

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

**Minutes  
January 10, 2022**

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

**Others:** Luke Vidic, Ed Barber (remotely), David Barlow (remotely), Joe Cicia, Patrick Hurley, Peter Emerson, Dan Dagesse, Elijah Capron, Joe Profera, Bob Kelley.

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

Warrants #26C in the amount of \$17,175.93, #1A in the amount of \$18,172.05 and #1B in the amount of \$39,445.89 were signed.

**APPROVE MINUTES:**

Brad moved to approve the minutes of December 13, 2021, with Brian seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Dairninaka Drive Association – Road Take Over** – Dan Dagesse explained that they are having a hard time getting an attorney. In talking with Sara Davies it is possible for both the land owners and the Town to use the same firm if both parties agree to it. Brian moved to allow Sara Davies to act for both parties, seconded by Brad. Unanimous.

**Land – Route 5 – Patrick Hurley & Peter Emerson** – The State is interested in buying the property and the Town is interested in selling it. The State would have to get an appraisal to determine the value of the property and would pay whatever the appraisal comes out at. One issue is the dry hydrant. It was installed for Fred's bulk storage and Fred's plows it out in the winter and dredges it whenever necessary. It is unknown if there is a written agreement, if not one would have to be drawn up prior to the sale or alternate fire protection would be needed. The Board would like to move forward with this and told Peter to go ahead and get an appraisal done.

**Review & Sign Telling & Hilman Engagement Letter for Audit** – After reviewing, Steve moved to have Grant sign on behalf of the Board, seconded by Brian. Unanimous

**Review & Sign Appropriations – Northeast Kingdom Learning Services & Old Stone House** – Northeast Kingdom Learning Services is requesting an appropriation of \$1,500 to go on the Warning for 2022 Town Meeting. This is the same as requested and approved in 2021. Old Stone House is requesting an appropriation of \$1,600 to go on the Warning for 2022 Town Meeting. This is the same as requested and approved in 2021. Derby's Appropriations Policy allows the Board to add requested appropriations to the Warning without signatures if they are requesting the same amount as the prior year. Karen moved to add these appropriations to the 2022 Warning, seconded by Steve. Unanimous.

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

**Review & Sign – Newport Ambulance Service Agreement** – After reviewing, Brian moved to approve the agreement, seconded by Brad. Unanimous.

**Review & Sign – Mileage Rate Change** – The IRS mileage reimbursement has changed from \$0.56/mile to \$0.585/mile. Brad moved to increase the mileage reimbursement to \$0.585, seconded by Steve. Ayes – Brad, Karen, Grant. Nays – Brian, Steve. The motion passes.

**Review & Sign Liquor Licenses – Thompson's Redemption, Tong Sheng Restaurant Inc** – At 6:24 Brian moved to go into a Liquor Control Board Hearing, seconded by Steve. Unanimous.

At 6:25 Brian moved to come out of the Liquor Control Board Hearing, seconded by Steve. Unanimous.

Steve moved to approve the Liquor Licenses for Thompson's Redemption and Tong Sheng Restaurant Inc, seconded by Brian. Unanimous

**TA & ZA Update – DRB/PC:** The DRB and the PC will not be meeting next week due to Martin Luther King Jr Day. The PC at their last meeting was reviewing NVDA's comment on the Subdivision regulation they have been working on. **Permits:** There have been 2 permits submitted year to date. **Storm Damage – FEMA:** We are getting closer to having FEMA finalize the last 2 projects. **Grants:** N Derby Rd FLAP Grant – I received the final invoice from GPI today and will be submitting for reimbursement after they are paid with next set of warrants in 2 weeks. **Beebe Water:** Danna Nagy with the State contacted me today. He would like to set up a meeting between the Town and Stanstead to discuss issues, including nonpayment of bills and inability to cross the border to do repairs. **Veterans Park:** The leaves were cleaned up and Desrochers was able to fix the flag. Craig was not able to get near the flag due soft ground. **2022 Budget:** The revised budget (including appropriations) after changes at the budget meeting:

	Property Tax	Expenses
2022	2,445,248.35	3,492,924.67
2021	2,069,177.87	2,999,970.87

The Fire Dept is working with the owner's insurance company for equipment lost in fighting a fire. The Town needs to file a claim with our insurance company and let them deal with the owner's insurance.

**ARPA Funds:** I am waiting to hear back from VLCT on whether breathing apparatus for the Fire Dept or the antenna are allowed uses. From what I read I am not optimistic about it. I am also waiting to hear if we are considered a disproportionately impacted community.

#### **OLD BUSINESS:**

**Legislative Update –** The legislature is currently meeting remotely, but will be voting this week to see if they will go back to in-person.

#### **ROAD REPORT:**

One truck is down right now due to a broken chain. Everything else is going fine.

#### **OTHER BUSINESS:**

**Heath Officer – Elijah Capron –** Elijah said there is an opportunity to get an intern at no cost to the Town to help with the paperwork. He thought the chances are slim of getting the intern but he would like to look into it. Another issue is the paperwork required to be filled out is not online. He has to mail in a paper copy. He would like to help streamline the paperwork by getting it online so that it would cut down on the amount of time to fill out the forms which in the long run would save the Town money. Elijah did not submit all his hours worked last year and only used up about half of the \$1,000 budgeted. The Board told him to go ahead and try to get the intern and streamline the paperwork.

#### **EXECUTIVE SESSION:**

**Personnel Issue –** At 7:20 Brian moved to go into Executive Session, seconded by Brad. Unanimous.

Out of Executive Session at 7:32. No action taken

#### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, January 24, 2022. Brian made a motion to adjourn the meeting at 7:32 p.m., with Brad seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

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

**Minutes  
January 24, 2022**

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

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

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

Warrants #2A in the amount of \$24,184.59 and #2B in the amount of \$67,011.11 were signed.

**APPROVE MINUTES:**

Steve moved to approve the minutes of January 10, 2022, with Brian seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Beebe Water** – The Derby Line Village Trustees discussed adding Beebe to International Water and decided they did NOT want to take on the Beebe users. The Board asked Bob to find out which Beebe water users are delinquent on their bill and or how much. The Town will contact the State to set up a meeting with Stanstead on the Beebe water issue. Brad, Grant and Bob will attend the meeting.

**ARPA Funds** – All of the ARPA funds are considered Revenue Loss and can be used for Maintenance of infrastructure or pay-go spending for building new infrastructure, including roads; modernization of cyber security, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services. This gives the Town a lot of discretion in how to spend the funds. The Board discussed how much they should use in FY2022 to help lower the amount needed to be raised by taxes. Brad moved to use \$250,000 of the ARPA funds for police, fire and other safety service in the 2022 budget, seconded by Brian. Unanimous.

**Review & Sign 2022 Budget** – The Board reviewed the budget. After adding in \$250,000 ARPA funds under Other Revenue, the total amount need to be raised by taxes was \$2,195,146.35. This is an increase of just over \$100,000 from last year. Karen moved to approve a budget \$3,141,034.59 for voter approval, seconded by Steve. Unanimous.

**Review & Sign Liquor Licenses – Derby Corner Mini Mart – Ibrahim Nabil, Derby Line Village Inn, G & T Bliss Corp, Northeast Pizza Ent, & Walmart Store #4156** – At 6:37 Brian moved to go into a Liquor Control Board Hearing, seconded by Karen. Unanimous. At 6:39 Brian moved to come out of the Liquor Control Board Hearing, seconded by Brad. Unanimous.

Brian moved to approve the Liquor Licenses for Derby Corner Mini Mart – Ibrahim Nabil, Derby Line Village Inn, G & T Bliss Corp, Northeast Pizza Ent, & Walmart Store #4156, seconded by Brad. Unanimous

**Review & Sign – Excess Weight Permits – Bourne’s Inc and Newport Sand & Gravel Co. Inc** – Steve reviewed and signed both as Road Commissioner.

**Review & Sign – 2022 Warning for Town & School Meeting** – The Board read through the Warning prepared by the Town Clerk. Karen moved to approve the 2022 Warning for the Town & School Meeting, seconded by Brad. Unanimous

**TA & ZA Update – DRB/PC:** The DRB does not have any permits pending for next week. The PC will continue reviewing NVDA’s comment on the Subdivision regulation they have been working on. **Permits:** There have been 5 permits submitted year to date. **Storm Damage – FEMA:** We are getting closer to having FEMA finalize the last 2 projects. **Grants:** N Derby Rd

FLAP Grant - The final invoice from GPI today is in tonight's warrants so the Town can submit for the final reimbursement tomorrow. **State Redistricting:** The State wants feedback by February 15<sup>th</sup>. Brian has heard that Holland doesn't like the proposed redistricting. Currently Derby and the surrounding towns have 2 representatives. With the proposed redistricting Derby would have 1 representative and the Towns to the east (all the way to Canaan) would be grouped together for the second representative. The State is trying to have one representative for every 4,300 people. The BCA will probably meet to discuss this.

### **OLD BUSINESS:**

**Legislative Update** – Redistricting and a couple of propositions are being discussed.

### **ROAD REPORT:**

There is a Road Foreman meeting in Newport on Feb 16<sup>th</sup> that Steve Davenport will be attending. Paving was discussed and Steve passed around a list of roads needing paving along with a rough estimate of costs. The loader is down with a rotted foot control.

### **OTHER BUSINESS:**

**Moderator** – Moderator Richard Nelson will be out of State for Town Meeting. The Board will look for someone to take his place.

### **EXECUTIVE SESSION:**

**Personnel Issue** – At 7:15 Brian moved to go into Executive Session, seconded by Steve. Unanimous.

Out of Executive Session at 7:20. No action taken

### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, February 7, 2022. Brian made a motion to adjourn the meeting at 7:20 p.m., with Steve seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

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

**Minutes  
February 7, 2022**

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

**Others:** Craig Ellam, Elijah Capron, Joe Profera, Bob Kelley.

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

Warrants #2C in the amount of \$10.81, #3A in the amount of \$19,567.14 and #3B in the amount of \$30,004.72 were signed.

**APPROVE MINUTES:**

Steve moved to approve the minutes of January 24, 2022, with Brian seconding. Unanimous.

**PUBLIC COMMENTS:**

Rod Lyon sent the Board a thank you card for his retirement party and gift.

**NEW BUSINESS:**

**DLFD – Craig Ellam – New Truck Contract & Dispatching** – Craig has picked out new tanker truck with a poly body for \$221,800. If it is ordered now it will arrive around March 2023. It is expected the chassis and body will get to the company by late fall. The chassis and deposit on the body will be due when the company receives them and the balance will be due upon delivery. He hopes to get \$35,000 - \$40,000 for the old tanker. Steve moved to sign the contract for the tanker, seconded by Brian. Unanimous.

The Fire Dept will be switching to Newport City for dispatching. All the equipment is in place and Craig has tested it with Newport. Coverage appears to be a little better than what is currently being used. The fee schedule is based on call volume and an administration fee. It will be approx \$6,300/year. The Newport dispatchers are way better than Williston. A generator is needed for the Town Garage/Fire Station. A new antenna at the Town Garage is in the budget.

**Health Officer – Elijah Capron** – Elijah informed the Board about a Grant program to help get affordable housing fixed up. It will require him to inspect the property to give the owner a list of deficiencies in meeting the rental housing health code.

**Recycling – New Hire** – Kansas Mendala would like to come back and Joe is fine with it. Also, Joe found someone else, Heinrich Schmit. He is 16 and Joe thinks he will do a good job. This will bring us back to full staff at the recycling center. Brian moved to hire Kansas Mendala and Heinrich Schmit as recycling attendants at minimum wage, seconded by Steve. Unanimous.

**Review & Sign Liquor Licenses – Circle K, Jolley Associates, Kinney Drugs Inc, Newport VT Elks & Price Chopper Operating Co of VT Inc** – At 6:39 Karen moved to go into a Liquor Control Board Hearing, seconded by Brian. Unanimous.

At 6:40 Brian moved to come out of the Liquor Control Board Hearing, seconded by Steve. Unanimous.

Brian moved to approve the Liquor Licenses for Circle K, Jolley Associates, Kinney Drugs Inc, Newport VT Elks & Price Chopper Operating Co of VT Inc, seconded by Steve. Unanimous

**Review & Sign – Certificate of Highway Mileage** – There were no changes from last year. Steve moved to sign the Certificate of Highway Mileage, seconded by Brian. Unanimous.

**Review & Sign – Balance Sheet, Budget Status Report & Delinquent Tax Report.** The Board reviewed and signed all.

**Review & Sign – Excess Weight Permits – Gosselin Water Wells & R G Gosselin Inc** – Steve reviewed and signed both as Road Commissioner.

**TA & ZA Update – DRB/PC:** The DRB has 2 permits pending for next week. The PC is continuing review of NVDA's comment on the Subdivision regulation they have been working

on. **Permits:** There have been 10 permits submitted year to date. **Storm Damage – FEMA:** We received \$59,165.87 for reimbursement for the 2<sup>nd</sup> project. It is just Dumas Rd left that we need to be reimbursed for. **Grants:** N Derby Rd FLAP Grant - The final reimbursement request has been submitted. Bushey Hill Engineering Grant – Ruggles has finished the design of the culvert. We need to apply for a Stream Alteration Permit. Ruggles has done all the work we just need to send it in with a \$200 check. After we get the Stream Alteration Permit we can put it out to bid. Recreation Grant Kids Pond – The Town is still in the running and has been asked for a breakdown on the cost to replace the dam by Wednesday. Rick Joyal has contacted Mike Gosselin and the Town should have it by tomorrow. **Beebe Water:** March 3<sup>rd</sup> is the tentative date for a meeting with Stanstead. It will be with their General Manager, Jean-Charles Belemare; Mayor, Jody Stone; and Public Works Director, Allen Desrosiers. Also attending will be Dana Nagy, ANR; Dave West, Village of Derby Center; Grant, Brad & Bob.

