

Town of Danville
Unapproved Selectboard Minutes
September 7, 2023
Danville Town Hall (6:00 pm)

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

Board Members Absent: Peter Griffin

Others Present: Audrey DeProspero, Keith Gadapee, Wendy Somers, Chris Kirk, Velma White, Bebo Webster, Alison Despathy and James Beattie

Others Present Using Teams: Craig Morris

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

1. **Additions to the agenda:** Parking on Hill Street
2. **Approve minutes:** *Motion by Glenn Herrin, 2nd by Janice Ouellette to approve minutes of Regular meeting of August 17, 2023 as written. Vote 4-0-0. All in favor.*
3. **Visitors**
 - **Velma White – Road Name Change** – Velma White has been living at the same location for 30 years and has had no problem with mail until the name of her road was changed. She is requesting that her 14 Bluebird Hill Road address be changed back to 471 Walden Hill. The road name change was done in 2022 when a third parcel was purchased by Gwen Spivey giving the status of the road/driveway the ability to be renamed. The third parcel was then sold to the other current neighbor Wiggett/Duquette making the status of the road/driveway two residences as previous. All has been verified with E911 coordinator Jeremy McMullen.

Motion by Janice Ouellette, 2nd by Alison Low to change addresses for Velma White and Wiggett/Duquette back to 471 & 473 Walden Hill Road. Vote 4-0-0. All in favor.

- **Michael Hogue, DTSC – Rehabbing Station** – Michael Hogue discussed plans for rehabbing train station noting the numbers received were extremely high. They are in the process of re-engineering work and want to create a new GMP (guarantee maximum price). Site work, drainage and foundation need to be done at same time due to expenses. They want to create a pay as you go system. They will need about \$200,000 and will spend \$150,000 for site work, drainage, and foundation. They will get grantors and save the Town money that is set aside. They are looking at where they are, what they plan on doing, and where they are going. As they have cash available, they will tell GM (General Manager) to keep going, this way they will keep Town from being exposed financially. The plan is to only work on items when they have money. A cash flow statement will be put together after their meeting next Tuesday.

Alison Low noted the difference between the construction management approach versus the bid approach is that it gives more fluidity in management piece.

- **Karena Shippee – Accident** – vehicle accident with highway truck.

Alison Low was uncomfortable with making any decision given lack of details: no complete accident report, no indication of speed, neither participant present and VLCT comments.

Glenn Herrin inquired what they were being asked to do.

Eric Bach noted they were being asked to admit fault.

Keith Gadapee discussed speaking with VLCT and disagreeing with their comments because the Police who came to the scene deemed the accident a no fault.

Alison Low discussed disagreement and noted it doesn't mean they just have to pay claim. She discussed vehicle being totaled and noted there was no paperwork on that either. She inquired what the estimate was for the Town vehicle.

Keith Gadapee estimated Town truck was \$2,200-\$2,500. The Town could go through their insurance carrier, VLCT, or they could just pay it themselves as deductible would apply.

Wendy Somers questioned pictures submitted by Shippee as they look like vehicles were moved.

Keith Gadapee noted there was no movement, pictures depict where the vehicles came to rest.

Janice Ouellette inquired if they could clarify with VLCT whether their plan is to go against the other insurance company.

Wendy Somers noted the person driving the car was not a Shippee child and was 16 years old.

Alison Low inquired if the 16-year-old driver was he fully insured.

Janice Ouellette noted that would depend on his license date to drive with someone other than a family member.

Wendy Somers discussed Shippee written statement which said kids were coming back so they had already gone by Town trucks when they first left and knew the Town trucks were working on the road. Upon their return, she wondered why, if they passed by two of the Town trucks that they didn't slow down for the third truck.

Glenn Herrin inquired what the difference was if they said yes or no, do rates go up or does our driver get points.

Keith Gadapee advocated to Police that he doesn't want any points on the truck driver's license.

Eric Bach noted the Town's insurance would go up. The downside is if they say yes, insurance goes up and if they say no, they go to court.

Alison Low noted she was uncomfortable making a decision as they have scant details.

Wendy Somers suggested the decision go to Selectboard when VLCT questioned her on how to proceed. She thought it should be the two insurance companies who determine outcome.

Eric Bach suggested to set up a call with Susan Rowell of VLCT for a meeting to discuss why that type of decision was made and why insurance says we are more at fault than the Police, as officer at scene said it was a no-fault accident.

Alison Low thought the meeting should be in executive session as public knowledge would be detrimental.

Eric Bach suggested to check with VLCT legal counsel.

