

Town of Danville  
Selectboard Minutes  
August 3, 2023  
Danville Town Hall (6:00 pm)

**Board Members Present:** Janice Ouellette, Alison Low, Glenn Herrin, Peter Griffin and Eric Bach

**Others Present:** Audrey DeProspero, Samuel and Karena Shippee, Kenneth Prescott, Denise Briggs, Keith Gadapee, Gary and Barbara Fontaine, and Wendy Somers.

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

1. **Additions to the agenda:** None

2. **Approve minutes:**

*Motion by Glenn Herrin, 2<sup>nd</sup> by Janice Ouellette to approve **minutes of Regular meeting of July 20, 2023** as written. Vote 5-0-0. All in favor.*

*Motion by Alison Low, 2<sup>nd</sup> by Janice Ouellette to approve **minutes of Special meeting of July 26, 2023** as written. Vote 5-0-0. All in favor.*

3. **Visitors**

- **Denise Briggs and Kenneth Prescott, 875 Webster Hill Road - Assistance on Class 4 Road**

Denise Briggs requested to be on the Selectboard agenda because she and Ken Prescott live on a Class 4 road and were seeking a little assistance from the Town. They have spoken to Highway Supervisor Keith Gadapee who suggested they go to Selectboard.

Kenneth Prescott discussed Class 4 road issues. He sought a little help with road, but was not asking to bring the road up to a Class 3. He has retrieved the material that washed down the road back up to the washed-out areas. The area he is speaking of is only 800 feet. Kenneth Prescott and Denise Briggs are full time residents of the Class 4 road. Kenneth Prescott has been maintaining the road for many years however the road is now down to ledge due to the last wash out. They receive no breaks on taxes, and pay the same as a person on a Class 2 or 3 road. The water has nowhere to go. They hired someone with a borer during the storms to remove ledge. Kenneth Prescott noted that Keith Gadapee has helped them out once and put in fill to get them by. The road is very narrow and they are asking for a little bit of help to widen the road, put in a couple culverts and some fill and they will maintain road afterwards but would just like the Town to bring it back to where it was before it washed out.

Denise Briggs doesn't care about the road below them, the Town can close it, if they want, but the walkers want to keep it open to be able to walk.

Alison Low inquired where the road material has gone.

Kenneth Prescott noted it went down to the bottom of road and towards the brook.

Alison Low wondered if the road was hydrologically connected.

Keith Gadapee checked today and found that it was not hydrologically connected, only 320 feet of road is close to brook. Keith Gadapee discussed standards for hydrologically connected roads and noted their section of the road is not.

Janice Ouellette inquired if Keith Gadapee has heard of other situations on Class 4 roads.

Keith Gadapee discussed three others reached out: Fellows Road, Edgewood and Barre Avenue. Residents have spoken to him prior to the storm and each have chosen their own path. Barre Avenue and Fellows Road residents are fixing their own. Some are camps and some are fulltime residents. Some Class 4 roads are barely walkable while others are gradable. No money

is put in the Class 4 road line as the state discourages the Town from doing so. Each town chooses to maintain Class 4 roads differently. Keith Gadapee helps on occasion with some grading as he feels it's the right thing to do but it's a tough spot to be put in.

Alison Low inquired if Keith Gadapee would consider this a water quality issue.

Keith Gadapee discussed whenever he evaluates hydrologically connected segments, he can choose to turn it into one. This road is degrading and down to ledge. It is incising. Water takes it down to that flatter spot. VASA has spent time in that area to make it passable.

Alison Low inquired if there were any measures that could be taken so this doesn't happen.

Keith Gadapee recommended at 800 feet add two culverts to get the water away. He would need to get a right to enter from the neighboring property owner to dump water there. He noted projects take time and money and the material cost is estimated at \$9,150.

Janice Ouellette discussed creating a problem because other people on Class 4 roads are taking care of their own roads.

Peter Griffin inquired if there was a Class 4 budget.

Keith Gadapee noted there was not.