#### **OLD BUSINESS:**

**Legislative Update** – Brian brought up that the Board's Dec 13, 2021 minutes states that the State approached him about Derby Green. This is not correct; he contacted the State not the other way around. Brian moved to amend the Dec 13, 2021 minutes to reflect this, seconded by Steve. Unanimous.

#### **ROAD REPORT:**

The Town is in good shape, storm cleanup went well, and everything is running. The school called the Road Foreman Friday morning and the Road Foreman recommended a 2 hour delay which the school decided against and there were a few issues with buses.

**OTHER BUSINESS: None.**

#### **EXECUTIVE SESSION:**

**Personnel Issue** – At 7:03 Brian moved to go into Executive Session, seconded by Steve. Unanimous.

Out of Executive Session at 7:14. No action taken

#### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, February 21, 2022. Steve made a motion to adjourn the meeting at 7:14 p.m., with Brian seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

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

**Minutes  
February 21, 2022**

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

**Others:** Maryann Tetreault, Joe Profera, Bob Kelley.

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

Warrants #4A in the amount of \$21,768.35 and #4B in the amount of \$52,336.58 were signed.

**APPROVE MINUTES:**

Brian moved to approve the minutes of February 7, 2022, with Brad seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Delinquent Tax – Maryann Tetreault** – A mobile home with delinquent taxes was moved out of Town. It was owned by the estate of Stanley Warner and was deemed abandoned and uninhabitable by Superior Court. The owner of the mobile home park (Housing Foundation Inc) removed the mobile home and taxes were never paid. With the mobile home gone collecting delinquent taxes will be difficult and the Town's attorney is suggesting to abate the taxes. The Board suggested sending Housing Foundation Inc the bill because they were the ones that removed it from town without the taxes being paid.

**Village of Derby Center Water Department Issues** – There was a recent issue with a water leak along Nelson Hill Road which didn't get fixed for over a week. This caused a safety hazard with icing in the road and the road crew had to add extra salt, peel off the ice and drain the flowing water off of the road. The extra man hours cost the Town extra money and the Town would like to put a policy in place where the Town can get reimbursed for this cost from either the Village or the property owner if water leaks are not fixed within a reasonable amount of time. Bob will check with VLCT.

**Review & Sign Liquor Licenses – Champlain Farms – Wesco Inc & Derby Village Store** – At 6:22 Brian moved to go into a Liquor Control Board Hearing, seconded by Steve. Unanimous.

At 6:23 Steve moved to come out of the Liquor Control Board Hearing, seconded by Brad. Unanimous.

Steve moved to approve the Liquor Licenses for Champlain Farms – Wesco Inc & Derby Village Store, seconded by Brian. Unanimous

**Review & Sign – Excess Weight Permits – Austin Construction Inc, Barrett Trucking Co Inc, New England Quality Services Inc & Tetreault's Maple Farm LLC** – Steve reviewed and signed all as Road Commissioner.

**TA & ZA Update – DRB/PC:** Both the DRB and PC will not be meeting next week due to Town Meeting. **Permits:** There have been 15 permits submitted year to date. **Storm Damage – FEMA:** Nothing new to report. **Grants:** N Derby Rd FLAP Grant – This grant should finally be closed out. We received the final reimbursement. The State is checking to see if there are any i's left to be dotted or t's to be crossed. Bushey Hill Engineering Grant – The check is in with this week's warrants, so the stream alteration permit can be submitted tomorrow. Recreation Grant Kids Pond – Nothing new to report. We are still in the running. Hayward Road Culverts: The 2 sets of twin culverts along Hayward Road are undersized and need to be replaced. The stream jumped the bank and was running down the ditch beside the road. The Town needs to check into a hydraulic study and funding to replace the structures or reroute the stream. **Derby Line Ambulance:** The property will be put up for tax sale this year. Our attorney knows how to

conduct the sale so that the IRS gets notified and if the sale goes thru there will not be an IRS lien.

**OLD BUSINESS:**

**Legislative Update** – Brian reported that there will be \$8 million in additional State money for roads. He will find out more about this.

**ROAD REPORT:**

There were 5 road locations with water backed up and 11 frozen culverts from the last storm. The road crew put in a lot of hours.

**OTHER BUSINESS: None.**

**EXECUTIVE SESSION:**

**Personnel Issue** – At 6:38 Karen moved to go into Executive Session for personnel and property, seconded by Steve. Unanimous.

Out of Executive Session at 7:06. No action taken

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, March 7, 2022. Brian made a motion to adjourn the meeting at 7:07 p.m., with Steve seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*



**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**March 7, 2022**

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

**Others:** Maryann Tetreault, Joe Profera, Bob Kelley.

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

Warrants #5A in the amount of \$22,041.97 and #5B in the amount of \$61,419.75 were signed.

**APPROVE MINUTES:**

Brian moved to approve the minutes of February 21, 2022, with Brad seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Delinquent Tax – Maryann Tetreault** – Maryann received a letter back from Housing Foundation Inc saying that they are not liable for the back taxes on the Stanley Warner mobile home. They sent a copy of the court order stating Housing Foundation Inc was not liable for delinquent taxes. The Board agreed to send it to the BCA for abatement. Maryann will be sending properties that are delinquent on their taxes to the Town Attorney the first part of April and the Derby Line Ambulance property will be one of them.

**Flooring – Listers & Zoning Offices** – The Board went and looked at the Zoning Office flooring and didn't think it was too bad. Lapierre and Son have submitted a quote for the job. The Board wants to get a second quote for the job and may decide not to do the Zoning Office this year.

**Holidays** – Faye submitted a list of Federal holidays. A new one is June Teenth on June 20<sup>th</sup>. After discussion no action was taken.

**Beebe Water System** – The Board was filled in on the meeting last Thursday with Stanstead and the State. Stanstead's concerns are their inability to collect delinquent water fees, the need to comply with both Canadian and State regulations, and their inability to work in the USA. Ideally they would prefer that someone else take over the customers in Derby. Another issue is the main line feeding the US customers on Canusa Ave needs to be replaced and Stanstead cannot get any funding to do work on the US side. The State is concerned with the water meeting Vermont standards and dealing with a Canadian company. Derby Center has plenty of water to service Beebe, but a water line would have to be run from Derby Center to Beebe, the line on Canusa Ave replaced, their water district extended, and meters installed. The State says that there is currently a lot of funding for water project and will look into what is available. The Board discussed the different options and would like to know what the Town's obligation is. Bob thought the Town did not have any legal obligation to do anything, but it is the right thing to do to resolve these issues. The Board would like to know if there is anything in their deeds about the water supply. It is unknown how many users are on the Beebe water system.

**Reorganization of Board** – Karen move for the following appointments, seconded by Brad. Unanimous.

Grant Spates: Chairperson

Brian Smith: Vice-Chairperson

The following named persons were appointed to serve for the ensuing year:

Bob Kelley: Town Administrator

Steve Gendreau: Road Commissioner

Grant Spates: NVDA Representative

Karen Chitambar: NVDA Representative

Renee Falconer: Pound Keepers

Joe Profera: Tree Warden

Craig Ellam: Fire Warden

Karen Chitambar: Energy Coordinator

Craig Ellam: Civil Defense

Steve Gendreau: Civil Defense

Grant Spates: Water/Sewer Committee      Brian Smith: Water/Sewer Committee

Listers: E-911 Coordinator

Grand Spates & Brad Shattuck: Agent to sign deeds accepting or transferring Property on behalf of town

The following named persons were appointed to serve for the ensuing 4 years.

Carol Brown: Planning Commission

Jim Bumps: Development Review Board      Tanner Jacobs: Development Review Board

We hereby designate that, since no newspaper is published within the Town of Derby, that all notices and warnings of meetings which are by law required to be published in a newspaper, shall be published in: Newport Daily Express

**Review & Sign – Excess Weight Permits – Blanchard Oil Inc, CSE Inc, Feed Commodities International, IM Trucking LLC, JP Sicard Inc.** – Steve reviewed and signed all as Road Commissioner.

**Review & Sign – Management Rep Letter - Auditors** – Karen moved to have Grant and Brian sign of behalf of the Board, seconded by Brad. Unanimous.

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

**TA & ZA Update – DRB/PC:** The DRB has 6 permits on their agenda for next week. Because it is anticipated that the DRB meeting will be lengthy the PC has decided not to meet next week. The PC wants to invite the Selectboard to their meeting on 3/28 as they will be discussing cannabis and would like the Board's input. **Permits:** There have been 18 permits submitted year to date. **Storm Damage – FEMA:** Nothing new to report. **Grants:** Bushey Hill Engineering Grant – Waiting on the Stream Alteration permit in order to put it out to bid. We should look into ordering the box culvert soon if we want to get it done this year. Recreation Grant Kids Pond – Nothing new to report. **Recycling Attendants:** The recycling attendants are currently making minimum wage, with the exception of Joe. The Board briefly discussed increasing their pay while working on the budget. Now would be the time to do it. **Appropriations Bill:** Representative Welch's office is hoping the appropriation bill will be passed this week. This will include the funding for the tennis courts and park. **Town Forest:** Karen had asked if there was a conservation survey of the Town Forest. Steve said that we have a Forestry Plan and Karen would like a copy of it.

#### **OLD BUSINESS:**

**Legislative Update** – Nothing to report.

#### **ROAD REPORT:**

The body for the new truck is not in yet. There was water over the road in places with the last rain but nothing serious. Pavement bids needs to be on the next agenda.

**OTHER BUSINESS: None.**

#### **EXECUTIVE SESSION:**

**Personnel Issue** – At 7:45 Karen moved to go into Executive Session for personnel and legal issues, seconded by Brad. Unanimous.

Out of Executive Session at 8:20. Brian moved to approve salaries as modified, seconded by Karen. Unanimous.

#### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, March 21, 2022. Brian made a motion to adjourn the meeting at 8:21 p.m. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

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

**Minutes**

**March 21, 2022**

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

**Others:** Trisha Ingalls, Karen Jenne, Ruth Duckless, Ray Dunkan, Peter Auclair, Joe Profera, Bob Kelley, remotely – Ed Barber, Steve Davenport.

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

Warrants #6A in the amount of \$25,177.15 and #6B in the amount of \$58,645.74 were signed.

**APPROVE MINUTES:**

Steve moved to approve the minutes of March 7, 2022, with Karen seconding. Unanimous.

**PUBLIC COMMENTS:**

**Parks & Recreation Committee:** Farmers Market - Ruth Duckless would like to head up an effort to get a Farmers Market in Derby and is looking for guidance from the Board. It would have to be separate from the Town and there would not be Town funds to help. Disc Golf – Peter Auclair would like to set up a Disc Golf course in the Town Forest. It would be along existing paths and because he lives close by he could keep an eye on it. All it will take is cleaning up a little dead wood and trimming a few branches. The area would only be about 300 ft by 800 ft. Cost for the baskets is about \$160 each and 9 would be needed. If the Town doesn't have a place for winter storage, Peter said he could store them at his house. The course would be set-up from the last weekend in May thru the last weekend in August. Karen moved to authorize the purchase of 9 disc golf baskets, with Brian seconding. Unanimous. 4<sup>th</sup> of July Parade – The parade will be on the 4<sup>th</sup> with no rain date. Tables and chairs from the beach house will be used again. More port-a-potties are needed. New Park – It wasn't known how much the Town can vary from the conceptual plan that was submitted. Grant stated that in the future if the Parks & Recreation Committee wants to discuss or update the Selectboard about anything that it should be an agenda item. Items that require a vote to expend money needs to be warned on the agenda and not brought up under Public Comments as it was tonight.

**NEW BUSINESS:**

**Dailey Library – Big Truck Day May 1st** – This is the same event that the library has done in past years. Steve moved to approve the Dailey Library's use of the Derby Green for a Big Truck Day on May 1<sup>st</sup>, with Karen seconding. Unanimous.

**Flooring – Listers & Zoning Offices** – Bids were received from Mayo's Flooring \$5,294.50 for the listers office and \$2,399.00 for the zoning office and from Lapierre & Son - \$6,348.25 for the listers office and \$2,267.25 for the zoning office. Brian move to accept the bid from Mayo's for the listers office only at \$5,294.50, with Steve seconding. Unanimous.

**Pavement Bids**– Bids were received from Pike Industries and J Hutchins. Pike was \$78.50/ton with an Asphalt Cement adjustment and J Hutchins was \$67.35 for Type IV & \$63.69 for Base Only with an Asphalt Cement adjustment or \$72.70 for Type IV & \$68.20 for Base Only fixed price for the year. Karen moved to accept the J Hutchins bid of \$72.70 for Type IV and \$68.20 for Base Only, with Brian seconding. Unanimous.

**Review & Sign – Excess Weight Permits – Blevins Inc, Demag Riggers & Crane Service Inc, Desrochers Excavating Inc, Harrison Redi-Mix Corp, JBL Hauling & Excavating, Kris Bullock-City Feed & Lumber Co Inc, NA Manosh Inc, Oil Supply Corp, Pike Industries Inc, Structural Wood Corp, and Velco.** – Steve reviewed and signed all as Road Commissioner.

