

Town of Danville
Selectboard Minutes
July 6, 2023
Danville Town Hall (5:30 pm)

Board Members Present: Janice Ouellette, Alison Low, Glenn Herrin, and Eric Bach (5:58pm)

Board Members Using Microsoft Teams: Peter Griffin

Others Present: Audrey DeProspero (Executive & Public), Brian Henderson (Executive), Toby Balivet (Executive), Keith Gadapee (Public), Tina Prescott (Public), Dave Hare (Public), Tom Ziobrowski (Public), and Clayton Cargill (Public)

Executive Session called to order by Vice Chair Janice Ouellette at 5:33 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 Alison Low 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, Brian Henderson and Toby Balivet. Vote 4-0-0. All in favor.

Selectboard entered Executive Session at 5:33 pm.

Motion by Alison Low, 2nd by Glenn Herrin to leave Executive Session at 5:46 pm. Vote 4-0-0. All in favor.

Selectboard entered Public Session at 5:46 pm.

Action taken: Stipulation and Final Order for Zoning Appeal reviewed and agreed upon.

Motion by Alison Low, 2nd by Glenn Herrin to approve Stipulation and Final Order and to authorize Eric Bach to sign Stipulation and Final Order. Vote 4-0-0. All in favor.

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

1. **Additions to the agenda:** Animal Control Ordinance, Burn Ordinance and EV Chargers
2. **Approve minutes:**

*Motion by Alison Low, 2nd by Glenn Herrin to approve **minutes of Regular meeting of June 15, 2023** as written. Vote 5-0-0. All in favor.*

3. **Visitors**

- **David Hare – Danville Senior Citizen Housing Parking Lot** – discussed parking lot being in bad shape. Noted was a current Town paving project along Grandview Avenue near the Senior Housing is planned to be done and David Hare wondered if the project could be extended a bit near the road deteriorated area to patch the parking lot. The parking lot abuts the road and the worst area is 91' long and 25' – 28' wide. David Hare wondered if the Town would be willing to add this work to the existing job and if not, could the Senior Housing just pay for materials. As a non-profit their funds are limited.

Eric Bach inquired if it was too late in the contract to work collaboratively to get the work done.

Keith Gadapee noted they were contracted by the ton. He only had an estimate of ton and was unsure whether or not the contractor would do it. He noted this happens a lot, whereas someone asks to have their driveway paved because it abuts the road and the contractor usually turns it down. Keith Gadapee

noted he could ask the contractor but was not sure if they would honor the ton price given to the Town. He noted the area does abut the road and it is not a driveway.

David Hare noted the area did abut the road but he was not sure where the Town line ends and parking starts.

Keith Gadapee noted it was really close to the front of the building.

Keith Gadapee noted he would ask the subcontractor.

Eric Bach noted if they were willing to do it, he thought it was worth doing.

Discussed was estimated cost, paving to be done before September, and payment by whom depends on cost and answer received from Pike.

Keith Gadapee to get information from Pike.

- **Scott Burns – Radar Feedback Signs** – absent

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

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

- Needs to make plan for interviews. Seeking to do so next week in the evening. Peter Griffin noted he was available next week. Janice Ouellette noted she too was available.
- Little damage from Tuesday storm. Crew is out and about dealing with that. Storm was not FEMA like. He has received a lot of calls from persons on Class 4 roads.
- Ditching on Coles Pond held up even with rain, however other spots did not hold up.
- One road closed overnight due to tree on phone line but it is now open.

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

- (a) **FD Use of Funds** – Eric Bach – discussed previous meeting whereas a motion was made on a subject that was not listed on the agenda. A motion is required to rescind and then another to approve.

Motion by Alison Low, 2nd by Glenn Herrin to rescind previous motion of ‘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.

Motion by Janice Ouellette, 2nd by Peter Griffin to draw down/close account ending #3531 to offset the All Around Power bill for FD Budgeted allowable line item. Vote 5-0-0. All in favor.