Alison Low discussed Hazard Mitigation Plan and noted the Town could apply for Hazard Mitigation funds and improve drainage in that area and take care of other roads as well instead of pulling money out of a budget that does not allow for Class 4 road maintenance.

Keith Gadapee discussed attendance to FEMA informational meeting whereas they said there were no funds for Class 4 roads.

Glenn Herrin inquired if the Class 4 Policy was done recently and discussed. He noted there are limited maintenance to roads but thought the Town has some obligation.

Alison Low noted this could be opening a pandoras box.

Denise Briggs inquired if the extra fill is still available that Keith Gadapee spoke to them about.

Keith Gadapee noted it is possible for granular material to be brought there which could help.

Eric Bach noted they have to take into consideration that residents need access to their home.

Glenn Herrin noted zoning doesn't allow for future building on Class 4 roads and inquired how many there are currently on Class 4 roads.

Keith Gadapee estimated not more than 50.

Peter Griffin was concerned for the people who are doing this out of their own pocket and wondered if they should do all or nothing.

Denise Briggs requested the road be brought up to maintainable standards.

Barbara Fontaine discussed attendance at many meetings that spoke of no work being done on Class 4 roads.

Keith Gadapee discussed the local snowmobile club reaching out to him about the road being impassible and they wondered if it would be fixed before winter snowmobile season. He could bring excavator there to pull material from bottom to fill in the ruts so they can snowmobile below their driveway.

Karena Shippee discussed emergency vehicles needing access and doing a limited one-time fix.

Eric Bach inquired if Fellows, Barre, and Edgewood were passible.

Keith Gadapee discussed Barre Avenue battling mud because it is flat but they have chosen to add material out of their own pocket, Fellows Road camp owner maintains road himself, and Edgewood is Class 4 fishing access to pond which loops around from Route 2 and very narrow and washed out a bit but a couple of buckets of gravel will make theirs passible.

Eric Bach discussed Webster Hill Road and noted this one is not passable.

Keith Gadapee agreed but noted they have made it to their driveway but not past it.

Glenn Herrin wondered if the \$9,500 estimate would sustain water better and if Keith Gadapee had an estimate for the cost to bring the road up to a Class 3.

Keith Gadapee noted spending the money would sustain it better but he could not predict the outcome. The cost to bring it to a Class 3 standard would be much more than \$9,500 estimate.

Glenn Herrin noted they owe it to people to maintain it for access to house but not camps, that'll be a different discussion as it will drive taxes up if they maintain them.

Alison Low noted this was a safety issue.

Janice Ouellette discussed Town donating labor to Walden and wondered if it was a reasonable request to pick up material cost.

Eric Bach discussed Class 4 Road Policy 'Maintenance by Town' and wondered if they were stepping outside of the policy.

Peter Griffin noted they had no budget for this and they would need to raise money from taxes and suggested budgeting for this moving forward.

Keith Gadapee discussed using Town equipment and labor to bring material at bottom of hill to top, then resident can invest in top material to give base, then the Town can reevaluate, and if there is enough material to add an old left-over culvert, this would help the situation and the snowmobile club.

Janice Ouellette wondered if VAST would kick in any money.

Keith Gadapee discussed snowmobile club would need to search out resources.

Peter Griffin thought Keith Gadapee's suggestion was closer to the language and spirit of the ordinance but wondered who would be responsible for culvert.

Keith Gadapee discussed using used culvert, one that was dug out from somewhere else. He also discussed water bar which could address erosion. He wanted the Selectboard to choose the route of fix, as they would have to be able to respond to other residents.

Eric Bach discussed other roads having issues which are inconvenient but passable. He noted they have an obligation as it is a primary year-round resident's home.

Glenn Herrin discussed changing policy to help with next flood (FEMA Policy).

Keith Gadapee suggested Selectboard review Class 4 Highway and Trail Policy.

