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Town of Danville
Board of Selectmen
Monday, January 8, 2024
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; Paul Taglieri, Carol Hillard, Michelle Healy, Charles Underhill, Dawn Viens, Mary Reedy, Nola Whitman, Sally Bourbeau, Bob Deamko, Mary Jo Gallagher, Nancy Stafford, Tara West, David Woodworth, Kristin Woodworth, Chris Tracy, Dave Morse, Ryan Holder, Mark Sherwood, Bonnie Bowley, Rob Collins, Tom Gillespie, CT David, Dan Woodworth, Carsten Springer, Jason Holder, Stefanie Dube, Scott Barr, Lisa Barr

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. Delegate Session

Town Moderator

Sheila read a letter from John Chandler, dated 4 January 2024, attached to these minutes, summarized below:

Dr. Chandler states his regret that he must step down as town moderator. The reasons stated are that the Board of Selectmen, especially Shawn O’Neil, has no interest in working with him and he does not want to be responsible for fostering a division in town functions.

He summarized a warrant article introduced by Shawn on 20 December 2023 in which the presidential election ballots will be hand counted. Dr. Chandler expressed a negative opinion about the proposed warrant article and the conversation regarding it during that meeting, including Dennis’s opinion of the possibility of the hand count process taking several hours. Dr. Chandler said he cannot agree to those terms, and he was not contacted to offer his opinion of the proposed warrant article.

Dr. Chandler said Shawn does not take his election duties seriously and cited two recent elections, 13 September 2023 and 8 November 2023, in which Shawn was not present for the vote tallying. He cited four RSAs that state Selectmen shall be present for the tallying. These had been sent to the Selectmen prior to the elections.

He further stated his discontent with behavior he observed from Shawn and Dennis during a third election, 3 March 2023. He said they both argued against his right to free speech and that Shawn was disrespectful, bullying and shaming Dr. Chandler.

He reiterated having overwhelmingly negative interactions with Shawn and has had mixed interactions with Dennis. Dr. Chandler's other comments are that he's had good interactions with Sheila. While he's had no official interactions with Annemarie or Joe, he's had mixed interactions with their predecessors. He says the 4-1 vote in favor of putting the proposed warrant article on the ballot suggests the majority of the board members do not care about his training or experience. The matter could have been tabled to a later date in which he could have been invited to attend a meeting. Due to that, and the disdain, contempt, and arrogance of the board members, he is stepping down as moderator. He'll work with the Supervisors of the Checklist and Town Clerk as requested to facilitate a smooth transition to a new moderator.

Dr. Chandler apologized to the townspeople and states it was an honor to serve as the moderator and states the election cycle in 2024 is too important and the relationship between the board and moderator has to be built on respect.

Shawn read a statement in response to Dr. Chandler's letter, attached to these minutes and as paraphrased below:

Shawn said he put forward the warrant article regarding hand counting ballots because elections are important and have consequences. He said it is about the machine, not a person, and a question to ask the voters. Anyone could have gotten signatures to put a citizen's petition forward, but he felt his fellow Select board members felt the same as he. He did not ask anyone involved in elections because he wanted the townspeople to decide.

He said Dr. Chandler's statements about the Selectmen, especially himself, is unfair. He reiterated the reason behind introducing the warrant article was to preserve the integrity of the election and there was no implication of shenanigans. The focus was on the electronic machine and a means to ascertain the true vote.

He explained that he takes his responsibilities as an election official seriously and that family matters prevented him from attending the 13 September 2023 election. He was out of town during the 8 November 2023 election and obligations for that day were coordinated by the Selectman Vice Chair in his absence.

Shawn further explained that he has a different recollection of the 3 March 2023 elections and said he did not deny Dr. Chandler the right to free speech. He said the accusations of bullying and shame are erroneous and that failures on Dr. Chandler's part were pointed out to him, to which Dr. Chandler responded with indignation.

Shawn stated that it's unfair of Dr. Chandler to say the Board does not care about his training and experience and the statement regarding the Board members showing disdain, contempt, and arrogance is not true.

He also said that the apology to the townspeople lacks sincerity as there are only two months remaining in his term and there are four scheduled elections in 2024. He called the timing of the resignation selfish and insensitive.

Chris Tracy, the Town Clerk, read a statement, attached to these minutes, and summarized below:

Chris explained the aforementioned Warrant Article and said due diligence should have been executed by anyone putting this article forward. She says the Secretary of State's legal counsel and Town Counsel have stated that, even if the article passes, it is non-binding.

