

Town of Danville
Selectboard Minutes
August 17, 2023
Danville Town Hall (6:00 pm)

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

Board Members Absent: Peter Griffin

Others Present: Audrey DeProspero, Walter McNeil, Wendy Somers, Eric Hutchins, Reason Hutchins, Wendy Hutchins, Gary and Barb Fontaine, Greg Prior, Jonathan Austin Shortt and Alison Despathy

Public Hearing – Danville Town Plan Amendment, Enhanced Energy Plan called to order by Chair Eric Bach at 6:00 pm.

Eric Hutchins discussed reading through all the documentation he saw on the website. He was concerned with pages 7 and 8 which indicates decrease in wood and increase in electric. He wondered what the rationale was as there is lots of wood available in Vermont. He discussed electric grid, increase demand for electric, and power outages noting wood would help when there is not heat during winter months.

Glenn Herrin discussed amendment written by Energy Committee, Planning Commission agreed to amendment and the information came from NVDA.

Alison Low discussed information being based on state wide modeling. The public service developed the scenarios. An exercise was done to show what has to take place. This is a way to reduce secondary heat but not phasing it out.

Glenn Herrin noted this document was a separate amendment to the Town Plan which they will revisit every two to three years to update. The Town Plan is done every eight years. Next steps for Town are to make any changes based on public input, adoption goes into effect immediately, and then submit to NVDA to receive certification.

One reason for doing this is the Public Utilities Commission will give the Town substantial deference.

Motion by Alison Low, 2nd by Janice Ouellette to close Public Hearing at 6:15 pm.

Regular Meeting called to order by Chair Eric Bach at 6:15 pm.

1. **Additions to the agenda:**

- Town Newsletter (Janice Ouellette)

Alison Low asked if 196 Brainerd Letter could be moved to after Fire Chief's discussion as she felt he should be present.

Consensus was to accept change.

2. **Approve minutes:**

*Motion by Janice Ouellette, 2nd by Glenn Herrin to approve **minutes of Regular meeting of August 3, 2023** as written. Vote 4-0-0. All in favor.*

3. **Visitors**

- **Walter McNeil, Jr., NEKWMD – Update**

- Board of supervisors met a week ago Tuesday. They met in person after two years of not doing so. District received two grants, USDA and ARPA to pay for foam machine. It paid for all but \$375.00. There was a six-month trial period prior to purchase. They have not shipped any condensed foam bricks yet but it is a very popular item. Foam is being processed twice a week. The bricks produced will go to Canada.

- Debated was lithium-ion battery waste. Safety kits have been given to recycle centers. Protocols are required to be in place. Walter McNeil will discuss with Clayton Cargill. Sand will smother lithium fire but water will spread it.
- Executive committee going over budget in September. Working on administrative rolls and changing language. It should be finished in a month or two.

Janice Ouellette inquired what impacts the flood had on waste.

Walter McNeil noted he hasn't heard of anything as most damage was done out of NEK.

Greg Prior inquired if heating the facility is an active thing.

Eric Bach noted yes, the plan is to heat the facility and Keith Gadapee is handling it.

Janice Ouellette spoke about Keith Gadapee getting contractors.

- **Fire Chief Jonathan Austin-Shortt – Parking Issues** (at 6:27 pm not in attendance, Selectboard moved on to next subject and agreed to come back upon arrival. Arrival at 6:54 pm)

Fire Chief Jonathan Austin-Shortt suggested the Town have a parking ordinance because during the Fair there were a lot of parking around the Green, there is a car that has been left behind from renters who have moved out and it is in front of a fire hydrant and the Fire Chief cannot do anything about it. He thought a Parking Ordinance would establish ground rules. He looked at Hardwick's ordinance and thinks they have a good parking ordinance. The Town could make a Parking Ordinance that defines the locations in Town. The State statute about blocking travel portion does not apply to Town roads.

Greg Prior discussed parking on Hill Street.

Fire Chief Jonathan Austin-Shortt noted people don't pull up far enough.

Eric Back noted parking has been discussed in the past but we did not have an ordinance.

Alison Low volunteered to research a Parking Ordinance.

196 Brainerd Letter

Letter received from Lynda Farrow of 223 Brainerd about burning happening at 196 Brainerd. The smoke and smell are going to her house and is bothersome. There are also sounds of canisters exploding which sound like gun shots. This happens both day and night.

