

**Town of Danbury**  
**BOARD OF SELECTMEN MEETING MINUTES**  
**Wednesday June 15, 2022, 6:00 PM**

**PUBLIC HEARING TO SELL PROPERTY ON LITTLEFIELD RD 6:30PM**

**Members present:** Jessica Hatch, Chair, Tracy Shepard, Ruby Hill

Karen Padgett, Administrative Assistant

Appointments: Evelyn Pagella 6:15pm, Chief Suckling 7pm

**Also present: Barbie Antonides, Deborah Aylward, Joseph Bruderman, Cathy Chabot, Mary Brady**

**Jessica Hatch opened the meeting at 6:00pm.**

Ruby made a motion to approve the minutes of June 1 with a correction to an incomplete sentence that should read "The citizen has a right to file an appeal with the Superior Court." Jessica seconded the motion to approve the minutes as corrected. Motion passed 3-0.

**Consent Agenda**

- Payroll and accounts payable
- Letters to sign – Elder, Leno, Giberson,
- Current use correction for 413-003 Brewer – enrolled 200 acres in 1978, is actually 208
- Purchase Order Fire Department \$1800 6 tires for 14 Ford F550 Engine 3 6@\$300 each
- Declaration of Right to Inter – Perkins – Baptist Cemetery

Jessica motioned to sign the items in the consent agenda, seconded by Ruby. Motion passed 3-0.

Evelyn Pagella came to the Board with concerns about the 40 x 57 garage being built at 208 Dean Road at HMC Precision Manufacturing. Last year the property owner, Mr. Karl Hannan, assured Board members that the new structure would be used to house his personal belongings, not for business purposes. Tracy noted that he has maxed out the electric capacity of the property, so it is unlikely that any more machinery could be operated there. Jessica said that she would confirm with the property owner that the garage is for storage of personal items only.

**Building/Driveway Permit Applications**

- BP extension 415-011-001 1191 US Route 4/Cline & Tucker/Jessica motioned to approve the extension for 1 year, seconded by Tracy. Motion passed 3-0. The new expiration date for the building permit is May 19, 2023.
- 15-2022B HUYLER 406-213/16x24 gazebo/Jessica motioned to approve the permit, seconded by Tracy. Motion passed 3-0.
- 16-2022B FRIEDLAENDER 409-092/2 ground mounted solar arrays/40 panels/Jessica motioned to approve, seconded by Ruby. Motion passed 3-0.
- Driveway permit application 415-037-001/GIANSANTI Wiggin Road/Jessica motioned to approve the permit with the stipulations as noted by the Road Agent, seconded by Ruby. Motion passed 3-0.
- Driveway permit application 411-082-005/PHELPS Wiggin Road/Jessica motioned to approve the permit application, seconded by Tracy. Motion passed 3-0.

**Old Business**

- Three quotes have been received for the replacement of the furnace in the Town Hall. The boiler would be propane. One of the quotes is considerably less than the others, however they questioned if the systems are similar. Tracy will ask one of the contractors to come and speak with the Board. Also, while Tracy would like to see the lighting in the Town Hall converted to LED lights, that money is not in the budget. Tracy will contact Offen Electric for the repair of light fixtures that are not working and to install an outdoor light.

- The deed waiver signed at the previous meeting was done in error as those taxes had been paid. The property owner has three parcels, one with the residence and two vacant lots. 2019 property taxes on two of the parcels have been paid. The parcel that qualifies for deeding is a 6-acre vacant lot. Ruby motioned to have the tax collector proceed with the deeding of 201-040. Motion seconded by Jessica and passed unanimously.
- Jessica motioned to adopt the policy of the Selectboard regarding the waiver of tax deeds for unpaid taxes, seconded by Ruby. Motion passed 3-0.
- Jessica stated that the search for a part time Police Chief continues.