**Review & Sign – Liquor Licenses – Brockton Corporation, Char-Bo Campground, Derby Cow Palace and Dollar General Store** – At 6:53 Steve moved to go into a Liquor Control Board meeting, with Brian seconding. Unanimous.

At 6:54 Brian moved to come out of the Liquor Control Board meeting, with Steve seconding. Unanimous.

Brian moved to approve the licenses for Brockton Corporation, Char-Bo Campground, Derby Cow Palace and Dollar General Store, with Steve seconding. Unanimous.

**TA & ZA Update – DRB/PC:** The DRB has 3 permits on their agenda for next week. The PC will be discussing cannabis regulations and are inviting the Selectboard to their meeting on next Monday. **Permits:** There have been 28 permits submitted year to date. **Storm Damage – FEMA:** Nothing new to report. **Grants:** Bushey Hill Engineering Grant – The RFP should have been sent out today and bids will be due April 4<sup>th</sup>. Recreation Grant Kids Pond – We got \$173,000. Welch Appropriation – We got \$517,750. **Beebe Water:** I email Stanstead last week and they said they would get to work on getting us the users list and delinquent list this week. **Reorganize:** Nancy Moore should be the E-911 Coordinator not the Listers. **Permit for Art & Craft Sale:** Shelly Bourgeois has submitted a permit for an Art & Craft Sale on June 25<sup>th</sup> at her house on Bates Hill to benefit Women Empowering Women. Parking would be on their land off of Derby Pond Road and they would have to walk up Bates Hill to her house. The Boards concerns were that the traffic must enter the parking area from Derby Pond Road not from Bates Hill and that signage be put at the top of Bates Hill to notify traffic that people will be walking along the road. Karen moved to allow the Art & Craft Fair, with Brian seconding. Unanimous.

#### **OLD BUSINESS:**

**Legislative Update** – A large Transportation bill will be coming up for vote soon. It includes paving and electrical charging stations.

#### **ROAD REPORT:**

Still waiting on the new truck. The truck is now in Maine to get the body installed. The next truck the Town gets the body can be installed in Canada. Roads to be paved will be sorted out soon.

**OTHER BUSINESS: None.**

#### **EXECUTIVE SESSION:**

**Personnel Issue** – At 7:39 Brian moved to go into Executive Session for personnel and legal issues, seconded by Karen. Unanimous.

Out of Executive Session at 7:44. No action taken.

#### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, April 4, 2022. Brian made a motion to adjourn the meeting at 7:45 p.m. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**April 4, 2022**

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

**Others:** James Hrdlicka, Joe Profera, Bob Kelley, Steve Davenport.

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

Warrants #7A in the amount of \$18,988.85 and #7B in the amount of \$57,230.54 were signed.

**APPROVE MINUTES:**

Steve moved to approve the minutes of March 21, 2022, with Brad seconding. Unanimous.

**PUBLIC COMMENTS:**

James Hrdlicka presented the Board with his reasons why the articles voted on at Town Meeting should be done by Australian ballot.

**NEW BUSINESS:**

**Dust Control Options** – Steve D. explained to the Board that the Town is currently using calcium chloride and he was contacted by Innovative Surface Solutions (ISS) about using Magnesium Chloride. The magnesium chloride is less corrosive and less expensive than calcium chloride. If the Town signs a 3 year contract with ISS, ISS will supply the Town with 2 x 5,000 gallon poly tanks, a 925 gallon spray system and hose at no cost to the Town. This is a \$21,000 value and after the 3 year contract the Town owns the equipment. The Board thought the less corrosive material would be better on the Town's equipment and liked the lower price. Steve moved to sign the 3 year contract with ISS, with Brian seconding. Unanimous.

**Cannabis Control Board Discussion** – The Board discussed forming a Local Cannabis Control Board. A new bill was passed on March 25, 2022 stating that the local license fee is \$100 payable to the State and the State will send it to the Town quarterly minus their administrative costs. It is unknown, but believed that this fee applies to all types of licenses (retail, wholesale, manufacturing, cultivating, and integrated). A local board's review is very limited in scope. Brad moved to form a Local Cannabis Control Board with the Selectboard as members, with Brian seconding. Unanimous.

**Donations – Wednesday on the Waterfront, Newport 4<sup>th</sup> of July Fireworks & Derby Line Day** – The Board discussed the various entities. Brad moved to donate \$1,000 to Wednesday on the Waterfront, \$1,000 to Newport 4<sup>th</sup> of July Fireworks, & \$1,000 to Derby Line Day, seconded by Grant. Karen moved to amend the motion to \$500 to Wednesday on the Waterfront and \$1,500 to Derby Line Day, there was no second. Steve moved to amend the motion to \$500 to Wednesday on the Waterfront, \$500 to Newport 4<sup>th</sup> of July Fireworks, & \$1,500 to Derby Line Day, seconded by Grant. Vote on the amendment Ayes – Steve, Brad, Grant, Karen: Nays – Brian. The amendment to the motion passes. Vote on the motion as amended. Unanimous.

**Review & Sign – Excess Weight Permits – Amerigas, Calkins Sand & Gravel, Camp Precast Concrete, Mathews Excavating & The Fort Miller Group Corp.** – Steve reviewed and signed all as Road Commissioner.

**Review & Sign – Liquor Licenses – Border Motel & Vermont Pie & Pasta** – At 6:55 Brian move to go into a Liquor Control Board meeting, with Steve seconding. Unanimous.

At 6:56 Steve moved to come out of the Liquor Control Board meeting, with Brian seconding. Unanimous.

Brian moved to approve the licenses for Border Motel & Vermont Pie & Pasta, with Steve seconding. Unanimous.

**Review & Sign – OCSO – Law Enforcement Service Agreement** – Brian moved to sign the agreement for an amount not to exceed \$114,649.60, with Brad seconding. Unanimous.

**Review & Sign – Certification of Compliance for Town Road & Bridge Standards and Annual Financial Plan – Town Highway** – Brian moved to sign the Certification of Compliance for Town Road & Bridge Standards, with Brad seconding. Unanimous. Steve moved to sign the Annual Financial Plan – Town Highway, with Brad seconding. Unanimous.

**Bushey Hill Culvert Replacement Bids** – The Town sent out requests for bids to 7 contractors with bids due by 5:00 PM today and received 4 bids. Steve opened the bids and read the results:  
\$146,982.00 – Darrell Mathews/Mathews Excavating  
\$169,568.00 – RG Gosselin Inc  
\$173,274.00 – Alliance Consulting and Excavation LLC  
\$217,125.00 – J P Sicard Inc  
Steve moved to accept the bid from Darrell Mathews/Mathews Excavating for \$146,982.00, seconded by Brian. Unanimous.

**TA & ZA Update – DRB/PC:** The DRB has 2 permits on their agenda for next week. The PC will be working on cannabis regulations. **Permits:** There have been 37 permits submitted year to date. **Storm Damage – FEMA:** FEMA has a staffing shortage and the close out process may take up to 6 months. A drawdown request has been submitted, where FEMA will release 75% of what they owe before the closeout is completed. **Grants:** Welch and Sanders are asking for projects for this year's Appropriations Bill. I would recommend we ask Sanders for money to fix the Beebe water problem. Requests are due by April 18<sup>th</sup>. **Beebe Water:** Stanstead has given the Town a list of water users and delinquent amounts (see attached). I am going to the Derby Center Trustees tomorrow to see if they are willing to expand their service area to include Beebe. There is a planning loan available with up to \$50,000 forgiveness. There are 3 ways to apply (see attached). **Poulin Land:** Rene & Christina Cotnoir would like to know if the Town would be willing to sell them a strip of land behind their mobile home park on Boucher Circle, similar to what we are doing along Main St. **Dandelion Run:** Phil White has rented the beach house again this year and want to set up everything on Friday for the Dandelion Run on Saturday. Do we charge him for 1 or 2 days? Last year we charged him for 1 day. The Board agreed to only charge him for 1 day. **Sand/Gravel & Equipment Bids:** Faye will be advertising for bids with them due by 5:00 PM April 18<sup>th</sup> so that you can have it on your next agenda.

## **OLD BUSINESS:**

**Legislative Update** – The Transportation bill currently includes \$1,000,000 for VAST and \$50,000 for law enforcement for VAST trails. The \$1,000,000 for VAST is for trail groomers which are approx. \$250,000 each. Brian feels that these need to stay in the bill because snowmobiling contributes a lot to the Vermont economy and he urged everyone contact our representatives.

## **ROAD REPORT:**

The new truck has arrived. The contract on the old truck stipulated that the tires be at least 50% and no warning lights. The Town has used tires to meet the requirement, but there are warning lights on that may cost the Town money to fix. The Board thought that the warning lights should be negotiable because of the length of time it has taken to get the new truck. Steve D. will be meeting with the State next week concerning drainage along Route 5 and Shattuck Hill Road.

## **RECREATION COMMITTEE:**

**4<sup>TH</sup> of July Parade** – The Board needs to pick a theme for the parade. Cam Green has suggested Local Treasures. Brad moved to have Local Treasures as the theme for the 4<sup>th</sup> of July Parade, with Steve seconding. Unanimous.

**Playground Equipment – Derby Green** – Karen submitted info on 3 pieces of equipment researched by Julie Gunn, the total including mulch comes to \$17,069. Funding was discussed and the Board decided to put this on the agenda for the next meeting and in the mean time everyone should think about possible ways to fund this.

**OTHER BUSINESS: None.**

**EXECUTIVE SESSION:**

**Personnel and Legal Issues** – At 7:40 Brad moved to go into Executive Session for personnel and legal issues, seconded by Steve. Unanimous.

Out of Executive Session at 8:23. No action taken.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, April 18, 2022. Steve made a motion to adjourn the meeting at 8:24 p.m. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**April 18, 2022**

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

**Others:** Mike Hatin, Craig Ellam, Ed Barber, Chris Goulet, Scott Bianchi, Brandon Phillips, Lindsay Brainard, Eugene Tessier, Bradley Blake, Joe Profera, Bob Kelley, Steve Davenport (remotely).

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

Warrants #8A in the amount of \$21,911.13 and #8B in the amount of \$127,146.40 were signed.

**APPROVE MINUTES:**

Steve moved to approve the minutes of April 4, 2022, with Brian seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Craig Ellam – Contract – Newport City Dispatching** – The contract is for \$6,655.02 for the year. It is anticipated that Newport will do a much better job than the State. Brian moved to have Grant sign on behalf of the Town, seconded by Steve. Unanimous.

**Joe Moeykens – Jake Brakes on Caswell Ave Derby Line** – Joe was not present. This problem has come up before. The Board would like to put up a sign on the Derby Line side of the interstate bridge prohibiting Jake Brakes.

**Salem View Heights – Paving – Scott Bianchi** – 6 residents gave their pitch to the Selectboard for paving the roads in Salem View Heights. All roads in the development combined are about 1.6 miles. Steve thought it would cost in the \$200,000 to \$250,000 range and would not be in this year's paving. Steve was thinking about doing development and Roy St next year. The Board will try to do a 2 inch base coat next year.

**4<sup>th</sup> of July – Vender Charges** – It is proposed to have 10 x 10 spaces for tents at \$25 and spaces for food vendors \$30. Brad moved to approve the proposed rates, seconded by Brian. Unanimous.

**Sand, Grave & Equipment Bids** – Steve opened the bids. Bob will put them into a spreadsheet for the board to review at their next meeting.

**Cannabis Retail Stores – How many to allow in Town** – There has been conflicting information about whether a Local Cannabis Control Commission can regulate the number of stores in a town.

**Review & Sign Cannabis Commission Resolution** – The Cannabis Control Board's Guidance for Local Cannabis Commissions says that a resolution of the legislative body is needed to form a Local Cannabis Control Commission (LCCC). The Board voted to form a LCCC at their last meeting but did not do a formal Resolution. The Board reviewed a proposed Resolution for the Formation of a Local Cannabis Control Commission. Brian move to approve the Resolution: Formation of a Local Cannabis Control Commission (see attached), seconded by Brad. Unanimous.

**Review and Sign – NEK Broadband Representative Resolution** – This resolution is needed annually to Derby's Representative to the NEK Broadband Governing Board. Brad moved to approve the Resolution for annual Appointment of a Representative to the NEK Broadband Governing Board with Karen Chitambar as the Representative and Bob Kelley & Grant Spates as Alternates (see attached), seconded by Steve. Unanimous



**Review & Sign – Rider Hill Race Track Permit** – The Board reviewed their schedule for the year. It was noted that there have not been any issues in prior years. Brian moved to approve the Rider Hill Race Track Permit, seconded by Brad. Unanimous.

**Review & Sign – Excess Weight Permits – Desrochers Bulk Service, Fred’s Energy, Kelley View Farm Inc, National Energy Control Services, Vaillencourt Transportation** – Steve reviewed and signed all as Road Commissioner.

**Review & Sign – Liquor Licenses – Goobs Brew & Barbeque** – At 6:57 Brian move to go into a Liquor Control Board meeting, with Brad seconding. Unanimous.

At 7:00 Brian moved to come out of the Liquor Control Board meeting, with Steve seconding. Unanimous.

Brad moved to approve the license for Goobs Brew & Barbeque, with Brian seconding. Unanimous.