She addressed Shawn saying that he was chairman of the Selectmen in 2010 when Barry Hantman took over from Wally Fries as Moderator. Wally used to hand count the closest race at the end of the night, not knowing this is not allowed per RSA. The Secretary of State reprimanded the town and Barry discontinued the practice.

Chris explained she keeps her opinions to herself, but wants it known that she's always prided herself on the integrity shown by all election officials during her twenty years working closely with all election officials. She said these officials have great respect for the process and go above and beyond to ensure a fair and true election. She said she's been a part of over fifty elections and has faith in the system and in the election officials. She's never seen a large discrepancy in the totals and has proudly put the town seal on the results, certifying the results. She said she wishes the townspeople would have a little more respect in the election process and the officials.

She stated the ballot machine is tested before every election, the process being open to the public. She then requested that the Selectmen withdraw the warrant article as it is nonbinding and contrary to RSA.

Paul Taglieri said he's concerned that we're losing town moderators and the accusations of bullying. Shawn said he will call out someone if he thinks they are not following best practices as an election official and expressed regret that Dr. Chandler is not at this meeting.

Mr. Taglieri then asked Dennis about statements on social media in which Dennis said Dr. Chandler is weak and dishonest. Dennis said they have not spoken to each other since the last election, yet Dr. Chandler's resignation letter disparages Dennis. Dennis said he never restricted anyone's right to free speech and if he will defend himself if he's called ignorant. He explained he thinks it's weak minded to quit so soon before an election and if the warrant article is illegal, the moderator could have just let it go.

Mr. Taglieri asked about the voting process and Dennis said towns can decide whether to use a ballot machine or hand count but not both. His opinion is that it's not unreasonable to verify through a hand count just the presidential election to verify the numbers, but he respects that it may not be allowed by law. He says the idea is all about trust yet verify.

Shawn explained that all ballots with write-in names are set aside and hand counted. He said he was proposing to do this for one race on the upcoming ballot and the warrant article gives every voter in town the chance to decide how their vote is counted. He briefly explained the process Moderator Hantman used during elections, specifically how the Moderator would insert a card into the machine to close the election. He said that was using best practices and was trying to guide Dr. Chandler to do the same thing, asking four different times, Dr. Chandler still waited 67 minutes before closing the machine.

Mr. Taglieri said that most of the Board members vote the way Shawn wants them to. Annemarie said she is insulted by that comment. Dennis explained an incident in which there was an issue with the ballots and Dr. Chandler and others were going through the process of verifying. He suggested to Dr. Chandler that he announce his actions, as Moderator Hantman used to do, so that everyone would know what was happening. Dr. Chandler did not and when the issue was fixed, Dennis was asked to certify that the count

was accurate. Dennis said he would not sign until Dr. Chandler explained what he did, and for that he's being called a bully nine months later.

Mr. Taglieri was invited to put his name on the ballot as a candidate. Sally Bourboeau said she does not know how anyone can cheat during an election. There was a short discussion about the integrity shown by Danville election officials and that no one is accusing anyone of being disingenuous. The warrant article was put forward for the sole purpose of letting the voters decide if they want to verify the ballot machine. Chris Tracy explained her dissatisfaction that no one spoke with her prior to the drafting of the article, as she knew it was illegal and would have advised the Board. She reiterated that the town was reprimanded by the Secretary of State years ago by implementing two different types of ballot counting.

Shawn said the email recently received from the Secretary of State's legal counsel states there is no direct law to answer Chris Tracy's question and she was asked to consult her town's legal counsel. Dennis said our town counsel said there's no RSA that says you can't but there's also nothing that says you can. There is also no case law regarding this. Shawn said the issue with this warrant article may be that nothing states which count, the ballot machine or the hand count, would be the official count. He wanted to amend the proposed article by adding the hand count will be the official number.

Dennis said that nothing precludes this Board or anyone from putting forward an illegal article. He said it is not enforceable even if everyone votes in favor of it.

Nancy Stafford said she believes Mr. Taglieri is asking the Board to review why we've lost two moderators recently. She said her issue with the proposed warrant article is that it feeds into the idea that the last election was rigged. Another audience member said she is very glad to see this warrant article on the ballot. Still another audience member said this was never about not trusting the town officials and she appreciates the hard work put in by the Board members and others who work for the town.

Chris said that once the ballot machine is tested, it's locked in the vault. Shawn said that as a software engineer, he knows how to write code and knows there can be dishonest things done and he's simply wanting to verify the count by hand. He said if this passes, he will personally fight this at superior court at his own expense if it isn't allowed. Sheila asked what would be done if the numbers of the machine are different than the hand count and will all other items on the ballot be counted by hand. She was told the suggestion for the hand count is just for the presidential election which is more important than anything else on the ballot.

