

Town of Danville
Selectboard Minutes
April 7, 2022
Danville Town Hall (6:00 pm)

Board Members Present Using Microsoft Teams: Kellie Merrell and Janice Ouellette

Board Members Present: Eric Bach, Ken Linsley and Peter Griffin

Others Present: Tennyson Marceau, Michael Hogue, Brooke Hall, Madison Heath, Sloane Morse, Tieghan Perry, Liza Morse, Thomas Edgar, Spencer Morse, Brian Henderson (DRB), Glenn Herrin (PC), Sally Fishburn, Rob Balivet, Paul Weaver, Greg Prior and Alison Despathy

Others Present Using Microsoft Teams: Craig Morris, Jonathan Austin-Shortt, Keith Gadapee, Clayton Cargill, Thomas Brown and Bill Bailey

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

1. **Additions to the agenda:**

- Highway Report
- Recommendation for Appointment to the Planning Commission
- Fishing Access on Joe's Pond
- FYIs

2. *Motion by Ken Linsley, 2nd by Kellie Merrell to approve **minutes** of the **Regular meeting of March 17** as written. Vote 5-0-0. All in favor.*

3. **Visitor:**

- Jefferson Tolman – H20 – Contract Amendment – postponed until later on in the meeting.
- Brian Henderson, DRB Chair – New Member Appointment – the Development Review Board has lost two members due to term expiration. Craig Morris has requested to be part of the DRB. Filling the vacancy will help retain a quorum during meetings.

Craig Morris noted he was looking forward to being on the DRB.

Motion by Kellie Merrell, 2nd by Peter Griffin to appoint Craig Morris to the DRB for a term of three years expiring 2025. Vote 5-0-0. All in favor.

- Liza Morse – OVX – proposal of substance free policy for Danville Green – Liza Morse is a senior at Danville High School and a member of Danville's chapter of Our Voices Exposed (OVX). Liza Morse and five other members as well as advisor Spencer Morse and mentor Tennyson Marceau were present. The proposed policy is to make Danville substance free. OVX works to educate the public about dangers of tobacco and its effects and use. Since the pandemic there has been a large increase in usage. The students went to the State House and rallied with other OVX members and spoke to legislature. OVX looks at Danville as a small, tight knit and strong community and want people to feel safe and comfortable in the community. Their policy proposal is for the Danville Green to make it a substance free location. The policy recognizes that tobacco, marijuana, alcohol is unsafe for the community. The policy is enforced by the community or law enforcement if needed and exceptions to policy are Danville Fair and Autumn on the Green.

Peter Griffin was concerned with exception if someone was selling alcohol at the events.

Ken Linsley was concerned with consideration of paying a fee and suggested removal as there is no charge to anyone using the Green.

Eric Bach suggested fee wording be removed and add permission was required.

Greg Prior was concerned with behavioral enforcement signs and signs in general as they change the look of the Green. He thought enforcement is better done through communication.

Signage placement discussed as there are not too many structures on the Green.

Kellie Merrell noted the most effective way for human behavioral changes are what your peers, neighbors and friends do which influence persons.

Eric Bach inquired if the policy was essentially the same as what was at the beach.

Liza Morse noted it was similar and they just wanted to expand to new areas in Town.

Policy changes noted were dates, fees and names.

Peter Griffin noted he was generally supportive of the proposal with a couple of changes to the exceptions.

Decision was for Peter Griffin to work with Liza Morse and for the subject matter to be put on the next Selectboard agenda.

- Glenn Herrin – Zoning Bylaw Changes – briefly reviewed report for bylaw changes. Glenn Herrin suggested the Selectboard go through the report and see what the bylaw changes are. The Selectboard would have two weeks to identify any changes they would like to make and then at their next Selectboard meeting, April 21, they would make their suggested changes and then hold the Public Hearing on May 19th at the beginning of their regularly scheduled Selectboard meeting and adopt the new Zoning Bylaw. The previous Bylaw change was roughly one year ago and this change will correct and clarify any confusing information. Current changes by the Planning Commission are: updated to all the current and conditional uses in every district, added definitions and changed definitions, introduced SIC (Standardized Identified Codes) to the bylaws based from state gathered information, boundary line adjustment simplified, flow chart removed from bylaw and now maintained as a guide so that updates can be done frequently, and design control overlay has added additional requirements.

