

Town of Danville
Selectboard Minutes
June 15, 2023
Danville Town Hall (5:30 pm)

Board Members Present: Eric Bach, Alison Low, Glenn Herrin, Peter Griffin and Janice Ouellette

Others Present: Audrey DeProspero, Toby Balivet, Keith Gadapee, Walter McNeil, Alice Kitchel, Kay Hopkins, Eric Hutchins, Laural Ruggles, Gary Farrow, Tina Prescott, Lee Beattie, Jonathan Austin-Shortt, Chelsea Hewitt, Michael Hogue and Wendy Somers

Executive Session called to order by Chair Eric Bach at 5:32 pm.

- **Toby Balivet, Town Attorney – Legal Matter (Executive Session 1 VSA 313 (a)(1)(E))**

Discussion is on appeal to Environmental Court of a Zoning Appeal to which the Town is a party.

Motion by Glenn Herrin, 2nd by Peter Griffin to enter Executive Session under 1 VSA 313 (a)(1) after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage: (E) pending or probable civil litigation or a prosecution, to which the public body is or may be a party; and to invite Audrey DeProspero, Keith Gadapee and Toby Balivet. Vote 5-0-0. All in favor.

Selectboard entered Executive Session at 5:32 pm.

Motion by Alison Low, 2nd by Janice Ouellette to leave Executive Session. Vote 5-0-0. All in favor.

No action taken.

Selectboard exited Executive Session at 5:45 pm.

Public Meeting called to order by Chair Eric Bach at 6:00 pm.

1. **Additions to the agenda:** None
2. **Approve minutes:**

*Motion by Peter Griffin, 2nd by Alison Low to approve **minutes of Regular meeting of June 1, 2023** as written. Vote 5-0-0. All in favor.*

3. **Visitors**

- **Walter McNeil, Jr. – NEKWMD Update** – no meeting last month. District met Tuesday and discussed per capita (based on population) assessment of \$1.06 which was supposed to be used for employee health care. The district has not had health care in ten years. The money collected (\$50,000) would purchase \$60,000 of health insurance however they have not had any luck finding providers to supply insurance. The decision of 49 towns was to keep the per capita at \$1.06 and not lower even though they have not found a carrier, because insurance increases every year. They also discussed going to a four-day work week instead of a five-day week. This change will keep payroll salary constant and will not need to be increased. The district has a new employee, Corey Rainor. The August district meeting will be in person as well as the executive board. There hasn't been an in-person meeting for three years.
- **Gary Farrow, resident of Brainerd Street – Green Use for Croquet** – seeks permission to use the Danville Green on Tuesday nights for croquet. Course set up will be done between 4 and 4:30 pm and they would play until dusk. This was done in North Danville last year and they had between 20 and 40 people playing. Gary Farrow noted he has received a lot of positive feedback. If this follows the North Danville league then there may be food there but no alcohol. Insurance is holding this up because he received a quote for \$365 for the entire summer but does not know where the money will come from. He has spoken to the Chamber of Commerce and Village Improvement Society to see if they could cover the insurance needed however his group is not an organized group. Cyndy Phillips informed Gary Farrow

that she was willing to help him figure out how to fund the insurance cost. If approved, croquet will be open to the public.

Eric Bach thought this was a nice thing to have.

Selectboard consensus is it is a nice idea.

Motion by Alison Low, 2nd by Peter Griffin to approve croquet on Tuesday evenings on the Green pending insurance certification. Vote 5-0-0. All in favor.

