

**TOWN OF DANVILLE**  
APPROVED SELECTBOARD MEETING MINUTES  
NOVEMBER 3, 2016  
Danville Town Hall (6:00 PM)

**BOARD MEMBERS PRESENT:** Michael Walsh, Douglas Pastula, Angelo Incerpi, Ken Linsley, Kellie Merrell

**ALSO PRESENT:** Keith Gadapee, Wendy Somers, Randee Leightcap, Susannah Morlock, Sally Fishburn, Lyn and Debra Bixby, Lisa MacDowell, Craig Vance, Virginia Incerpi, Gary and Barb Fontaine, Darryl Bradley, Dan and Mary Kay Wyand, Bebo and Lori Webster, Steve McConnell, Nancy Guinan, Kristin Franson, Henretta Splain, Jeff Merrell, Jerry and Judy Rankin, Jeff Frampton, Tom Forster, Dan Wyand, Chris Kirk, Jeff and Ellen Gold, Robert (Bucky) Barany, Vince Foy, Ann Halstead, Susan Galipeault, Harold Hatch, Bill Bailey, Bryan Pal, Donald Lamont.

**(1) CALL TO ORDER:** Michael Walsh, Chair, called the meeting to order at 6:00 PM.

**(2) ADDITIONS TO THE AGENDA**

- a) Lyn Bixby was scheduled to speak during the Discussion of agenda item #5 Plan for ATV Ordinance but asked to speak prior to that. Mr. Bixby read a letter that emphasized the board's lack of control during the October 20<sup>th</sup> public hearing, which allowed insults, name-calling, intimidation and threats by members of VASA and the local ATV Club toward members of the community. He added that ATV use on public roads is a privilege not a right and Danville is one of the few towns that allow people to ride ATVs on all Class III and IV roads. He added that, while there are unresolved bad feelings and personality conflicts on both sides, a major factor has been inaction and an absence of leadership by the Selectboard. He also stated that ATV traffic decreased somewhat this year. (Mr. Bixby's letter is available in its entirety on public file with the Town.) He asked that the Selectboard apologize for the lack of control at the hearing. He asked that the Selectboard explain Mary Currier's resignation as mediator during the ATV mediation process and share information surrounding this. He asked that the Selectboard reject the October 20<sup>th</sup> public hearing minutes because hearing minutes are historical records and the minutes, as written, are not sufficient.
- b) The ordinance for Regulating Speed on State Highways has officially become effective as of November 1<sup>st</sup>. The sheriff's office will be notified.
- c) A grievance letter from Pond View Development addressed to Wendy Somers was shared. Tim Ide will be discussing that with Town Counsel.
- d) An email from Wendy Somers was shared reporting that Lee Beattie has closed the North Danville School Community Building due to vandalism. The consensus of the board was that they were in agreement of this decision.
- e) Doug Pastula informed the board that the State has required that a traffic study be conducted prior to acquiring a digital radar sign and that the sheriff's office has agreed to conduct it.

**(3) APPROVAL OF MINUTES**

- a) October 19, 2016 Emergency Meeting Minutes were reviewed. *A motion was made by Ken Linsley and seconded by Doug Pastula to accept the minutes as written. All in favor. Kellie Merrell abstained.*
- b) October 20, 2016 Public Hearing Minutes were reviewed. *A motion was made by Doug Pastula and seconded by Ken Linsley to accept the minutes as written and to include a list of people who spoke at the hearing and their comments as an addendum to the minutes. All in favor.*
- c) October 20, 2016 Regular Meeting Minutes were reviewed. *A motion was made by Ken Linsley and seconded by Angelo Incerpi to accept the minutes as written. All in favor.*

#### **(4) DISCUSSION OF PLAN FOR ATV ORDINANCE**

The discussion began by Mary Currier informing the Selectboard that they had copies of an ATV ordinance drafted by the NEK Wheelers that was never reviewed by them. It had been scheduled to be distributed at the August 4<sup>th</sup> meeting, but as Michael Walsh later stated, he did not want it distributed at that time because neither the NEK Wheelers nor their representative was present, and he did not want to be labeled as biased. There was a brief discussion about this version of the ordinance and that he highlighted areas were how it differed from the Concerned Citizens' draft ordinance previously provided, according to Mary Currier.