Fire Chief Jonathan Austin Shortt noted 911 was called for burning. When they got there the person was burning a pile of old moldy hay and was within legal confines. It was the first time they were called there.

Alison Low noted she smelled the odor until the next day and it did not smell like old moldy hay. She thought it smelled more like plastic burning. Her neighbors told her they heard pops which sounded similar to exploding aerosol cans.

Wendy Somers noted Fire Warden Jason Crocker was also contacted.

Fire Chief Jonathan Austin-Shortt noted he was not aware of those ongoing.

Eric Bach wondered if they needed to connect Jason Crocker and send a letter out. The letter could indicate this is what we are getting reports on and this is what you cannot do.

Consensus was to have letter written.

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

- Curb Cut for Jeff Santos of 1466 Trestle Road. Keith Gadapee has reviewed.

Motion by Glenn Herrin, 2nd by Janice Ouellette, to approve Curb Cut for Jeff Santos of 1466 Trestle Road. Vote 4-0-0. All in favor.

- Special Event Permit for St. Johnsbury Distillery. Application is for Autumn on the Green.

Motion by Alison Low, 2nd by Glenn Herrin to approve the Special Event Permit for St. Johnsbury Distillery application for Autumn on the Green for October 1. Vote 3-0-1 (Eric Bach abstained).

- CDL reimbursement for Shane Drinkwater needs Selectboard signature.
- Keith Gadapee and Wendy Somers attended conference call with FEMA reps today. They will be coming back to do scoping study on August 30th at 1pm on 8 sites: Bruce badger, North Danville Road, Penny Lane, McDowell Road, Water Andric, Cormier, Stage Coach and Carey Pond.

Barb Fontaine inquired if the water has worked its way under the pavement on Bruce Badger.

Eric Bach noted the dirt is sliding so cones have been placed on road to eliminate driving on it.

Barb Fontaine suggested to put up a cement barricade because the cones were knocked over.

Eric Bach will contact Keith Gadapee.

- Wendy Somers noted Laurel Ruggles and she worked on the MERP mini grant application. They have applied for it and have already received confirmation of approval.

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

(a) **TMD Volunteer Appointment**

Selectboard agreed at the last meeting to extend the deadline for volunteer submissions. Two additional persons have come forward.

Eric Bach noted Maryellen Griffin and Alison Despathy have reached out and are interested in joining the volunteer Town Meeting Day committee.

Discussion of having an even number or and odd number for the committee took place.

Glenn Herrin discussed having 9 persons. Adding these two would bring them to 8.

Janice Ouellette discussed getting one representation from the school committee.

Motion by Glenn Herrin, 2nd by Janice Ouellette, to appoint Maryellen Griffin and Alison Despathy to the Town Meeting Day Volunteer Committee. Vote 4-0-0. All in favor.

(b) **Animal Control Ordinance Violation Decision**

Eric Bach discussed last meeting whereas they had a hearing with Shippee for a complaint received regarding their dog causing to end the life of a chicken belonging to their neighbor. He noted the roll of the governing body is to determine... was dog out of the owner control, off property and cause harm to a chicken. During the hearing Shippee did not deny the claim.

Alison Low noted nobody is denying the dog was loose and killed a chicken.

Janice Ouellette agreed, owner did not have control of dog and Animal Control Officer said this was not the first time this has happen. She noted she would be inclined to go with maximum fine because it is a continuing problem.

Motion by Janice Ouellette, 2nd by Alison Low, to assess fine of \$50 as well as a \$500 additional for civil penalty subject to waiver fee of one half the civil penalty and all be put in writing in a letter to send to Shippee. Vote 3-0-1. Glenn Herrin abstained. Motion carries.

(c) **Animal Control Ordinance Discussion**

Glenn Herrin discussed attending webinar with Animal Control Officer Candace Dane and Audrey DeProspero. The class discussed a waiver and he is suggesting to update the current ordinance. The current VLCT model and current Town ordinance intent is not very different. If they rewrite it then it would help with clarity and clearly defining penalties. Candace Dane does not want to be Enforcement to write tickets and Selectboard Assistant has authority and that information can be written into the ordinance. Candace Dane is willing to be Humane Officer and that information can be added too. Glenn Herrin discussed vicious dogs off property covered by state law.

