

Town of Danville  
Selectboard Minutes  
May 19, 2022  
Danville Town Hall (6:00 pm)

**Board Members Using Microsoft Teams:** Ken Linsley, Kellie Merrell and Eric Bach (6:06 pm)

**Board Members Present:** Peter Griffin and Janice Ouellette

**Others Present:** Audrey DeProspero, Glenn Herrin, Buddy Mundinger and Keith Gadapee

**Others Present Using Microsoft Teams:** Chelsea Hewitt and Craig Morris

**Meeting was called to order** by Vice Chairman Peter Griffin at 6:02 pm.

**1. Additions to the agenda:**

- Local Emergency Ops
- Truck Surcharge
- Cyber Security
- Increase price for Ant Spraying

**2. Motion by Janice Ouellette, 2<sup>nd</sup> by Kellie Merrell to approve *minutes of Regular meeting of May 5, 2022* as written. Vote 4-0-0. All in favor.**

**3. Visitors**

- **Chelsea Hewitt – Destination Danville** – request to use Green on Sunday, May 29<sup>th</sup> for the rescheduled Destination Danville event due to bad weather on May 15<sup>th</sup>. Breakfast to be at Three Rivers Pavilion in St. J at 9am, bike ride from St. J begins at 10am, kid's bike ride begins at 11am from Goodfellas and younger kids ride from the access road across from Marty's at 11:30am. From 11am until 1pm there will be ice cream, face painting, a picnic lunch, and live music on the Danville Green and Train Station. Persons do not have to ride the trail to enjoy the festivities. Parking is located behind the Methodist Church, the bank lot and next to Town Hall.

*Motion by Ken Linsley, 2<sup>nd</sup> by Kellie Merrell to approve use of the Green on Sunday, May 29<sup>th</sup> as outlined for the previous date of May 15<sup>th</sup>. Vote 4-0-0. All in favor.*

- **Buddy Mundinger – Farmers Market** – request to use Green on Wednesdays from June 15<sup>th</sup> until October 12<sup>th</sup> from 9am until 1pm. Certificate of insurance to be provided.

Eric Bach arrived at 6:06 pm.

*Motion by Janice Ouellette, 2<sup>nd</sup> by Kellie Merrell to approve use of the Green on Wednesdays starting June 15<sup>th</sup> and running through October 12<sup>th</sup> from 9am to 1pm. Vote 5-0-0. All in favor.*

Vice Chair Peter Griffin turned meeting over to Chair Eric Bach.

**4. 6:15 pm – Public Hearing – 24 V.S.A. § 4444 (Zoning Bylaws)**

*Motion by Ken Linsley, 2<sup>nd</sup> by Peter Griffin to open the Public Hearing at 6:08 pm. Vote 5-0-0. All in favor.*

No other public persons present to discuss the bylaws.

Glenn Herrin Planning Commission Chair discussed changes in the bylaw, the adopted date, and the effective date noting that once it is adopted, he would go through the document to accept all the changes, remove the draft markings, update the dates, and adjust the formatting/whitespace as required to turn it into a final version.

Ken Linsley thought it was a good idea for Glenn Herrin to go through the document and clean it up once it is adopted.

Kellie Merrell thanked the Planning Commission for the work they've done to the bylaws. She discussed Section 301.5, page 17 and inquired of the timeline for guidance.

Glenn Herrin noted it would be by the effective date.

*Motion by Ken Linsley, 2<sup>nd</sup> by Peter Griffin to adopt the amended Zoning Bylaw, to be effective June 9, 2022 per 24 VSA 4442 (c) it shall be effective 21 days after adoption. Vote 5-0-0. All in favor.*

*Motion by Ken Linsley, 2<sup>nd</sup> by Kellie Merrell to close the Public Hearing at 6:15 pm. Vote 5-0-0. All in favor.*

*Chair Eric Bach called the Regular meeting of the Selectboard open at 6:16 pm.*

Eric Bach suggested the Selectboard move placement of an Addition to the Agenda (Local Emergency Ops) to this point in the meeting as Glenn Herrin was present to discuss.

