

Town of Danville
Selectboard Minutes
December 7, 2017
Danville Town Hall (6:00 pm)

Board Members Present: Doug Pastula, Ken Linsley, Angelo Incerpi, and Eric Bach

Board Member Absent: Kellie Merrell

Also Present: Keith Gadapee, Wendy Somers, Audrey DeProspero, Virginia Incerpi, Hazel & Edward Murtagh, Priscilla Harrod, Candace Thomas, Daniel & Joy Bessette, Gary & Barb Fontaine, Kristin Franson, Jenny Rafuse, Levi Blagg, Phillip Webb, Linda Leone, Loretta Irwin, Janina Ward, and Deb Bach

1. **Meeting was called to order** by Chairman Doug Pastula at 6:00 pm.
2. Doug Pastula noted **additions to the agenda** from board members and the public.
 - o Department of Health Notice
3. *Motion by Angelo Incerpi, 2nd by Ken Linsley to approve minutes of Regular meeting dated November 16, 2017. All in favor.*
4. **Visitors**
 - **Levi Blagg** – Dead End Road – Water Andric Road – Previously attended Selectboard meeting seeking to change class 4 road to trail, however now he would like to have the Selectboard reconsider just the section of the class 4 road area that only runs through his property and make it a trail head. He would like it to be more of a recreation trail instead of a road, which he believes would stop some vehicles from passing and only allow recreational vehicles to pass through.

Ken Linsley noted he would have to check the VSAs (Vermont Statutes Annotated) as he has not heard of changing part of a road and not a whole road.

Eric Bach noted for clarity that the middle of the road would be shut off so people would enter through Winn High Drive and thru Trestle Road.

Levi Blagg noted he has done some history on the road and found the road was once an unidentified road then it was developed into a class 4 road but it was never a trail.

Angelo Incerpi did not favor this idea.

Doug Pastula noted the town's policy in the past was not traditionally to declassify a town road.

Levi Blagg also noted he would like the maintenance of the road to be done in accordance with the Fish and Game to protect the eco system. He is investigating this and was willing to bring more information back to the Selectboard for their next meeting.

- **Peacham Road Residents** – Noise Complaint – Residents in the area of 787 Peacham Road are seeking a conflict resolution regarding excessive noise coming from this location.

Candace Thomas read a letter written by Tom and Cathy Conte which was signed by the residents of Peacham Road – letter attached as part of official minutes. Tom and Cathy Conte were unable to attend meeting due to conflicting and previous commitment.

Resident's concerns were for no discussion with neighbors regarding activity and noise coming from 787 Peacham Road. Truck races are being held in their back yard, trucks get stuck in the mud and race their engines, trucks do not have mufflers, and there is constant engine noises and lights at night which are disturbing to the neighbors. They are concerned for their property value with this ongoing activity and think it will decrease their values.

- **Loretta & Trevor Irwin** – 787 Peacham Road – have indicated that the neighbors have not come to them with complaints. This meeting is their first knowledge of any issues.

Levi Blagg offered a solution in regards to his access to performance vehicle locations and suggested taking trucks off property to another location. He handed business cards to attendees.

Linda Leone, Zoning Administrator noted that when this was first brought to her attention she thought of it as a recreation activity and she contacted VLCT (Vermont League of Cities and Towns) which has informed her that this is private, not public however, if Danville Bylaws said mud bog they could do something, but the Bylaws do not, so Zoning is unable to assist here.

Ken Linsley discussed State Ordinance, Title 13, Chapter 19, Subchapter 004, Section 1022 Noise in the nighttime which refers to sunset and sunrise and 1026 (a) (2) makes unreasonable noise

Selectboard suggested both parties work together to come to a mutually agreed upon resolution regarding noise, time and length.

- **Jenny Rafuse** – Dog Complaint – Tristan & Derrick Dunbar's medium size Collie dog which is unregistered has been running loose throughout their neighborhood and defecating on neighbor's property. Candace Dane, Animal Control Officer has been contacted and a letter to the Dunbar's has been sent with no response and she has been unsuccessful in capturing the dog.

