

Town of Danville
Selectboard Minutes
September 29, 2022
Danville Town Hall (6:00 pm)

Board Members Using Microsoft Teams: Kellie Merrell and Peter Griffin

Board Members Present: Ken Linsley, Eric Bach and Janice Ouellette

Others Present: Audrey DeProspero, Wendy Somers, Keith Gadapee, Ryan Fecteau, Toby Balivet and Alison Despathy

Others Present Using Microsoft Teams: Chelsea Hewitt

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

1. **Additions to the agenda:** Ryan Fecteau, Bridge across from Hastings Store
2. *Motion by Ken Linsley, 2nd by Janice Ouellette to approve **minutes of Regular meeting of September 15, 2022** with spelling correction to page 2, correct 'attend' to 'attended'. Vote 5-0-0. All in favor.*

3. **Visitors**

- **Toby Balivet – Opening of Estate** – 1832 Walden Hill Road. The owner died a few years ago and the person occupying the property kept paying the property taxes. The person is moving and gave a quit claim deed to the neighbor. The neighbor would like to own the property. The neighbor is hoping that taxes go delinquent and the property goes to tax sale because that will give it a clear title. Toby Balivet would like to initiate a tax sale like a bank and would like to petition to open up the estate of the person who died. 15% of delinquent taxes can be charged against the property (no figures given) however whatever is not chargeable against property owner is chargeable to the Town. The Town has an obligation to figure out the next of kin. If unsuccessful, the Town will need to ask Probate Court for direction which will probably be opening of estate which will have expenses associated with it. Opening estate and settling court fees can be upwards of \$500 and legal fees can be upwards of \$1,100. If heirs are found, they can request to sell the property. Toby Balivet would like to petition to open the estate to serve notice of tax sale. In doing so, when the Town opens the estate, probate is going to want to know if the Town has given notice to heirs and if not, they will want to know why the Town hasn't. The Town should do the best they can to find the next of kin. Court will say to publish notice in paper and publish to world to see if someone will show up.

Motion by Peter Griffin, 2nd by Kellie Merrell to authorize course of action to reopen estate, issue tax sale for the 1832 Walden Hill Road property and to authorize an expenditure not to exceed \$1,500. Vote 5-0-0. All in favor.

Wendy Somers requested authorization of this year's tax sale.

Motion by Ken Linsley, 2nd by Janice Ouellette to authorize this year's tax sale on December 14th at 10am. Vote 5-0-0. All in favor.

- **Chelsea Hewitt – Use of Green** – for Trick or Treat Trail on Monday, October 31 from 5:30 pm until 7 pm with electricity usage from gazebo. The gathering will be on the Green and the trail will be around the Green and up Hill Street. Trash will be removed by Chelsea Hewitt and Chamber to provide liability insurance.

Motion by Kellie Merrell, 2nd by Peter Griffin to approve request for Trick or Treat Trail on Halloween, October 31st from 5pm until 7pm. Vote 5-0-0. All in favor.

- **Alison Despathy – Use of Green** – sought use of Green for a meeting place to gather and talk with people. Alison Despathy thought the Green was a public place that all could use. She is trying to create a common space of use on Saturdays at 9am. She has been using it for the past few Saturdays and recently found out that she needs to request permission from the Selectboard.

Peter Griffin discussed request for use is to help with scheduling and liability associated with events.

Ken Linsley discussed inclement weather and suggested to use the public library.

Alison Despathy noted she has options such as Bentley's Bakery if the Selectboard was not comfortable with her using the Green. She noted if there were more than a handful of people she could go elsewhere. Presently there has not been but a couple of people and she felt that it was a public space that anyone could use but understood the need to request use for scheduling purposes.

Insurance liability coverage discussed.

Peter Griffin thanked Alison Despathy for being conscientious and notifying the Selectboard.

Eric Bach noted if it becomes an event space, they would need to look at it differently.