*Motion by Janice Ouellette, 2<sup>nd</sup> by Alison Low to allow Keith Gadapee to use labor and town equipment to move material from bottom of road that has washed down road back up and put in used second hand culvert provided it is okay with neighbor and provided we are able to put back enough material.*

*Vote 5-0-0. All in favor.*

- **Karena and Samuel Shippee – Animal Control Ordinance Violation**

Shippee's were present to discuss letter submitted to Selectboard by neighbor regarding loose dog.

Samuel Shippee discussed their dog named Jack which they have had for 13 years. New neighbors moved in to a home which Jack use to visit for 10 years. Jack was friendly with the previous neighbors and would visit them. Jack has an electronic collar and when he is not in his yard, they press the button and the remote brings him back home.

Karena Shippee discussed the letter submitted having offensive errors. They do not permit their dog to run at large, he has a collar and if he is not near them, they press a button and he returns. He is a trained adult dog. The previous owners never had any issues with Jack.

Samuel Shippee discussed the new owners reached out in 2022. There was a text exchange indicating what they should do when the dog is at their house. Jack escapes a couple of times. The Shippee's have made efforts to rectify this situation. One year later Jack attacked one of their chickens. They had offered to make amends to the owners of the chicken but it was not received amicably. The neighbors became difficult and then a letter was submitted to the Selectboard by them.

A letter written by the Shippee Family was given to the Selectboard to explain the actual events to set the record straight. The Shippee's think the Selectboard should just accept letter as just that a letter submitted.

Samuel Shippee discussed the neighbors' erratic actions and shooting guns in air. The neighbor's interaction with the Shippee family has made the wife and daughter scared because of events done by individuals of the chicken. He is concerned for their safety.

Karena Shippee was concerned for how the ACO handled the original situation in 2022. She was upset from the words in the letter.

*Glenn Herrin recused himself from decision by Selectboard as he is neighbor to both parties.*

*Consensus is Selectboard to review Shippee letter and then put back on agenda for decision.*

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

- Catering and Liquor License for wedding at Joe's Pond Pavilion on August 20<sup>th</sup> from 4pm-10:30 pm by Black Diamond BBQ for bride Elyssa Greer.

*Motion by Alison Low, 2<sup>nd</sup> by Janice Ouellette, to approve the Catering and Liquor License for Black Diamond BBQ for a wedding at Joe's Pond Pavilion on August 20<sup>th</sup> from 4pm until 10:30 pm for Elyssa Greer's wedding. Vote 5-0-0. All in favor.*

- 2023 Tax Rate – no information for educational portion. Information should be available after the 19<sup>th</sup> of August. Homestead dec received previously not valid. Important for Selectboard to approve the Town portion as they are not meeting until September and she thinks it is important to get tax bills out.

Peter Griffin inquired if this was caused by late vote of School.

Wendy Somers replied yes.

Wendy Somers discussed information comes to Selectboard to get Town portion approved. When she receives the school's portion in September, she will come back to ratify vote. The school voted on July 19<sup>th</sup>, now they have to wait 30 days for no objections to voting. Only one tax bill will be sent in August.

**Municipal Grant List \$3,355,993.44**

Property Tax Budget Amount	Tax Rate/Revenue	Variance
Municipal \$ 573,442.28	\$0.1715 = \$575,552.87	\$2,110.59
Highway \$1,240,059.00	<u>\$0.3703 = \$1,818,277.24</u>	<u>\$2,665.37</u>
Total \$1,813,501.28	\$0.5190 \$1,818,277.24	\$4,775.96

School Tax Rate Set by the State of Vermont – Residential and Non-Residential pending.

**Total Residential \$0.5418**

Municipal \$0.1715  
Highway \$0.3703  
Education \$ Pending

**Total Non-Residential \$0.5418**

Municipal \$0.1715  
Highway \$0.3703  
Education \$ Pending

*Motion by Alison Low, 2<sup>nd</sup> by Glenn Herrin, to approve the Municipal and Highway 2023 Tax Rate with education pending. Vote 5-0-0. All in favor.*

- Wendy Somers and Keith Gadapee attended FEMA meeting at LI to get information to do projects. All information submitted today. They applied for less than one million for 8 sites.