- *A motion was then made by Angelo Incerpi and seconded by Kellie Merrell to adopt the current ATV ordinance as presented at the October 20<sup>th</sup> hearing incorporating town counsel's suggested comments for Section III (F), Section IV (H), Section V (B), (D).*

A long discussion ensued regarding exact wording changes. Many members of the audience spoke, as did each Selectboard member.

- Mary attempted to share information from letters collected as public input from the October 20<sup>th</sup> hearing.
- Kellie Merrell referenced an email that had been sent from Jeff Frampton to Wendy Somers (that Mary was copied on) and wanted to know why she had not received this before the meeting.
- Mary explained that the email was here in the collection of letters to be discussed and had specific instructions for Wendy to forward to the Selectboard.
- There was a dispute about whose responsibility it was to forward this information to the Selectboard.
- Mary attempted to continue reading the names of the people who had submitted public input and was told by Kellie Merrell to stop inserting herself as if she were an elected official.
- Kellie then brought up a letter that was read by Lyn Bixby at the July 21<sup>st</sup> meeting and wanted to know why she never had a copy of that before. Kellie then stated that she was holding another letter from a concerned citizen that she had never been copied on.
- Mary stated that she did not have a copy of those particular letters at this time but would look for them later.
- The public input letters received were not reviewed by Selectboard members at this time.
- After much more discussion between Selectboard members and the audience, the Selectboard voted on the motion: *Angelo Incerpi and Kellie Merrell voted for, Ken Linsley and Doug Pastula voted against.* Because it was a deadlock and Michael Walsh had not yet cast his vote, discussion continued.
- Chris Kirk had been on the agenda to speak and addressed the board at this time. He expressed his concerns about eliminating the divisiveness in Town and getting four-wheelers off all paved roads. He spoke of the letter he submitted of which he never received acknowledgement. He had reached out to the Selectboard and was told that unless he has information there is no need to contact them. He beseeched the Selectboard to vote the new ATV ordinance in. He feels that, while it may be tough on the Selectboard in the future, it protects residents instead of focusing on rights for people who don't live here.
- Craig Vance then addressed the board stating that the mediation process broke down because compromise was asked from both sides and didn't happen. He also stated that the Selectboard should have all the information before voting.
- Michael Walsh stated that he had an issue with the "user group" issue in the ordinance and he wants to find a balance. He also added that the Town receives State funds for Town roads.
- Chris Kirk spoke again about how it might have been fair (for the NEK Wheelers) to express their opinion earlier in the discussion.
- A member of the audience asked if the ATV group ever had the opportunity to submit their version of the ordinance.
- Craig Vance replied that he thought their version of the ordinance had been submitted, and that he didn't follow up because he hadn't been present at the Selectboard meetings during the mediation process.

- Ken Linsley wanted to explain why he voted “no” to passing the ordinance: while he likes a lot of the ordinance, he knows it is not a consensus document and feels it makes more sense to have a town-wide vote instead.
- Several members of the audience told him he was shirking his duties.
- Chris Kirk spoke again stating that the current ordinance has nothing in it that could hurt Danville residents.

*After the very lengthy discussion, Doug Pastula changed his vote to “yes” and Michael Walsh voted “no.”  
The motion passed 3-2.*