**TA & ZA Update – DRB/PC:** The DRB has no permits for next week. The PC should finish up on cannabis regulations next week. **Permits:** There have been 46 permits submitted year to date. **Storm Damage – FEMA:** FEMA will be reimbursing the Town 90% instead of 75%. Who knows how long it will take to get the extra 15%. **Grants:** Waiting on the grant agreements for Kids Pond and the tennis courts/park. **Beebe Water:** Derby Center has decided that they do not want to have anything to do with the Beebe water issue although they are meeting tomorrow night with Dana Nagy from the State on the issue. Bob would like to submit an appropriations project to Sanders to replace the Canusa Ave waterline. Projects are due by Friday. The Board gave him the go ahead. **Poulin Land:** Things are moving forward. There may be an issue with mortgages that we may have to work around. **Dairninaka Dr:** Things are moving forward. Bob just heard from the 2 property owners who are not a part of the association and they are fine with the Town taking the road over. **Town Land:** It was discovered that the Town owns lot #30 along Roy Street. Bob believes there are wetland issues with the lot and is not buildable which is why it was probably deeded to the Town. This was deeded to the Town from Samuel & Pauline Roy on March 16, 1978 and was recorded in Book 81 Pages 260-262 on February 27, 1979. The lot along Route 5 where the Village pump station is was also included in the deed. **Recycling:** The Town was issued a second warning for contamination in the compost we collect. If after a third warning the compost is still contaminated then the cost per tote goes from \$10.00 to \$13.50. **Misc:** Included with the Board packet is a copy of the donations the Town has made from the Recreation budget going back to 2010 and a copy of the Recreation Fund balance from the 2021 Audit.

#### **OLD BUSINESS:**

**Legislative Update** – There is 3 – 4 weeks left in the session. The Transportation bill should be voted on this week.

#### **ROAD REPORT:**

The Road Crew ditched along Shattuck Hill Rd between Route 5 and Community Dr. Two culverts need to be replaced which would be a good candidate for a Better Roads grant next year. The pressure washer was left in the storage container over the winter without being completely drained and will cost \$1,500 to repair. Pine Hill, Hitchcock Dr, Schuler Rd, Derby Pond Rd and a portion of Darling Hill Rd are scheduled to be paved this year.

#### **RECREATION COMMITTEE:**

**Playground – Derby Green** – Karen was not present so this item was tabled.

#### **OTHER BUSINESS: None.**

#### **EXECUTIVE SESSION:**

**Personnel** – At 7:29 Steve moved to go into Executive Session for personnel issues, seconded by Brian. Unanimous.

Out of Executive Session at 7:48. No action taken.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, May 2, 2022. Brian made a motion to adjourn the meeting at 7:48 p.m. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

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

**Minutes  
May 2, 2022**

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

**Others:** Joe Warantz, Ed Barber, Joe Profera, Bob Kelley.

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

Warrants #9A in the amount of \$19,641.82 and #9B in the amount of \$93,730.24 were signed.

**APPROVE MINUTES:**

Brian moved to approve the minutes of April 18, 2022, with Brad seconding. Unanimous.

**PUBLIC COMMENTS:**

Joe Warantz explained to the Board an issue he has with the well on his Ridge View 91 property and to hook up to the Village's water line will cost \$60,000. He was wondering if the Town would use some of their AARP funds to help with this. He is going to talk to the Village tomorrow. The Board would like to have this as an agenda item at their next meeting.

**NEW BUSINESS:**

**Review & Approve Local Emergency Management Plan** – A couple of minor corrections were made. Karen move to approve the plan as amended, seconded by Brad. Unanimous.

**TA & ZA Update – DRB/PC:** The DRB has no permits for next week. The PC has finished up on cannabis regulations and will be getting back to PUDs, PRDs and Mobile Home Park regulation review. **Permits:** There have been 48 permits submitted year to date. **Storm Damage – FEMA:** Waiting on payment. **Grants:** Still waiting on the grant agreements for Kids Pond and the tennis/park. Kids pond is going to need a stream alteration permit and an engineer will have to be hired to design the repair. **Beebe Water:** I submitted an Appropriations request to Senator Sanders to replace the waterline along Canusa Ave. **Poulin Land:** Things are still moving forward. Those with loans from CNB will be easy. The others may have to sign an agreement that if their bank forecloses on them they will give the Town the land back. **Dairninaka Dr:** Things are still moving forward. The attorney has begun land record searches. **Equipment & Sand/Gravel Bids:** In your packet are spreadsheets for the bids we received. **Vermont Declaration of Inclusion:** Is this something the Board might want to participate in? The goal of the Declaration of Inclusion is basically to condemn racism & discrimination and to welcome everyone regardless of race, color, religion, etc... The Board decided to add this to their next agenda to give them time to review it in more detail.

**OLD BUSINESS:**

**Legislative Update** – The session will be coming to an end soon. The underfunding of State and Teachers retirement fund is being worked on. Unless there are some changes the current draft budget proposal it may be vetoed.

**ROAD REPORT:**

The Road Crew has been grading and loading up on pavement grindings. The Town garage, Stump Dump Rd and Town Forest Rd have been topped with the grindings. The pickup truck needs to be replaced. The lowest quote was for a GMC without a body, the body from the current pickup will be used. Brad thought that purchasing it with the body and then selling the body might be more economical. Steve will get a revised quote with the body included for the next meeting.

**RECREATION COMMITTEE:**

**Playground – Derby Green** – Julie Gunn has researched that is durable and multi aged. She selected 3 playground pieces which total \$17,000 not including installation. Grant suggested

looking into a company called Cedar Works. The Committee will look into funding sources. Applications for the recreation grant program the Town used for the Beach House playground are due in September.

### **Recreation Committee Update –**

4th of July Parade - preparations are underway, the drive to the right of the Jr High may be closed to add more kids material. The bounce house does charge and Cam was wondering if the Board knew of any businesses that might want to sponsor it. Boy Scouts will be selling hot dogs and hamburgers. Gary Labarron has been asked if he would be grand marshall. Brian was asked to put together a group to judge the floats.

New Park – research on types of bathroom facilities is need. Ann Kelley would like permission to fundraise for a gazebo. The Board approved the idea but want a decent size one like Newport's. Brian said that someone mentioned to him that the new park should be dedicated to Dr. Frank Fiermonte. At some point the Board will have to decide on a name for the park.

Farmers Market – Ruth researched it and it is definitely not do able this year, but she did get feedback about a Harvest Festival. The Board was in favor of this and a date would have to be set soon.

Disc Golf – This will have to be on the next agenda as costs have gone up significantly.

Derby Green – Brad has someone that would like to repaint the bench. Bob reported that it is pretty rotted and the boards will need to be replaced. Grant said he would pay for the boards and then Brad's person can paint it.

### **OTHER BUSINESS: None.**

### **EXECUTIVE SESSION:**

**Personnel & legal issues** – At 7:14 Brian moved to go into Executive Session for personnel and legal issues, seconded by Steve. Unanimous.

Out of Executive Session at 7:19. No action taken.

### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, May 16, 2022. Karen made a motion to adjourn the meeting at 7:19 p.m. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**May 16, 2022**

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

**Others:** Joe Warantz, Paul Prue, Steve Davenport, Ed Barber, Joe Profera, Bob Kelley.

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

Warrants #10A in the amount of \$23,895.29 and #10B in the amount of \$149,716.87 were signed.

**APPROVE MINUTES:**

Brad moved to approve the minutes of May 2, 2022, with Steve seconding. Unanimous.

**PUBLIC COMMENTS:**

Karen asked that the discussion on the Declaration of Inclusion be tabled until a full board is present. Brian felt that this issue can be handled tonight.

**NEW BUSINESS:**

**Coin Drops** – Applications were received from Derby Fish & Game Club, Lake Salem Association, DAV, Fire Dept, Dailey Library, and Orleans County Childcare Association. The Town allows 4 coin drops and the Fire Dept and DAV always get one which leaves 2 others. Lake Salem Association is dealing with increased milfoil. Derby Fish & Game Club will probably be a little short on their dam repairs. Brad moved to grant the coin drops to the Fire Dept, DAV, Lake Salem Association, and Derby Fish & Game Club, seconded by Steve. Unanimous.

**Nancy Moore – 911 Roads – Upper Quarry & Road off Route 5** – Nancy was not present, and this was tabled until the Board's next meeting.

**Joe Warantz – Water Line Connection** – Mr. Warantz explained the problems with getting Village water across Route 5 to connect to his Ridgeview property and is asking the Town to use part of the ARPA funds. He would be happy if it were a loan that could be repaid over 20 years. With the anticipated cost of about \$60,000 this would make it affordable to him. Anything the Town can do would be appreciated. He lost one tenant due to COVID. The Board was reluctant to use the ARPA funds to benefit one individual but will check to see if this would be an allowable use for the ARPA funds. Mr. Warantz is meeting again with the Village Trustees on June 1<sup>st</sup> and should know if they are able to offer any aid. The Board agreed to discuss this further at their next meeting on June 13<sup>th</sup>.

**4<sup>th</sup> of July Celebration** – Things are pretty much in order for the parade, a few more volunteers would help at the line-up. Cam has the Green covered. Advertising in the newspaper or in front of the Cow Palace would help. Brian will help judging the floats and Karen wants to have some type of prizes.

**Disc Golf - Cost** – The cost for 9 baskets has gone up from around \$1,500 last fall to just over \$2,100 now. Lower priced baskets are available, but Peter Auclair doesn't think they would last as long. He would rather just go with 6 baskets than go with the lower quality. A normal disc golf course is 9 baskets. Steve moved to purchase the 9 baskets, seconded by Karen. Unanimous.

**VT Declaration of Inclusion** – The declaration condemns racism and welcomes all persons regardless of ... 43 towns in Vermont have signed the declaration so far. Karen and Bob spoke in favor of the declaration. Brian, Brad, Steve, Joe Profera, and Paul Prue didn't see the need for the Town to sign a declaration as it has already been addressed by the Governor. Karen moved to sign the Declaration of Inclusion. There was no second and the motion failed.

**Review & Sign – Excess Weight Permits – Andrew Lawrence** – Steve reviewed and signed all as Road Commissioner.

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

**Review & Sign – ADA Traffic Control Service Agreement** – This is for traffic control for the 4<sup>th</sup> of July Parade. The cost is \$900. Karen moved to approve the ADA Traffic Control Service Agreement, seconded by Steve. Unanimous.

**TA & ZA Update – DRB/PC:** The DRB has no permits for next week. The PC has a public hearing next week for bylaw amendments to the subdivision regulations and adding cannabis regulations. They will also be continuing review of PUDs, PRDs, and Mobile Home Park regulations. **Permits:** There have been 60 permits submitted year to date. **Storm Damage – FEMA:** The Town receive a partial reimbursement today for a little over \$100,000. Waiting on rest of the payment. **Grants:** The Town received notice the \$20,000 Better Roads grant for ditching on Ridgehill Drive was approved. Fish & Game Club has found an engineer, Waite Design & Engineering, and they are waiting on an estimate and schedule. **Poulin Land:** Things are still moving forward. **Dairninaka Dr:** Things are still moving forward. **Wright Brothers Solar Project:** In with your mail is an advanced notice that Wright Brothers VT LLC is proposing to build a 146-kW net-meter solar facility just above the Derby Center Water Tower on Quarry Rd. **Beach House:** A list of rentals for this year was handed out. Encore Summer Programs is using the Beach House 3 weeks this year and is requesting a discount on the rental rate as the programs are free for the youth. The Board agreed to \$100 per day instead of the standard \$135. **Local Option Tax:** Grant had asked if the 1% local option tax could apply to only Cannabis. It cannot. If the Town opted in for the 1% local option tax it would bring in approximately \$750,000. This is something Bob suggested that the Board may want to discuss at next year's Town Meeting.

#### **OLD BUSINESS:**

**Legislative Update** – None.

#### **ROAD REPORT:**

Derby Pond Road is finished and ready for paving. The Road Crew will be working on Pine Hill Road this week. The new magnesium chloride tank is in and the old tanks are ready for the company to pick up.

#### **PARKS & RECREATION REPORT:**

Ruth Duckless has been working to get the Community Garden at the Dailey Library going this year and she has started a Facebook Group – Derby Growers. She is still planning on a Fall Harvest Festival.

**OTHER BUSINESS:** None.

#### **EXECUTIVE SESSION:**

**Personnel Issue** – At 7:05 Steve moved to go into Executive Session for personnel issue, seconded by Brad. Unanimous.

Out of Executive Session at 7:24. No Action taken.

#### **ADJOURNMENT:**

The next regular meeting date is Memorial Day so there will not be a meeting. The next regular meeting is scheduled for 6:00 p.m. Monday, June 13, 2022. Steve made a motion to adjourn the meeting at 7:25 p.m. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**June 13, 2022**

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

**Others:** Joe Warantz, Steve Davenport, Ed Barber, Joe Profera, Nancy Moore, Bob Derohen, Regis Beloin & Cam Green

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

Warrants #12A in the amount of \$22,871.96 and #12B in the amount of \$146,910.85 were signed.

**APPROVE MINUTES:**

Brad motioned approve the minutes of May 13, 2022, with Steve seconding. Unanimous.

**PUBLIC COMMENTS:**

Karen stated that Mr. Bouchard asked her what was the best time to arrive for the meeting and she said 6:30.

By-Law Amendments - postponed until next meeting Bob Kelley not present and lack of information.

**NEW BUSINESS:**

**Nancy Moore – 3 911 Roads need names–** Road off Route 5 goes to Tony Tanguay & Cass properties - **Up North Drive** was suggested by Tony, Nancy will run it by the Cass Family and get back to the board in two weeks. **Top of the World Dr.** owned by Todd & Hillary Wright, Steve Gendreau made a motion to keep the name Top of the World Dr. Karen seconding. Unanimous. Third road Nancy suggested they name it **VTRANS RT 5** Steve made a motion and Brad seconded, Unanimous.

