

Town of Danville  
Selectboard Minutes  
September 21, 2023  
Danville Town Hall (6:00 pm)

**Board Members Present:** Eric Bach, Janice Ouellette, and Glenn Herrin

**Board Members Using Teams:** Peter Griffin

**Board Members Absent:** Alison Low

**Others Present:** Audrey DeProspero, Keith Gadapee, Stephanie Maynard, Craig Morris, Marty Beattie, Chris Kirk, Steve Larrabee, Wendy Larrabee and Wendy Somers.

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

1. **Additions to the agenda:** Bulky Day  
MERP Application
2. **Approve minutes:** *Motion by Glenn Herrin, 2<sup>nd</sup> by Janice Ouellette to approve minutes of Regular meeting of September 7, 2023 as written. Vote 4-0-0. All in favor.*

**Approve minutes:** *Motion by Janice Ouellette, 2<sup>nd</sup> by Peter Griffin to approve minutes of Special meeting of September 14, 2023 as written. Vote 3-0-1. (Abstain=Glenn Herrin). Motion carries.*

**Approve minutes:** *Motion by Glenn Herrin, 2<sup>nd</sup> by Janice Ouellette to approve minutes of Special meeting of September 15, 2023 as written. Vote 4-0-0. All in favor.*

3. **Visitors**

- **Craig Morris – Removal of Tree from Green** – Craig Morris was concerned that at the previous Selectboard meeting a consensus was given for the removal of an evergreen on the Town Green which was not a warned item. The item was not voted on and no motion was made, just a consensus. There also was no discussion on liability and insurance coverage for the person removing the tree. Craig Morris thought a valid reason should be required for removing a tree from the Town Green, not just that the tree was an inconvenience to vendors.

Eric Bach met with Town Forester who felt the tree did not fit there. The tree also was never trimmed or maintained properly. Listed in the Route 2 project was wording that indicated trees planted could not interfere with any event on the Green such as Autumn on the Green.

Steve Larrabee discussed the tree being sick and the base being 10 feet wide. It was the only Evergreen on the Green. He thought it should come down and another planted so long as it is taken care of properly.

Wendy Larrabee discussed being present when the Town Forester walked the Green and found a few trees planted on the Green that were not correctly planted as their roots were exposed. She discussed their conversation and noted the Town Forester believed the Evergreen was not taken care of properly.

Craig Morris discussed the tree removal and noted fill and grass seed would be needed to fix the area and wondered who was going to pay for the cost.

Eric Bach discussed grass removed from the Millstone area could be used and if there is a cost it will be minimal. The Millstone being placed on the Green is part of another prepaid project.

Craig Morris inquired who would be paying for it, if there is a cost.

Eric Bach noted the Town would pay for it.

Craig Morris noted if there is a cost a motion would need to be made and inquired if the Selectboard would come back to make a motion.

Eric Bach noted yes and they would use the Marion Sevigny Fund to pay for it.

- **Stephanie Maynard – Use of Town Property** – Stephanie Maynard who owns NEK Catering is seeking to pick a central location to set up 1 day a week during the hours of 3 and 7pm to have hot foods in her chafer dishes available for sale. She has a food trailer to sell her food from and it would be done Monday night when other places are closed. She thought the road around the Green would be the best area.

Selectboard looked at Criteria for Town Property Use.

Eric Bach inquired if water and electricity would be needed and if she had considered other areas.

Stephanie Maynard noted no electric or water needed and she felt the best location was some place on Route 2 because of traffic. She has a 16-foot enclosed trailer and would like to park it in a parking spot around Green. She will post her menu on line and people could place orders on line and then pick up. It would be a take-out service.

Marty Beattie wondered if they said yes, would this mean anyone could do this.

Peter Griffin discussed consistently and items done on case-by-case basis: people come and apply, Selectboard ask questions and decide whether it is good or not. He thought this ask was pretty low and it supports local business.

Eric Bach thought it was acceptable as there was no Monday competition from others as they are closed on Monday and there is no use of power and water.

Glenn Herrin was inclined to support with completed application and insurance.

Eric Bach suggested parking closer to Library to not be disruptive to folks who live around Green.

Application, fee and insurance needed from Stephanie Maynard to complete her request.

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

- Special Event Permits for Eden Ice Cider and Shelburne Vinyard LLC for Autumn on the Green on October 1.

*Motion by Glenn Herrin, 2<sup>nd</sup> by Janice Ouellette to approve Special Event Permits for Eden Ice Cider and Shelburne Vinyard LLC for Autumn on the Green on October 1. Vote 3-0-1. (Abstain=Eric Bach). Motion carries.*

- Andrew McReynolds Senior Project to install split rail fence at Pope Cemetery and to be completed by May 1, 2024. He is covered by school insurance, abutter is okay with fence and no cost to Town.
- Installation of composite fencing at Drew Kelsey Cemetery on the backside. Installation is \$2,400 and the contractor will haul away the debris. Money comes from the Cemetery Fund

*Motion by Glenn Herrin, 2<sup>nd</sup> by Janice Ouellette to approve \$2,400 expenditure from Cemetery Fund for fencing at Drew Kelsey. Vote 4-0-0. Motion carries.*

- Dog Questions – what type of information did the Selectboard want regarding dogs, dog bite notification or dog complaints.