#### Local Emergency Ops

Glenn Herrin Emergency Management Coordinator discussed school inviting him to work with their safety team. The school would like to call on the Highway Department to help out during unexpected major life safety emergencies. Glenn Herrin thought it seemed like a good idea for the Highway Department to help out with items like clearing up roads, traffic control, and evacuation assistance. In the future this would be put in the LEMP (Local Emergency Management Plan). Glenn Herrin suggested the Selectboard pre authorize the assistance as he thought it was a good idea to have resources in case the unthinkable happens.

Craig Morris suggested for background checks to be done on the Highway Crew to authorize them to be able to work with children, as all other individuals are required to do such whether they are bus drivers, teachers, etc. and to cover any possible town liability.

Eric Bach noted the Fire Chief can pull people during emergency situations as rules are lifted during emergency situations.

*Motion by Ken Linsley, 2<sup>nd</sup> by Kellie Merrell to authorize the Highway Department, in response to a major life safety emergency at the Danville School, to directly support the Incident Commander with personnel and equipment, expending any needed resources and in roles that do not endanger town personnel; this authorization to last until refined and codified in future Local Emergency Management Plans. Vote 5-0-0. All in favor.*

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

6. **Highway Foreman** (Keith Gadapee)

- Resignation from Road Crew member Jason Crocker received today, as he has accepted a position with the town of Peacham. Keith Gadapee is requesting Selectboard to move forward and advertise for the position.

Kellie Merrell inquired if Jason Crocker was leaving due to salary.

Keith Gadapee noted he had not done an exit interview but Jason Crocker did mention that it was tough to live in the same town he worked in because sometimes there is uncomfortableness when the public approaches you when you are not working. Sometimes just want time off and that doesn't happen. Keith Gadapee noted he would like to move forward as quickly as possible with the posting and filling the position.

Eric Bach inquired if the Town had a standard format for job postings.

Keith Gadapee noted he did.

Insurance coverage concern was discussed with regards to any type of gap created in insurance due to resignation as last day is June 2.

Advertising cost concern discussed and noted was to post in as many places as possible with consideration to newspaper, Department of Labor, VT Job Search, VLCT, Indeed, Monster, Highway Listserve and municipal directories.

Ken Linsley noted insurance normally terminates when a person leaves and they are eligible for Cobra if the new company does not pick up the new employee right away.

Keith Gadapee to work with Wendy Somers on details for sequence.

*Motion by Ken Linsley, 2<sup>nd</sup> by Peter Griffin to expend money to pay standard fees authorized for position at whatever cost it is. Vote 5-0-0. All in favor.*

- Truck Surcharge - Keith Gadapee discussed the letter received from Charlebois with regards to the additional surcharge for \$5,800. Keith Gadapee spoke of not having a signed contract as the vendor only does contracts in NY. He suggested to start doing contracts or start doing an evaluation on the vendor at the end of purchase. He thought there should be a record of notes for what it was like working with the vendor. The information could then be used the next time a particular vendor is chosen.

Kellie Merrell discussed Middlebury going through a similar situation with the same vendor and surcharge.

Eric Bach thought if they went back out to bid the surcharge would just be added to the original price.

Peter Griffin spoke of the less expensive bidder and noted their equipment did not fit the needs of the Town as it wasn't an apple for apples comparison. He thought there was only two options, rebid or deal with the surcharge. If they fought the surcharge the attorney fees and litigation would cost the Town more. Peter Griffin inquired if there was anything that made Keith Gadapee want to change what they were doing.

Keith Gadapee noted no.

Ken Linsley inquired if Keith Gadapee had heard anything from State of Vermont to see what they are seeing or doing.

Keith Gadapee noted he was not able to get in contact with anyone.