Ken Linsley inquired who the Selectboard changes should be sent to.

Glenn Herrin noted all future comments and changes should be sent to himself.

- Glenn Herrin – New Member Appointment to Planning Commission – discussed Planning Commission being short a member. The PC is allowed per bylaw to have up to seven people and per state statute up to nine. David Kyle has attended a few PC meetings and has volunteered for the position. David Kyle is very qualified and Glenn Herrin is requesting the Selectboard to appoint David Kyle to the Planning Commission for a term of three years with an expiration of 2025.

Motion by Ken Linsley, 2nd by Peter Griffin to appoint David Kyle for the vacant position on the Planning Commission for a three-year term expiring in 2025. Vote 5-0-0. All in favor.

- Jonathan Austin-Shortt Fire Chief – Lock Box aka Knox Box – lengthy discussion with DRB, Zoning Administrator and Planning Commission and is comfortable with suggested options. The ZA said they could easily require for commercial buildings at the time of application, A sign off form by the Fire Department and the Town could provide guidance at the time of application as well.

Eric Bach liked the suggestion as it does not require an additional policy to be put in place. He inquired if the Selectboard needed to ask Zoning to put that in as a new step.

Brian Henderson noted that it seemed more as guidance and they would add as a condition to the permit and then it would be up to the Fire Chief to review. Brian Henderson thought it was a good idea for all buildings but it may not be required.

Ken Linsley noted if applicant went to their insurance company they may find that they recommend it and noted it would be faster access and a faster way to put out the fire and could help with the rating to the building and cut their cost down.

- Michael Hogue – Approval of Architect Engineer

Sally Fishburn discussed the Danville Train Station Committee going through the process required by Municipal Planning Grant procurement process. DTSC reviewed qualifications from five firms, interviewed four firms, after the interviews they invited three firms to supply proposals, and after that the committee unanimously decided on Ryan Edwards and Company to do the work, as they felt was the most open to collaboration and easy to work with. Suggested was for the Selectboard to motion to hire Ryan Edwards and Company to provide architectural and engineering services for the restoration of the Danville Train Station subject to successful contract negotiations.

Motion by Peter Griffin, 2nd by Kellie Merrell to accept the recommendation of the Danville Train Station Committee to hire Ryan Edwards and Company to provide architectural and engineering services for the restoration of the Danville Train Station subject to successful contract negotiations. Vote 5-0-0. All in favor.

Sally Fishburn noted they were reviewing the proposed contract and would submit with questions and assumed that legal counsel or someone would need to review it. Ryan Edwards offered the use of his contract unless the Town had a contract. Sally Fishburn thought it was fine to use Ryan Edwards contract.

Ken Linsley noted they would like to review Ryan Edwards' contract however they may want to refer it to legal counsel. Ken Linsley thought he saw a proposal in the submitted information.

Sally Fishburn noted the information was basically Ryan Edwards' contract minus the terms.

Michael Hogue noted the committee added the three pages of conditions from the grants to the proposal and he thought since it was a town building that the architect engineer and Selectboard Chair should sign.

Sally Fishburn discussed follow up on surveying train station property. She noted that Andy Dussault did all the paperwork and the Town has paid for it. They are requesting to transfer the work to Shane of Truline Surveyors and an additional \$2,840 is needed to complete the rest of the survey. The Selectboard has already approved \$5,000 expenditure.

- Thomas Brown – State – Funding Opportunities with CWSRF – works for State of Vermont in the Water Investment Division and Project Developer for the Clean Water State Revolving Loan Fund. He was present to discuss the municipal waste water system and to give information about monies available for upgrades. They provide 50% forgiveness of loan principal up to \$100,000 for preliminary engineering and final design. He spoke of items pertaining to their funds: procurement of engineer for project, request for qualifications, RFP and negotiations, scope of services, level of effort, engineering service agreement, construction funds, recommended qualification-based selection which the engineer would put together, preliminary engineer report which would identify the problem(s) and come up with any alternatives that could be applied to project, cost and funding opportunities.