- **Alice Kitchel, resident of Brainerd Street – Establish Ad Hoc Group to Study TMD Participation –** at this year's Town Meeting, an article on the ballot proposed that the Town vote by Australian ballot on all Town business going forward. Many people cannot attend Town Meeting because of work or childcare. Voting by Australian ballot opens the decision making to more people and creates a more representative decision. Gathering face-to-face stills benefits people and listening to a variety of opinions sometimes changes minds. It was decided to keep using the Town Meeting format going forward. Our culture has changed and led to the proposal to vote by Australian ballot. The suggestion is before the Town switch to Australian ballot, they take time to reflect on the change and how to implement. Proposed is a process to gather information and present to the public; first, research the origin and history of Town Meetings in Vermont and Danville, then analyze why the format has been so successful for so long, then consider what or how any useful attributes of Town Meeting format could continue to be used considering current changes in the culture, and finally present the information to the public for their consideration.

Alison Low wondered if the goal was to increase participation.

Alice Kitchel noted it was to increase and broaden as Town Meeting excludes a number of persons.

Glenn Herrin discussed task analysis and having a joint committee with both Selectboard and School Board who could charter a working group to conduct research, collect public input, recommend potential changes to both Selectboard and School Board by January 2024 to modify format of 2024 Town Meeting or warn articles that could change future meetings. Glenn Herrin thought he may be able to have a draft charter available for the July 6 Selectboard meeting for consideration by Selectboard.

Alison Low is in favor of moving forward with ad hoc committee and wanted to make a motion.

Peter Griffin had concerns. He supports the Town Meeting experience, mailing ballots and ad hoc group. His concern is the folks who serve on it would have the capacity to attend Town Meeting Day. He suggested to bring this subject back for the next Selectboard meeting before they put a vote to it.

Alison Low discussed actively going door to door and having a booth at the Danville Fair to engage people to find out why they attended or did not attend Town Meeting.

Eric Bach noted he wanted to have Town Meeting Day but wanted to have paper votes as opposed to floor votes. The discussion portion would still be available but all would have the opportunity to vote on everything instead of just the budgets.

Peter Griffin thought charter/joint committee would be something good to put together. He does not know if they could have a joint committee.

Alison Low suggested to contact VLCT.

Glenn Herrin noted he was happy to take that on and bring draft charter by July 6th and have answers and Selectboard would have option to review and discuss.

Eric Hutchins (resident) noted ever since Town Meeting Day he has looked at the Selectboard agenda to see if this subject would be on their agenda. Eric Hutchins was a high school Civics teacher from Johnson and thought this was an important item. He discussed engaging more people and thought being face to face was super important. He discussed lowering the voting age to 16 and the governor's veto. He thought it was a great idea to get younger folks involved. Town Meeting is important as it is another way to communicate with other people. Eric Hutchins thought a collection of data would be helpful and was willing to help out and volunteer on the ad hoc group.

Alice Kitchel wondered how they could involve the high school students in research.

Glenn Herrin noted they have high school projects.

Laural Ruggles discussed civic engagements.

Alison Low discussed having more metrics other than more people.

- **Tina Prescott, 9 Watkins Road – Road Ditching Concern** – recent road work done in front of her home which borders both Watkins Road and Morses Mills has taken a lot of her land. She wanted to know when road construction is done how does that information reach the community. She wondered if the Highway Department reached out to residents or do the residents just not know.

Eric Bach noted the work is done within the ROW and the Highway Department doesn't have to connect with people as they are not able to pinpoint time of work due to weather.

Peter Griffin noted paving decisions happen at Selectboard level but they don't work directly with paving.

Tina Prescott discussed 13 feet of ROW and a very large trench running on the sides of her property which she considers dangerous. When approaching the area, it is dangerous because of the ditch. There are no posted speed signs and she wondered if a 35-mph speed zone sign could be posted. She wondered what constitutes the ROW and how it was measured because Morses Mill used to be 18 feet in some areas and is now 20 and 24 feet. The road has gotten larger over the years and continues to do so encroaching on her property. She wanted to know how the Town would rectify this situation and how they measure the center of the road because 18 feet measures differently than 20. She noted where her property meets Watkins was 16 but as it comes closer to her property it goes to 18, 20, 22, 32, 54 and then 64. If Morses Mills is classified as a Three Rod Road she wondered how the Town determined if any other road was either a Two Rod or a Three Rod. A ditch was previously put in and now the Town put in another ditch which is larger than the previous and beyond the 49.5 feet. The road keeps increasing over the years and taking her lawn. She tried to mow the lawn and got stuck in the ditch. Her concern is for how roads are measured and how the Town can go about moving it back. The grader and town trucks widen the corners and she gets it from both Barnet and Danville. She wondered if the Town needed to go 13 feet wide and four feet deep when there is no water around there. Her neighbor's ditch is 8 feet wide and four feet deep at their culvert and she wondered why hers was so much larger.