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

- Special Event Permit for Red Barn Brewing LLC for Autumn on the Green

Motion by Alison Low, 2nd by Glenn Herrin, to approve the Special Event Permit for Red Barn Brewing LLC for October 1 for Autumn on the Green. Vote 3-0-1 (Abstain = Eric Bach). Motion carries.

- Special Event Permit for Vermont Spirits Distilling Company for Autumn on the Green

Motion by Janice Ouellette, 2nd by Glenn Herrin, to approve the Special Event Permit for Vermont Spirits Distilling Company for October 1 for Autumn on the Green. Vote 3-0-1 (Abstain = Eric Bach). Motion carries.

- Updated Tax Rate for Selectboard to sign which includes the school. Tax Rates are: residential 1.9976 and non-residential 2.0141

Motion by Alison Low, 2nd by Janice Ouellette, to approve 2023 Tax Rates at 1.9976 for residential and 2.0141 for nonresidential. Vote 4-0-0. All in favor.

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

- Wendy Somers and Keith Gadapee have teamed up on all FEMA projects. There are 8 sites and one site is a federal highway so if done this year, they will have 100% funding.
- Bids will be opened on September 21st for the slide on Bruce Badger.
- One new hire has reached level of paygrade 3 within 9 months of employment. Keith Gadapee recommends pay increase starting next pay period.

Motion by Alison Low, 2nd by Glenn Herrin to move Chris Harrod up to Step 3 pay grade. Vote 4-0-0. All in favor.

- Landowner contacted Keith Gadapee after flood washed out culvert and pushed material out of our ROW. The area borders two towns and Keith Gadapee does not think the Town needs to do anything as it is our water from the road but the culvert is out of the ROW. Seeks support of the Selectboard in his decision.

Consensus is agreement with Keith Gadapee.

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

- (a) **Heat for Recycle Center** – Keith Gadapee discussed tying into wood boiler to get heat in recycle building.

Motion by Janice Ouellette, 2nd by Alison Low, to accept estimate and have work done by Murrays Heating and Cooling. Vote 4-0-0. All in favor.

- (b) **Class 4 Road Policy Review** – Keith Gadapee noted he has reviewed the Class 4 Policy and has made suggested changes. Additions and removal of language discussed. Keith Gadapee noted the language was changed to remove the grey areas of the policy.

Alison Low suggested definition of 'Road Cut' and 'Curb Cut' be added to Section 2: Definitions as more definition was needed. In the section where addition of MRGP was added, the additional words of 'maintenance' and 'erosion' needs removal and 'pent road' needs to be defined.

Eric Bach inquired if in the ROW section they wanted to include trail policy.

Alison Low discussed 3b and inquired about plowing as it conflicted with 5b.

Keith Gadapee discussed no enforcement.

Eric Bach inquired if 'maintenance' should be removed from 5a.

Keith Gadapee noted it was there for the management of digging and movement of water.

Alison Low suggested to define 'maintenance' to what it includes and does not include.

Permit procedures and erosion discussed on Class 4 roads. Situation where not specified in MGRP discussed were a wash out of someone's property happened and if this policy was adopted the area would not be fixed by Town.

Bebo Webster discussed problem with doing anything with Class 4 roads changes what historically has been done. 25 years ago, it was strictly 'no' to assistance, if you bought on it, you are responsible for it.

James Beattie discussed Town should not be responsible for road as persons knew about it before they took ownership of it.

Chris Kirk was concerned for Partridge Road area: one little piece which was a summer camp, now a year-round residence and the residents want the Town to maintain two accesses. Road was built without permission to put culvert there which was done by VASA because of VASA's large event. Two years ago, road washed out, then was closed, barriers and signs were put up and it was okay. People from various places take their four wheelers up there and find they cannot continue so they have to back on out as there is no room to turn around. Chris Kirk does not think Town should spend substantial money to improve road.

Glenn Herrin noted that was not what Selectboard was talking about, they are talking about Webster Hill Road.

Keith Gadapee noted confusion is because he is to fix road by taking gravel from bottom to bring to top so he is fixing a portion of Partridge Lane.

Chris Kirk noted Keith Gadapee is fixing what doesn't impact the owners. He thought there was nothing relevant about access to Webster Hill Road. This was pointed out to Selectboard 4 years ago. He suggested Selectboard go to Webster Hill to the house and see how it doesn't affect dirt from below.

Eric Bach discussed item being a warned item that was on agenda and present persons could have discussed their issues with Selectboard before Selectboard's decision was made.

Chris Kirk suggested giving the landowner access to Webster Hill Road and leave Partridge alone.

James Beattie discussed corn field and putting a culvert in which he does not want because the excess water will cause problems for him.

Glenn Herrin noted Selectboard could not change now and suggested to put on next agenda. He was not comfortable with Town allowing Class 4 roads to be destroyed that lead to someone's house.