Ken Linsley inquired if the state had a pre-approved engineer list or does the Town need to find their own engineer.

Thomas Brown noted the state did not maintain a list as they are not allowed to recommend anyone.

Kellie Merrell inquired if the Town could get advice from VT Rural Water for engineering and how long the planning phase would take. She noted because of ARPA funding, it was difficult to find engineers and she wondered if that was true.

Thomas Brown noted the Town could contact VT Rural Water and engineering firms are turning away work right now because they cannot get the help. He suggested the Town reach out and do direct solicitation to firms and to advertise for 30 days. He noted the planning phase depended on what the Town was seeking to do, however if the Town was just seeking to review asset management for age of facility, then that could lead into a preliminary effort.

Thomas Brown inquired how long the plant had been evaluated.

Ken Linsley noted it had not been done in the past ten years. Town is at 30,000 to 35,000 gpd and can go up to 48,000 gpd before a mandated plant evaluation is required. This is 80% of the plant design capacity of 60,000 gpd, so there seemingly is plenty of room as regards volume. Some effluent criteria may become a point of concern. The Town is not currently looking to expand the system. The effluent flows into a relatively small stream, Andric. If we wanted to significantly increase the outflow, we probably would not be permitted to do so without system modifications.

Jan Ouellette inquired about what would happen if the RFP only brought in two persons and they were not ranked very high, would the Town need to restart the process over.

Thomas Brown noted it would be a local decision. If the Town was not comfortable, they could go back out and start the process over. The goal is to get three respondents from the RFP.

Ken Linsley inquired if Thomas Brown also worked with drinking water needs.

Thomas Brown noted he worked with operations and regulations and does work with DWS. Drinking water needs can also be discussed

- Sharon Daniell – Payroll Discussion – not present, no discussion.
- Paul Weaver – Window Dresser's Quote – no decision needed tonight, just wanted to summarize the quote and information received. Paul Weaver discussed pricing and measurement noting the information they had was really close to the end result. The building chosen as an example to test the Town's seriousness was the North Danville Community Building. The payback on heating bills is a large amount after installation. Paul Weaver discussed doing just the library in that building which may bring in higher energy savings as that room is the most usage. He thought it would be great if the Town got involved in the Window Dressers program.

Peter Griffin inquired about the life span of the inserts.

Paul Weaver thought it was at least 7 years and noted a rewrap could be done if the insert gets warped or damaged.

Peter Griffin wondered what the persons would do with the inserts in the summer.

Paul Weaver noted that would be an issue for most homeowners and noted they would work that out before getting involved.

Eric Bach inquired if the \$436.40 was for entire building or just the library.

Paul Weaver noted just the library. He noted that the cost would be about \$2,000 for the entire building.

Ken Linsley inquired when the Selectboard would need to make a decision.

Paul Weaver noted no firm commitment was needed until summer because that would be when the Window Dresser Measurers would go out to do the measurements. Paul Weaver wondered if the Selectboard wanted to just do one building or all Town buidings.

Consensus was favorable and suggested was to bring subject back when measuring time comes around.

Paul Weaver noted that he would not recommend weatherization to the North Danville Community Building if putting in window inserts because of moisture issues.

- Jefferson Tolman – H2O – Contract Amendment (not present) – Eric Bach read information submitted by H2O:

H2O legal team has been reviewing their legacy contracts and they come across items they want to update. The purpose of this amendment is to formalize their name change from Utility Partners to H2O Innovation as the renewed contract did not cover this. The other primary reason is that the original contract only allowed for one renewal and this amendment will authorize all subsequent renewals that the Town approves.

Concern was that the form Selectboard had did not have a date inserted in paragraph one, second line.

Ken Linsley was concerned with the additions and deletions mentioned in the amendment. He did not have the original document for comparison.

Eric Bach suggested to get the prior contract and compare.

Motion by Ken Linsley, 2nd by Peter Griffin to authorize Eric Bach to sign Amendment No 1 to the Agreement for the professional Utility Management Services for Town of Danville provided date is added to amendment and review of amendments and deletions are verified. Vote 5-0-0. All in favor.