- **Ryan Fecteau – Bridge Across from Hastings Store** – spoke with VAST but they have not been able to find out any information on ownership of the bridge. Ryan Fecteau sought Selectboard permission to put up new runners on the bridge so the bridge does not become more damaged. He noted the work can be done and the paperwork could be dealt with at a later date. The top runners are becoming cracked and it would be best to fix it so that it does not damage the machines or the groomer. He would be using pressure treated wood so the decking should last for about ten years. The bridge is structurally sound underneath, just the runners need replacement. He also noted that VAST could put gates on the sides of the bridge during summer months to keep people off the bridge if liability was a concern. His suggestion was to fix the bridge and noted if the bridge is on the VAST map, which it is, then it is covered by VAST liability. VAST does not want to own the bridge, they will maintain it.

Wendy Somers noted she has reached out to Shauna Clifford of VTrans who is looking into what is owned by the state and VAST however she has not heard anything back yet.

Discussed was bridge possibly being in the ROW of both state and town.

Ryan Fecteau inquired if the local snowmobile club could be part of Autumn on the Green.

Eric Bach provided contact information and sign-up registration for Autumn on the Green

Ryan Fecteau requested use of TH 61 (Maple to Penny Lane) by the Water Andric for a VAST crossing.

Keith Gadapee suggested Ryan Fecteau walk the area to evaluate the conditions of the slide areas prior to making a decision and then come back to the Selectboard.

4. **Town Clerk** (Wendy Somers) – nothing to report, left meeting at 6:36 pm

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

- Better Roads Grant for Tampico complete. Signature required to submit paperwork.

Motion by Ken Linsley, 2nd by Janice Ouellette to authorize Eric Bach to sign the request for funds for the Better Roads grant for Tampico for \$19,905.62. Vote 5-0-0. All in favor.

- Joes Brook Road Paving Grant was estimated at \$268,000 to do job but came in at \$326,000. Most of increase was in asphalt. The grant reimbursement is \$175,000.

Motion by Ken Linsley, 2nd by Janice Ouellette to approve signature to get payment from state in the amount of \$175,000. Vote 5-0-0. All in favor.

- Pilot and Aid grant for Tampico and McDowell still in progress.
- Curb Cut did not come in so discussion was not required.

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

- (a) **2022 Grand List Change** – the Charles McCosco property was surveyed and resulted in less acreage than the Listers had on the property record. Acreage changed from 30 acres to 22.3 acres. The change was discovered after the tax bills were sent out so the Listers had to rebill. The Grand List Value changed from \$2,881 to \$2,833. This reduced the Grand List \$48.

Motion by Ken Linsley, 2nd by Janice Ouellette to approve the Grand List change for the McCosco property based on recommendation of the Listers. Vote 5-0-0. All in favor.

- (b) **New Address** – Jeremy McMullen E911 Database Administrator received a request from Gwen Spivey to add a new address off the same driveway as 471 and 473 Walden Hill Road. Per the Vermont E911 Addressing Standards, required is a new named private drive and to readdress all three locations off of that new private road. The land owners have requested the road name to be Bluebird Hill. E911 has confirmed that there are no similar spelled or sounding names in Danville or the surrounding towns that could cause confusion.

Ken Linsley had concern for renaming the road as the Town does not have written confirmation from all three landowners and there could be one that does not favor the suggested name.

Consensus is to get written confirmation from all landowners acknowledging road name change.

- (c) **Stump Grinding Adjustment** – clarification for the number of stumps was required as the earlier estimate received read 4 on Green and 2 on Hill Street. The understanding was 3 on each location however, investigation revealed there is 4 on the Green and 3 on Hill Street. The contractor resubmitted his bill to include the correct numbers and the estimate increased \$100. Previous motion was for \$2,900 but with new finding, the estimate is \$3,000. The contractor indicated the break down was \$1,500 per location.

Motion by Ken Linsley, 2nd by Peter Griffin to approve the increase of \$100 for stump grinding changing the amount from \$2,900 to \$3,000 for a \$1,500 cost per location and to get separate invoice for each location. Vote 5-0-0. All in favor.

- (d) **Dog Ordinance** – suggestion was to reach out to Animal Control Officer Candace Dane.

Ken Linsley thought the ordinance should be consistent in the area.

Peter Griffin noted there was a lot of difference between current ordinance and VLCT's suggested ordinance, specifically under nuisance – running at large. The current ordinance has an exception for hunting with dogs but the Leagues does not have the exception.

Consensus is to speak to Animal Control Officer to do fixes so that a rewrite would not be required once completed and to find out what other towns are doing.

