

Town of Danville
Selectboard Minutes
January 21, 2021
Danville Town Hall (6:00 pm)

Board Members Present Using Zoom: Eric Bach, Kristin Franson, and Kellie Merrell (6:04 pm)

Board Members Absent: Henry Pearl

Board Members Present: Ken Linsley

Others Present Using Zoom: Keith Gadapee, Hollis Prior, Greg Prior and Craig Morris

Others Present: Audrey DeProspero, Wendy Somers and Samuel Bromberg

1. **Meeting was called to order** by Chair Ken Linsley at 6:00 pm.
2. **Additions to the agenda:**
 - None
3. *Motion by Eric Bach, 2nd by Kristin Franson to approve **minutes** of the **Regular meeting of January 7, 2021** as written. Vote 3-0-0. All in favor.*

*Motion by Kristin Franson, 2nd by Eric Bach to approve **minutes** of the **Special meeting of January 15, 2021** as written. Vote 3-0-0. All in favor.*

Kellie Merrell entered meeting 6:04 pm.

Kellie Merrell proposed edit to the minutes of January 7th, item 7, paragraph 2 change to: Kellie Merrell discussed US News and World Report article on Brattleboro retail marijuana. According to the article State regulators have until October 2022 to create a Cannabis Control Board to oversee establishment of the retail marijuana market. Kellie Merrell wondered what happens in the meantime and noted that voters have another opportunity to vote on this at Town Meeting Day 2022 and did Danville want to be one of the first towns voting on this.

*Motion by Eric Bach, 2nd by Kristin Franson to modify meeting **minutes** of the **Regular meeting of January 7, 2021** to included suggested wording by Kellie Merrell. Vote 4-0-0. All in favor.*

4. **Visitor**
 - Hannah Morris – rental of parking lot next to Town Hall – request cancelled, will be using different piece of land.
 - Walter McNeil – NEKWMD – Due to COVID-19 it is not feasible to construct Town Meeting as done in the past and having towns vote on the Waste Budget. Mailing of ballots for the Waste Budget is not possible due to the expense. Per House Bill 48, for a one year period only, the Waste District can vote on the annual budget by majority. Information was sent to the Town.

Motion by Eric Bach, 2nd by Kristin Franson to accept and authorize Walter McNeil to vote in the affirmative for the proposed Waste District Budget based on information provided by Walter McNeil. Vote 4-0-0. All in favor.

Agency of Natural Resources notified Waste District of the Chittenden Solid Waste District Court case regarding improperly disposing of glass material. Glass material is one use and was being stockpiled so there was contamination of goods. Without admission of wrong doings Chittenden had to pay \$300,000 fine. Of the fine \$220,000 was for environmental programs in the area. The Waste District is writing a letter of dissatisfaction of determination to make sure monies do not go directly to Chittenden.

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

- Liquor License for Marty's First Stop.

Motion by Eric Bach, 2nd by Kellie Merrell to approve the liquor license for Marty's First Stop. Vote 4-0-0. All in favor.

- Working on budget information.
- Working on the end of the Town Report which will be submitted next week. The Town Warning and Budget still has missing items.

Kellie Merrell requested to see the Warning prior to finalization.

Selectboard discussed reviewing Warning and draft of budget one more time after tonight's meeting.

Consensus was to have a Special Meeting on Monday, January 25th at 6pm to finalize budget.

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

- Peacham Road – Keith Gadapee suggested to amend the proposed amount to \$606,000 for the road as the Highway Department will be doing some of the work and the portion associated with the Highway Department is already in the annual budget under salaries. Two proposals were received, one from J. Hutchins and the other from Pike to determine the cost of the project. Tonnage on Pike is more and Keith Gadapee felt using the Pike proposal would be a good number. Keith Gadapee discussed doing the project over two years to help with the burden of the high number.

- Brisco Property – Suggestion of Brisco was for the Highway Department to take down the apple tree in the field on Oneida to widen road, for markings to be placed along the road, and for snow removal on Oneida and Keiser Pond Road intersection the Highway Department should plow the snow toward the stop sign and open field.

Keith Gadapee noted the plows are fixed angled plows and the snow goes off to the right so the driver cannot choose where the snow goes. In order for the snow to be put where suggestion, the driver would need to back up and drive on the wrong side of the road.

Selectboard felt safety was a factor and request could not be done. A draft letter will be written by Keith Gadapee and Ken Linsley and mailed.

- Special Projects (allocation) – Keith Gadapee spoke to Shauna Clifford of VTTrans who noted drainage legally could go in the Highway budget but the construction of the parking lot is not considered part of roads and should go under the General budget as it is infrastructure not highways.

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

(a) **Brisco Property** – See Highway Foreman

(b) **Cannabis** – Ken Linsley discussed Senate House Bill 25 which will mandate all towns to put Cannabis on the ballot in 2022. Towns can regulate Cannabis through Zoning but cannot prohibit it. If the Town votes and Cannabis is approved and someone starts a shop in Town, the Town cannot do anything even if the Town decides later that they do not want it in Town. There is no definitive of tax revenue for towns.

Samuel Bromberg noted dates were on or before May 1, 2022 Cannabis Control Board shall begin issuing integrated licenses, small cultivator licenses and testing laboratory licenses; on or before September 1, 2022 the Cannabis Control Board shall begin accepting application for retailer licenses and on or before October 1, 2022 the Cannabis Control Board shall begin issuing licenses for retailers.

Eric Bach discussed adding to the Warning this year 2021.