**Nancy Moore –** May 25th Grand List Extension Letter reviewed and signed.

**Regis Beloin – Recreation Activity on Town property –** Regis wants to distance himself from a lot of noise and activity that the recreation projects will bring in. He contacted Bob wondering how come he didn't get the same opportunity as the other neighboring properties by the town line to purchase the land. He would like to purchase some property near the tennis courts. He is the closest to the Town property, his back porch is 28 feet to the tennis courts. He wants the same opportunity as the other owners. The board discusses putting some fast-growing trees to hide the parking lot from Regis's property.

**Andrey Bouchard – NEK Broadband –**Holland Select Board -They want to use some of their ARPA funds for fiber optic internet working with NEK Broadband. Asking Town of Derby for opportunity to run there connecting line through the town it will cost \$123,000 to the Town of Holland, it will cost roughly \$30,000 to \$40,000 for the Town of Derby to run the lines through the Valley Rd, the Goodall Rd and Whittier Rd to the Town of Holland. Roughly 70 Derby households would be able to connect. This will be a good project for the board to look into, it will be added to the next agenda.

**Cam Green – July 4<sup>th</sup> Activities –** Up-date on events, there is one electric pole that is not working - no power going through it on the Jr High green, Brad will look at it. The vendors are signing up, Boys Scouts are doing hot dogs & burgers, bouncy house, climbing wall, etc. Cam was given latitude on advertising and will talk to Faye, Faye advertised last year on the front page of the paper for 3 days. The board thanked Cam for her hard work.

**Road Report –** Steve – Paving update – Looking at purchasing another excavator Steve Davenport questioned why the Town didn't have one in the past. Steve G said its approx. \$138,000 for a new

excavator, a trailer about \$28,000 and Joe stated that you are saving on insurance, tires, fuel, repairs when hiring out jobs. Steve G stated that all the old notes are paid off. Will look into Leasing to buy trailer and excavator. Steve needs better figures on subs hired out, expenses and repairs on parts, hours on our machine etc. to see if it would pay off. Steve G would like to get all the information for the next meeting.

Brian said with the new truck coming in he would like to see if the Cemetery department could use the old truck if they repair it. The Cemetery department would be responsible for the expenses. Steve D told Carl to use the trailer for the mowers. The truck is no longer inspectable.

**Anticipation Note** – Reviewed and Signed - Steve moved and Karen seconded motion carried.

**TA & ZA Update** – Bob Kelley not present

**PARKS & RECREATION REPORT:**

Karen has photos of playground equipment to add to the file.

**OTHER BUSINESS:** None.

**EXECUTIVE SESSION:**

**Personnel Issue** – At 7:05 Brad moved to go into Executive Session for personnel issue, seconded by Steve. Unanimous.

Out of Executive Session at 7:23p.m. No Action taken.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, June 27, 2022. Steve made a motion to adjourn the meeting at 7:25 p.m. Unanimous.

Submitted by Faye Morin, *Unofficial until approved.*



**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**June 27, 2022**

**Present:** Steve Gendreau, Karen Chitambar (remotely), Brad Shattuck.

**Others:** Steve Davenport, Paul Prue, Ruth Duckless, Andrew Bouchard, Bob Kelley

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

Warrants #13A in the amount of \$24,089.02 and #13B in the amount of \$370,165.49 were signed.

**ZONING BYLAW AMENDMENTS PUBLIC HEARING:**

Steve moved to recess the meeting to go into a Public Hearing for Public input on proposed Zoning Bylaw Amendments, seconded by Karen. Unanimous.

There were no comments from the public.

Steve moved to close the Public Hearing and return to their regular meeting, seconded by Karen. Unanimous.

**APPROVE MINUTES:**

Steve motioned approve the minutes of June 13, 2022, with Karen seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Consider Bylaw Amendments** – The amendments include a rewrite of the Subdivision Regulations, Cannabis Regulations, a change to Lighting Design Requirements (associated with subdivision regulations), and a zoning map change on the north side of Hayward Rd changing the portions of Lake Salem Holdings LLC and Steven & Jessica Patenaude's property that are currently in the Shoreland district to Rural Residential. Steve moved to approve the proposed Bylaw Amendments as written, seconded by Karen. Unanimous.

**Joe Warantz – Water Line Connection** – This issue has already been taken care of.

**NEK Broadband Discussion** – Holland Selectman Andrew Bouchard explained a few of options for expanding the broadband network between Derby and Holland using ARPA funds. The options range from \$30k - \$85k depending on how many under served properties are connected. NEK Broadband is pledging to use VCB match funds and their own match so for every \$1 the Town commits will equal \$3 in construction. The Town is in favor of using ARPA funds to support broadband expansion but would like more details of the different options. The Board tabled this until their next meeting and would like someone from NEK Broadband to attend to answer questions.

**New Truck Discussion** – The new pickup has been ordered.

**Fall Harvest Festival – Ruth Duckless** – Ruth is organizing a Fall Harvest Festival for October 8<sup>th</sup>. It will mainly be on the Dailey Memorial Library property, but if she can get vendors interested she would like to use the Green in front of the NCUJHS. The Board didn't have a problem with this. She will need to contact the school about parking.

**E911 Road Names - Nancy Moore** – This item was table as Nancy was not present.

**TA & ZA Update – DRB/PC:** The DRB and PC will not be meeting next week due to 4<sup>th</sup> of July.

**Permits:** There have been 74 permits submitted year to date. **Storm Damage – FEMA:** Waiting on final payments. **Poulin Land:** Things are still moving forward. **Dairninaka Dr:** Things are still moving forward. **Garage Generator:** The Town received 2 quotes for generators. Farmyard Store for \$8,150 with options for 5-year extended warranty - \$495 and Annual Scheduled Maintenance Agreement - \$230/year. D & D Electric for \$9,845. Bob's recommendation would be to accept the Farmyard Store quote with the Annual Schedules Maintenance Agreement. The

Board reviewed the 2 quotes to make sure they both included installation. Steve moved to accept the low bid from the Farmyard Store for \$8,150 and the Annual Scheduled Maintenance Agreement for \$230/year, seconded by Karen. Unanimous. **Beach House Cleaning:** The Town received a complaint about the cleanliness of the Beach House. The Town's cleaner is generally able to get there on Tuesdays and Fridays. The Town may want to consider another cleaner for the Beach House, someone that can check it after every event.

**OLD BUSINESS:**

**Legislative Update** – None.

**ROAD REPORT:**

The JCB excavator is not working out and Steve would like to trade it in for a larger excavator that will work better for Town needs. He has gotten 3 quotes and the Case CX5 is the lowest price. Caterpillar 308 - \$138,900-\$50,000(trade)=\$89,900. Volvo ECR88D - \$144,900-\$55,000(trade)=\$89,900. Case CX75C - \$114,000-\$58,000(trade)=\$56,000. ARPA funds can be used if necessary. Karen moved to purchase the Case CX75C excavator from Beauregard Equipment for a net price of \$56,000, seconded by Steve. Unanimous.

**PARKS & RECREATION REPORT:**

Karen reported that 4<sup>th</sup> of July preparations are coming along nicely. Cam would like to give out 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> place prizes for floats in the parade. Steve moved to approve \$150 for float prizes, seconded by Karen. Unanimous.

**OTHER BUSINESS:** None.

**EXECUTIVE SESSION:**

**Personnel Issue** – Steve moved to go into Executive Session for personnel issue, seconded by Karen. Unanimous.

Out of Executive Session at 7:23p.m. No Action taken.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, July 11, 2022. Steve made a motion to adjourn the meeting at 7:24 p.m. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**July 11, 2022**

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

**Others:** Craig Ellam, Paula Halbedl, Tim Votapka, Ross Ogilvie, Roger Cartee, Ed Wells, TJ Jackman, Matthew Wilson, Nancy Moore, Ed Barber, Joe Profera, Bob Kelley

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

Warrants #14A in the amount of \$23,467.05 and #14B in the amount of \$86,048.52 were signed.

**APPROVE MINUTES:**

Brian motioned to approve the minutes of June 27, 2022, with Karen seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Fire Department – Craig Ellam** – Craig has a quote from BCS of \$47,711 for the new radio antenna for the Board to approve. Steve moved to approve \$47,711 from BCS for a new radio antenna, seconded by Karen. Unanimous.

The sprinkler system has another leak that needs to be fixed. The pipes are black iron and should not be rotting out this quick. The system is only 15 years old. Injecting nitrogen into the system may help but it is expensive.

**Haskell Library – ARPA Funds** – Trustee Paula Halbedl explained that they are renovating the theater lighting, heat, windows and air conditioning so that the Opera House can run all year round. The cost is in the \$135,000 range. Derby Line has committed \$20,000 of their ARPA funds, the Canadian Arts Council of Montreal has donated \$30,000 and Texas Instruments will match a portion of the funding. The Library is requesting Derby donate \$25,000 from their ARPA Funds. The Board is interested in helping the Library. With different request coming the Board wants to look at what funds are available, how much the Town wants to reserve for their own use and set up a timeline for requests to allow different organizations an opportunity to apply for the funds. For now the Board agreed to partially fund the Library's request and the remainder would be on their list for possible funding. Karen moved to approve \$10,000 of ARPA Funds for the Haskell Library repairs, seconded by Brian. Unanimous.

**Salem Lakes Preservation Association (SLPA) – Milfoil Mitigation** – Tim Votapka, Ross Ogilvie, Roger Cartee, Ed Wells, and TJ Jackman gave a presentation on the Milfoil infestation in Lake Salem. The Eurasian Milfoil has been spreading exponentially. It grows in the Littoral zone (20 ft or less water depth) and currently has infested 38% of the Lattoral zone. Currently they use divers to suck up the milfoil and as the milfoil continues to spread the cost keeps escalating. There is an herbicide (ProcellaCOR) available that Towns have had good success with. Currently the State only allows treatment with ProcellaCOR of 40% of the Lattoral zone. It specifically targets just the Eurasian Milfoil. Over the next 4 years it is estimated to cost between \$260,000 using ProcellaCOR and \$310,000 continuing with their current method to keep the lake from getting overrun. Future years is anticipated to be less if ProcellaCOR is used. SLPA is asking the Town for monetary help. The Board will add SLPA to the list for possible funding from the Town's ARPA Funds.

**E911 Road Names - Nancy Moore** – Tony Tanguay owns the land under the road by Cass Insurance/Newport Rental and has suggested the name Up North Drive. The others are fine with the name. Steve moved to name the road Up North Drive, seconded by Brian. Unanimous.

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

**TA & ZA Update – DRB/PC:** The DRB 3 applications on their agenda for next week. The PC is continuing review of PUD and Mobile Home regulation. **Permits:** There have been 84 permits submitted year to date. **Storm Damage – FEMA:** Waiting on final payments. **Poulin Land:** Things are still moving forward. **Dairninaka Dr:** Things are still moving forward. **Grants:** Grant agreements for both paving (\$100,000) and Better Road (\$20,000 Ridgehill Dr ditching) have been fully executed. We are still waiting for the grant agreement for Grants in Aid (\$22,000 Ridgehill Dr culverts). **NEKWMD:** NEKWMD is proposing a charter change which would allow the Board of Supervisor to approve their budget rather than by Australian Ballot. NEKWMD is willing to come to a Selectboard Meeting to answer questions.

**OLD BUSINESS:**

**Legislative Update –** None.

**ROAD REPORT:**

Ditching on Ridgehill Drive has started and roadside mowing has started. A low boy trailer is needed for the excavator. Lucky's Trailer Sales has the lowest price at \$27,900 and Steve recommends the Town purchase it. Steve moved to purchase the trailer from Lucky's Trailer Sales for \$27,900, seconded by Karen. Unanimous.

Engineering bids for a new roof for the salt shed will be in for the next meeting. The garage roof repairs will have to be put off until next year.

**PARKS & RECREATION REPORT:** None.

**OTHER BUSINESS:**

The Board would like ARPA Fund Policy, NEK Broadband and NEKWMD Charter Change on their next agenda. NEK Broadband should be first on the agenda.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, July 25, 2022. Brian made a motion to adjourn the meeting at 7:45 p.m. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**July 25, 2022**

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

**Others:** Ed Barber – Newport Dailey, Chronicle, Joe Profera, & Krista – NEK Broad Band

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

Warrants #15A in the amount of \$25,704.67 and #15B in the amount of \$355,313.32 were signed.

**APPROVE MINUTES:**

Brian motioned to approve the minutes of July 11, 2022, with Steve seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

Ray & Patricia Jones – Request for repairs to Stump Dump Road – Steve Gendreau stated that the road is good, Steve Davenport thought the road was in good condition as well. The road also gets used from ATV's and 4 wheelers.

**NEK Broad Band** – Karen has been emailing Krista the director of NEK Broad Band, all board members have reviewed the proposal, the Town of Holland is waiting to make their decision based on our decision. Karen's general feeling is that this organization is going to continue with or without the towns contribution so if the town puts a drop in the bucket that will demonstrate a level of commitment from the community. NEK Broad Band seems very structured in terms of sustainability and pricing. They are trying to access the least served households first. Krista stated this service provides an opportunity for Towns to consider an investment for their ARPA Funds that would accelerate service in that area. A handout was given at the last meeting showing the map and information about the services provided. The board asked which option would be better for the Town of Derby, Krista stated that option 1 would benefit the Town more, has 10 priority addresses – address list from the St of VT. Derby would be the backbone as located on page 2, and then spurs off from that servicing the ones who need service first. ARPA funds are eligible for this project -every dollar the Town spends the grant provides three. This service would cost interested residents from \$79.99 to \$102.95 depending on the speed preferred and if the resident qualifies for ACP discount which would then be a \$30.00 discount. Brian stated that the Governor applied more grant funds for Broad Band services. This project will cover approximately 5 miles in Derby which will be the backbone of the service then stem off from that. Karen motioned to approve to use ARPA Funds for Option 1, Brad seconded. Karen, Brad and Grant voted in favor, Brian voted against it and Steve abstained. Brian was concerned with the length of the project and if they would receive the funds back if the project wasn't completed. NEK Broad band will have a detailed contract with all the information. The ARPA Policy was reviewed and discussed. Other interest organizations for the ARPA Funds include Salem Lake Associations, The Derby Historical Society, Derby Memorial Library.