Eric Bach noted as Health Officer he would like wording in ordinance.

Glenn Herrin is willing to draft a new document.

Consensus is for Glenn Herrin to draft up another document.

Fire Chief Jonathan Austin-Shortt arrived 6:54 pm – See Visitor Section.

(d) **Class 4 Road Policy Review**

Copy of current Class 4 Policy given to Selectboard at their previous meeting to review. Keith Gadapee not in attendance tonight. Discussion is postponed.

(e) **Heat Bid**

Current Fuel Oil contract with Irving is good until September 30, 2023 and their last fill will be September 1. Current Propane contract with Dead River expired 5/31/23. Submissions received for 6,000 gallons oil and 600 gallons propane for heat season 2023-2024:

CN Brown Energy

Fuel #2 fixed price \$3.119 no burner maintenance available

Propane no bid submitted

Dead River

Heating Oil fixed price \$3.649 per gallon for period of one year start 8/14/23 end 5/31/24

Propane fixed price \$2.199 per gallon for period of one year start 8/12/23 end 5/31/24

Maintenance/Service: trained service technicians to dispatch if needed.

Additional Easy Comfort Service Plan cost \$374.95 otherwise service rates during normal business hours are \$150 per hour and after hour emergency calls are \$325 flat rate which includes travel time to and from and one hour on site. Every additional hour is \$180

Bournes not bidding as fuel oil is too volatile.

Fred's Energy

Fuel Oil#2 fixed price based on 6000 gallons is \$3.059 per gallon plus \$.03 Vermont Fuel Tax and PDLF.

Propane fixed price based on 600 gallons is \$2.75 per gallon plus \$.02 Vermont Fuel Tax.

Routine Service and maintenance is billed hourly at \$105 per hour plus parts.

Service Contracts are available at various additional costs.

Irving

Heating Oil fixed \$3.375

Propane fixed \$1.865

Labor rates – regular hours \$129/hour

Labor rates – after hours \$209/hour

\$45 trip fee, \$15 consumable fee

Greg Prior discussed service and the ability of technicians along with changing technicians who are familiar with furnace. He spoke of evaluations and young kids not knowing the old-style furnaces and if town tosses the services back and forth no one is familiar unless documentation of furnaces is kept.

Fire Chief Jonathan Austin-Shortt discussed automatic delivery and making sure that is how delivery is done. The Fire Department's furnace is getting worn and is showing age.

Gary Fontaine noted that was a donated furnace however hot air furnaces can last 20 years but that one is much older.

Alison Low discussed possible replacement through MERP.

Janice Ouellette noted that building is already listed on the assessment.

Motion by Glenn Herrin, 2nd by Janice Ouellette, to award fuel oil bid to Fred's Energy at fixed price of \$3.059 per gallon plus \$.03 Vermont Fuel Tax and PDLF for 6,000 gallons and propane to Irving for fixed price of \$1.865. Vote 4-0-0. All in favor.

(f) **Calex Board Meeting Invite**

Michael Wright is seeking to have one Selectboard member attend the Calex Board meeting on Wednesday, August 23 at 6pm.

Eric Bach discussed Calex and Fire Department working in a manner to best staff and be sustainable by joining forces.

Glenn Herrin noted he was available to attend.

Eric Bach noted he too was available.

Consensus is for Eric Bach to attend Calex Board meeting on August 23rd at 6pm.

(g) **Painting Estimate – Town Hall**

In March 2022 the Town sought painting proposals. Only one was received in the amount of \$75,000 from Vermont Construction. Another contractor was found, Clean Cut Painting and recently submitted an estimate for \$36,500. Clean Cut is booking out until 2024 and have given a tentative start date of May 30, 2024.

Greg Prior discussed the first six feet of the building having significant damage and should be thrown into the mix.

Glenn Herrin inquired about the payment and if there was enough money in the budget.

Wendy Somers noted payment would be done through the Marion Sevigny fund.

Motion by Glenn Herrin, 2nd by Janice Ouellette, to approve Clean Cut Painting estimate in the amount of \$36,500 to paint Town Hall. Vote 4-0-0. All in favor.

(h) **Use of Green – Pope Memorial Library**

Library would like to use Green on Friday, August 25th at 2pm for a free acoustic concert. The concert will be about one hour but they seek permission to use the green from 1pm until 4pm for set up and clean up. A certificate of insurance has been received.