Nola Whitman said the Warrant Article must still go through the Deliberative Session and she's seen things changed during that meeting. She said Sandown went through this twice and it failed twice. She suggested looking at how Sandown wrote their article.

Chris Tracy introduced the three Supervisors of the Checklist: Mary Reedy, Mary Jo Gallagher, and Sally Bourbeau. She said the Supervisors were tasked with appointing an interim Moderator until the next election and appointed Charles Underhill. Shawn told Charles that if he needs anything from the Board to let them know and expressed his appreciation for taking on such a big task with little preparation.

II. Agenda

Timberlane Regional School Board Representative – Brienna Woodworth

Bri introduced herself and Mark Sherwood, a resident of Sandown and fellow member of the School Board and the representative to the School Budget Committee. She addressed everyone first with a PowerPoint presentation, summarized as follows:

- The situation is that the taxes in town and the school district have increased.
- She received five questions after being asked to make this presentation.
- The community voted for the proposed FY 2024 budget, \$83,270,418.00 versus the default budget, \$81,401,107.00.
- There are three portions of the budget, comprising about 2/3 of the entire budget: Health Insurance, Maintenance and Repairs, and Special Education. Health insurance is dictated and out of the control of voters and special education is required by law.
- Danville voted in favor of several warrant articles in March 2023, allowing funds to be raised for and allocated to the school district.
- She displayed the tax rate trend for Danville as shown on the website. It indicated the local school portion of the overall tax rate for 2019 was \$19.76 and for 2023 it was \$18.45. She said the overall trend for this portion of the taxes has remained almost the same for several years.
- She next displayed the 2023 tax rate breakdown for Danville compared to the other three towns in the district.
- Bri explained that during the Covid years, the kids were not attending school so there was no need for buses and there were several federal grants given to the district. This reduced the taxes owed. With school continuing as before, Bri said our taxes are simply back where they were before.

The first question she addressed was, how does the tax formula work, established in 1968, when properties in Danville and Sandown weren't worth as much as properties in Atkinson and Plaistow? She said she thought the last revision of the Articles of Agreement was in 1999. The town population of students is first determined, this being the ADM or average daily membership. The property assessment is then evaluated, with reevaluation being done every five years, and then state adequacy aid is then subtracted from that.

The next question was, what is the cost impact (regarding lower class sizes) for these additional teachers (fully loaded with benefits)? She said the average size of classes in NH was 16-17 students, and Timberlane averages 18-21. A cost analysis was done by the school board and Bri presented the different scenarios and cost analyses they discussed, saying the cost would be an increase of \$100k-\$200k, roughly 0.2% of the budget, depending on the credentials of the teachers.

The current starting cost of a new faculty member is \$41,958.00 for a new hire, and \$52,000.00 for an experienced educator. Per the Department of Education, the average cost for a teacher ranges from \$60,199.00 to \$78,000.00.

She said there is no policy for a minimum number of students in a high school class. There is a maximum number of 30 allowed. The average student to teacher ratio in Timberlane is 10:1 and the state average is 11:1. She said that if there are 30 students in a class and one requires a paraprofessional, the ratio is calculated to be 15:1.

NH has one of the highest Special Education percentages of 18%, and Timberlane's percentage is 21%. There are 3300 students and 700 are considered Special Education students. One third of those students are in Atkinson and Danville, the rest are in Plaistow and Sandown.

The next questions she addressed were: Are there any building requirements due to space allocation at the various school ages? Will new rooms need to be created through additional buildings or modulars? She said that based on the class ratios and changes there is no need for additional space. Pollard and Sandown North have been flagged as future concerns for more room.

The last question was: What is the utilization of the buses to the MS and HS with regards to students per bus? She handed out a sheet of paper showing the students on each bus going to and from those two schools during the week of December 11-15. This shows an average of approximately 12-58 students per bus, with four buses currently not running routes. The busing is not based solely on student per bus but also the time it takes to drive the route. RSA requires transportation be provided through the 8th grade, but the Articles of Agreement require busing from first to twelfth grade.

Paul Taglieri said the recent tax increase was catastrophic and his taxes increased about 20%. He asked what that money went to. Bri said there was a cost increase in several areas, including salaries and transportation. Mark Sherwood explained that as the liaison to the Budget Committee, Danville is being beaten with a stick and Sandown is being beaten with pipes due to their recent reevaluation. The recent budget increases are in areas beyond their control, including transportation. The Board tried to renegotiate the bus contract, and went out to bid, but that was unsuccessful. Healthcare costs have also increased. Mark said they do not control the cost of utilities and the cost of special education is a lot. He said the district is required to provide the services the state deems they need, and some of that is outsourced at a cost in excess of \$200k to \$300k per student.