**NEKWMD** – Charter Change – No action taken; Paul Tomasi not present

**Review & Sign:** Anticipation Note – Reviewed and Signed

TA65 – Steve Gendreau reviewed and Signed

**Newport Dispatching** – increase budget for next year to \$20,281.00

**TA & ZA Update** – None – Bob Kelley on Vacation

**OLD BUSINESS:**

**Legislative Update** – None.

**ROAD REPORT:**

Road Report - Ridge Hill Road – not quite complete, Elm St – needs some repairs they will be digging there tomorrow, Rider Hill Rd – Water washed out Fountain Rd & Upper Quarry Rd also has washouts.

Old Truck with water tank on the back needs to be sold. We will take off the Tank and sell separately from the Truck, we will put the Truck out to bid.

**PARKS & RECREATION REPORT:**

Brian thanked Karen and Cam Green for all their hard work in organizing the parade, there were a lot of compliments on the parade this year.

**OTHER BUSINESS:**

**EXECUTIVE SESSION:**

Grant moved to go into executive session for a Court Issue Brian Seconded at 7:30

No action taken 7:46

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, August 8, 2022. Brian made a motion to adjourn the meeting at 7:47 p.m. Unanimous.

Submitted by Faye Morin, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**August 8, 2022**

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

**Others:** Dan Dagesse, Irene Dagesse, Paul Prue, Nancy Moore, Joe Cicia, Steve Davenport, Aaron Larsen, Matthew Wilson, Bob Kelley

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

Warrants #16A in the amount of \$23,493.56 and #16B in the amount of \$129,567.91 were signed.

**APPROVE MINUTES:**

Steve motioned to approve the minutes of July 25, 2022, with Brian seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Irene Dagesse – NEKWMD Update** – Irene reported that NEKWMD is testing a Styrofoam recycling method, no e-waste is being accepted right now due to a lack of storage space, contaminated compost is still an issue, and NEKWMD is proposing a charter change that will allow the board of supervisors to vote on the budget rather than by Australian ballot. The Board thought they voted no on the charter change at their last meeting and will check if they did not they will have it on their next agenda.

**Errors and Omissions - Listers** – Northeast Kingdom Human Services, PID #TRD41004G3T and Coutts-Moriarty Camp, PID #TRD34001H6T were corrected to indicate that they are tax exempt by State Statute. The Board approved both corrections.

**Joe Cicia – Dairninaka Dr** – Joe gave a history of the road. The Town has agreed to take it over a few years ago and then Covid hit. All the paperwork is almost ready for signatures so that it will officially be a Town Road. The Town has been maintaining it for the last few years but stopped this year.

**NEK Broad Band Agreement Re: Fiscal Recovery Investment in Broad Band** – The Board has the draft contract for option #1 and will review it for their next meeting.

**Truck Bids** – There was one bid for the Truck. Chris Wright bid \$1,250 for the 2004 International Dump Truck. Steve moved to accept the Bid from Chris Wright for \$1,250, seconded by Brad. Unanimous.

**Review & Sign: Tax Rate** – The Board reviewed and signed the 2022 Tax Rates. General Fund – 0.1786, Highway – 0.1666, Cemetery – 0.0063, Voted Appropriations – 0.0597, Local Agreement – 0.0030, School Non-Homestead – 1.5215, and School Homestead – 1.2527. Total Non-Homestead tax rate is 1.9357 and the Total Homestead Tax rate is 1.6669. The total tax rates are 4% lower than last year.

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

**TA & ZA Update – DRB/PC:** The DRB has 1 application on their agenda for next week. The PC is continuing review of PUD and Mobile Home regulation. **Permits:** There have been 96 permits submitted year to date. **Storm Damage – FEMA:** Waiting on final payments. Filled out additional paperwork to change FEMA's share from 75% to 90%. **Poulin Land:** Things are still moving forward. **Dairninaka Dr:** Things are still moving forward. Deed is being reviewed. **Grants:** The grant agreement for Grants in Aid (\$22,000 Ridgehill Dr culverts) has been executed.

**OLD BUSINESS:**

**Legislative Update** – None.

**ROAD REPORT:**

The new excavator and trailer have arrived. Quarry Rd and Quarry Circle need ditching. Nelson Hill will be shut down on Wednesday to replace a culvert. One chloride tank is left, it has a crack in it and we may be able to get \$500 - \$1,000 for it. Patenaude has started roadside mowing. The ditching and culvert work on Ridgehill Drive is complete.

**PARKS & RECREATION REPORT:**

Karen will be setting up a Parks & Recreation Committee meeting in the near future. Peter Auclair will be on the next Selectboard agenda to give a Disc Golf update.

**OTHER BUSINESS:**

Todd Wright would like the Town to designate his 146-kW solar electric generation project as a "Preferred Site" under Section 5.103 of Rule 5.100. The Board will look into what a "Preferred Site" is and discuss it at their next meeting.

**EXECUTIVE SESSION: None.****ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, August 22, 2022. Brian made a motion to adjourn the meeting at 7:00 p.m., seconded by Steve. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*



**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**August 22, 2022**

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

**Others:** Todd Wright, Mark Linton, Ed Barber, Peter Auclair, Joe Gresser (remotely), Josh Leckey (remotely).

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

Warrants #17A in the amount of \$25,119.83 and #17B in the amount of \$83,954.46 were signed.

**APPROVE MINUTES:**

Brian motioned to approve the minutes of August 8, 2022, with Steve seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**NEKWMD Charter Change** – The change is to allow the Board of Supervisors to vote on the NEKWMD budget instead of voting by Australian Ballot. The Selectboard would review the budget and tell Derby's supervisors how to vote. Brian moved to approve the charter change, seconded by Steve. Motion failed by a unanimous vote.

**NEK Broadband ARPA Agreement** – The Board discussed the agreement and there were parts they did not like concerning payments. They would like this changed or explained better. Karen moved to table this item until next meeting, seconded by Brian. Unanimous.

**Solar Preferred Siting Designation under Rule 5.100 – Todd Wright** – Preferred siting gives the owner a financial benefit. They must get the Town Selectboard, Town Planning Commission, and Regional Planning Commission to designate it as a preferred site.. This site is at 1 Upper Quarry Road, Latitude – N44.96444 degrees and Longitude W72.16111 degrees and is a secluded spot where it is not visible. Steve moved to designate 1 Upper Quarry Road, Latitude – N44.96444 degrees and Longitude W72.16111 degrees as a preferred site, seconded by Brian. Unanimous.

**Rene Ducharme – Road Sign** – The Board named the private drive across Mr. Ducharme's land Paul's Sugarhouse Dr. Mr. Ducharme was upset that the Town did not discuss the naming of drive with him because he owns the land under the road and on both sides. He thinks it should be named Plant and Prune Dr. The Board will take this under consideration and in the meantime they will take the sign down and discuss the name with the E-911 coordinator and Town Administrator.

**TA & ZA Update** – None.

**OLD BUSINESS:**

**Legislative Update** – None.

**ROAD REPORT:**

Salem View Heights and Roy St have been ditched and graded. The tank and truck have both been sold and are gone.

**PARKS & RECREATION REPORT:**

**Disc Golf Update** – Peter Auclair reported that he got a volunteer to do some bush hogging. The course in the Town Forest was longer than anticipated and he got 3 baskets donated so it is a 12-hole course. 3 are open holes and 9 holes are in the woods. The course has been posted online at UDisc. Brian walked 3 holes. A little more gravel in the parking area would be helpful. The road is a little washed out. It was suggested that a short storage container for storing the baskets over the winter would work. Peter has seen remnants of 3 old foundations. It was thought that Willey

Johnson's homestead was in the Town Forest and a trail should be made to it if the location can be confirmed.

Tennis Courts – The tennis courts are getting slimy and someone slipped and fell. The courts should be pressure washed.

**OTHER BUSINESS: None.**

**EXECUTIVE SESSION: None.**

**ADJOURNMENT:**

Labor Day is in two week, so the next regular meeting is scheduled for 6:00 p.m. Monday, September 19, 2022. Brian made a motion to adjourn the meeting at 6:49 p.m., seconded by Steve. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**September 19, 2022**

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

**Others:** Larry Snider, Jane Snider, Richard Letourneau, Joe Profera, Debra Letourneau, Joseph Noble, Rick Joyal, Matthew Wilson, Ed Barber, Steve Davenport (remotely), Bob Kelley.

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

Warrants #19A in the amount of \$22,993.13 and #19B in the amount of \$126,828.43 were signed.

**APPROVE MINUTES:**

Brad motioned to approve the minutes of August 22, 2022, with Steve seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Meadow Brook Dr – Speed Limit – Susan Wu** – Susan was not present, but her concern is people speeding on the road. There was a 25 MPH speed limit sign on the road that was changed to 35 MPH and she wants it changed back to 25 MPH. It was changed because the Traffic Ordinance has the road listed as 35 MPH. The Board did not think changing the speed limit would slow down speeders and that it is an enforcement issue. Bob was directed to check with Susan to find out what time of day she has noticed most of the speeders and ask the Sheriff's Department to run radar on the road.

**NEK Broadband ARPA Agreement** – The Board reviewed the agreement and the changes they wanted have been included. Karen moved to approve the NEK Broadband ARPA Agreement, seconded by Steve. Unanimous.

**Errors & Omissions – Listers** – The Listers submitted 2 properties for the Board to review under Errors & Omissions. The Barlow/Ahearn property was changed from \$465,200 to \$455,200 and the Jones property was changed from \$329,700 to \$398,600. Brad moved to approve the changes, seconded by Karen. Unanimous.

**Paul's Sugar House Drive – Sign** – Rene Ducharme would like the name of the private road across his land to be changed, it was named without consulting him. The Sniders and Letourneaus think that the current name is appropriate. For over 50 years the Letourneaus have had a right-of-way across the property, well before Mr. Ducharme purchased the property. There have been issues with signs next to the drive directing traffic to Paul's Sugarhouse. The Board tabled this to their next meeting.

**Cleaning Bids** – The current cleaner resigning and will be finished the end of September. 2 bids were received: Gold Star Services - \$32,200/year for the Town Offices and \$500/month for the Beach House. Ann-Marie Kelley - \$20/hour as a part-time Town employee, estimated 10 hours/week for the Town Offices and 2 hours after each Beach House event. The Board will discuss this in executive session at the end of the meeting.

**Notice of Proposal of Sale - Sign** – This is the notice required to sell the small 50 ft by 66 ft lot to an abutter. The Board has signed the Notice.

**Review Kids Pond Dam Repair Quotes** – 2 quotes were received: RG Gosselin Inc for \$200,000 and J.P. Sicard Inc for \$127,430 plus \$250 per ton for paving the handicap space. Because of the disparity in quotes the Board wants to make sure they are comparing equal bids. Clarity is needed with the J.P. Sicard bid. Time is tight to get this project done this year. Karen moved to allow Grant Spates, Rick Joyal and Bob Kelley to review the bids and award the contract on the Board's behalf, seconded by Steve. Unanimous.

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

**TA & ZA Update – DRB/PC:** The DRB does not have any permits pending for next week. The PC has begun review of Flood Hazard Regulations and will be warning a Public Hearing for PUD and Mobile Home regulation amendments. **Permits:** There have been 107 permits submitted year to date. **Storm Damage – FEMA:** Waiting on final payments. The Feds still owe \$75,7069.53 for Dumas Rd and Administration costs. The State owes \$9,980.35 and they do not pay until the Feds have closed everything out. Percentage breakdown on cost was Feds – 90%, State - 3%, Town – 7%. Total damage came to \$339,584.58 with the Town share being \$23,287.48. **Poulin Land:** Grant & Brad have signed the deed and we are awaiting a closing date. **Dairninaka Dr:** Things are still moving forward. We are on the mortgage companies to sign off the partial releases. Rocket Mortgage is the last one we are waiting on. **NEKWMD Charter Change:** On October 11<sup>th</sup> NEKWMD is voting to adopt a charter eliminating voting by Australian ballot on their budget. The Board may want to direct the Town's representatives on how the Board wants them to vote on this matter. The Board reiterated that they are not in favor of the charter change. They feel it is more appropriate to have the residents vote on the budget.

#### **OLD BUSINESS:**

**Legislative Update** – None.

#### **ROAD REPORT:**

The Road Crew fixed the mess at the intersection of Jambash Peak Rd and Upper Quarry Road, the rain tonight will be a good test. The Road Crew has poured the concrete pad for the new radio antenna. Ditching and roadside mowing is ongoing. Joe Profera complained about gravel washing away at the end of his driveway when it rains.

#### **PARKS & RECREATION REPORT:**

**Parks & Recreation Committee Meeting** – The Committee will be meeting this Saturday to discuss playground equipment, harvest fest, and Light Up the Night Parade.

