

Town of Danville  
Selectboard Minutes  
January 5, 2023  
Danville Town Hall (6:00 pm)

**Board Members Using Microsoft Teams:** Kellie Merrell

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

**Others Present:** Audrey DeProspero, Keith Gadapee, Wendy Somers, Jonathan Austin-Shortt, Laural Ruggles, Brian Henderson, and Mickey (Michelle) Bullock

**Others Present Using Microsoft Teams:** Sean Campbell

**Meeting called to order** by Chair Eric Bach at 6:05 pm.

1. **Additions to the agenda:**

- Bournes letter of donation for 5 bike repair stations
- Training Opportunities with VLCT

2. *Motion by Peter Griffin, 2<sup>nd</sup> by Janice Ouellette to approve **minutes** of **Regular meeting of December 15, 2022** as written. Vote 5-0-0. All in favor.*

*Motion by Peter Griffin, 2<sup>nd</sup> by Janice Ouellette to approve **minutes** of **Special budget meeting of December 20, 2022** as written. Vote 5-0-0. All in favor.*

*Motion by Janice Ouellette, 2<sup>nd</sup> by Peter Griffin to approve **minutes** of **Special budget meeting of December 28, 2022** as written. Vote 5-0-0. All in favor.*

3. **Visitors**

- **Jonathan Austin-Shortt, Fire Chief – FD Budget**

Eric Bach noted the Selectboard had questions on the Fire Department budget and they wanted to go over each item line by line.

Jonathan Austin-Shortt noted he had a class at 7pm.

Eric Bach noted this would take some time so tonight may not be the night to discuss.

Eric Bach and Janice Ouellette to review Fire Department budget with Jonathan Austin-Shortt and then Fire Department Budget will be discussed at the January 19 Selectboard meeting.

- **Brian Henderson, DRB Chair – Vacant DRB Seat (Michelle Bullock)**

Brian Henderson introduced Michelle Bullock and noted she is interested in becoming a full time member of the Development Review Board. There is a vacant seat on the DRB which has a term expiring 2023.

*Motion by Ken Linsley, 2<sup>nd</sup> by Peter Griffin to appoint Michelle Bullock to the Development Review Board to fill the vacancy for a term expiring in 2023. Vote 5-0-0. All in favor.*

- **Bournes Letter – Donation of 5 Bike Repair Stations**

Laural Ruggles, Danville Representative on the LVRT Council discussed VTrans grant received. Details on grant forthcoming. The grant is for amenities plan for six towns. Laurel Ruggles would like to look at the donation from Bournes Energy as part of the amenities plan and would like to follow up with Peter Bourne. Her thoughts are to spread the bike repair stations along the eastern trail where the LVRT Council find appropriate placement. Laural Ruggles noted NVDA used their own money to hire a group out of Burlington to do a future economic impact report forecasting on

LVRT economic benefits in Caledonia. The state market group plans to do a bit of marketing and will talk about opening ceremonies. Most of the trail is open. There is just a small piece between Hardwick and Wolcott that is still being worked.

*Consensus is for Laural Ruggles to follow up with Peter Bourne.*

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

- Special Event Permit - St. J Distillery taste testing at Three Ponds on January 18<sup>th</sup> from 4-8pm.

*Motion by Janice Ouellette, 2<sup>nd</sup> by Peter Griffin to approve the Special Event Permit for St. J Distillery for a taste testing at Three Ponds Restaurant on Wednesday January 18<sup>th</sup> from 4pm until 8pm. Vote 5-0-0. All in favor.*

- Copy of preliminary general budget given to Selectboard. Wendy Somers to close out 2022 books tomorrow. The accounts have been balanced.

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

- Curb Cut due in May, will postpone signing until then.
- Annual Mileage Certificate is due February however there are no changes from last year so Keith Gadapee is requesting Selectboard signatures tonight. Selectboard agreed and signed the certificate.
- Ryegate has interest in taking over St. J's share of the roadside mower. Keith Gadapee is trying to figure out a way to make this transaction happen. Lease agreement discussed. Expenses are based on hours used in each town. St. J agreed to sell their shares to another town. Trade estimate discussed. Keith Gadapee would like to know if the Selectboard want him to pursue this.