Eric Bach discussed No Parking signs on the Peacham Road and suggested the library get in touch with the Chamber as they have four signs for their use.

Motion by Glenn Herrin, 2nd by Janice Ouellette, to approve Pope Memorial Library use of Green on Friday, August 25th from 1-4. Vote 4-0-0. All in favor.

(i) **Tree Trimming/Removal on Green**

Eric Bach discussed having Tree Warden Wes Everts work with planners from events such as Autumn on the Green and the Fair to look at trees on the Green. He would like to see what options are for trimming and pruning branches as there are low hanging branches, specifically the evergreen, which should be removed, as it doesn't serve a vital purpose. If the tree is removed when Phil puts in Millstone, he can fix the stump and level the area out.

Consensus is that it is okay for Chelsea Hewitt, Mary Cote and Wendy Larrabee to do walkaround with Tree Warden Wes Everts.

(j) **Dog Park Organization Structure**

Alison Low discussed three visits to Wastewater Treatment facility to make sure group was in agreement with location. All were in favor. Alison Low continues to have conversation with Jefferson Tollman of H2O who has suggested to go back to ANR to have constructive conversation to have dog park that does not conflict with current use. The facility backs up to the rail trail. Alison Low discussed management of site, fundraising, not going to tax payers for dollars but wondered what the organization structure would look like. She wondered if it should be like the Train Station committee.

Glenn Herrin thought they have the following options:

1. Leave entirely to volunteers that come to Selectboard when they want to do something;
2. Appoint someone as dog park person who can work with group and they could still come to selectboard;
- 3a. Set up as committee like TM committee which is committee of Selectboard; or
- 3b. Subcommittee of Planning Commission like Train Station committee.

Alison Low noted that she understands that not all people want it, but it's more of a concern for people in the village.

Glenn Herrin noted other people might use it.

Alison Low spent time with folks at Derby Dog Park which is on town owned land. They did a grant and received \$35,000. It was well used during the pandemic as it was a place for people to go and socialize and be with their dogs.

Greg Prior discussed location being on Town owned land and wondered if the Town was flexible for other usage in future so as to remain as utilizable land.

Alison Low noted the prime use was waste water use. She discussed committee looked at buying land and finding suitable donated land.

Greg Prior noted so you are already taxing on second use.

Alison Low sought guidance and marching orders from Selectboard as their guidance would help committee.

Janice Ouellette wondered if the committee wanted to be held accountable for minutes and agendas.

Alison Low thought it would be okay because it holds them to accountability and accountability is not a burden. She thought maintaining a public group would help with fundraising.

Janice Ouellette discussed setting formal committee charter and then move on.

Eric Bach suggested making committee a little bit more fluidity.

Janice Ouellette thought that could be all part of charter.

Glenn Herrin suggested to appoint 3 or 5 people then then can allow for other members.

Consensus is to draft charter then come back to Selectboard.

(k) **Newsletter**

Janice Ouellette sent around a draft newsletter and suggested all take a look at it and email her information and changes then she will put it in a newsletter format.

Greg Prior noted he has newsletter formats.

Janice Ouellette welcomed him to forward to her.

(I) **196 Brainerd Letter** – See Visitor Section Fire Chief Jonathan Austin-Shortt

Barb Fontaine inquired about Class 4 road washout from the previous Selectboard meeting.

Eric Bach noted the wash out started at the top and the material that was there is down below. Keith Gadapee is going to take material from bottom and bring to top.

Barb Fontaine inquired if this has been done before.

Eric Bach noted yes, Keith Gadapee has done this before. Keith Gadapee is just pushing dirt from bottom to top.

Greg Prior inquired if folks can work on Class 4 roads themselves.

Eric Bach noted yes, they can because it is a Class 4 road. He noted Keith Gadapee was not bringing any new material in, just using and moving what is there.

Barb Fontaine discussed all others in Town on Class 4s have paid for it themselves.

Eric Bach noted they have a responsibility to maintain access to property.

6. **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 4-0-0. All in favor.

7. **Adjourn** - *Motion by Glenn Herrin, 2nd by Janice Ouellette to adjourn at 8:26 pm. All in favor.*

Minutes taken by Audrey DeProspero submitted August 18, 2023 at 1:00 pm.