Alison Low noted they based their decision on information that they were given.

Suggested was to schedule site visit for Selectboard.

Keith Gadapee discussed confusion being based on taking gravel from bottom to top. If he had enough gravel there, then he would use a used culvert to divert the water. Doing such would be done by using Town time and Town equipment. He would not be buying anything.

Alison Low discussed Class 4 Policy noting they structured 3a language not to provide maintenance and the necessity and public good. She noted they were under the impression that this was a public safety issue.

Chris Kirk urged that no material should to be taken from pile at Highway garage. He noted Keith Gadapee said he has free material and does not want Keith Gadapee to use any of the free stuff because it belongs to the Town.

Keith Gadapee has gone up and made a path and removed some material from bottom to top.

Eric Bach noted they cannot make decision tonight because tonight they needed to go over policy then they will put the information on as an agenda item for next meeting.

- (c) **Danville Town Plan Amendment – Enhanced Energy Plan Adoption** – Alison Despathy missed public hearing so she was present to discuss wind towers, PUC approval and substantial deference. She discussed issues that have occurred in other towns. She is looking for additional language to be added to EEP so Town is not taken advantage of. She requested to see if another hearing could be done or when her suggested information could be plugged in.

Alison Low noted the hearing was closed. Generally, under state statute plan amendment, Selectboard cannot make change fewer than 14 days. Making changes to the plan after hearing is closed does not allow for other public participants and there is no transparency.

Glenn Herrin does not object to language. He noted the Selectboard could choose to not adopt, space out meeting to talk about plan, then hold public hearing out 30 days.

Alison Low suggested to adopt plan which gives substantial deference and they can always amend the plan.

Alison Despathy inquired how long that would take.

Glenn Herrin noted a year to 18 months to make this change. Planning Commission could pick it up again and can start amendment to it, once EEP is adopted.

Alison Low discussed Regional Plan being referenced in Danville Enhanced Plan and not supported of utility wind. She noted towns specifically adopt Regional Plan language.

Glenn Herrin suggests adopt plan as is and PC pick up and put it in next edition of EEP.

Motion by Janice Ouellette, 2nd by Alison Low, to adopt Danville Town Plan Amendment – Enhanced Energy Plan. Vote 4-0-0. All in favor.

- (d) **Calex Board Meeting Update** – Eric Bach discussed sensitive information passed along to him: Calex has reached point financially and people power wise how to run operation. Option best suited is to merge with another department. Eric Bach didn't feel it would really affect Town; it would just give them more depth. Calex Board has taken a split decision on this. There will be more information on this when received. There is a reasonable plan created with the merger however the Town's appropriations will double.

Janice Ouellette inquired if this was the proposed merger with FD as seen in Caledonia Record.

Eric Bach noted yes.

Jan Ouellette inquired how far along in merger was Calex.

Eric Bach noted in discussions.

- (e) **Green Use Request: Autumn on the Green** – Eric Bach discussed the Danville Chamber of Commerce, Autumn on the Green Committee's request to use the Danville Green for their annual, fall, craft/artisan/food vendor event which is covered through the Chamber of Commerce's insurance and names the Town of Danville on their policy which carries at least one-million-dollar liability. The request is as follows:

- Use of the Green for marking the event Thursday or Friday prior to the event depending on the weather.
- Use of the Green for vendor set-up on Saturday prior to the event.
- Use of the Green for the event which is open to the public from 10:00am to 4:00pm.
- No Parking will be posted as requested in the past on Park Street, Brainerd Street (Mt. View to Route 2) and the Peacham Road on the corner by the school driveway.
- Use of electricity for a select number of vendors.
- Use of water should the need arise for vendors.
- Placing our AOG wagon on the corner of the green for approximately 2 weeks prior to the event to approximately 2 weeks after the event.
- Closing the Peacham Road between the post office and Route 2 from 6am on Sunday to 6pm on Sunday.
- Use of road closure and detour signs from the Town of Danville.
 - o We will place an ad in the Caledonian record to notify the public of the change in traffic pattern and road closure.
- Use of the parking lot/grassy area next to the town hall as a posted event parking area. With Handicap Parking spots (we believe 5) on the paved portion of the parking area which we will mark with portable signs)
Our event will have designated parking and traffic attendants to assist in the flow of traffic at the event. Vendors will be expected to be loading and unloading on the streets for the event within designated times. Our event does not allow for vehicles on the Green except for a few designated vendors requiring placement of trailers, event equipment, etc.