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

- Preservation Trust of Vermont Grant agreement needs Selectboard Chair's signature. Grant is for \$45,000 for restoration of passenger side floor, doors, windows and chimney.

Motion by Ken Linsley, 2nd by Peter Griffin to authorize Eric Bach to sign the grant form. Vote 5-0-0. Motion carries.

- First Class, Third Class and Outside Consumption Liquor License for Goodfella's.

Motion by Ken Linsley, 2nd by Peter Griffin to approve the First Class, Third-Class and Outside Consumption Liquor Licenses for Goodfella's. Vote 5-0-0. Motion carries.

- Second Class Liquor License for Marty's First Stop.

Motion by Ken Linsley, 2nd by Peter Griffin to approve the Second-Class Liquor License for Marty's First Stop. Vote 5-0-0. Motion carries.

- Third Class Liquor License for Red Barn Brewery

Motion by Ken Linsley, 2nd by Peter Griffin to approve the Third-Class Liquor License for Red Barn Brewery. Vote 5-0-0. Motion carries.

- First Class, Third Class and Outside Consumption Liquor License for Creamery Restaurant.

Motion by Ken Linsley, 2nd by Peter Griffin to approve the First Class, Third Class and Outside Consumption liquor licenses for the Creamery Restaurant. Vote 5-0-0. Motion carries.

- Survey Monkey suggestions for intern working with ARPA funds. Wendy Somers is meeting with intern on Thursday to finalize the Survey Monkey. Kellie Merrell had sent out a list prior on possible projects and Wendy Somers would like to narrow the list down to six to ten projects. She is seeking guidance from the Selectboard to see what they want on the list.

Ken Linsley suggested to send spreadsheet out to the Selectboard and for the Selectboard to get back to Wendy Somers by next Tuesday.

Jan Ouellette inquired if there was any discussion for solar projects such as a solar canopy to be done on the parking lot next to Town Hall or at any other Town owned facilities that might help with the Town energy needs.

Paul Weaver noted he has a quote from Sun Commons to put a solar canopy in the parking lot. The \$75,000 quote includes a level two charger for electric vehicles.

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

- Started soliciting proposals for culverts and pipes for summer projects and some material has gone up 400% so after dividing out projects and whittling down the list, he is up to \$55,000 for culverts and pipes whereas his budget is \$11,000. He explained that his projects are grant funded so he is not actually spending over the \$11,000 pipe budget. The other two projects are consuming the other amounts. He was hugely surprised with pricing. He has solicited out to three vendors and is choosing a vendor that is the best value for the Town. It turned a regular purchase to an exceeded number but he treated it as a regular purchase under the Purchasing Policy and wondered if the Selectboard had a problem with that.

Consensus was no problem.

Keith Gadapee noted the contractor provides delivery with their number.

Ken Linsley inquired about the time for delivery.

Keith Gadapee noted that was part of his decision.

- Vacation request received two months ago from a Highway Crew member for vacation during winter months. Keith Gadapee would normally deny the request due to the time of year but because of the last decision made by Selectboard, Keith Gadapee is having a hard time denying it. Keith Gadapee feels the need to tell the employee his answer soon because the person needs to book the trip. Keith Gadapee wondered how the Selectboard wanted him to proceed. This information was more of a prompt for what is going to be done about this situation that has been encountered and to encourage the Selectboard to move quickly as a precedence has been set.

Eric Bach noted the subject was on tonight's agenda for discussion.

Kellie Merrell noted Keith Gadapee's coverage on mud season made her think about the timing of his shortage on personnel due to the vote made by the Selectboard which made her wonder if they made the Highway Department short during a very needed time and wondered how it played out.

Keith Gadapee noted that whenever you are short handed it just takes a little longer to do the same job. The crew got the job done but it just took a little longer.

Kellie Merrell discussed the timing being terrible and probably the worst time for the Highway Department to be short a person which was due to the Selectboard second guessing the Highway Foreman's decision which she thought would play into Keith Gadapee's decision for the latest request.

Eric Bach suggested to hold the conversation for the section in the agenda 'Highway Manual Next Steps' and not discuss now.

- Joes Brook Road RFP - Keith Gadapee Invited four vendors. One did not submit a bid and another contacted him.