- (b) **Road Ditching – Watkins/Morses Mills** – Eric Bach – noted Tina Prescott was not able to get third-party participation so the Selectboard had viewed the area and were present to discuss her concern.

Alison Low noted she viewed the area and it had signs that it washed away and it looks like it is coming from the neighboring property. It intensifies coming around corner and needs some kind of form to help it hold.

Keith Gadapee noted the area has gotten a lot of water lately.

Tina Prescott noted the road has washed out and a truck ended up in the ditch. There are tire tracks there.

Keith Gadapee noted he did not realize that.

Keith Gadapee noted the water is coming from the neighbor’s drive. He discussed impervious surface out of right of way and the water coming off the roof, going down the driveway and down the wheel tracks and not getting into the culvert due to wheel ruts.

Keith Gadapee would like to put water bar in their driveway.

Tina Prescott noted there was a property pin there and did not want it moved.

Keith Gadapee noted he was aware of the property pin. He noted he would get with the neighbor to tell them what he is doing. There is a system in place, so if water gets to it, it will work.

Janice Ouellette inquired if Keith Gadapee thought having rock in the ditch would help it.

Keith Gadapee noted if it was his driveway, he would not want rock.

Tina Prescott thought it may help.

Keith Gadapee noted it is an option to use erosion stone however Tina Prescott would not be able to mow over it. Keith Gadapee discussed another option of straw matter to put over grass lining ditches.

Keith Gadapee noted he would work with Tina Prescott for the solution.

Tina Prescott inquired about a culvert at the end of the road.

Keith Gadapee noted that could be an option.

Discussion ensued regarding putting a culvert right at intersection.

Peter Griffin inquired if culvert was in conjunction with water bar up above.

Keith Gadapee noted yes.

Keith Gadapee noted a lot of folks choose not to maintain their driveways but he could talk to the land-owner across to see if water can be put there. The Best Management Practice is to kick across road to disperse water.

Tina Prescott noted if Keith Gadapee put rock in her ditch, she would plant flowers.

Tina Prescott noted she was willing to work with Keith Gadapee.

Glenn Herrin suggested water bar and to try whatever Keith Gadapee wanted on lawn and hold off on culvert because it is putting large project/expense.

Keith Gadapee will get there as soon as possible.

Tina Prescott inquired if Keith Gadapee could put up cones where the erosion occurred. She has put up posts on corner to deter people and help with night traffic to help people avoid ditch.

Tina Prescott thanked Keith Gadapee for the installation of speed signs.

Glenn Herrin noted the road was wide at base and wondered if there was anything Keith Gadapee could do not to grow it any more than it already is.

Keith Gadapee noted yes, they could, they could watch and work with it and they could pull it back.

Discussion ensued regarding making it a tighter turn which may or may not slow down traffic.

Tina Prescott inquired if Keith Gadapee had cones in his truck and if so, she was willing to take some with her and put in the ditch on her way home so he did not have to.

Keith Gadapee noted he did have cones and would give her some.

- (c) **TMD (Town Meeting Day) Ad Hoc Group** – Glenn Herrin – suggested the Selectboard decide if they want to explore Town Meeting and if using a committee is a good idea.

Consensus yes.

Glenn Herrin discussed time frame of having it done by 2024 meeting which may be doable but tight.

Peter Griffin thought that was a good way to go. He discussed time tables and thought maybe 2025 would be better for people to talk it over with other people and neighbors. He is not against 2024 but suggests getting it started and shoot for 2025.

Alison Low suggested to have the committee make a presentation at the 2024 Town Meeting.

Eric Bach suggested to have the committee do their presentation at both informational meetings along with Town meeting to get the info out there.

Glenn Herrin noted he was good with either way. Taking longer will enable them to get information out to people and work with longer process. Glenn Herrin discussed the Charter which gives the group meeting guidance which is set up similar to the Train Station committee but is a simplified version of how to run meetings.