Eric Bach discussed ditching on side hills having guidelines that have to be followed for runoff and erosion as it needs to be caught before it hits the road and those rules change over the years.

Keith Gadapee noted in order to rectify the center line, a survey would be required. He noted roads get wider over the years because people cut the corners. He discussed measuring the travel portion of the road that has no grass and the measurement being just a guess. He noted they do sometimes go out of the ROW due to the slopes but if they do go out purposely, they contact the landowner especially for trees and access issues but not general ditching issues. He noted two rod roads vs three rod roads are determined by anything with a record and anything without a record is assumed to be a three-rod road. This information can be found in deeds- and sometimes are in neighbors deeds but there is not a printed list. If the information is not recorded then it is a three-rod road.

Tina Prescott discussed survey from center from Watkins property is deeded from center of road and when she measured it, it was 16 feet wide.

Keith Gadapee noted trees and telephone poles drive the center of the road.

Tina Prescott wanted the end of her driveway fixed. She noted the road was filled in from grading but the Town did not take that portion of the road, they took her grass lawn area instead. Her lawn got taken out making her land shorter and the road just keeps getting wider. The 64-foot section should be 49 feet and she would like it returned to 49 feet.

Keith Gadapee noted the only solution would be a survey.

Tina Prescott noted the Town already ditched a year previous and took some of her lawn then.

Keith Gadapee discussed ditch that could be mowed needing to be really wide to get mower in there with a gradual slope. He suggested having a site visit with colleagues from VTrans and Local Roads as a third party.

Eric Bach discussed getting information and working toward a solution. He wondered if Tina Prescott wanted a steep uninterrupted slope or one that she could mow. He wanted to know what the end goal was.

Tina Prescott noted it was a ditch before the Town graded it and then it was ditched again taking the yard. She wants her yard back.

Eric Bach noted Tina Prescott's house is on a hill and if ditch met collection requirement, she would have a ditch with a hole.

Keith Gadapee noted that could not be done because a box cut would not hold.

Tina Prescott suggested the Town make adjustments toward road and not her lawn.

Alison Low inquired if there was a fee for third party to visit and help with decision.

Keith Gadapee noted no, the district would be free.

Tina Prescott noted she was not asking the Town to spend money, just bring it back towards road.

Eric Bach inquired if Tina Prescott was going to find third party from VTrans.

Tina Prescott noted yes.

Alison Low suggested to contact Local Roads.

Keith Gadapee noted he was not reaching out.

Tina Prescott to reach out and let Keith Gadapee know details.

Eric Bach noted the next step would be to set up date and time.

Tina Prescott noted a tremendous amount of fill was removed, approximately 15-20 loads. Had she known about the fill removal, she would have requested the fill for her yard, as fill cost is somewhere between \$80-100, a savings which would have been great as a landowner. She understands that she had to ask for the fill but she was not informed of the removal so she was not given the opportunity. She felt there should be a courtesy to a landowner to know about fill being removed. Tina Prescott asked if a road sign for speed limit could be posted.

Alison Low noted yes.

Keith Gadapee noted he has them on hand and can post at both ends.