Mr. Taglieri also asked how the cost for special education is calculated. Mark said it's based in part on how many students in the town are receiving those services. Shawn said the combined assessed values of the four towns is determined, that is then broken up accordingly, and the average daily mean is done at a local level. For every student Danville sends, the town pays the bill. In this case, it was 18% of the operating budget.

Carsten Springer said he believes everyone is trying to understand the formula for the school budget and it appears it's only marginally based on the number of students the town has. He said he thought this should be considered along with fixed and variable costs. In other businesses, if a fixed cost increases, the variable costs are reviewed to see what can be cut. He asked about any budget cuts. Mark said a large part of the budget is salaries and benefits and this is an area that can be reduced by cutting staff. With the extant student-teacher ratio, Mark said he would not suggest this. Carsten said that solutions may not be popular, but there is merit in examining them. Voters have two options for the budget: default or proposed. He asked what has been considered to reduce the budget and are the board members' hands really tied by state and federal mandates.

Bri said she had additional information prepared and made it clear she's speaking as an individual, not on behalf of the school board. She had six recommendations for Danville.

1. Stop building family homes.
2. Build tax relieving condos or retirement communities.
3. Invite commercial buildings into town for tax relief.
4. Become a special education destination school or be competitive in pay.
5. Obtain and retain qualified staff.
6. Meet with state legislature about contributions.

Mark said the state contributes very little to its communities, and depending on what parameters you look at, NH is either #1 or #2 in the country for taxpayer burden to pay for education. Carsten clarified that whether it's federal or state funded, it's still a taxpayer burden; it's simply shifted.

Dennis said the state supreme court recently ruled that the state is not giving enough money to the towns. With the courts mandating that the state pays more, Dennis asked if the School Board has addressed that and will the taxpayers see some relief soon. Mark said this has been considered and the state quoted some numbers but told the towns to wait as there is no funding mechanism in place yet.

Bri spoke about the proposal to become a special education destination school. She gave the example of increasing the professional staff, adding \$1 million to the budget. She said she knows that seems like a lot, but we are currently paying \$12 million, with at least half of that being outsourced. If we retained the staff, we would save \$5 million by eliminating the need to outsource. Additionally, not sending the students to other schools would save \$4 million on tuition. We would also have the opportunity for revenue from other schools.

Dennis asked who would drive this idea to the citizens. Bri said she's still in the developing phase for this. Shawn said if we offer the best special education services, people will send their students here. Jason Holder said if we have really good paraprofessionals, we have a better chance of not having to send kids to other schools. Nola said she heard that we cannot prohibit building. She also asked where we would put the students if other towns sent them here. Mark said we're looking at expanding Sandown North. Regarding paraprofessionals, there are about 18 open positions in the district, it's a very difficult job, and the district pays less than surrounding communities. Nola said she's wondering what the priorities are or should be regarding each proposed item as she can't see how to make all of it happen. She said the proposals are for future items and is wondering about what can help us today.

Mark explained that Timberlane expenditures are \$18,938.92 for elementary school, \$20,474.89 for middle school, and \$21,304.64 for high school. This averages \$20,011.94. The state average is \$20,322.00 despite being on the Massachusetts border. He said the salaries need to be more competitive.

Carsten said the idea of keeping students in-house is in line with his comment of fixed versus variable costs. He said the first two suggestions are discriminatory and retirement communities are generally subsidized by taxpayers. He said these are worth talking about but urged caution in pursuing them.

Sheila said the first idea of restricting home building is accomplished by buying land and putting conservation easements on it. Carsten disagreed. An audience member asked why we can't fill the open positions for special education. Bri said it's because the pay is low and teachers are going elsewhere to make more money. Mark said NH has a greater percentage of special needs students and suggested this is due to the greater number of evaluations: if you look for more, you find more.

Bri explained a comparison between Sanborn and Salem school districts as these are comparable in size. Their salaries are higher and their cost per student is higher.

Paul asked if the employees can be asked to contribute more to their health insurance. Bri said there is a proposed option through the new contract in which the district doesn't pay their cost, which is a savings of 30% on their salary cost. The employee is paid a lump sum instead. The overall savings has not been calculated because it isn't known how many will choose that option, but Bri will try to get a number.

Joe asked about negotiating with a health insurance company. Mark said this was tried last year but was unsuccessful. They had a new company bid this year and after a review, it would have increased costs.