#### **OTHER BUSINESS:**

Joseph Noble briefly discussed the possibility of being hired full-time as a Maintenance and Groundskeeper, similar to what John Joly used to do. He is not interested in the part-time cleaning position discussed earlier in the meeting. He gave the Board his resume. The Board will have to look into this more.

#### **EXECUTIVE SESSION:**

Karen moved to go into executive session for personnel issues, seconded by Brad. Unanimous. Out of executive session at 8:15, no action taken.

#### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, October 3, 2022. Brad made a motion to adjourn the meeting at 8:16 p.m., seconded by Karen. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**October 3, 2022**

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

**Others:** Rene Ducharme, Matthew Wilson, Joe Profera, Steve Davenport, Bob Kelley.

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

Warrants #20A in the amount of \$36,340.19 and #20B in the amount of \$67,617.74 were signed.

**APPROVE MINUTES:**

Steve motioned to approve the minutes of September 19, 2022, with Brian seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Road Sign – Route 5** – The Board thought that if a person owns the land on which a right of way crosses that they should be able to have input into what the road is named. Rene Ducharme submitted 4 possible names for the right of way crossing his property. It is currently named Paul's Sugarhouse Drive. Steve moved to rename the road Plant N Prune Road, seconded by Brian. Unanimous.

**Keith Gray – Conservation Easement** – Vermont Land Trust is working with Keith and Trevor Gray to purchase a permanent conservation easement on a farm property located in the towns of Derby, Morgan, and Charleston and would like a letter of support from the Selectboard. The portion in Derby is in the Rural Residential zoning district. The Planning Commission has reviewed it and do not have any concerns. Brad moved to sign a letter of support for the conservation easement, seconded by Karen. Unanimous.

**Cleaning Bids** – In addition to the 2 bids received at the Board's last meeting: Ann-Marie Kelley submitted a bid as an independent contractor for \$1,500 per month for the offices and \$50 per event for the Beach House. The Board will discuss this in executive session at the end of the meeting.

**TA & ZA Update – DRB/PC:** Due to Columbus Day both the DRB and PC will not be meeting next week. **Permits:** There have been 114 permits submitted year to date. **Storm Damage – FEMA:** Waiting on final payments. **Poulin Land:** Waiting on a closing date. **Dairninaka Dr:** Waiting on the mortgage companies to sign off the partial releases. **Bushey Hill Culvert:** October 28<sup>th</sup> is the new date when the culvert will be manufactured. Pat Ross has told Matthews that if the weather stays good he can install it this fall. **ARPA Funds:** The Haskell Library wants to know if the Town is going to write them a check for \$10,000 or if they need to submit invoices for work completed. My recommendation is to just send them a check for \$10,000. **Planning Commission Resignation:** Cynthia Adams has resigned from the Planning Commission; I will advertise for the opening. **Town Forest:** Bob wanted clarification about hunters putting up tree stands in the Town Forest. The Board clarified that tree stands may be put up provided they are NOT nailed to the tree, are taken down after hunting season, and must have the owner's name on the stand.

**OLD BUSINESS:**

**Legislative Update** – Brian and other area representatives met with "Let's Grow Kids" and will work to provide funding for them.

**ROAD REPORT:**

Guardrails on Shattuck Hill Rd and Bates Hill Rd need to be repaired at a cost of \$3,961. The Bates Hill guardrail was damage during snow plowing by the road crew and an insurance claim

needs to be filed. The Shattuck Hill guardrail was damaged when a car hit it; the Sheriff's Dept needs to be contacted to find out who the driver was and contact their insurance. The Town received 40 loads of grinding from Main Street. A thumb for the excavator is on order. Truck 1 has a leak in the fuel tank and is being repaired. Alternative ways of repairing the salt shed rafters were discussed, the Town will need to file an insurance claim for the damage. There has been a recent rash of stolen road signs, the Town should file an insurance claim for this also.

#### **PARKS & RECREATION REPORT:**

The Parks & Recreation Committee had a meeting on Sept 24<sup>th</sup>. Ruth Duckless needs to be thanked for organizing an Apple Fest for this Saturday, Oct 8<sup>th</sup> from 11:00 AM – 2:00 PM behind the Dailey Library sponsored by: Derby Community Garden, OC Cares and Building Bright Futures Council. Ann-Marie Kelley is organizing the Derby-Newport Light Up the Night Parade for Saturday Dec 3<sup>rd</sup> and will need volunteers for events at the Green in front of NCUJHS. The Committee will be looking into grants for the playground equipment on the Green.

#### **OTHER BUSINESS:**

Beach House- The roof will need to be replaced next year. Cost estimates will be needed for budgeting. The gutters need to be cleaned out; the road crew will take care of it.

Act 250 - The Town needs to start the process of becoming a 10-acre town for Act 250 purposes now that the subdivision regulations have been amended.

#### **EXECUTIVE SESSION:**

At 6:49 p.m. Karen moved to go into executive session for personnel issues, seconded by Brad. Unanimous.

Out of executive session at 7:22. Sterling Richardson has completed his 90-day probationary period. Steve moved to increase his pay to \$21.75/hr, seconded by Karen. Unanimous.

#### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, October 17, 2022. Karen made a motion to adjourn the meeting at 7:23 p.m., seconded by Brad. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**October 17, 2022**

**Present:** Steve Gendreau, Brian Smith, Brad Shattuck.

**Others:** Rene Ducharme, Matthew Wilson, Joe Profera, Steve Davenport, Bob Kelley.

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

Warrants #21A in the amount of \$21,485.89 and #21B in the amount of \$132,974.89 were signed.

**APPROVE MINUTES:**

Steve motioned to approve the minutes of October 3, 2022, with Brad seconding. Unanimous.

**PUBLIC COMMENTS:**

Ed Barber would like permission to contact Sarah Damsell, OCNRCD about a grant to remove invasive species from various properties in the Town. Some of the work will be within the Town Right of Way. This would be done at no cost to the Town. The Board gave him their permission. Amy Alexander introduced herself to the Board, she is running for State Representative. Joe Cicia updated the Board on the takeover of Dairninaka Dr.

**NEW BUSINESS:**

**ARPA Funds Policy** – The Town has received \$918,599.66 in ARPA Funds. \$348,917 has been used so far which leaves \$569,682.66 for future use. Brad moved to reserve \$350,000 of the ARPA funds for future Town use, seconded by Steve. Unanimous.

This leaves \$219,682.66 for other uses. Haskell Library, Derby Historical Society, and Salem Lake Preservation Association have submitted request. The Board would like to talk to Haskell Library and Salem Lake Preservation Association to explain their request in more detail. Steve moved to grant Derby Historical Society's request for \$20,000, seconded by Brian. Unanimous.

The Board decided to spread the remaining \$199,682.66 over the next 2 years. The first round of grants requests will be due May 1, 2023 and the second round will be due May 1, 2024. Applicants will be required to submit their last 2 years of income and expenses with their application. The minimum request must be \$5,000 and can be from both Non-Profit and For-Profit companies. The main criteria for selecting projects will be the number of Derby residents that will be positively affected by the project.

**Town Health Officer – Recommendation** – The Board is required to recommend candidates for Health Officer to Vermont Department of Health every 3 years. The Board recommended to reappoint the current Health Officers; Elijah Capron as Health Officer and Joe Noble as Assistant Health Officer.

**Review Cargill Salt Contract** – The Board reviewed the contract. This reserves the Town the right to purchase Salt but does not require them to. Price per ton is up considerable from last year, \$96/ton compared to \$68/ton last year. Steve moved to sign the contract, seconded by Brian. Unanimous.

**Discuss Fiber Optic Line – Derby Line to Holland** – The Board was wondering why NEK Broadband will be running a fiber line between Derby Line and Holland when it will be connecting to regular cable. The Board would like someone from NEK Broadband to come to their next meeting to explain.

**Recycling - Advertising** – Mykenzie and Hayden have quit. The Board would like any new hires to be 18 or older.

**Cleaning Follow Up** – Ann-Marie Kelley accepted the cleaning job as a part-time employee at \$20/hr. She will begin November 1<sup>st</sup>. She may clean the Beach House before it is closed for the winter.

**TA & ZA Update – DRB/PC:** The DRB has 2 permits scheduled for next week. The PC is continuing to review Floodplain and River Corridor regulations. **Permits:** There have been 117 permits submitted year to date. **Storm Damage – FEMA:** Waiting on final payments. **Poulin Land:** The Poulin land lots closed last week. **Dairninaka Dr:** Waiting on the mortgage companies to sign off the partial releases. **Bushey Hill Culvert:** October 28<sup>th</sup> is the new date when the culvert will be manufactured. Pat Ross has told Matthews that if the weather stays good he can install it this fall. **Kids Pond Dam:** Work has begun on the dam. One thing not taken into consideration is the stop logs. JP Sicard got a quote from a Company they have delt with for \$30,000. This would be the ideal thing to install, but they are expensive. The other option is to go with wood, maybe hemlock. Is the Town willing to use some ARPA funds for this and if so, how much? They are under budget, but how much depends on what the total dredging cost are. The Board felt that wood would work fine. **West Street:** The McKinnon's stopped in today and were complaining about speeders on West St. UPS has told them they will not deliver to them anymore because the road is unsafe. It is a combination of the location of their driveway and speeders. They would like the Sheriff to run radar on the street. Bob will contact the Sheriff's office to get them to run radar on West Street.

#### **OLD BUSINESS:**

**Legislative Update** – None.

#### **ROAD REPORT:**

The rafters are done on the salt shed. The Plant N Prune road sign is up. The Town got another 15 loads of grindings for free. The Town received a bill from the Village of Derby Center for \$1,3459.50 to repair a hydrant the roadside mowers hit; Bob needs to check this out as the Town has done work for the Village in the past at no charge.

**PARKS & RECREATION REPORT:** None.

**OTHER BUSINESS:** None.

#### **EXECUTIVE SESSION:**

At 7:33 p.m. Brian moved to go into executive session for personnel issues, seconded by Steve. Unanimous.

Out of executive session at 7:40 p.m. no action taken.

#### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, October 31, 2022. Brian made a motion to adjourn the meeting at 7:40 p.m., seconded by Steve. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*



**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**October 31, 2022**

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

**Others:** Brian Fisher, Laura Fisher, Michael Hatin, Brian Fisher Jr, Ed Barber, Paul Prue, Maryann Tetreault, Nancy Moore, Andrew Bouchard, Ross Ogilvie, Andrea Ogilvie, TJ Jackman, Joe Profera, Steve Davenport, Bob Kelley, Christa Shute (remotely).

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

Warrants #22A in the amount of \$27,842.06 and #22B in the amount of \$6,895,664.80 were signed.

**APPROVE MINUTES:**

Brad motioned to approve the minutes of October 17, 2022, with Steve seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

The Board added Historic Society Sign, Salem Lake Preservation Association - Lake Salem Milfoil, Cannabis Retail License – The High Country, and Vicious Dog Complaint to the Agenda.

**Historic Society Sign** – Maryann Tetreault explained that the sign is commemorate a skirmish during the War of 1812 that took place near the Derby Cemetery on Nelson Hill Road. They have already discussed it with the Cemetery Board. A zoning permit is not needed for this type of sign. Karen moved to approve the sign, seconded by Steve. Unanimous.

**NEK Broadband** – Christa Shute, NEK Broadband Executive Director explained to the Board NEK Broadband’s plan for getting high speed internet to all the Northeast Kingdom and Wolcott. Their goal is to get the backbone and cabinets built first and then the spurs to every address that does not currently have high speed access. Total cost is estimated at \$180 million and so far they have raised \$75 million. ARPA funds from Towns are used to accelerate building spurs with the Towns. Cost for their internet service is \$79.95/month. Some people may qualify for a \$30 reduction. Derby’s ARPA funds will be used to build spurs from Derby Line to Holland along Holland Rd, Goodall Rd, and Whittier Rd. This will service 51 addresses and connect to Holland which currently doesn’t have any access to high-speed internet.

**Salem Lake Preservation Association - Lake Salem Milfoil** – The Association explained that ProcellaCor appears to be highly effective against Eurasian Water Milfoil (EWM) and that the cost over the next 4 years is predicted to be about \$260,000 with much of the cost being next year at \$127,500. This is significantly less than what it would cost with physically removing the EWM. They raised about \$16,000 and is asking the Town to contribute some of the ARPA funds next year. The lake is getting overrun with the EWM and the herbicide appears to be the most cost-effective way to get rid of it. The Board felt that it is a benefit to the Town to keep the Lake from getting overrun with EWM. Brad moved to allocate \$75,000 from the ARPA fund to Salem Lakes Preservation Association for EWM removal, seconded by Brian. Unanimous.

**Cannabis Retail License – The High Country** – At 7:23 Karen moved to go into a Cannabis Control Commission meeting, seconded by Brad. Unanimous.

The High Country has their local zoning permit in place. The State has approved the license and is waiting for the Town’s approval before issuing the license. Karen moved to approve the retail cannabis sales license for The High Country, seconded by Brian. Unanimous.

At 7:24 Karen moved to come out of the Cannabis Control Commission hearing, seconded by Brad. Unanimous.

**Vicious Dog Complaint** – The Board reviewed the complaint. Two dogs owned by Morgan Griffith are alleged to have killed a miniature horse owned by Alison Patenaude named Eve. The Board will conduct a vicious dog hearing after giving the dog owner proper notice.