Eric Bach noted there will be a shuttle for persons who park at the event parking lot and there are 238 vendors this year. Eric Bach discussed trimming of branches which are hanging low around the Green and the Chamber's liability to cover such. He also discussed his conversation with Tree Warden Wes Everetts regarding the evergreen tree on the Green. Wes Everetts was

in support of removal and if Selectboard agreed, Phil Beattie will remove at the time of Mill Stone installation.

Consensus was favorable for evergreen removal.

Motion by Alison Low, 2nd by Janice Ouellette, to approve use of Green to host 20th Annual Autumn on the Green on October 1 with the understanding that the wagon will be placed 2 weeks prior and stay 2 weeks after. Vote 3-0-1 (Abstain = Eric Bach). Motion carries.

- (f) **Animal Control Ordinance Update** – Glenn Herrin took VLCT guidance and bounced against existing ordinance. He has changed some language and organized the policy to make it clearer. Changes were to definitions, collar, nuisances, enforcement, vicious dog, penalties and fees, impoundment and legal stuff. A recommendation from VLCT was including a Human Officer and he wondered if the Selectboard still wanted to take Dog Control into Animal Control.

Consensus was yes.

Eric Bach wondered if this policy would then address pigs, cows, horse, etc.

Glenn Herrin noted the language needed to be cleaned up to make into animal control so it included dogs and others. He suggested further discussion on fines and details. Glenn Herrin also thought a legal review of the policy should be done. Suggested was to check with VLCT for cost and procedure along with Town attorney. Item to be put back on agenda.

- (g) **TM Committee Update** – Glenn Herrin discussed first meeting noting it went well. Tom Ziobrowski is Chair. Next meeting is October 4th. There will be two meetings in October. November/December they will come to Selectboard and Schoolboard with gathered information.

- (h) **Dog Park Organization Structure Update: Advertisement – Charter** – Alison Low discussed met with people, potential Charter created which they are looking for Selectboard review. They would also like to advertise for potential members.

Glenn Herrin inquired if the intent was to establish and keep running, if so, committee will be a permanent position.

Alison Low noted yes, with only a minimum of 3 people, they would need more. She discussed looking at grants and needing assistance with design cost estimate and safety recommendation.

Motion by Janice Ouellette, 2nd by Glenn Herrin to accept proposed Charter for Town of Danville Dog Park Committee and placing the ad to advertise for members. Vote 3-0-1 (Abstain = Alison Low). Motion carries.

- (i) **Grant Updates – NBRC/Bike Ped** – Janice Ouellette discussed:

- Bike Peds grant - did not get, feedback forthcoming.
- NBRC award – feedback received was not economically impactful, app scored lower than average for funding, and area has been source for receiving NBRC fund previously. There was no positive feedback.
- Municipal Park and Ride grant – \$150,000 funding for whole state. She wondered was it worth it as it will be shared with all who apply.
- Downtown Transportation fund - state grant will reach out to contact person.

Janet Ouellette discussed total cost of project to be done is \$50,000 - \$200,000 and as long as they phrase article right, they could use money from Reserve Fund they created, then they could pursue EV charging through grant and do parking lot only or not because of drainage on Hill Street.

Alison Low discussed Building Resilience Fund which did not get an overwhelming response. She is working with them on another grant and could reach out with questions.

Janice Ouellette wondered if they could take out pavement and put permeable grass.

- MERP has not yet been approved and there is a high volume of applications.
- (j) **Parking on Hill Street** – Eric Bach had a conversation with Marty and Marion Beattie who are upset with parking and have noted they will start towing cars, do state reporting of unavailable parking required, not accept water going to their land, will not be giving money for drainage and any proposals put forth will not be accepted. There is concern with plowing issue and drainage issue that goes to their properties, and they are upset with the parking on Hill Street as it has been discussed for 15 years and not addressed. Eric Bach noted no decision is needed tonight but need proposal as to what we are going to do. The parking lines were supposed to be painted this summer but not done and the expectation is some action needs to be taken by Town or they will take action.

Wendy Somers discussed bakery employees are parking on Hill Street and should be parking at lot near Town Hall, Three Ponds employee parks at lot near Town Hall and Azalea Sun parks at Molly Greaves.

Eric Bach suggested painting lines to define parking spots. He noted he was told that Three Ponds has to have 3 handicap spots per DRB approval which leads to how many do the other businesses need. However, if Selectboard is not aware of such decisions made by DRB how can they handle situation. He wondered how parking stipulations are put on businesses and how is it enforced.

Glenn Herrin noted Parking Ordinance will help define the spots.

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 4-0-0. All in favor.

8. Adjourn - Motion by Glenn Herrin, 2nd by Janice Ouellette to adjourn at 9:22 pm. All in favor.

Minutes taken by Audrey DeProspero submitted September 11, 2023 at 10:00 am.