Selectboard opened the two bids received, Sicard Construction and Mathew's Excavating.

Sicard Construction \$64,679.00

Details of bid: Excavator \$238, Dozer \$193, Tri Axle \$95, Stage one in June, Stage two in July, and Reason to hire: 25 years highway experience, ample large equipment and pricing includes one truck.

Mathews Excavating \$30,950.00

Details of bid: Excavator \$150, Dozer \$130, Tri Axle \$100, Stage one in May, Stage two in June, and Reason to hire: Established good working relationship with Danville.

Keith Gadapee noted he also invited Kirk Fenoff to submit a proposal and Alliance (Casey Leithhead of Red Barn Road) to submit a proposal as well but neither sent in a submission.

Peter Griffin inquired if Keith Gadapee had any insight to why the numbers were so different.

Keith Gadapee did not know, but both looked at the same project.

Eric Bach inquired for the budget number for this project.

Keith Gadapee estimated the number at \$280,000 and the Town will get \$175,000 from grant.

Janice Ouellette inquired how many projects Mathews has done for the Town and if the Town has ever used Sicard.

Keith Gadapee noted Mathews has done many of these projects with the Town including structures and paving grants. Sicard was not on the original list to invite but requested to be because they are property owners now in Danville and they felt they should get a chance at it and Keith Gadapee agreed and invited them.

Motion by Kellie Merrell, 2nd by Peter Griffin to accept Mathews Excavating's quote in the amount of \$30,950.00. Vote 5-0-0. Motion carries.

Keith Gadapee inquired from Wendy Somers if those were the only two bids received in office as the Assistant to Selectboard was absent.

Wendy Somers noted those were the only two bids received.

- Winter Sand Quotes – Keith Gadapee reached out to pit owners Gingue Construction and Kirk Fenoff Excavating. In the past, Keith Gadapee has reached out to Simpson Dirtworx, who have been denied in the past because of the longer travel distance from the Town. Keith Gadapee reached out to Calkins Rock Products in Lyndonville but did not get an official number as the owner was supposed to get back him and has not. Calkins Rock Product gave a price of \$7.30 a yard. They might be able to do something better for 6,000 yards because the Town is buying wholesale rather than retail, but they have not called back. Kirk Fenoff Excavating informed Keith Gadapee that they could throw him a number but they could not supply the sand, so Keith Gadapee did not feel it necessary to ask someone who could not supply sand, even if they were interest in supplying the sand, they do not have the man power to do so. Gingue Construction did respond with \$3.80 a yard for winter sand. Last year's cost was \$3.55 a yard from Gingue.

Peter Griffin discussed Fenoff basically being the broker for sand.

Keith Gadapee noted Fenoff does have their own pit and crusher, and have bid in the past but did so in such a way that they really do not want it. So, this year Keith Gadapee asked them to put in a number and they said they really can't do the job. They were going to turn it down anyway.

Motion by Ken Linsley, 2nd by Kellie Merrell to award the winter sand contract to Gingue at \$3.80 a yard. Vote 5-0-0. Motion carries.

Ken Linsley inquired if Keith Gadapee got a price for delivery.

Keith Gadapee noted he received word from the last meeting that the Selectboard would like him to solicit prices on delivery but he felt it best to first get it figured out where the sand was coming from so that he could tell the trucking company where they would haul to and from. Now that he has this information, he will solicit trucking companies.

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

- (a) **Joe's Brook Road RFPs** – see Highway Report.
- (b) **Sand Quotes** – see Highway Report.
- (c) **Annual Municipal Trade Show** – Keith Gadapee – sought permission for the Highway Crew to attend the annual municipal show in Barre on Wednesday, May 11th. It is a trade show and training day and the Highway Department will be closed for the day.

Consensus is favorable for the Highway Department to attend the Annual Municipal Trade Show.

- (d) **ARPA – Elect Standard Allowance** – Ken Linsley – VLCT recommended the Town do the standard allowance and put it in the record.

Motion by Ken Linsley, 2nd by Kellie Merrell to move that the Town of Danville make the one-time irrecoverable decision to elect the standard allowance approach for the Town's ARPA award in the amount of \$639,103.88 and to spend the provision of government services throughout the period of performance. Vote 5-0-0. Motion carries.