- **Laural Ruggles – Phil Scott, LVRT Ride** – Saturday, July 15 Governor's grand gesture is to do 100 miles of the Rail Trail from Swanton to St. J with a water stop in Danville. He is going to stop at the Park & Ride in West Danville. They are encouraging people to ride along with him. He will actually get off his bike at the Park & Ride.

Eric Bach thought this was a terrific thing.

Laural Ruggles will communicate with West Danville persons and do public outreach.

- **Lee Beattie – North Danville Community Club Information** – Lee Beattie noted Nana K (Kay Hopkins) would speak on a grant she is applying for.

Nana K discussed grant for playground which Blue Cross Blue Shield offers. Nana K is going to do the paperwork and submit. The grant is \$5,000 and is to help with the North Danville playground. The grant will go through the Brainerd Memorial Library.

Lee Beattie noted they just needed to make sure it is okay with the Selectboard for them to apply.

Alison Low inquired if they wanted a letter of support from the Town.

Nana K noted yes.

Nana K noted they would not know about the grant award until December or January.

Eric Bach inquired about level of funding they were at for the playground.

Nana K noted \$17,000 has been raised.

Consensus is to apply for the BCBS grant and to write letter of support.

Lee Beattie discussed estimate from Sally Fishburn to do windows on Community Building. The estimate is for one storm window with 8 panes so that all windows will be the same and they will use the Preservation Trust grant. They have no other bids except for Sally Fishburn.

Consensus is okay to move forward with Sally Fishburn's quote.

Lee Beattie discussed:

- Jason Larabee's estimate on lumber for the North Danville's handicap ramp. Material cost is between \$6,000-8,000 which includes nails, cement and wood. They have the materials; they just need a person to build the ramp. They are thinking the cost should be \$3,200 to do it but it would not exceed \$3,500 and they have the money.
- Leak in driveway which only happens when the spring runs over but Kirk Fenoff is to come back in fall to work on it.
- Rain gutters are up and paid for and the old rain gutters have been cleaned out. The cost came out of the Community Club money.
- **Buddy Mundinger – Green Use for Farmers Market & Methodist Church –**

Farmers Market

Request for use of the Green starting June 21 through Columbus Day from 9am until 1pm

Motion by Peter Griffin, 2nd by Glenn Herrin to approve use of the Green for Farmers Market from 9am until 1pm on Wednesdays starting June 21 and running through Columbus Day. Vote 5-0-0. All in favor.

Methodist Church

Request for use of the Green on Saturday, June 17 from 9am until 2pm for a yard/bake sale with setup on the evening of June 16th.

Motion by Peter Griffin, 2nd by Alison Low to approve use of the Green by the Methodist Church on Saturday, June 17 for a yard/bake sale from 9am-2pm with set up the evening of the 16th. Vote 5-0-0. All in favor.

4. **Town Clerk** (Wendy Somers)

- Certificate of Compliance for an additional sewer hookup for Kitchel house at 20 Walden Hill Road - *Selectboard signed.*
- Certificate of Compliance for curb cut for Freeman on Lemay Road - *Selectboard signed.*
- Notice of Curb Cut permit for recording for Swainbank on Pope Brook Road - *Selectboard signed.*
- Conservation with Mark Tucker at school. Budget ballot voted on was incorrect by \$970,000. 6.7 million requested but it was 7.6 something. Another special town meeting for school district is needed. Date is being worked out. The earliest it can be done is July 15. Voting will be done at Town Hall from 10 am – 7pm. Required is 30 days prior to vote, 30 days for petition filing which would bring us to September and Tax bills are due October 24th which only give residents 5 weeks for tax payment.

Janice Ouellette inquired what would happen if school budget doesn't pass or if someone petitioned it.

Wendy Somers noted conversations are still ongoing with Mark Tucker but she planned on reaching out to VLCT. She noted NEMRC would need to come in and reprogram system to have tax bills go out. Peter Griffin inquired if Senator Kitchel knew about this issue

Wendy Somers did not think so.