Suggested wording change discussed.

Discussion ensued regarding volunteers for committee and soliciting volunteers through advertisement.

Alison Low discussed public participation.

Glenn Herrin to draft and bring back Charter to Selectboard at their next meeting and put out general announcement.

Alison Low inquired what they were going to do with the people who have already come forward.

Eric Bach inquired if they would have a questionnaire for the volunteers.

Glenn Herrin suggested they come up with a few basic questions.

Peter Griffin suggested a question for members be, why are you interested in serving on the committee.

Clayton Cargill arrived 6:55 pm.

Alison Low spoke of mission statement and discussed having broader statement on local democracy.

Clayton Cargill discussed engagement of person and committee needing to find ways to engage community.

Keith Gadapee spoke of Facebook and suggested having the information listed there for promotion of items to engage a broader age group.

Discussion ensued about Facebook control and social media contacts.

- (d) **EPP (Enhanced Energy Plan)** – Glenn Herrin – at the last Planning Commission meeting, they voted to adopt the Town Plan amendment to the Enhanced Energy Plan. The document has been submitted to the Selectboard. The plan looks at energy use in Danville and has three sections. The very specific was to get substantial deference from the PUC when they evaluate wind and solar. The timeline for this process is July 20th the Selectboard will discuss to adopt the version to be final and then August 2nd the warning is put out to have August 17th as the Public Hearing to adopt and turn over to NVDA to review.

- (e) **Danville WWTF (Waste Water Treatment Facility)** – Alison Low – there was a tour of the facility which actually had a dual purpose. The tour was to see how the facility functions and to see if the site could be used for possible dog park.

Alison Low attended a webinar of handling sludge. There will be a sludge removal schedule at some point and they cannot count on the places that currently take sludge to continue to do so. Smaller spaces used to use Coventry however they will now need to start to think of broader solutions.

Discussed was signing the agreement between owner and engineer for professional services by Dufresne Group which was reviewed by the state.

Motion by Alison Low, 2nd by Glenn Herrin to have Eric Bach sign the updated owner and engineer preliminary engineer report. Vote 5-0-0. All in favor.

- (f) **Newsletter Topics – Town Hall Happenings** – Janice Ouellette – discussed was putting together newsletter for town government. She thought the document would be one page, possibly two sides (front and back). The following topics for newsletter were suggested:

Town Meeting stuff, information about grants applied for, update on Train Station, governor cycling past Train Station, Dog Park, new hires, paving projects, road projects, and items on website such as Calendar, ordinances and policies.

- (g) **Tree Removal Greenbanks Hollow** – Eric Bach – Wes Everts to handle contractor, contractor to cut tree, and Highway to clean up.

- (h) **Animal Control Ordinance** – Glenn Herrin – Section 12 Civil Ordinance being a copy of an old version of state law. He suggested to refer to state law and not have it listed in the ordinance.

Discussed was how to deal with complaint when ACO is done role and it needs to move forward.

Suggested was to bring to Selectboard for vote of fine/next steps.

Glenn Herrin to work on current ordinance wording.

- (i) **Burn Ordinance** – Alison Low – prohibits open burning in Village. Garbage burning has been happening during middle of the night. She wondered how this situation could be solved, does someone go to look for evidence.

Eric Bach noted they could not go on person's property as it would be trespassing. Size of fire or pit discussed and noted was burn pit size not specifically established. He suggested to call the Fire Department or Police.

Peter Griffin suggested writing a letter along the lines of complaints received and/or reports received of burning household items and give the state website and ask that they stop or they will have to follow up.

Alison Low noted burn zones are out lined by property lines.

Glenn Herrin to check with State Policy regarding dispatching.

- (j) **EV Chargers** – Alison Low – grants for Level 2 charging stations have gone out and Level 3 is coming.

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 Janice Ouellette, 2nd by Glenn Herrin to adjourn at 8:00 pm. All in favor.**