### **New Business**

- Bristol Ambulance billing contractor, Comstar, had a data breach. No action is needed by the Town. Affected individuals will be notified and offered credit monitoring.
- Karen will attend a class on exemptions presented by the NH Department of Revenue Administration class on property exemptions June 23 in Twin Mountain.
- The Board received a notice from Fire Chief Martin regarding a tree that fell on the cabin at 228 Walker Brook Road.
- Fire Department has submitted a grant application for 7 SCBA pro packs \$49,530

### **Deborah Aylward**

Ms. Aylward had comments regarding the agenda of the Selectmen meetings. She has seen that other towns post their agenda online and have a deadline for townspeople to get an item on the agenda. People would be informed ahead of time and “would not have to come all the way here to find out what’s going on at the meeting”. She stated that there would be more transparency and over time there could be more participation once the word got out. Also, it would “remove the feeling of secrecy”. She added that it’s a moral obligation for towns to be as completely transparent as possible. She also noted that she is aware that state law does not require that an agenda be posted ahead of time. In closing, Ms. Aylward knows of no association or corporation that does not produce an agenda. It is unthinkable to her that “we the people are not told in advance”. Jessica said they would take it under advisement.

Jessica asked if a citizen approached a Board member at 4pm on the day of the meeting with an issue, could that item be discussed. Ms. Aylward suggested that unless it was an emergency, it could be put off to the next meeting. Building and driveway permits could be an exception.

Ms. Aylward also had comments later in the meeting regarding the hiring of a part time police chief. She said that 4 weeks ago, when she was concerned about the lack of advertising for the position, she took the liberty of posting the public record document, Part Time Chief Wanted, on newhampshire.freeclassifieds.com and on patch.com, with a disclaimer that the poster is not affiliated with the Town of Danbury government. She is wondering why the Town has not formally inquired about contracting police services from the NH State Police. She is requesting that the Town make that formal inquiry so the taxpayers can see what the response is.

### **Selectmen**

- Ruby reported on the most recent Planning Board meeting where the Capital Improvement Plan was discussed. One item was added, a dump truck for 2026-2027. For 2023, it was recommended that \$25,000 be appropriated for a safety service building study. Also, it was determined that the naming of a subdivision road should be added to the checklist for the application.
- Tracy motioned to appoint Robin Heberling to the vacant Cemetery Trustee position, seconded by Ruby to fill out the position for the year. If she wishes to finish out the vacant position she will need to run for the position in 2023.
- Jessica asked for a courtesy letter to be sent to the property owner of 27 Old Turnpike Road regarding the possible need for a building permit. A letter was printed out and signed. Also, similar letters to 95 High Street and a letter to the owner of 201-111 on Restful Rd regarding a driveway that appears to have been built.
- There are 3 town owned properties that have potential to be sold at auction in the fall. Jessica asked Karen to contact JSJ Auctions for a date in October.
- Ruby reported on the latest meeting of the Article 5 Committee. She doesn’t feel that anything will be resolved in the committee. For the next meeting on July 14 the SAU is going to come up with a

list of fixed costs and what percentage that is of the whole budget so that could be apportioned out based on equalized property values. An interesting tidbit was that Danbury has the lowest poverty rate(6.4%) of all seven towns, using 2019 data.

### **Nonpublic – personnel**

At 7:15 Jessica motioned to enter into nonpublic session per

*RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*

Motion was seconded by Tracy and passed unanimously.

At 8:10 Jessica motioned to return to public session, seconded by Ruby. Motion passed 3-0. No decisions were made, and no votes were taken.

### **FYI**

- D. Aylward announcement of candidacy
- Response letter to V. Dusio et al re Echo Glen LUZO violations
- Septic Construction 201-011 McKenna
- Aluminum can income Gilpatric \$1120 less container cost - \$920 net income

Jessica motioned to adjourn at 8:21pm, seconded by Ruby. Motion passed unanimously. Meeting adjourned.

*Respectfully submitted, Karen Padgett, Administrative Assistant*

## **PUBLIC HEARING ON SALE OF LITTLEFIELD ROAD PROPERTIES**

At 6:30 Jessica Hatch opened the hearing on the proposed sale of two town owned properties on Littlefield Road. This is the 2<sup>nd</sup> public hearing on the topic, the 1<sup>st</sup> hearing was held on June 1, 2022.