Eric Bach discussed bites monitored by state and should be going to Town Health Officer.

Wendy Somers discussed written complaints go to Town Clerk and she has file and can bring to Selectboard.

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

- Slide on Bruce Badger Bid Opening

Three submissions received:

JP Sicard \$142,470

Kirk Fenoff & Son \$120,220

Matthews Excavating \$256,725

Keith Gadapee discussed project 100% funded by Federal Highway if done this construction season (by December). It is a lump sum bid.

Peter Griffin inquired if bid included any more information.

Keith Gadapee noted they went by print designed by Tim Ruggles. All were given the same information. He invited bidders that he felt could do the job.

*Motion by Glenn Herrin, 2<sup>nd</sup> by Janice Ouellette to accept low and local bid from Kirk Fenoff and Son for \$120,220 to repair slope on Bruce Badger Memorial Highway. Vote 4-0-0. All in favor.*

- Curb Cut for Robin Davis for solar field at 191 Old Farmhouse Road needs Selectboard signature.

*Motion by Glenn Herrin, 2<sup>nd</sup> by Janice Ouellette to approve the Curb Cut for 191 Old Farmhouse Road. Vote 4-0-0. All in favor.*

- Resignation of highway worker effective next Thursday. The position has been advertised in the Caledonian Record. The employee is moving out of state.

Eric Bach discussed doing exit interview next week.

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

- (a) **Parking / Line Painting on Hill Street** – Eric Bach discussed the need to address parking on Hill Street and inquired if they could get lines painted because the Town has the line painting equipment.

Keith Gadapee inquired if there was a design to follow. He noted if there was not, they could follow the Old Route 2 project lines that still show. He discussed following the rules from the state and if done, they would lose six parking spots. He noted they could add the no parking symbol in the areas of concern. He noted there was a handicap spot previously there and inquired if it should be put back. Handicap spot size discussed noting they are larger than regular parking spots.

Marty Beattie was concerned with people parking on his property.

Eric Bach noted lines and signs would make a difference enabling towing and ticketing. He noted he and Alison Low would be working on the Parking Ordinance but since she was absent, the subject would be postponed until next meeting however he would like to start the street process.

Keith Gadapee inquired when the Parking Ordinance would be in effect.

Eric Bach noted next week they would discuss and have a draft.

Ticketing and towing at owners' expense was discussed.

Craig Morris inquired how and who would enforce.

Eric Bach noted the Town has resources such as the Sheriff's contract.

Marty Beattie discussed needing a solution to manage parking in Town. He was concerned with liability for those parking on his property.

Keith Gadapee inquired if the Town was willing to go with a bent rule as the state has guideline for where to start for parking spaces and sizes.

Glenn Herrin inquired if they were rules, laws, regulation or guidance.

Keith Gadapee noted they were guidance.

Glenn Herrin was willing to look at guidance and follow where it makes sense as long as it is safe. He thought the Parking Ordinance should have diagram showing where parking spots are.

Eric Bach noted Parking Ordinance would give the Town teeth to enforce Ordinance.

Marty Beattie talked about his ability to tow and put up no parking signs in the ROW.

Keith Gadapee inquired if he was to paint the lines this Fall.

Eric Bach suggested starting the process and follow what was there from Route 2 project.

Keith Gadapee inquired for the number of handicap parking spots.

Glenn Herrin discussed having a set of diagrams for various options for paint scenarios.

*Consensus is for Keith Gadapee to paint do not park on ends which will enable Keith Gadapee to do the best guess on parking spots.*

(b) **Parking Ordinance** – postponed until next meeting.

(c) **Municipal Planning Grant (Additional Parking)** – Janice Ouellette thought the Town should apply so they can study what the possibilities for parking are in Town which would enable them to hire someone to define parking in Town.

(d) **Class 4 Road Policy Review** –

Glenn Herrin discussed suggested changes with maintenance, numbering of items listed and definitions.

Keith Gadapee discussed the couple of requests he receives for grading around the pond. When received, he does grade.

Discussion ensued regarding giving Road foreman or Selectboard permission to grade one time a year.

Peter Griffin does not agree with addition to maintenance as it will be confusing, that is why they have a policy to refer to.

Glenn Herrin suggested to bring the Class 4 road maintenance decision to the Town's people, bring it to the voters (warrant) at Town Meeting and let them make a decision. Have an article listing the Class 4 roads that are to be graded one time and let them vote.