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

- Water Andric completed. Trestle/Penny Lane to complete tomorrow. McDowell to start Monday.
- Big project for Bruce Badger to go out for bid this year. Hoping to get this done this year.
- New hire, Shane Drinkwater starts Monday but needs CDL training.

Janice Ouellette noted Chris Harrod has permit but wondered if the timing was okay that they will be able to contribute this winter.

Keith Gadapee feared Montpelier being closed but was confident it will get done.

- Line item called Contractors – there is \$5,000 for ditching. Town has tool but he would like to hire subcontractor to help Town. There are little jobs around Town to hammer rock out of ditches. Keith Gadapee sought permission to hire contractor to help with ditches and culverts that were still full. He is concerned about procurement policy. He would like to hire someone with a machine about the same as the Towns and use for 40 hours which would use line item up. He wondered if it was okay to hire contractor or did it need to go out to bid. Keith Gadapee would like this done in October.

Eric Bach noted Town has a list, not up to date, but we should hire by availability, hourly rate and size of machine.

Janice Ouellette has no problem with Keith Gadapee doing it this way.

Eric Bach noted time is of the essence.

Alison Low suggested posting to Front Porch Forum to help with decision and contractor.

Keith Gadapee discussed using people who have worked with the Town before.

*Consensus is for Keith Gadapee to choose.*

- FYI - Plan on overspending on the gravel budget

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

- (a) **CFW Lights on Green Invoice Approval** – previous estimate approved at June 15, 2023 meeting for \$940.00 however the invoice came in at \$413.16 higher due to increase for materials and labor.

*Motion by Alison Low, 2<sup>nd</sup> by Janice Ouellette, to approve the CFW invoice for an increase total of \$413.16 which is a new total of \$1,353.16. Vote 5-0-0. All in favor.*

- (b) **Danville Congregational Church use of Green** – use of green on Saturday, September 9 for a BBQ from noon until 2pm. There will be live music, hamburgers, hot dogs, salad and ice cream.

*Motion by Alison Low, 2<sup>nd</sup> by Glenn Herrin, to approve Danville Congregational Church use of Green on September 9<sup>th</sup> from 12-2. Vote 5-0-0. All in favor.*

- (c) **Appointment of TMD Volunteers** – volunteers are wanted to work on updating Town Meeting. Postings were placed around Town, on Town website and on Front Porch Forum. Selectboard is seeking 5-9 volunteers to serve on the new ad hoc committee. Deadline for interested persons was Wednesday, August 2. Three persons volunteered: Tom Ziobrowski, Eric Hutchins, and Alice Kitchel

Glenn Herrin noted Clayton Cargill, himself and Alison Low had also volunteered for committee.

Alison Low thought they should wait a bit longer to get an odd number for the committee.

Peter Griffin discussed committee being a well diverse and well represented diversity of ideas.

Glenn Herrin noted he was okay with appointing the three that had submitted an email of interest and to extend two more weeks.

*Motion by Janice Ouellette, 2<sup>nd</sup> by Peter Griffin, to appoint those who have applied for the Town Meeting Day Volunteer Committee (Tom Ziobrowski, Eric Hutchins and Alice Kitchel) and to extend two more weeks. Vote 5-0-0. All in favor.*

Glenn Herrin will be the group's point person who will set meeting dates and times.

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

*Motion by Janice Ouellette, 2<sup>nd</sup> by Alison Low to authorize Eric Bach to review and sign the Financial Orders on behalf of the Selectboard. Vote 5-0-0. All in favor.*

**8. Adjourn - Motion by Glenn Herrin, 2<sup>nd</sup> by Janice Ouellette to adjourn at 8:06 pm. All in favor.**

Minutes taken by Audrey DeProspero submitted August 8, 2023 at 2:00 pm.