Peter Griffin thought they should move forward to work something out. Thinks it would be great if they could get another year out of the mower and partner with Ryegate. Peter Griffin also thought Ryegate should work out details with St. J as they would be buying them out.

- Consider buying extended warranty for new truck. It is a big expense. Keith Gadapee did not favor the purchase but wondered the feelings of the Selectboard.

*Consensus was not to purchase extended warranty.*

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

(a) **Personnel Policy - Military Pay, Holiday Pay, Vacation Pay**

Janice Ouellette discussed responses to Selectboard's questions from Jill Muhr of VLCT:

Military Pay

11 days allowed – is it a set number or can it be increased? Yes, the Selectboard can choose to increase if they want however the recommendation is to leave at 11 days. If a person takes military leave above the eleven paid days of leave, they may either use leave time or take the time unpaid.

Holiday Pay

Discussed the question of rate of compensation for time above 40 hours during a week containing a holiday. According to FLSA this would be compensated at straight time. As there is concern that a sixth crew member would cut down on overtime or make it impossible to max out annual comp time, an employee can choose to earn comp time for those hours.

Holiday

Discussed the question of compensation when an employee is called in on a holiday. In this situation the employee would be paid straight time for both the holiday and the number of hours worked on that holiday.

#### Vacation Pay

Discussed compensation if vacation time is used during the week and an employee is called in on a weekend. The additional hours would be compensated at straight time or the employee could choose to earn comp time for the hours.

#### Use of Town Equipment

Eric Bach discussed folks using town equipment: highway crew uses town garage to change oil on their personal vehicles after hours.

Peter Griffin discussed current practice and wondered if there was use of town equipment. He noted he understood VLCT's concern for liability.

Keith Gadapee noted the highway crew bring in their personal vehicles and change the oil on them inside the garage during winter months. This is a benefit to them to tinker on their own vehicles. They do not take dump trucks home or use the large equipment.

Ken Linsley noted this was a risk by just bringing their personal vehicles into the building after hours.

Kellie Merrell spoke of town taxpayers most likely being supportive of this action.

Eric Bach spoke of waivers being signed.

Peter Griffin discussed keeping as current practice or denying it and not specifying each individual action in the personnel plan.

*Motion by Janice Ouellette, 2<sup>nd</sup> by Peter Griffin to leave policy as it currently is with respect to use of Town facilities by Town employees for personnel use. Vote 3-2-0. (For=Peter Griffin, Janice Ouellette and Eric Bach) (Against=Ken Linsley and Kellie Merrell) Motion carries.*

Disciplinary Policy has been removed from the personnel policy at advice of VLCT because it can jeopardize the Town's standing as an at will employer. Discussed concerns that the steps to resolve disagreements and issues between employees and supervisors was also removed.

Janice Ouellette to make changes to the personnel plan and send out as a draft next week for all employees to look at.

Eric Bach discussed grievance policy.

Selectboard discussed creating a group of persons to review the grievance and determine outcome.

Keith Gadapee discussed Todd Eaton from VLR being very excited about this process Danville has started.

#### **(b) Budget**

Wendy Somers presented her budget under Town Clerk.

Keith Gadapee noted the highway budget was a little below set target. He was concerned with overtime number. Keith Gadapee discussed six-wheel truck and roller noting there was a \$6,000 grant out there that he would apply for to help with the roller cost. The roller will preserve the roads and help with gravel.

Ken Linsley discussed increased vacation time and inquired how the additional holidays will affect work and wondered if work would get done or not.

Keith Gadapee noted work would not get done.

Lost time discussed.

Eric Bach discussed Danville becoming a desirable work place.

Keith Gadapee discussed line 135 – Fuel, noting he was concerned for fuel costs next year.

Culverts and mower discussed.

Kellie Merrell inquired if there was an advantage to keeping the mower all to ourselves and not sharing with another town.

Keith Gadapee noted they wouldn't put the number of hours per year that they currently do which could prolong the life of the mower and training an entire crew on the machine does make it harder on the machine.