Shawn asked if it's true there is an increase of \$6 million for these contracts on the warrant this year. Bri said they are offering a retirement incentive and that is \$6 million this year alone. This is for current employees, not for new hires. Nola asked why this new contract and other information is not online. Shawn agreed this information should be available to the public.

Mark explained that Timberlane is not a destination school because the pay is less than others. The teachers are there because they love the students, not because they are paid well. Ryan Holder said if we can retain teachers and paraprofessionals, we have a better chance of saving money overall. Carsten said he does not like the idea of paying teachers less as a cost savings.

Dennis asked what percentage of funds go to the teacher's union versus their salary. Mark said the district is not required to hire unionized teachers and he does not know what the union dues are. He said the longest union strike in US history was in NH.

Shawn said it's easy to talk about the increase in taxes, but he mentioned the quality of education given in Timberlane. Mark said he's sympathetic to the tax increase.

Dennis asked about the new tennis courts. Mark said there are new courts due to the insurance company telling them they will not insure the use of it. This became a liability, so it was repaired, similar to the track being repaired recently. The court was redone with a concrete guaranteed for 25 years. Dennis asked if the tennis courts should be a focus right now in light of the tax increase. Mark said that the analysis the Board came to is that the cost per town is about \$4,000.00 per year that the court is guaranteed. The court is used by students during P.E., by a tennis team, and by the public.

Mark said it makes a difference if you tour the buildings and see firsthand the suggested repairs and appurtenant costs. He said the facilities are treated as rental property rather than owned. Carsten said the district does a good job and the students have good opportunities after graduation. He said he wished there were more tech and trades opportunities. Mark said the number of students in the trades has increased. There was an effort to make Timberlane a destination school for trades, such as Pinkerton and Salem, but the state denied this, so it was unsuccessful. They are trying to expand opportunities by implementing Extended Learning Opportunities. Mark said there is an extra cost of \$2700.00 per student for those who go to other schools because Timberlane cannot provide those opportunities.

III. Minutes

Several meeting minutes were reviewed.

Sheila made and Annemarie seconded a **motion to approve the Wednesday, December 20, 2023, minutes as amended**. The motion **passed** unanimously.

Sheila made and Joe seconded a **motion to approve the non-public Thursday, December 28, 2023, 8:54pm minutes as written**. The motion **passed** unanimously. Sheila said this subject needs to be put back on the agenda.

Sheila made and Dennis seconded a **motion to approve the non-public Thursday, December 28, 2023, 8:10pm minutes as written**. The motion **passed** unanimously.

Joe made and Sheila seconded a **motion to approve the non-public Thursday, January 4, 2023, minutes as written**. The motion **passed** unanimously.

Shawn said part of this discussion on January 4 was between the Fire Wards and the Selectmen. He was pleased with the outcome and suggested unsealing a portion of these minutes and have Annemarie compose a statement regarding the decision made at the conclusion of the meeting.

Sheila made and Joe seconded a **motion to approve the non-public Thursday, January 4, 2023, both the 7:04pm and 8:19pm, minutes as written**. The motion **passed** unanimously.

IV. Old/New Business

The rabies clinic will be held Saturday, April 6. This is held in conjunction with the Police Department. The proceeds will be used to pay for the summer movie program which is also run through the Police Department and the Recreation Committee. The proceeds will be deposited into the Recreation Fund.

Annemarie mentioned she'd heard of a work program in Easthampton, MA for the elderly in which they can work so many hours for the town and receive a prorated tax credit for property taxes. She said this may be a good thing for Danville. People can volunteer at Old Home Day, the library, etc. She will look for more information to present to the Board. Kim asked about who would manage the program and it was suggested someone in the program could manage it as their work hours.

Shawn said he read the Budget Committee minutes in which they took the position that the COLA will not be part of the default budget. This is even after receiving legal opinion last year that this can be done. Sheila said to send the legal opinion to the Budget Committee chairman.

Shawn mentioned a Union Leader article regarding the resignation of the moderator, in which Sheila is quoted as saying she is bullied by Board members. Dennis said he was contacted as well but did not return the call. Annemarie said she is disappointed that she puts in so many hours per week on behalf of the town and is then insulted.

V. Announcements

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

Monday, January 15, 2024: Town Hall closed in observance of Martin Luther King, Jr./Civil Rights Day

Monday, January 22, 2024: Board of Selectmen meeting, 7:00pm at Town Hall

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 9:36pm, 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

-Attachments

Letters from:

- John Chandler, dated 4 January 2024
- Shawn O'Neil
- Chris Tracy