstairs rooms and now believes that shelving will not be an appropriate way to store the collection. The Commission is looking into the cost and availability of metal cabinetry, probably for the same rooms upstairs. Dave K. also informs the BOS the Chair of Heritage has given his notice that he is stepping down and the Commission will be reorganizing at their next meeting. He notes that he, Carol and Brenda are the only active members and the Commission needs to do some recruiting. Scott suggests that happen at Old Home Day, and Dave K. noted he would also be recruiting through the "*Carriage Towne News*". Judi suggested the Commission look into a larger presence on Face Book. Dave K. noted that Jim had been working on that, and now he was leaving, but appreciated her feedback.

Dave K. informs the BOS they inspected the Little Red Schoolhouse and the report should be completed shortly. The only note for this year is that when they re-aligned the front foyer they had to raise it and that has caused many cracks. He notes that he did not do the inspection last year, but had the previous year and feels there are more cracks than before. He noted the work that Carl Skinner did is good. He asked Janet to relay to Patty that someone had left bait boxes in the Schoolhouse. Bait boxes actually attract mice into the building, and they needed to be removed as they pose a safety issue when the children visit. Janet did speak to Patty about removing the boxes, and she, as facilities manager, was fine with that as long as there was an alternative method to keep mice from coming in. Carol had spoken about a repellent that kept them from coming in, but did not have any. After further discussion of various means of vermin control, the consensus of the BOS is to remove the bait boxes and Dave K. will get some repellent to prevent further mouse invasions.

Electricity Alternatives: Dave K. notes the representative had been very communicative, but feels that rate comparisons are not useful to the BOS. He would recommend the representative write a proposal and present it to the BOS. Scott agrees. Dave K. continues that until the BOS sees a proposal that demonstrates a savings, he would not make any changes. The BOS is in agreement they would like to see an analysis and a proposal so they have the whole picture.

Dog licensing list: Sheila explains to the BOS that she had gone to get the list of unlicensed dogs from the Police Dept and was told they thought they were doing the civil forfeitures. Sheila notes this has traditionally been a function of the Animal Control Officer. Dave K. notes that the Police Dept had resolved the licensing issues in two days last year, noting that people respond to letters from the Police Dept. Sheila reminded him that last year the police were doing the animal control duties. Scott expressed his understanding that the letters were delivered as part of the police patrols, and did not cost anyone extra time. Sheila stated she was fine letting the Police Department handle this issue.

Janet confirms with Scott that the Police Station is on the agenda for the July 15 meeting and reviews who needs to be invited to that meeting. Scott agrees with the list unless they will not be prepared.

Scott has an application from Sharon Woodside for the Recreation Committee. Dave K. motions to accept the application. Seconded by David C. Vote is unanimous.

Minutes: The BOS reviews the minutes of the June 18 meeting. There are several correction and clarifications to be made:

- ✚ **Line #30** – Shawn notes “member” should be “members”
- ✚ **Line #132-134**- Dave K. is concerned the minutes do not accurately reflect the strength of his request that there be no more site work done for the Salt Shed. There is discussion how that came across during the conversation with Bruce Caillouette. David C. stated there was no fresh cutting on the lot when they did the site walk. Dave K. wants it understood that he is adamant there is to be no more work done for the salt shed until the BOS has approved the location of the salt shed.
- ✚ **Line #156**- The statement that the EPA requirement is not due until the end of 2020 is correct. However, the EPA would like that work completed prior to that date.
- ✚ **Line #193**- Dave K. notes he had asked to use the storage rooms, but if they were not going to install locking cabinets, the Heritage Commission would need to be able to lock the doors to those rooms. He asks the BOS if he has permission to make those doors lockable, while noting the Commission now feels shelving would not be an appropriate storage method. Sheila reminds him the BOS had by consensus; put him in charge of preserving and storing the Hawke collection as needed. Janet notes the Hawke collection is spelled with an (e).
- ✚ **Line #246**- the cost of the bulk pick-up was incorrectly recorded as \$1700 instead of \$17,000. Janet provides the corrected amount of \$17,275.76.

Scott motion to accept the minutes as amended. Seconded by Shawn. Vote is unanimous.

Non-Public Minutes: The BOS reviews the Non-Public minutes from June 18. Scott motions to accept the non-public minutes as written. Seconded by Dave K. Vote is unanimous.

Dave K. requests a future non-public meeting to discuss decisions made about 599 Main St. This meeting should take 15-20 minutes. He would like the collective thoughts of the BOS on the impact of a recent change made this summer by a court decision. They need to talk because while the court decision will be challenged, it does have an immediate impact and the challenge could take 5-10 years.

Scott asks Janet if the Trash RFP will go out to bid shortly. Janet states it will. She noted the last time the contract went out to bid; she sent out 12 requests and only received two bids. Scott asks if there is a timeline. Janet responds it would take her a day to complete the RFP.

Scott reads the Town Announcements listed below. There is discussion with Dave K. regarding changing one of the openings on the Heritage Commission from an alternate to a full-time membership.

Judi Cogswell adds information to the Recreation Committees Old Home Days notice. She has added Sign-up Genius to the Recreation Face Book page for volunteers to sign up for various activities as well as requested donations for their Raffle table. There is a brief discussion regarding the organization and structure of the Recreation Committee to ensure that their events are insured.

III. Town Announcements

Open Committee Seats:

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

Recreation Committee

- ✚ **Important Change** for July's Senior Coffee hour: it will be **SATURDAY**, July 20, at 10:00 in the Community Center
- ✚ Recreation Committee will be forming a sub-committee for Old Home Day. If interested please contact them at Recreation@townofdanville.org
The Recreation Committee is looking for volunteers for the various events for Old Home Day. There is a Sign-Up Genius on the Recreation Face Book Page for easy volunteering. They are also looking for donations for their Raffle table.
- ✚ The next Old Home Day meeting with the Recreation Committee is Wednesday, July 17 at 7:00PM in the Town Hall.

There being no further items to discuss, Scott seeks a motion to adjourn. Shawn motions to adjourn. Seconded by David C.

Meeting is adjourned at 8:39PM

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

Respectfully Submitted
Deborah A. Christie