Keith Gadapee wondered if school could just run on a deficit.

Peter Griffin discussed legislation and budget.

Wendy Somers noted this item effects a lot of things like the Line of Credit which comes due November 1, so she needed to contact VLCT.

Peter Griffin inquired who was spearheading this issue.

Wendy Somers noted she was working with Mark Tucker but Clayton Cargill was in the loop.

Peter Griffin inquired if ballot would only have that one item or was there an option to add something else.

Wendy Somers noted it would be the same as Town Meeting and just have the amount on it. This time though the ballots would be hand counted.

Eric Bach inquired if the BCA (Board of Civil Authority) could appoint other folks instead of having the Selectboard do the counting, have the School Board members to shift the responsibility to them.

Wendy Somers noted the persons needed to be registered voters and appointed by the BCA.

5. **Highway Report** (Keith Gadapee)

- New employee starts his CDL training Monday.
- Received resignation from another crew member, Matt Montgomery who will be leaving a week from today. Keith Gadapee inquired if the Selectboard wanted him to advertise. Normally he posts in Newspaper and Front Porch Forum.

Eric Bach suggested he advertise on the Department of Labor.

- For years Ken Linsley has asked to get a third party to look at plow routes. He has finally found someone who does this. He met educator for DPWs who lives in Heath MA. It is not free. The cost can be upwards of \$1,500 or as low as a few hundred dollars. The person would analyze efficiencies or deficiencies as a different set of eyes. He wondered if the Selectboard wanted him to pursue.

Alison Low inquired if any other towns have done this.

Keith Gadapee noted he did not know.

Glenn Herrin inquired if he was getting complaints.

Keith Gadapee noted no.

Glenn Herrin noted if they did the evaluation, the person would give them a most efficient way to do the plow routes, however he was not sure how much benefit the Town would get out of it.

Keith Gadapee noted the gentleman lacks the local knowledge, such as bus routes and traffic.

Alison Low inquired if Keith Gadapee could amend the routes from time to time.

Keith Gadapee noted they do amend routes day to day.

Alison Low did not see any benefit.

Peter Griffin was not seeing urgent connection.

6. **Issues and Information (All)**

(a) **Pound Keeper – Motion for Removal & Motion for Appointment**

*Motion by Alison Low, 2nd by Janice Ouellette to remove Laurie Speicher from Pound Keeper position
Vote 5-0-0. All in favor.*

*Motion by Alison Low, 2nd by Janice Ouellette to appoint Candace Dane as Pound Keeper
Vote 5-0-0. All in favor.*

(b) **Lights on Green Estimate – Eric Bach – \$940 was the total estimate received from CFW.**

Motion by Alison Low, 2nd by Glenn Herrin to accept CFW's estimate for repairing lights on the Green not to exceed \$950 and to have work done before Fair. Vote 5-0-0. All in favor.

- (c) **Dog Park – Alison Low –** reached out to persons through Front Porch Forum and left a few hard copies at Town Hall. She discussed survey results: 142 responses, most were from Village residents but some were from out of town, 60% said they would use it every day, support for dog park was concerns for loose dogs on LVRT, biggest features were fenced in area and clearly posted rules, most would drive to dog park, most had not visited dog park in Vermont, and negative comments were people did not want to live next to dog park. The Committee visited the Derby Dog Park and found that they have some expenses but do a lot of fundraising and applied for grants. Their area is half open and half wooden. The area is mulched and there is a water station. The Village of Shelburne's Dog Park is located in a wet land area and hasn't worked out well so they are in the process of looking for other land.

Eric Bach discussed area options: Water Andric area, Rossi Hudson lot, area between Rescue and neighbor, and rea around sewer treatment plant. He suggested an organized a road trip to view these areas.

Selectboard discussed use of sewer plant (6-acre area).