To start, Jessica explained that at Town Meeting this year, the voters granted the Selectmen the authority to sell property that was gifted to the Town per RSA 41:14-a. The Town was given two properties on Littlefield Road (tax map 416 lots 023 and 024) in 2017. These lots are not buildable as they are mostly wetlands abutting the Danbury Bog.

The proposal is for these properties to be sold to abutters. She asked if any of the Board members had anything further to add.

She opened up the hearing to the public for comments or questions.

There was a question as to what happens with the money from the sale of the property. The proceeds will go into the general fund and cannot be used for a specific purpose.

Mr. Bruderman asked if the two lots would be sold together and if the abutters have been identified. Jessica stated that abutters are on either side, the back and across the road. It will be determined at the next meeting the manner of selling the properties and if they will be sold together or separately.

Ms. Aylward asked if abutters had been notified by certified mail of the sale. She noted that at a recent Planning Board hearing an abutter within 200 feet was not properly notified, which caused the hearing to be postponed. She said the law requires this. Jessica replied that a requirement of the sale will be that the newly acquired property will have to be merged into the buyer's existing property, so only contiguous lots qualify.

A question was asked how the properties would be sold. Jessica stated that the proposal is for them to be offered by sealed bids to abutters.

On June 29 at their regular meeting the Selectmen will vote on the method for selling the properties.

Jessica Hatch closed the public hearing at 6:35pm.

## **POLICY OF THE SELECT BOARD REGARDING WAIVER OF DEEDS FOR UNPAID TAXES**

### **I. Purpose**

The purpose of this policy is to guide the Select Board in decisions regarding waiver of tax deeds and to inform property owners of the Board's considerations.

### **II. Legal Authority**

NH RSA 80:38 requires the Tax Collector to execute a deed for any property two years after a lien is placed upon the property for unpaid taxes. The Select Board may refuse to accept the deed by notifying the Tax Collector when there may be environmental liabilities, or "whenever in its judgment acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, including obligations under real estate covenants or obligations to tenants, or for any other reason would be contrary to the public interest."

### **III. Considerations**

The Board views each case of potential tax deeding as unique. The Board finds it in the public interest that residents be encouraged and enabled to stay in their homes during times of temporary financial distress, family, or health challenges. Generally, vacant land, commercial property, and seasonal properties will not be given consideration for deed waivers. The Board will consider the following factors, among others, if considering a deed waiver:

- Potential environmental liabilities.
- The total amount owed to the Town, for all tax years; and the amount owed relative to the assessed value of the property. Generally, properties in arrears over \$20,000 or for more than 20% of assessed value will not be considered for deed waiver.
- The owner's ability to, and likelihood of, becoming current with all taxes owed. Factors include history of payments made; imminent sale of the property; and personal financial information shared with the town.
- The Town's ability to recover taxes owed in the event of tax deeding.
- Any direct or indirect costs that could be incurred by the town through the tax deeding process or through property ownership, which cannot be recovered under law.
- Availability of general welfare assistance and services that may be available to residents in the event of eviction, and the costs the Town may incur for same.

IV. Process

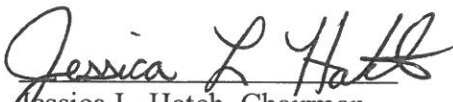
State law requires the Tax Collector to provide a variety of notices to taxpayers in arrears. When the Tax Collector has provided the Board with notice of intent to deed a property:

- Town staff will compile available relevant information for the Board, and may attempt to contact property owners, over and above the Tax Collectors' notices.
- Owners of subject properties are welcome to discuss their situation with town staff, or the Select Board at a regularly scheduled meeting.
- The Town may conduct an environmental assessment of the property pursuant to RSA 80:19-a;
- The Select Board may waive a tax deed but at a later date revoke that waiver and instruct the Tax Collector to take a property.

V. Adoption

Adopted by the Danbury Board of Selectmen

June 15, 2022

  
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Jessica L. Hatch, Chairman

  
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Tracy H. Shepard

  
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Ruby P. Hill