- (e) **Bulky Day – Selectboard Shift Sign Up** – happens twice, Spring and Fall, this year's dates are Saturday, May 7th and Saturday, September 24th. Time slots for both are 8am until 10am, 10am until noon, and noon until 3pm

Saturday May 7th at the Wood Dump:

8-10 Janice Ouellette

10-noon Peter Griffin

Noon-3 split shift 12-1:30 Eric Bach and 1:30 to 3 Kellie Merrell

Saturday September 24 – no decision until later.

- (f) **Sidewalks** – Eric Bach – noted the Town has looked into grant funding and funding options for sidewalks from the train station to the village. What has got in the way was the Town not having a connector piece from the village to the rail trail. So, until the train passenger compartment side of the station gets completed, the Town has no leverage. The cost is pretty significant for sidewalks and a few other items need to be completed first before being able to qualify for funding. When the train station progress is finished and is useable space, the Town can then look toward grants and funding to leverage money for sidewalks as it currently does not have sufficient funds.
- (g) **Employee Evaluation Date Discussion** – Janice Ouellette – discussed sharing samples of other evaluations received from VLCT. She thought it made more sense to go with what they already have in place for another year and gather feedback on how the people feel about the review process and look at revisions if necessary.

Eric Bach inquired if anyone had any changes they wanted made to the evaluations. He noted the reviews could be done in executive session so all five Selectboard could participate. Suggested was for the Selectboard Assistant to send out self-evaluation forms to the persons the Selectboard oversees and ask for their return before next Friday, April 15th. Evaluation session dates to be determined.

- (h) **Highway Manual Next Step** – Eric Bach – discussed reviewing Highway Manual and having a small committee work with Keith Gadapee and the Highway Crew. The committee will pull all information, current and received, together to create a more workable manual. Eric Bach noted he has some experience with this type of work and was willing to gather information on what is working and what is not working. He noted

Keith Gadapee would be involved and direct talks with the Highway Crew would be valuable so when changes are made all information can be taken into consideration. He inquired which Selectboard members wanted to be part of the committee.

Janice Ouellette volunteered to be on the committee.

Eric Bach hoped to sit with Keith Gadapee as soon as possible to see what he wants to see as steps and what he wants the committee to look at. There is no timeline in mind but a rough draft should be out by the beginning of June.

Janice Ouellette wondered how the Selectboard felt about including the manual in the current personnel policy.

No responses were noted in regards to the combination of policy and manual.

Janice Ouellette spoke of having all employees sign the personal policy indicating they have read and received it. She did not feel that this should only apply to a portion of the employees.

Ken Linsley noted it should be consistent and all employees should receive copies of a personnel policy or employee handbook (depending on what the SB would like to call it) and all employees would sign an acknowledgement that they have received and read a properly dated copy of the same. The policy/handbook would document the responsibilities and obligations of the employees and the Town and their interactions.

- (i) **Fishing Access at Joe's Pond** - Eric Bach – received notification that work will be done on the boat launch at the Joe's Pond fishing access. Repairs to broken pieces and an extension will be added to make it safer for loading and unloading of boats. The notification received inquired if the Selectboard had any concerns or comments.

Ken Linsley wondered if permits were needed and suggested to send the information to Zoning Administrator Dennis Marquise.

Eric Bach to forward information to the Zoning Administrator.

Informational:

Ken Linsley – looked at EIA (Energy Information Administration) data today. Crude Oil projections are \$101.17 for the year per barrel and last year it was \$68.21. This will impact paving, gas, diesel and Town budgets will be hurting.

Ken Linsley follows H.518 and all the money that is going to come from it. H.518 has been sitting in the Senate since March 23. He is not sure whether it will survive the session or not. It may not even come out of the Senate.

- 7. **Financials:** Orders to review and sign

- 8. **Adjourn** - Motion by Ken Linsley, 2nd by Peter Griffin to adjourn at 8:30 p.m. All in favor.

Minutes taken by Audrey DeProspero submitted April 12, 2022 at 3:45 pm.