

Town of Danville
Selectboard Minutes
February 16, 2023
Danville Town Hall (6:00 pm)

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

Board Members Absent: Kellie Merrell

Others Present: Audrey DeProspero, Wendy Somers, Jefferson Tolman, Michael Hogue, Jim Brimblecombe, Bobbi Brimblecombe, Rob Balivet, and Sally Fishburn

Others Present Using Microsoft Teams: Randy Bean and Craig Morris

Meeting called to order by Chair Eric Bach at 6:01 pm.

1. **Additions to the agenda:** Informational Item
2. *Motion by Peter Griffin, 2nd by Janice Ouellette to approve **minutes of Regular meeting of February 2, 2023** as written. Vote 4-0-0. All in favor.*

*Motion by Ken Linsley, 2nd by Janice Ouellette to approve **minutes of Special meeting of February 8, 2023** as written. Vote 4-0-0. All in favor.*

3. **Visitors**
 - **Randy Bean – EPA Region I Quality Report Review**

Randy Bean discussed his background. He noted he issued the original permit and is aware of issues associated with Danville's system. He assisted with the 2016/2017 inaccurately categorized impact of water into basin. Danville's permit is up every five years and the Town just reapplied for renewal in 2021 however the Agency has not acted on the renewal. Randy Bean discussed the PEP report. Randy Bean noted Vermont is a delegated state and the EPA routinely assess program and reviews permits. In November 2021 the EPA did a permit quality review exercise and made recommendations how to improve. The EPA made recommendation to the state for sampling for data to be gathered to allow permits to be reviewed. The EPA wanted the state to have more data to make the findings. The EPA makes very broad recommendations. The Product Quality Review recommendation increased significant data gathering at small plants and effluent toxicity twice per year. These tests are very expensive and costly to the Town. Danville is a small plant that takes everyday sewage and does not have heavy industries. The heavy metal testing is not a concern in Danville. The sludge report showed very, very low and is not problematic in Danville. ANR takes the approach you have to sample regardless of what is going in or what the past data showed. Everything in basin was cleaned out and the stream (Water Andric) rebounded. Federal requirement is less than 10,000 gallons a day. There are no specific requirements left up to agency. If above then there is a permitting entity. Vermont is a delegated state, we have the authority to adjust sampling as we see fit, however they have internal policies that changed it to match a larger facility. Randy Bean suggested to look at the draft permit and during the comment period do some negotiating and comment on it. The substantial increase to testing is in the range of \$30,000 for a yearly cost.

Ken Linsley inquired when the Town would see an official permit from the state.

Randy Bean noted they have had it for two years so far. He spoke of the 30 day public comment that is within the draft permit when it is received. Randy Bean spoke of provisions in water quality.

Randy Bean asked Jim Brimblecombe if he has seen any increased sampling policy.

Jim Brimblecombe indicated no.

Randy Bean noted H2O sent a letter to ANR and the Agency never followed up.

Janice Ouellette inquired if there was any idea when the testing was to start.

Randy Bean noted Katie Parrish should be contacted to see what time frame is for issuing permits. Randy Bean spoke of the size of the receiving Water (Water Andric) and about Readsboro having 78,000 versus Danville's 60,000. He suggested to look at their permit as it would be a good indication for monitoring small plants as Readsboro's receiving water is Deerfield River so their permit would be less than Danville's. Small municipal and entities are concerned about VT Rural Water but no one at the Agency wants to sit down and discuss. What matters is what is going into the plant, and there are no filament plants. Danville has domestic sewage. This is heavy handed by the Agency. EPA Region 1 is treating Danville like Lawrence, MA. The Agency has put in place boiler plate rules for everyone large or small. They tried this back in 2008 but the EPA was told Vermont was a delegated State. The only water pollution in Danville is ammonia which is only a summer issue and good faith efforts are in place and this is being addressed. Randy Bean suggested to reach out to Katie parish by email and ask when do they expect to have Danville's permit issued or at least a draft so that Danville can review and to see if there are other permits that are out there and then to negotiate during the comment period.

- **Jim Brimblecombe & Jefferson Tolman, H2O Innovations – CPI**

Jefferson Tolman discussed Town being in the third year of contract with H2O. The CPI adjustment for 2023 commensurate with the adjustments in the Consumer Price Index (CPI) which has a ceiling of 5%. The US Bureau of Labor Statistics calculates to a 6.4% however H2O is proposing the maximum 5.0% cost of living adjustment to the current annual fee of \$62,880.49. H2O is requesting an additional \$5,000 to cover emergency and weekend issues because Stub Parker has retired. The additional cost brings the total to \$71,024.51 annually for Operation and Maintenance services for Danville. LP gas and Maintenance cap included year to date however there will be small additional invoices needing to be paid. Last year \$5,200 was rolled over for the roof project which has been completed. They have spent \$8,304.59 and there is a surplus of \$1,906.61 which can be rolled over in to the maintenance cap. LP gas is usually paid back for whatever is not used. They have a fixed price until the end of this year. There is \$1,072.62 left in that account.