**(5) TOWN CLERK REPORT (Wendy Somers)**

- a) The liquor license from Michael Chadburn for Diamond Hill was readdressed because it needed to be filed under his LLC.
  - *A motion was made by Ken Linsley and seconded by Angelo Incerpi to approve the change in the liquor license name for Michael Chadburn LLC. All in favor.*
- b) An invoice from the law firm of Tarrant, Gillies & Richardson for the Wastewater Treatment Facility Permit Appeal consultation was presented. The consensus of the board was to pay the funds out of the sewer budget.
- c) The Clark Road upgrade was revisited. The certificate of inspection was to close out the road but the applicant (Isaac Pearl) has since changed his mind, therefore requiring the wording on the permit to be changed.
  - *A motion was made by Ken Linsley and seconded by Angelo Incerpi to change the description of the work that was done on the 700’ portion of the road to upgrade it from Class IV to Class III. All in favor.*
- d) The curb cut certificate of record for Robert Magro and Margaret Keefe of Morrill Road was filed.
- e) The curb cut certificate of record for Janice Currier estate on Currier Road (Megan Haygood, applicant) was filed.
- f) The certificate of compliance for Steven Mills (Rte. 2) was presented for approval.
  - *A motion was made by Angelo Incerpi and seconded by Kellie Merrell to approve the certificate of compliance for Steven Mills. All in favor.*
- g) A certificate of compliance for Paul and Lawrence Riendeau (Joes’ Brook Road) was presented for approval.
  - *A motion was made by Doug Pastula and seconded by Angelo Incerpi to approve the certificate of compliance for Paul and Lawrence Riendeau. All in favor.*
- f) A certificate of compliance for Joel Currier (Harvey’s Hollow Road) was presented for approval.
  - *A motion was made by Ken Linsley and seconded by Angelo Incerpi to approve the certificate of compliance for Joel Currier. All in favor.*
- g) Wendy shared that Danville School’s Class of 2017 would like to place a Craft Show Sign on the Green.
  - *A motion was made by Angelo Incerpi and seconded by Kellie Merrell to allow placement of the sign on the Green. All in favor.*
- h) Wendy will have more information on HRAs for health equities at the next meeting.

**(6) HIGHWAY REPORT (Keith Gadapee)**

- a) Crew members were present to address the 2 ½ hour per week reduction in overtime pay for the winter months as stated in the revised Highway Work Manual. After much discussion, the consensus of the board was to return to the 42 ½ hour work with, effective next pay period (Monday).
- b) VOSHA training to address the violations at the highway garage will be underway for the crew.
- c) Keith is on schedule to purchase a new truck and needs to start that process in the next four weeks in order to prepare for budget season. He asked for a clear vision on how to proceed.
  - *A motion was made by Ken Linsley and seconded by Doug Pastula to authorize Keith to spec out a new truck and equipment and select vendors to solicit bids that will be received by December 15<sup>th</sup>. All in favor.*
- d) Kerry O’Brien is scheduled for the November 17<sup>th</sup> agenda to address the planning grant.

**(7) ISSUES AND INFORMATION (Mary Currier)**

- a) The notice of Appeal for the Wastewater Treatment Facility Permit was reviewed and the date to meet with DEC's General Counsel is Wednesday, November 16<sup>th</sup> from 2-3:30 PM at DEC office in Montpelier.
- b) The warranty deed for Windswept Properties, LLC was presented for review. The board will review it and address it at the next meeting and asked that a copy be given to Town Counsel for review.
- c) A report on the VOSHA informal conference was given. Mary, Ken, Kellie and Keith had a phone conference with VOSHA Manager Les Burns on November 2<sup>nd</sup> to address the violations and reduction of penalties. The penalties were reduced from \$1800 to \$500 and the Town was given 60 days to abate, providing we send a letter of abatement with a plan to address these violations. The Town requested that the compliance officer revisit the Town Hall to assist with the exits in the conference room. That meeting will be scheduled.
- d) The North Danville Community Club asked permission to place a Christmas Craft Show Sign on the Green.
  - *A motion was made by Ken Linsley and seconded by Doug Pastula to allow placement of the sign on the Green. All in favor.*
- e) The draft of the Zero-Sort Recycling Survey was reviewed. The consensus of the board was to have it distributed at Town Meeting.
- f) Doug Pastula reported that he had done some research on the security cameras for the Town Hall. He asked if the money for the cameras could come out of the Sevigny Fund. Wendy Somers confirmed that it could. He also said he would price out cameras for Wendy for the vault are office area if she provided him with specs. She will get him copies of those specs and added that she has an end of year timeline for this.

**(8) FINANCIALS** - All orders were reviewed and signed.

**(9) ADJOURNMENT**

*At 9:55 PM a motion was made by Angelo Incerpi and seconded by Doug Pastula to adjourn. All in favor.*

Respectfully Submitted,

Mary L. Currier  
Clerk of the Board