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

**Review & Sign Appropriations – Orleans Essex VNA, NEKHS & RCT** – The Board reviewed and signed all.

**Wednesdays on the Waterfront** – This item was tabled until their next meeting.

**TA & ZA Update – DRB/PC:** The DRB has 1 permit scheduled for next week. The PC is done with Floodplain and River Corridor amendments, they will go over it one last time at their next meeting. **Permits:** There have been 117 permits submitted year to date. **Storm Damage – FEMA:** Waiting on final payments. **Dairninaka Dr:** Still waiting on the mortgage companies to sign off the partial releases. **Bushey Hill Culvert:** The box culvert should be ready for delivery this week. Darryl Matthews thinks the State will make him wait until next year to install it. He will try to get a hold of the State tonight. **Kids Pond Dam:** Work is moving along fine. Rick Joyal is happy with their work so far. At the end of last week, they had the form built for the footer on the south side, but no rebar in.

#### **OLD BUSINESS:**

**Legislative Update** – None.

#### **ROAD REPORT:**

Steve asked the Board to approve paying for 1/3 of the cost (\$438.47) for Ed Camp to clean out culvert catch basins on Ridgehill Drive. The Town did this once before a few years ago. Steve move to approve \$438.43 to Ed Camp for cleaning catch basins, seconded by Karen. Unanimous.

Whips are being put up and vandals are taking them down as fast as they are going up. The grader and sander are being put up for Auction.

#### **PARKS & RECREATION REPORT:**

Steve will supply pallets for the bonfire at the Light Up the Night Parade.

**OTHER BUSINESS:** None.

**EXECUTIVE SESSION:** None.

#### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, November 14, 2022. Karen made a motion to adjourn the meeting at 7:44 p.m., seconded by Brad. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD VICIOUS DOG HEARING**  
**Minutes**  
**November 9, 2022**

**Present:** Grant Spates, Steve Gendreau, Brian Smith.

**Others:** Tiffany Parsons, Julie Jacobs, Tamma Gallardo, Amie Gauvin, Renee Falconer, Jaret Judd, Jessica Judd, Marsha Descheneau, B Larsons, Sonia Koehler, Danny Lewis, Vicky Lewis, Amber Limlaw, Kealey Daigle, Betsy McDonald, Jenna Hamelin, Nick Flynn, Alison Patenaude, Jason Patenaude, Annette Patenaude, Dawn Brainard, Nancy Moore, Nichole Patenaude, Tara Patten, Adam Patten, Ed Barber, L Brooke Dingleline Esq., Morgan Griffith, Carl Griffith, Marcella Griffith, Meghan Dubois, Robert Guyer, Bertha Patenaude, Albert Patenaude, Tarin Pratte, Emily Jankowski, Kate Bailey, Kate Fletcher, Aaron Waterman, Bobbi Jo Waterman, Elizabeth Totten, Michael Totten, David Moore, and Bob Kelley. Remotely 24 people were on listen only mode.

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

The Selectboard of the Town of Derby, Vermont, will hold a Public Hearing pursuant to Article VI of the Town of Derby ORDINANCE REGULATING THE KEEPING AND CONTROL OF DOGS AND OR WOLF HYBRIDS WITH THE TOWN OF DERBY, VERMONT on Wednesday, November 9, 2022 at 6:00 p.m. in the Derby Municipal Building, 124 Main Street, Derby Center, Vermont to hear evidence and receive testimony on a complaint of vicious dogs concerning two dogs owned by Morgan Griffith presently residing at 86 Fairview Street in the City of Newport, Vermont.

The dogs are named Hendrix and Kodak.

The Board listened to testimony from all people wishing to speak. Some of the testimony included:

Morgan Griffith testified that she brought her dogs to her mother's house at 6745 Beebe Rd, Derby, VT on October 26, 2022, and that she was unaware of the location of the dogs from 4:300 PM to 5:15 PM. She also testified that her dogs were well behaved.

Carl Griffith testified that that the dogs were well behaved.

Marcella Griffith testified that she usually takes care of the dogs during the day and that the dogs have always been well behaved.

Brooke Dingleline Esq, council for Morgan Griffith, submitted photos of the dogs, photos from the surveillance camera on October 26, 2022, screen shot from a phone tracker documenting Morgan Griffith's location earlier in the day, a copy of the dogs licenses issued by the City of Newport on November 3, 2022, a patient chart for Kodak from the Animal Doctor, a letter from Thad Young stating that he has never had a problem with the dogs while delivering for FedEx, a letter from Robert Pion stating he never had a problem with the dogs while delivering oil, a letter from Gary Cole stating he has never had a problem with the dogs while working of Dave's Rubbish, and an email from Nicholas Giroux stated that he checked the dogs for horse hair and blood after Nancy Moore left his parents residence on October 26, 2022 and found none.

Alison Patenaude testified about getting to the barn and her horse Fancy was acting nervous and her miniature horse Eve was not around. The dogs came over the rise and were acting very vicious, she has been around animals all her life and these dogs were scaring her. She barricaded herself and her surviving horse in the barn, calling 911, calling her husband, and identifying the dogs. She submitted the Vicious Dog Complaint with a narrative and pictures, and a letter from Sarah Jenness in support of the Selectboard taking action against the dogs to keep the community safe.

Jason Patenaude testified about finding the dead horse and the condition of the horse.

Ben Parsons, testified about finding the horse and the condition of the horse.

Renee Falconer, Derby Animal Control Officer, submitted pictures of the barn and surrounding properties, and a letter from Jennifer Ingram stating that she uses a daycare on the street next to where the dogs are housed in Newport City and that she has seen dogs roaming free and is concerned for the safety of her children and others. She also testified about her investigation of the incident and the identification of the dogs.

Tiffany Parsons, Kate Fletcher, Jessica Judd, Jared Judd, Nancy Moore, Julie Jacobs, Vicky Lewis, and Emily Jankowski all testified about their concerns with this incident. All were in favor of the Selectboard taking action against the dogs.

There were also other comments shouted out by the public during the hearing.

**ADJOURNMENT:**

At 8:00 p.m. after everyone had their chance to comment the Board went into deliberative session and will issue a written decision when they have completed deliberations.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**November 28, 2022**

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

**Others:** Nancy Moore, Matt Wilson, Brandon Phillips, Roger Gosselin, Joe Profera, Bob Kelley.

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

Warrants #24A in the amount of \$20,643.83 and #24B in the amount of \$45,909.88 were signed.

**APPROVE MINUTES:**

Brad motioned to approve the minutes of October 31, 2022, with Steve seconding. Unanimous.

**PUBLIC COMMENTS:**

Nancy Moore commented on the Selectboard Order from the Vicious Dog Hearing where the Board banned the dogs from Derby. She didn't think it was strict enough. She thought that the dogs should have been evaluated by a professional before the Board made their decision.

**NEW BUSINESS:**

**Drift Dusters Snowmobile Club – Annual Road Crossings** – Roger Gosselin & Brandon Phillips were present to explain the request. Brandon will be taking over for Roger next year. The only change is they will be using about 230 yards of Lindsay Road in front of Dave French's house and he is fine with it. The Road Foreman is aware of this change and doesn't have a problem with it. The Board agreed with the change. Grant signed the agreement.

**Wednesdays on the Waterfront** – This year the Town donated \$500 to the concert series. Karen moved to donate \$500 again for next year, seconded by Brad. Unanimous.

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

**Review & Sign Mileage Rate Change** – The IRS has changed the mileage rate to \$0.625. Grant signed the rate increase.

**TA & ZA Update – DRB/PC:** The DRB does not have any permits pending. The PC has nothing major pending and will take a break until the new year. **Permits:** There have been 123 permits submitted year to date. **Storm Damage – FEMA:** Waiting on final payments. **Dairninaka Dr:** Still waiting on the mortgage companies to sign off the partial releases. I believe we are down to just one property. The Board thinks this has taken way too long and set a deadline date of February 1<sup>st</sup> to have this done or they will not take over the road. **Kids Pond Dam:** The project is nearing completion. The handicap walkway and parking space still need to be completed and they should be starting to fill it soon. We are still waiting on the final grant agreement from the State. **Vicious Dog Hearing:** As a result of the Nov 9<sup>th</sup> Vicious Dog Hearing, the Board ordered that the dogs Hendrix & Kodak be banned from Derby for life. Sara Davies assisted in drafting the order, attached is a copy of the signed order. **Light Up the Night Parade:** Just a reminder that the parade is this Saturday, Dec 3<sup>rd</sup>. It starts at 5:00 pm, there will be a bonfire, hot cocoa and marshmallows at the skate shack. **Coutts Moriarty Lease:** The lease was due to be renewed in 2019. This will be on the Board's next agenda. The Town needs to check with VLCT to see how much general liability insurance the Town should require Coutts to have. **Recycling Attendant:** Brian moved to hire Ezekiel Wing as a recycling attendant at the same rate of pay as the others, seconded by Brad. Unanimous.

**OLD BUSINESS:**

**Legislative Update** – The clean heat bill will probably pass which will probably increase the cost of heating fuel and diesel. Electric vehicles are being pushed.

**ROAD REPORT:**

Tenco is now in Manchester NH which is a long haul and expensive for shipping. They also have a shop in Magog that would be more convenient that Steve will check into. Everything is in good shape right now. The new antenna should be installed next week.

**PARKS & RECREATION REPORT:** None.

**OTHER BUSINESS:** None.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, December 12, 2022. Brian made a motion to adjourn the meeting at 6:35 p.m., seconded by Brad. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**December 12, 2022**

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

**Others:** Richard Joyal, Roger Ashman, Matt Wilson, Joe Profera, Bob Kelley.

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

Warrants #25A in the amount of \$27,436.70 and #25B in the amount of \$172,886.16 were signed.

**APPROVE MINUTES:**

Brad motioned to approve the minutes of November 28, 2022, with Karen seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Elijah Capron – Health Officer** – Confirmation was received from the State for Elijah's 3-year appointment as Derby's Health Officer.

**Coutts Moriarty Lease** – At VLCT's suggestion \$1,000,000 per incident and \$2,000,000 aggregate liability insurance was added to the lease. The lease \$1/year for 10 years and has already been paid. Coutts has signed the lease. Brian moved to approve the 10-year lease, seconded by Brad. Unanimous.

**Derby Fish & Game – Request Tax Exempt status for a period of five years** – Grant read the request letter. This is something that needs to be voted on at Town Meeting every 5 years and is due again for 2023. Rick Joyal gave the Board a status report on the Kid's Pond Dam repairs. Steve moved to add Derby Fish & Game's request for tax exempt status for a period of 5 years as an article to be voted on at Town Meeting, seconded by Brian. Unanimous.

**Village of Derby Center – Request letter for ARPA Funds** – Grant read the request letter. It is understood that the Village received \$164,110.38 in ARPA Funds and the Board would like a report on what the funds have been use or committed to be used for and any remaining balance. This was tabled until the Board's next meeting. The Board would like a representative from the Village present at the meeting.

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

**Review & Sign Appropriations Requests: NEK Council on Aging, Pope Memorial Frontier Animal Shelter Inc, Orleans County Citizens Advocacy & Salem Lakes Preservation Association** – All are asking for the same amount as last year and are in compliance with the Town's Appropriations Policy. Karen moved to approve the appropriations requests from NEK Council on Aging, Pope Memorial Frontier Animal Shelter Inc, Orleans County Citizens Advocacy & Salem Lakes Preservation Association to be included as articles to be voted on at Town Meeting, seconded by Brad. Unanimous.

**Green Up VT – 2023** – The Town donated \$300 this year. Brian moved to donate \$300 to Green Up VT – 2023, seconded by Brad. Unanimous.

**TA & ZA Update – DRB/PC:** The DRB and PC will not be meeting again until Jan 16<sup>th</sup>. **Permits:** There have been 123 permits submitted year to date. **Storm Damage – FEMA:** FEMA has finally approved the Dumas Road project. With a little luck we might get the payment before the end of the year, then it will just be the State share remaining to be reimbursed. **Dairninaka Dr:** Chambers and Cicia have their partial released recorded. We still need Shaffer, Green, and Larsen to go.

## **OLD BUSINESS:**

**Legislative Update** – The clean heat standard bill will probably increase the cost of heating fuel, diesel and gasoline. Paid family leave has been talked about a lot. Grant thinks that legislature needs to increase the room and meals tax and lower property taxes.

## **ROAD REPORT:**

Changing plowing tactics on 2 roads. Darling Hill Road will be closed for repairs tomorrow from about 8:00 – noon between Beebe Rd and Sunrise Dr.

## **PARKS & RECREATION REPORT:**

**Light Up the Night Parade** - The Board gave Ann Kelley a big thank you for all the hard work she put in for the Light Up the Night Parade and Bonfire.

## **OTHER BUSINESS: None.**

**2023 Budget** – The annual budget meeting will be Saturday, January 7, 2023 at 7:30 AM. The Sheriff's Dept is increasing their rate from \$55.12/hour to \$58.00/hour and are requesting 40 hours/week again next year for a total of \$120,640. Newport Ambulance is increasing from \$151,748 to \$188,193. This is mainly due to an increase in dispatching costs. NVDA says they are level funding but show an increase, this needs to be clarified.

## **EXECUTIVE SESSION:**

At 6:39 PM Brian moved to go into executive session for a personnel issue, seconded by Steve. Unanimous.

Out of Executive session at 6:46 PM. Brian moved to approve a raise for the Town Health Officer to \$16.62 effect December 1, 2022, seconded by Karen. Unanimous.

## **ADJOURNMENT:**

There will not be a meeting on December 26<sup>th</sup> due to the holidays. The next regular meeting is scheduled for 6:00 p.m. Monday, January 9, 2023. Brian made a motion to adjourn the meeting at 6:47 p.m., seconded by Brad. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*