Eric Bach inquired if the Selectboard wanted to move forward and accept the \$5,800 surcharge or start over.

Ken Linsley didn't think the Town had the time to start over. He noted under UCC (Uniformed Commercial Code) they are able to do what they are doing and he wished they had a contract to preclude but they do not. The circumstances are beyond the Town's control.

*Motion by Ken Linsley, 2<sup>nd</sup> by Kellie Merrell to pay the upcharge as required and the next time hold their feet to the fire for the \$5,800. Vote 5-0-0. All in favor.*

- Better Roads project approved.
- Met with Doug Morton today on Pilot and Aid Projects. Compliance deadline is 15% completed by December 31 of this year. Keith Gadapee is confident he will meet the deadline.

Peter Griffin inquired about Tampico Road and what was going on.

Keith Gadapee noted culverts were being installed. The road is a hydrologically connected road and grant money will pay for the material used on the road.

Ken Linsley discussed Milton Cat increasing cost by 15% and noted that this was typical for what they would be seeing from vendors. His concern was for the budget and what the increases would do on the budget.

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

- (a) **Resident Request for Zoning Application Removal** – Audrey DeProspero – a complaint came in from a resident regarding an uninvited person showing up at his house and when the uninvited person was asked how he knew where the resident lived, the person informed him that his zoning application was on the Town's website. The resident has requested that his information be removed from the website. The information is posted on the website as the Town has moved into the digital age and as a convenience for persons who are unable to get to Town Hall during the open hours. Zoning Administrator Dennis Marquise is requesting to have the complainant's application removed from the website or to have all applications removed from the website after 15 days as the paper copies are handled this way.

*Consensus is to have name, email address and phone information removed from zoning postings but to leave the physical address. Any additional information can be found at Town Hall in hard copy form.*

- (b) **Millstone Location** – Eric Bach and Ken Linsley to work with Phil Beattie. Location discussed was amphitheater area and using as a table. Placing it on the green area would be difficult to mow around. Discussed was putting pea gravel underneath so that there would be no grass to mow.
- (c) **Tree Removal Bid Documentation Discussion** – Selectboard discussed and suggested Audrey DeProspero to contact Wes Everts to see if date can be earlier than August 15<sup>th</sup> and suggest end of June at Selectboard meeting.

Keith Gadapee inquired why Highway Department needed notification and asked for Audrey DeProspero to discuss with Wes Everts.

*Consensus is to change bid date to last June meeting of Selectboard (June 16).*

- (d) **Local Emergency Ops** – See section after Public Hearing
- (e) **Truck Surcharge** – See Highway Foreman report
- (f) **Cyber Security** – Audrey DeProspero – KnowBe4 through VLCT's PACIF reimbursement program offers access to cybersecurity training platform. PACIF will reimburse members that purchase the Diamond level package with automated phishing, organizational risk training, scoring, and 8, 10, or 15 minute training sessions for individuals.

Ken Linsley favored cyber security training.

*Motion by Ken Linsley, 2<sup>nd</sup> by Kellie Merrell to approve the three-year contract with KnowBe4 subject to VLCT subsidy cost. Vote 5-0-0. All in favor.*

- (g) **Ant Spraying** – Audrey DeProspero – the yearly spraying done by the Eliminator for the Town Hall building and Danville Rescue building each had an increase of \$25 for 2022. Previous years were \$125, this year is \$150 per building.

*Motion by Ken Linsley, 2<sup>nd</sup> by Kellie Merrell to approve the expenditure increase for both buildings. Vote 5-0-0. All in favor.*

Kellie Merrell asked for Ecoli Sampling to be placed on the next Selectboard Agenda.

8. **Financials: Orders to review and sign** - Financials signed.

9. **Adjourn** - *Motion by Ken Linsley, 2<sup>nd</sup> by Kellie Merrell to adjourn at 7:24 p.m. All in favor.*

Minutes taken by Audrey DeProspero submitted May 20, 2022 at 2:29 pm.