- (d) **Grant Update – Janice Ouellette –** the Bike Ped Grant was submitted for Shared Pathway, Sidewalk and Hill Street drainage. Janice Ouellette thanked all who wrote letters of support. A worksheet for partial funding was submitted for the Hill Street sidewalk and drainage. In March Janice Ouellette submitted a request to Senator Sander's office for Congressionally Directed Spending, (earmarks), for the shared pathway and Hill Street sidewalk. The project was selected to move forward. The Town may have more information later in the month or next month. Any funding hinges on Congress being able to pass a budget.

Eric Bach wondered what would happen if Danville got both the NBRC, Bike Peds grant as well as earmark funding.

Alison Low noted there will be some juggling because federal funds cannot account for more than 80% of project cost.

Janice Ouellette noted that the Municipal Park and Ride grant has not opened yet but it can be used as match for the NBRC grant.

Fire Department

Jonathan Austin-Shortt was last person sitting in audience. Eric Bach asked him if he was just there to hear about the dog park or was there something he wanted.

Jonathan Austin-Shortt noted he was there to hear the presentation on the dog park and did want to get on the agenda however he did not think he would make it to the meeting. Eric Bach asked him what he wanted.

Jonathan Austin-Shortt noted he had a conversation with Eric Bach about the Fire Department account that was in Wendy Somers and Sharon Daniels name and wanted that money transferred to the Fire Department.

Jonathan Austin-Shortt discussed:

- New young volunteers and the high participation rate.
- Training being done every week.
- Rise and fall trend as some of them will be going off to college.
- Money in the old fundraising account is being requested through Selectboard to have Wendy Somers move it to the Fire Department account so that the Fire Department can spend it. The Fire department has purchased a saw from All Around Power for \$1,000.

Eric Bach did not see an issue with that.

Motion by Janice Ouellette, 2nd by Glenn Herrin to use money in separate account to go through Fire Department to All Around Power or do it to All Around Power from the Town. The transaction should be done in the most convenient manner for Wendy Somers so that the money goes to All Around Power. Vote 5-0-0. All in favor.

- Check book and 501c3 - account they are using and have used is a separate account from the Town. Fire Department has their own Tax ID number. Formed an Association separate from the Town. Formed Association and registered with state. In process of getting Tax ID number for Fed and State. Previously done as a 501c4 but found out that it should be a 501c3 not 501c4 so that they could accept larger donations.
- Landowner offered use of structure on property for training.
- Slated to purchase a new fire truck for North Danville in 2027. Cannot house any apparatus in the North Danville building unless special ordered. Requests Selectboard to move forward to replace building or move forward with new location. Has been told the fire station is a historical building but cannot find it listed anywhere.

Glenn Herrin noted there were a lot: federal, state and local, and the ND firehouse isn't listed in the Town Plan inventory.

Alison Low discussed engineering and cost estimates being needed and using Municipal Planning Grant and or going through USDA Federal funds for rural development.

Eric Bach discussed using other Town owned land in North Danville as the Town owns three parcels in North Danville.

Eric Bach discussed preliminary work and example of work such as the slab for the building and inquired if Jonathan Austin-Shortt could get numbers so they could have something for the budget.

Jonathan Austin-Shortt noted he estimates the cost to be somewhere between \$300-500,000 but when they get closer to engineering study, he will tell the Selectboard.

- Moving along with regionalization study. He and other Chiefs have met and are going to meet again next week. They want to move forward with what is in the handbook but just a portion of it. They may be looking at money needed in the future for this and will come to Selectboard.

7. Financials: Orders to review and sign

Motion by Janice Ouellette, 2nd by Glenn Herrin to authorize Eric Bach to review and sign the Financial Orders on behalf of the Selectboard. Vote 5-0-0. All in favor.

8. Adjourn - Motion by Glenn Herrin, 2nd by Janice Ouellette to adjourn at 9:32 pm. All in favor.

Minutes taken by Audrey DeProspero submitted June 21, 2023 at 12:15 pm.