

**TOWN OF DERBY, VERMONT  
SELECT BOARD MEETING**

**Minutes  
April 19, 2021**

**Present:** Brian Smith, Steve Gendreau, Grant Spates, Brad Shattuck, Karen Chitambar.

**Others:** Joe Profera, Bob Kelley, remotely: Joe Gresser, Ed Barber.

**MEETING CALLED TO ORDER - 6:00 P.M.**

Warrants #8A in the amount of \$16,993.57 and #8B in the amount of \$87,346.19 were signed.

**APPROVE MINUTES:**

Karen moved to approve the minutes of April 5, 2021, with Brad seconding. Unanimous.

**PUBLIC COMMENTS:**

Joe Profera commented on the number of people vaccinated or immune from Covid and didn't see the need to continue wearing masks. It was pointed out that Vermont still has a mask mandate.

**NEW BUSINESS:**

**VT Moto Cross Association Permit** – The Board reviewed the permit. This is an annual permit for the Moto Cross on Rider Hill. It was noted that a condition of the permit is a copy of the Motor Vehicle Racing Commission Permit, a Certificate of Insurance and a race schedule shall be filed with the Town Clerk prior to the commencement of racing. Brian move to approve the permit, with Steve seconding. Unanimous.

**Covid 19 Relief Funds** – It is still unclear exactly what the funds can be used for. The Feds will have more information out in May. In the Town's dedicated Highway fund there is approximately \$174k. Steve would like to see Holland Road and Quarry Road paved which will cost \$150k. Another thing on Steve's wish list is the antenna for the Garage which is about \$60k. \$16K is budgeted for it this year. The Board discussed various projects the Covid Relief Funds might be used for including: the salt shed, paving, hydrants, Beebe waterlines, Fish & Game's Kid Pond needs repairs to the dam (\$75k), MSTF trail expansion, and the Villages may have projects.

**Bids: Sand & Gravel, Equipment** – Steve opened the bids. Justin Brian Sanville, Tetreault's Maple Farm, Jason Patenaude Excavating, Ducharme Excavating, and RG Gosselin submitted Equipment bids. RG Gosselin and I.R.D. Sand & Gravel submitted Sand & Gravel bids. Bob will put them into a spreadsheet for the Board.

**MSTF – Memphremagog Ski Touring Foundation** – MSTF was not able to make tonight's meeting.

**Review & Sign Excess Weight Permits – Precision Land Care, Engineers Construction Inc, Casella construction, and Blevins Inc** – Steve reviewed and signed as Road Commissioner.

**Review & Sign – Balance Sheet, Budget Status Report, Delinquent Tax Report & General Journal Posting Report** – All were reviewed and signed.

**Local Emergency Management Plan** – The Board reviewed the plan. There were only a few minor changes from last year's plan. Brian moved to approve the Local Emergency Management Plan, with Steve seconding. Unanimous.

**TA & ZA Update – DRB/PC:** The DRB has 2 permits scheduled for next week. The PC has a public hearing for a bylaw amendment and will continue to review the Flood Hazard Regulations.

**Permits:** There have been 48 permits submitted year to date.

**Storm Damage – FEMA:** The Dumas Road culvert went out to bid and bids are due by May 3<sup>rd</sup>.  
**Grants:** North Derby Rd FLAP Grant – The slabs are in production with an estimated deliver date of July 6<sup>th</sup>. The Austin Construction is hoping to start before July 1<sup>st</sup>. Our stream alteration permit says no in-stream work is allowed until July 1<sup>st</sup>, but Austin Construction has in been contact with the State and may be able to start earlier. Paving – The State will give us \$117,757.92 for paving this year. That is the State’s 80% for both Darling Hill Rd and Elm St. This gives the Town a total of \$417,757.92 for paving. \$200,000 appropriation, \$100,000 budget, and \$117,757.92 State grant. The quote from Pike was \$357,540 so that leaves another \$60,000 that can be used to do another road this year.

**Dog Issue:** Mr. Davis’ attorney, Nicholas Low, has filed a suit with Superior Court concerning the Board’s order asking the Court to vacate the conditions imposed on Mr. Davis and his dog Ruby. This may be something the Board may want to discuss in executive session. The Board decided to discuss this in open session. The Board acknowledged that the meeting on March 22, 2021 was not a Vicious Dog Hearing and that the orders issued for control of vicious dogs should only be made after a Vicious Dog Hearing. The voluntary measures listed in Attorney Low’s letter outlining the voluntary measures that Mr. Davis plans to take do not include the dog being muzzled when off the property or the limit of a maximum 6 ft long leash. If a complaint is filed in writing, then the Board will hold an official Vicious Dog Hearing. Brian moved to vacate the order issued on March 22, 2021 against Stephen Davis and his dog Ruby, seconded by Brad. Unanimous.

#### **OLD BUSINESS:**

**Legislative Update** – Four weeks are left in the season. High speed internet, a bottle ban, and a ban on trapping are being discussed.

#### **ROAD REPORT:**

After looking over the new truck quote Steve would like to add a powder coating and upgraded chain for \$2,991 extra. The Board approved the change. There have not been many mud spots this spring.

#### **OTHER BUSINESS:**

**Northeast Kingdom Community Broadband** – The Town received an email about who our representatives are. This is a Communications Union District and the Town is not currently a member. It was thought that with the big push to expand high speed internet that it would be a good idea to become a member. Karen moved to join Northeast Kingdom Community Broadband and appoint Karen Chitambar as representative and Grant Spates and Bob Kelley as alternates, seconded by Brad. Unanimous.

**Thank you letter** – The Village Trustees sent a letter thanking the Town for the use of the Municipal Building for their Annual Village Meeting.

**EXECUTIVE SESSION: None.**

#### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, May 3, 2021. Brian made a motion to adjourn the meeting at 7:15 p.m., with Karen seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*