Samuel Bromberg discussed integrated license, production process retail and multi state operations. Samuel Bromberg also discussed verbiage for licensing and integrated licensing and having everyone get a fair start at the same time.

Kristin Franson spoke of not putting cannabis on the warning and activities not being permitted and putting cannabis on and municipalities creating Control Boards.

Ken Linsley discussed State Statutes 4414 (zoning) and 2291 (enumeration of powers) noting the limited control through towns and State having to outline controls.

Motion by Eric Bach, 2nd by Kristin Franson to add wording 'Shall the Town of Danville permit the operation of cannabis retailers that are licensed by the State of Vermont under Act 164, beginning in October of 2022, such sales also being subject to any city ordinances or regulations that the Town of Danville may lawfully adopt?' to the 2021 Town Meeting Warning. Vote 3-1-0 (Eric Bach = yes, Kristin Franson = yes, Kellie Merrell = yes, Ken Linsley = opposed, Henry Pearl = absent). Motion carries.

- (c) **Recycle Attendant** – Eric Bach spoke of interview with Clayton Cargill. Clayton Cargill has been there for quite a while and had suggestions and positive comments. Eric Bach recommended Clayton Cargill for the Recycle Attendant position.

Kellie Merrell also interviewed Clayton Cargill and she thought he was a good fit for the Recycle Attendant position.

Ken Linsley noted Clayton Cargill has helped Bob Larose in the past and has brought his kids to the recycle center to help also.

Kellie Merrell spoke of offering \$15 an hour to Clayton Cargill.

Ken Linsley spoke of Clayton Cargill reporting to the Selectboard. Filtering of information is through the Selectboard Assistant.

Motion by Kristin Franson, 2nd by Eric Bach to extend offer of employment to Clayton Cargill at an hourly rate of \$15 an hour. Vote 4-0-0. All in favor.

- (d) **Recycle Chimney Removal** – Keith Gadapee spoke of the liability issue associated with the current chimney on the recycle building. The chimney is in rough shape and is a safety hazard and should be taken down below the roof line and a piece of metal should be put on top to cover it up until a determination can be made as to what to do with it.

Consensus is for Audrey DeProspero to reach out to mason contractor to have removed.

- (e) **Recycle Center/New Building** – Eric Bach spoke of current building not having running water, not being safe, no bathroom and not being ADA compliant.

Discussion of using Capital Building Fund Contribution monies for new recycle building and adding funds to it ensued.

Also discussed was the possibility of putting the question to the residents whether they wanted recycling to continue and have them vote on it as an Article on the Warning.

- (f) **North Danville School/Community Club Meeting – Rep** – The North Danville School and Community Club meeting is scheduled for Monday, February 1 at 7pm, a Selectboard volunteer is being asked to attend.

Ken Linsley volunteered.

(g) **Budgets –**

Municipal – changes reviewed: increase in BCA due to abatements, combined Assistant to Selectboard and ZBA/Clerical, Current Use decreased, 3% increase for staff, increase in Lister/Re-appraisal, cleaning/maintenance increased, FD Budget Allowance/Misc. monies added to the line so volunteers would now be paid, and Law Enforcement increased.

Budget carryovers discussed. Noted was Highway can rollover but Municipal has to go to reduction to public in taxes.

Noted was Recycle Center details need to be discussed.

Capital Bldg. Fund Contribution discussed in relation to adding monies.

Expending monies from the Building Fund for a new building at the Highway garage for a recycle center to alleviate the safety aspects of the current location was discussed.

Warrant questions such as does the taxpayers want to invest in to a recycle facility was discussed along with should an Article be put on the Warning asking whether or not the Town should invest in recycling.

Highway – changes reviewed: 3% increase, salaries, FICA and pension, new position of seasonal worker with an hourly wage of \$25 working 40 hours weekly during summer, and Surplus of \$168,757 before new position.

Craig Morris felt the seasonal worker rate was high and inquired how the hourly rate was established.

Keith Gadapee noted he took the Highway persons rate plus the cost of what the Town pays for their insurance package.

Cost for additional person analyzed and reviewed.

Noted was with the additional person there is still a carryover. Surplus discussed to possibly be used on Peacham Road and not go out to voters to ask for a loan. Discussed was splitting the job in half and completing over a two year period.

Seasonal person added to budget.

Kellie Merrell suggested to put surplus in paving and put Warning on for Town Meeting day for finishing job in one year.

Eric Bach and Kristin Franson agreed.

Cost was discussed. \$330,000 in budget funds and \$275,000 to be raised through vote of Town.

Eric Bach to update draft budget.

(h) **Role combination –** ZA removing Acting to Administrative Officer. Planning Commission to meet next week and then bring information to the Selectboard to accept or reject.

(i) **Personnel Plan –** postpone until later date.

Kellie Merrell inquired about annual reviews.

- (j) **Town Meeting** – Ken Linsley noted he discussed Information Hearing dates with Bruce Melendy who has forwarded the information to David Schilling. The time of the Information Hearings is 7pm.

Eric Bach noted the Library Community Center building can be used for in person questions during Town Meeting day. Approximately 15 people can gather at once.

8. Financials: Orders to review and sign

Motion by Eric Bach, 2nd by Kellie Merrell to authorize Chair Ken Linsley to review and sign the Financial Orders on behalf of the Selectboard. Vote 4-0-0. All in favor.

9. **Adjourn** – *Motion by Kellie Merrell, 2nd by Kristin Franson to adjourn at 9:20 p.m. All in favor.*

Minutes taken by Audrey DeProspero submitted January 22, 2021 at 1:22 pm.