Motion by Ken Linsley, 2nd by Angelo Incerpi to authorize Audrey DeProspero to contact Josephine Guertin, Constable to enforce Animal Control Ordinance Section 3: Running at Large and address the Dunbar's two unregistered dogs. Vote 3-0-1 (Doug Pastula abstained)

Motion by Ken Linsley, 2nd by Eric Bach to authorize Audrey DeProspero to contact Josephine Guertin, Constable to follow up on the Town's list of unregistered dogs. Vote 3-0-1 (Doug Pastula abstained)

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

- Audit Report. Suggestion of Auditors was for a depreciation schedule on building and office items.

Ken Linsley noted this request was a non cash consideration that does not affect anything.

- Renewal for Health Insurance and Health Equity Contract. The medical needs commitment by the end of the year. She inquired if the Selectboard wanted to stay with same plan or change to something else and if they wanted the same deductible for the Health Equity Contract.

Doug Pastula noted Wage discussions was on their agenda.

Ken Linsley suggested to have an area wage and benefit survey completed to see where the Town stood. He suggested an independent person should do the survey.

Motion by Ken Linsley, 2nd by Angelo Incerpi to approve BCBS (Blue Cross Blue Shield) and Health Equity for Health Insurance benefits as proposed. Vote 3-0-1 (Doug Pastula abstained)

Doug Pastula discussed the certificate received from the Department of Health in recognition of efforts to reduce chronic disease by employees getting and staying healthy.

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

- Discussed collection of old curbcut for Red Barn which was signed by the Selectboard with Town Clerk.
- Windswept Properties, Upper Drive, needs to transfer Maintenance of Storm Water Infrastructure Permit over to the Town. They will be transferring the permit and have offered to pay for the first five years of the annual permit as since there are no houses currently built on the property. They figure in five years, houses will be built and then, the Town will start receiving tax revenue to offset the cost of the permit.

Ken Linsley attended Municipal Roads General Permit training and gave a folder of information to Keith to review.

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

- (a) **Class 4 Roads and Trails Guide** – Ken Linsley gave Selectboard copies of Town of Morristown Road Policy and VLCT Guide to Highway Classification and Maintenance Obligations to read through. He suggested a designation policy to address all of their roads.
- (b) **Noise Complaint** – addressed earlier in the meeting.
- (c) **Exterior Maintenance** – Audrey DeProspero – sought official vote from Selectboard for additional \$2,000 to correct exterior of Town Hall and \$150 for exterminator. While Graves Building Contractors were working on the exterior of Town Hall, they found more extensive, interior framing rot that required fixing which could not be seen from the exterior of the building along with carpenter ants which required an exterminator being called in. The Selectboard was verbally informed of this information and approved the additional expenditures prior to their meeting.

Motion by Angelo Incerpi, 2nd by Eric Bach to approve the additional expenditure of \$2,000 to Graves Building Contractors fix the exterior of Town Hall and \$150 to The Eliminator Pest Control Inc., for the treatment of carpenter ants. Vote 3-0-1 (Doug Pastula abstained)

- (d) **Small Authorization** – Doug Pastula – discussed giving Audrey DeProspero some spending authority when items such as above come up and a vote of three Selectboard members are difficult to get.

Motion by Angelo Incerpi, 2nd by Ken Linsley to allow Audrey DeProspero to approve up to \$1,000 of commitment by Selectboard to pay without prior approval but must come back to the Selectboard for formal approval to authorize the approval. Vote 3-0-1 (Doug Pastula abstained)

- (e) **RFP – Interior Maintenance** – Audrey DeProspero – submissions received. At last Selectboard meeting it was suggested to check to see the amount available in the Marion Sevigny fund. It was noted that earned interest could only be used and we could not touch the principle.

Selectboard discussed doing the major work first such as outside and the roof. They suggested to get quotes for having the wood floors redone.

Discussion of contractors having Workers Compensation Coverage being needed if they do work at Town Hall and the liability if they did not.

- (f) **Town Hall structural work** – Audrey DeProspero – The door inside Town Hall has been fixed and the door swings open properly.

Gary Fontaine informed the Selectboard that a re-adjustment of the linkage and door guides was performed to correct the problem.

- (g) **Law Enforcement Contract** – *Consensus of the Selectboard was to hold off to review during budgeting process.*

- (h) **Utility Person** – Wendy Somers discussed the need for a person to take care of handyman items such as changing lightbulbs.