Glenn Herrin still had a concern for policy saying never do anything on Class 4.

Policy verbiage discussed: is not required, or shall not, or included annually. Selectboard also discussed being able to direct Road Foreman to grade up to 3 roads a year or annually as needed.

*Consensus is for item to be added to the next meeting.*

(e) **Assistance on Class 4 Road: 875 Webster Hill Road** – Keith Gadapee discussed some of the plans were pending depending on where we could put water and if would could put in a culvert. The landowner is not willing to take water which means we would have to put ditch in. To manage a road like this one, a stone lined ditch would be required.

Glenn Herrin noted their site visit helped them determine if the house was accessible from Webster Hill Road, noted was yes it was.

Eric Bach wondered if they didn't do something to diffuse it and another storm occurred what would happen.

Keith Gadapee noted silt in connected segment would be closer to area.

Eric Bach was concerned about the silt as it could cause long term issue.

Keith Gadapee noted this was not a new situation as this road washes out often. Keith Gadapee discussed managing water through the Municipal Roads General Permit (MRGP) and Town needing to manage gully washing on connected segments. Suggested was a water bar for area.

Glenn Herrin noted they met guidance that they were given, they are meeting MRGP state requirements and the resident has access to their home.

Keith Gadapee discussed the snowmobile club reached out to him. They are seeking to do some of the work on the road to fix some of the ruts. He is unsure of the exact work that they would do. Keith Gadapee inquired if the Selectboard would be willing to have the snowmobile club do work on the Class 4 so they are able to utilize the trail.

Eric Bach agrees with Glenn Herrin, residents have access to their home. His concern is for the hydrologically connected segment. The concern for residents to get to their house is resolved.

Peter Griffin noted if the other landowner is not willing to take water, then they are done.

*Motion by Janice Ouellette, 2<sup>nd</sup> by Peter Griffin to rescind previous motion based on site visit with Keith Gadapee to rescind previous guidance to Keith Gadapee to bring dirt from bottom, based on road which appears to be in a condition for resident to access home. Vote 4-0-0. Motion carries.*

*Consensus is to let snowmobile club/VAST work on trail as long as their work does not hurt anything to effect Keith Gadapee and to not spend Town money.*

**(f) Use of Town Property After Hours (Criteria Policy) –**

Glenn Herrin would like it to be easier for people to use Town property reasonably where no one would get hurt without having to go through all the hoops on the policy criteria.

Discussion ensued about the million dollar liability limit required and how to make utilization of Town property easier.

Peter Griffin left meeting at 8:18 pm

Eric Bach discussed social media posts regarding use of Town property without prior permission.

Noted was use without permission was not acceptable and persons should be notified when posts are seen.

**(g) Accident Discussion Final –** Conclusion from Special meeting with Susan Rowell of VLCT with regards to accident between Town vehicle and passenger vehicle.

*Motion by Glenn Herrin, 2<sup>nd</sup> by Janice Ouellette for the Town to follow the guidance to pay the claim recognizing that this is financial decision and recognizing that this is not an admission of fault and that the Selectboard stand behind their employees. Vote 3-0-0. All in favor.*

**(h) Animal Control Ordinance Draft –** Glenn Herrin went through Animal Control Ordinance noting that it was not a Dog Control Ordinance. Cruelty for animals is a criminal offense and it did not mesh with civil offense which is what the policy is. The process for each is different. Glenn Herrin suggested that they go back to Dog Ordinance and appoint the Animal Control Officer as a Humane Officer and they can follow statute.

(i) **VT Declaration of Inclusion –**

Glenn Herrin agreed with the statement but noted it is self-evident that the Town already does such.

Eric Bach did not feel the declaration was very helpful.

Janice Ouellette noted information was evident as the Town has a discrimination policy and information is in the Personnel Policy.

(j) **Bulky Day – Saturday, September 23<sup>rd</sup> from 8am until 3pm at Stump Dump.**

Shifts:

Glenn Herrin 8 am -10 am

Eric Bach 10 am – 12 noon

Janice Ouellette 12 noon – 3 pm

(k) **MERP Application –** Janice Ouellette discussed the Municipal Energy Resilience Program application. Town Hall and North Danville Community Center was approved. Fire station MERP application was not approved at this time, however it may be approved at a later date if personnel and time permit.

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

*Motion by Janice Ouellette, 2<sup>nd</sup> by Glenn Herrin to authorize Eric Bach to review and sign the Financial Orders on behalf of the Selectboard. Vote 3-0-0. All in favor.*

**8. Adjourn -** *Motion by Glenn Herrin, 2<sup>nd</sup> by Janice Ouellette to adjourn at 8:47 pm. All in favor.*

Minutes taken by Audrey DeProspero submitted September 26, 2023 at 11:20 am.