Motion by Ken Linsley, 2nd by Janice Ouellette to accept the new annual agreement for the upcoming year starting March 1, 2023 and to include the unknown remainder of whatever is left in the Maintenance account in the February rollover and for the LP amount to come back to the town and for the Chair Eric Bach to sign the agreement. Vote 4-0-0. All in favor.

- **Walter McNeil, Jr., NEKWM – Update – absent**
- **Michael Hogue, Sally Fishburn & Rob Balivet, Train Station Committee – Approval of Construction Manager Contract**

Rob Balivet noted the AIA agreement (AIG Document A133-2019 Standard Form of Agreement Between Owner and Construction Manager as Constructor) was reviewed by his brother (Toby Balivet).

The agreement is between the Town of Danville and Millbrook Building & Remodeling, Inc. of Essex Jct., VT for the Danville Train Station Rehabilitation project located at 347 Peacham Road to provide for the historic rehabilitation of the Danville Train station (c. 1871) as well as the historic reconstruction of the south train platform and canopy, development of the former (east) freight room side into leased commercial space (specific use pending), ADA upgrades, structural upgrades, mechanical/electrical/plumbing/fire protection (MEPF) upgrades, energy efficient upgrades and site work. The Danville Train Station is on the Vermont State Register of Historic Places. The Architect is R. Edwards & Co., PLC of East Calais, VT.

Peter Griffin noted the document contained standard consent language. He inquired as to what was needed from the Selectboard.

Rob Balivet noted Selectboard signature was required on the AIA Document.

Ken Linsley inquired about the fee associated with the document.

Rob Balivet discussed maximum of \$5,000.

Michael Hogue noted monthly and daily logs would be issued. Once maximum is reached an amendment to the agreement would be done.

Motion by Janice Ouellette, 2nd by Peter Griffin to approve the pre-construction fee and sign the contract with Millbrook Building & Remodeling, Inc. for a maximum of \$5,000 and for Chair Eric Bach to sign the agreement. Any increase above the \$5,000 will require additional discussion and a subsequent vote of the Board. Vote 4-0-0. All in favor.

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

- Certificate of Compliance for sewer connection for Gary and Barb Fontaine, 266 Highland Avenue.

Motion by Ken Linsley, 2nd by Peter Griffin to approve the Certificate of Compliance for the sewer connection for Gary and Barbara Fontaine for the location of 266 Highland Avenue. Vote 4-0-0. All in favor.

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

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

(a) **ARPA Funds**

Janice Ouellette collaborated with Kellie Merrell on the worksheet for infrastructure needs. The suggestion is to combine the sidewalk, storm water and parking lot. Janice Ouellette noted her next step is to meet with Doug Morton of NVDA for more funding sources. Janice Ouellette attended a webinar for Federal Transportation grants and has found an analysis is needed and she does not think the Town has the time to do the requirements. However, she does think that the Northern Boarders Regional grants which open in March and data is required by June is something the Town should look into. Janice Ouellette will need to confer with Doug Morton and does suggest to tie the projects together. Her conclusion is to pursue this project heavily. Janice Ouellette spoke of the upgrade to the sewer treatment plant and noted they need state revolving fund coverage information. As for the Fire Department, they are interested in pursuing grants but they are not looking at station, they are looking at equipment. Energy Efficiency (solar canopy and heat pumps for Town buildings) would fit better into energy assessment under the \$500,000 funds that are forthcoming. North Danville furnace discussed. Community Garden is done. Community Broadband is being worked and the Railroad station is self-sufficient with grants. Janice Ouellette will be attending a webinar for congressionally directed spending with Senator Sanders Office. Janice Ouellette will reach out to Doug Morton of NVDA and Michelle Boomhower of VTrans. She spoke of contingency plans if project funding could not be received and what should be done. Noted was St. J put monies into a revitalization fund and Janice Ouellette wondered if Danville should do the same. The outstanding question was would the Town need to expend the funds by the delegated time frame.

Ken Linsley suggested to contact Katie Buckley of VLCT to answer that question.

Informational Item:

Eric Bach spoke to Michael Wright of Calnex. Eric Bach noted plowing is not an issue this year and Michael Wright would reach out to Keith Gadapee if it is icy. Eric Bach noted Michael Wright will reach out to his board (Calnex) for compensation to the Town because the lease does not indicate Town to plow. Eric Bach noted Michael Wright will also check with his board to see what they can do. Eric Bach noted Michael Wright had no concerns with hours mentioned by Keith Gadapee (Winter Maintenance Policy).

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

8. **Adjourn** - *Motion by Peter Griffin, 2nd by Janice Ouellette to adjourn at 7:16 pm. All in favor.*