- (e) **Expenditures for Dedications** – discussion regarding food and plaques for the two dedications.
- (f) **Proclamation** – Eric Bach discussed childhood cancer awareness week October 30 through November 5th proclamation.

Ken Linsley suggested having the Selectboard Chair sign the proclamation.

Consensus is to have Eric Bach sign the proclamation.

- (g) **Propane Tank Buy Out** – Audrey DeProspero – yearly the Town goes out to bid for propane and when the propane vendor changes the tanks need to change. Currently CN Brown's tanks are at four town buildings and CN Brown is offering a tank buy out. If the Town buys the tanks, the Town would own them and would not need to swap tanks when the vendor changes.

Eric Bach discussed financials and being able to monitor usage for the budget.

Consensus is not to buy out tanks and for prior vendor to remove their tanks so new vendor can place theirs.

- (h) **North Danville Community Center Propane Tank** – Audrey DeProspero – The North Danville Community Center has requested to stay with CN Brown and pay for their own propane so they do not have to switch tanks. Their tank is only used for the stove (cooking) in the building and does not affect their heat. If permitted to keep their tank with CN Brown they will pay for their own fuel and understand that it will be at a higher cost because CN Brown was not awarded propane bid.

Discussion ensued regarding not separating town buildings and keeping management of fuel usage for budget purposes.

Consensus was not in favor of request.

- (i) **Apparel Impact Update** – Janice Ouellette – 60 day right to terminate was added to the MOU. Apparel Impact will be getting back to the Town with date for placement which will be outside of the recycle building. Janice Ouellette discussed clothing that cannot be given to another person will be used as insulation in seat cushions and in fire protection blankets.
- (j) **Garden Project Update** – Peter Griffin – re-read statute and noted he was satisfied with interpretation and okay with municipal money going to the school as AOE will audit and if problem found they will have to return money.

Motion by Janice Ouellette, 2nd by Kellie Merrell to authorize the Town to commit amount not to exceed \$4,000 expenditure from ARPA funds for garden project in conjunction with the school to benefit the Open Door and Food Shelf. Vote 5-0-0. All in favor.

Janice Ouellette noted the school has received a grant for the green house kit and the seventh and eighth graders are working on the raised beds. The school will need to buy filter fabric to line the beds, topsoil for the beds, seeds and more lumber to mill for their project.

(k) **Traffic Committee Update –**

Peter Griffin volunteered to go to meeting but left before the Danville portion was discussed. Danville was second on the agenda and the first item took one hour.

Kellie Merrell discussed the committee voted to go ahead with the recommended changes. The speed study determined people were going over the speed limit (during peak traffic 600 cars were counted in one hour and 15% were exceeding the speed limit) in the area so it was determined to lower the speed. Also decided was to get rid of the passing lane. Noted during the meeting was traffic calming would occur in the next two to three years due to forthcoming construction in the area of the park and ride. When the speed limit signs are changed, red flags will be installed on the signs to alert persons of the speed limit change. For the radar speed sign, it was suggested to hold off until construction was done.

Ken Linsley discussed the request to have reduced speeds and getting what the Town wanted. He discussed the objection to the 30 mph closer to Route 15 and the maximum from east that you could change the speed was 15 mph which would go from 50 to 40 and 35 to 30. The next step would be the radar speed sign which he thought should be started now and not after construction. He suggested working with AOT on what can we do and what makes sense.

- (l) **Use of Pavilion/Joe's Pond** – Audrey DeProspero – Elizabeth Larrabee Hudson contacted Assistant to Selectboard seeking use of pavilion area at Joe's Pond beach on Saturday, October 22 from 9am to noon for a 5k fun run/walk fund-raiser and bake sale for the West Danville United Methodist Church. They would be using the rail trail from the beach to the point where it stops on the 3rd pond and back to the beach. They have been in contact with the state for rail trail usage/permission. The Town has received the proper insurance certificate. Information has been shared with Deb Stressing of the West Danville Community Club who noted they were okay with usage. Selectboard Assistant has given permission for usage as posting and advertisements were needing to be done.

7. **Financials: Orders to review and sign** – Financials Signed.

8. **Adjourn** - *Motion by Ken Linsley, 2nd by Janice Ouellette to adjourn at 7:48 pm. All in favor.*