Consensus of Selectboard was for AudreyDeProspero to contact Bob LaRose as he is a current employee of Town Hall and may be available to do small items in need of repair.

- (i) **Town Hall Use Policy** – Audrey DeProspero – The Danville Town Hall Use Policy document has been updated and requires Selectboard signatures. There are no major changes, all fees stayed the same it was more housekeeping on the wording that required updating.

Consensus of Selectboard was to hold off signing until there was a full board.

- (j) **Initial Wage discussion** – Discussed under Town Clerk Report.

- (k) **ZA Formal Complaint Computer** – Audrey DeProspero – Linda Leone, Zoning Administrator has submitted a letter to the Selectboard in regards to her computer.

Angelo Incerpi inquired if Linda Leone used a password on her computer.

Audrey DeProspero informed Selectboard that she did not.

Ken Linsley suggested that she password protect her computer and/or lock her door. If there is no key, then a new door lock can be put on the door but there is a requirement for two extra keys, one for the Town Clerk lock box and one for the Fire Department Lock Box.

8. **Financials: Orders to review and sign** - Financials signed.

9. **Executive Session:** Legal

Motion by Ken Linsley, 2nd by Angelo Incerpi to go into Executive Session for a legal matter of contract consideration and to invite Audrey DeProspero and Debbie Bach. Vote 3-0-0. Eric Bach recused himself from the vote but was invited into the discussion.

Selectboard entered Executive Session at 8:03 pm.

10. *Motion by Ken Linsley, 2nd by Angelo Incerpi to exit Executive Session. Vote 3-0-1 (Doug Pastula abstained).*

Selectboard re-entered Public Session at 8:29 pm. No action taken was taken.

11. **Adjourn** - *Motion by Ken Linsley, 2nd by Angelo Incerpi to adjourn at 8:30 p.m. Vote 3-0-1 (Doug Pastula abstained).*

Minutes taken by Audrey DeProspero submitted December 8, 2017 at 1:42 pm.



December 1, 2017

Selectboard
Danville, Vermont

Re: Loretta Irwin
787 Peacham Road

I am writing to express my concern about the activity and noise at my neighbor's house (across the street). Since June of last summer, they have been having truck races in their backyard. It started with one truck and now there are 4+. Vehicles are run without mufflers (or at least very loud mufflers), they get stuck in the mud and race the engines, usually with another vehicle trying to pull it out or push it out of where it's stuck. The constant engine noises and lights at night are disturbing the neighborhood. Just this past Thanksgiving weekend, they were still racing at 8:30 on Friday night, started again before 8:00 on Saturday morning, and were still out there at 9:30 that evening. Sunday morning they started again at 9:30.

Our neighbor across the street, Mr. Murtagh, had words with them Sunday late-morning and called the State Police because they had thrown mud and dirt on his property. The solution offered by the State Police was a "no trespassing" order on Mr. Murtagh's property - which he wants to do.

I am not the only concerned neighbor. We have spoken with at least a dozen neighbors in our immediate area - from the Peacham Road to Cedar Lane, and above to properties on Greenbank Hollow Road. Our hope is that this does not turn into a community race course. We're not sure if the trucks and drivers belong to the property or if visitors (or customers) are using the space. Plus there are times when they take these apparently unregistered trucks and put them on the Peacham Road, turning around in neighbor's driveways, dropping mud and dirt.

Our request is that this activity stop immediately. If that's not possible, then there needs to be at least time limits and noise and light control. It's difficult to enjoy your home (or sleep in in the morning or go to bed early at night) with the constant noise. There should be a set-back from neighboring properties and perhaps a fence installed so neighbors don't have to watch this or have the lights shine in their windows. This being allowed on private property is starting to decrease the property values of the entire neighborhood. We want it to be noted by the listers that if this continues, we will all be looking for a rebate in this year's taxes and the lowering of our property values in the ensuing years, until this ceases.

Tom and Cathy Conte
848 Peacham Road

Priscilla E. Guind
Daniel R. Bessette
Joy Bessette

Cathy Conte *Randy*
Philippa *Tamara Ward*
Edward Murtagh
Candace Thomas *Hazel Murtagh*