Final budget numbers to be approved at the January 19<sup>th</sup> Selectboard meeting.

**(c) ARPA Funds Usage – Highway**

Selectboard discussed Bruce Badger project, total cost of job being \$248,000, showing \$48,000 in budget, grant funds of \$200,000, having two years to do the job, and the \$48,000 being taken out of the budget.

Keith Gadapee noted he did not think the Town would get the grant however, he would still apply for the grant and if luck has it and he gets the grant then they would have two years to complete.

**(d) Town Meeting – Ballot & Voting**

Eric Bach discussed Australian ballot, voting by petition, and Selectboard putting request to vote all by Australian ballot on this year's warning. He noted voting would be on paper and similar to how it was done during COVID however ballots would not be automatically mailed; persons would need to call and request them.

Wendy Somers noted there was way more people voting during COVID.

Eric Bach discussed giving people a say during Town Meeting to vote on more than School, Highway, Town and Waste Management budget. People could vote on appropriations and elections. This would offer taxpayers an actual voice. The format of coming together would still exist, the change however would just give more people a voice.

Janice Ouellette inquired if there would be an article voted at this year's town meeting.

Wendy Somers noted yes but then it would have to go to legislature to change charter.

Peter Griffin inquired how many people attend Town Meeting.

Wendy Somers estimated 220. She noted the Town now gets closer to 1,000 persons because they were voting by Australian ballot.

Peter Griffin noted there seemed to be an increase in participation since the pandemic. He thought it made sense to put it on the ballot.

Kellie Merrell thought it should go on the ballot to give people more opportunity to weigh in.

Janice Ouellette thought it too should be on the ballot.

Keith Gadapee spoke of the uninformed voters, how the election could go, people popping up at the last second to run for office and the budget failing because of the uninformed voter.

Eric Bach discussed continuation of platform for people who are running for office. He sought a motion from the Selectboard to put this on the ballot.

Ken Linsley would like to see a statement and vote on the wording at next Selectboard meeting.

**(e) RFQ Engineering Study Information/Discussion**

Kellie Merrell discussed new hook up requests and Paul Olander's previous discussion with Selectboard regarding anaerobic cell, ANR having ARPA funds that may cover this, Town needing to conduct engineering study which will open up more funding, template from Tom Brown for use for advertisement of RFQ to post and hoping to give to Tom to get his input and then see if Selectboard want to move forward with it.

Ken Linsley suggested to reconsider using date of January 18, 2023 but noted he saw no other issues with it.

*Consensus is to have Kellie Merrell send adjusted document to Tom Brown.*

Ken Linsley inquired if Tom Brown had a list of potential firms to send to.

Kellie Merrell noted she would check with Tom Brown on firms.

Ken Linsley suggested to also check with our current operations person to see if there are other firms.

Kellie Merrell discussed town paying for the engineering study but noted the study would open up other doors for funding such as revolving fund loans that are forgiven loans.

**(f) Parking Ban Ordinance**

Kellie Merrell discussed going through the Winter Policy and noted in there is a part that says the Town can tow vehicle at owner's expense. She noted the no parking signs were up but the culprit keeps parking there. She wondered if the signs were really working.

Keith Gadapee noted he previously had an abandoned car towed last year as it was in the way and the towing company did not charge the Town. He noted the signs that were put up have given him good responses. The Brainerd Street persons are working with him, the Hill Street property owners are working with him for a solution as there is not any land with one property so the tenant has no place to park however, they are working through it. He thought the signs have helped the situation.

**(g) Training Opportunities with VLCT**

Ken Linsley discussed upcoming webinars with VLCT: Town Meeting Warning and Model Articles on Wednesday, January 11 from 10am until 11am; Australian Ballot Legal Requirements on Wednesday, January 18 from 10am until 11 am and How to Prepare for First Amendment Audit on January 13.

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

**8. Adjourn - Motion by Ken Linsley, 2<sup>nd</sup> by Janice Ouellette to adjourn at 8:57 pm. All in favor.**

Minutes taken by Audrey DeProspero submitted January 6, 2023 at 1:16 pm.