

MINUTES - SELECTMEN'S MEETING
TOWN OF BARNET, VT
MONDAY, APRIL 12, 2010

Meeting convened at 7:00 p.m. in the conference room of the Barnet Town Clerk's Office.

Board members present: Selectmen Theodore Faris, Jeremy Roberts, and Gary Bunnell.

Meeting Chair: Co-Chair Theodore Faris acting as Chair for this meeting.

Others present: Town Clerk Benjamin Heisholt, Road Foreman Timothy Gibbs, Collector of Delinquent Taxes Lisa Bowden, Jason Bean, William Biddle, Mark Blinton (Lyndon State College News 7), Sally Cook (Caledonian-Record), Scott Davis, Jeffrey Larocque, Shawn Larocque, Steven Mosher, Susan Robinson, David Warden, Shirley Warden, and Michelle Wilcox (Lyndon State College News 7).

APPROVAL OF MINUTES OF PREVIOUS MEETING

Motion made by Roberts to approve as presented the minutes of the regular meeting held March 22, 2010. Seconded by Bunnell and approved by voice vote.

APPEARANCE BY STEVEN MOSHER OF THE BARNET TRAILBLAZERS ALL-TERRAIN VEHICLE (ATV) CLUB REGARDING USE OF TOWN HIGHWAYS TO CONNECT ATV TRAILS

Mr. Mosher appeared to discuss several matters related to his appearance at the previous Selectboard meeting:

- Regarding ATV noise: The national standard decibel level is 99.8. The Barnet Trailblazers average between 70 and 80 decibels.
- Presented maps of current and proposed ATV trails in the Town of Barnet.
- Regarding time and speed restrictions: If the club becomes a member of VASA (Vermont All-Terrain Vehicle Sportsman's Association) as it is striving to do, the users of its trails would be subject to VASA rules concerning these restrictions. VASA does not allow use of trails between 11 p.m. and 7 a.m. The VASA speed limit is 25 miles per hour.

Shirley Warden spoke, making several comments regarding this matter:

- Stated that she has spoken with the Caledonia County Sheriff's Department regarding enforcement of rules governing ATV usage on public roads. The Sheriff's Department stated that they will not enforce any rules that are not supported by a municipal ordinance.
- Stated that she has also spoken with a staff attorney at the Vermont League of Cities & Towns (VLCT) regarding this matter. This attorney strongly suggested that the town use an ordinance if it wishes to adopt rules governing ATV usage of town highways.

Susan Robinson asked what would be required to adopt an ordinance.

- Faris responded that at the least it would require a public hearing. Faris suggested that the adoption of an ordinance is something the Board should pursue.

Mr. Mosher stated his concern that the Barnet Trailblazers will receive criticism for illegal use of Town highways that is actually perpetrated by ATV users not associated with the club.

- Faris asked Road Foreman Timothy Gibbs if he is aware of any damage to Town highways caused by ATVs.

- Gibbs responded that he is aware of some such damage, but not in the areas the club plans to use for its trails.

Mr. Mosher asked what arrangements the Selectmen would like to make for ATV usage of Town highways on Green-Up Day.

- Roberts responded that the Board would like a list of the club members who would be using the highways on that day, including proof of driver's licenses, as well as vehicle registration and insurance.
- Faris stated that the administration of this limited permission for Town highway usage would be through the Barnet Town Clerk's Office, with permitted users receiving numbered tickets. Also stated that local law enforcement would be made aware of this arrangement.
- Roberts instructed the club to contact the Green-Up Day Coordinator for further information regarding administration of Green-Up Day.

William Biddle spoke, stating that it would be good for the public to have access to view the maps presented by the club before any public hearing takes place.

- Roberts responded that the maps would be made available for public viewing at the Town Clerk's Office.

The Board thanked the club for their efforts in organization and answering of questions posed by the Board.

DECISION REGARDING BIDS FOR 2010 MOWING OF TOWN PROPERTIES

Read advertisement requesting bids, as printed in the Caledonian-Record. Also reviewed mowing bid guidelines provided to inquirers.

Reviewed bids submitted for mowing of Town properties for the 2010 mowing season. The following is a summary of these bids:

Company	Bid**
A & P's Landscaping Services, LLC	\$12,000.00
Belknap's Construction, LLC	\$11,810.00
Black Diamond Landscaping	\$4,830.00
Fortin Property Management	\$3,400.00
J & B Property Maintenance	\$2,100.00
Morse, Ronald L.	\$2,350.00
Ranney & Son Logging & Lawn Care	\$4,830.00
Vertical Smile Lawncare	\$2,645.00

**Lump sum bid or lump sum extrapolated from periodic rate multiplied by twenty-three weeks.

After brief discussion, motion made by Bunnell to accept the bid of J & B Property Maintenance. Seconded by Roberts and approved by voice vote.

DECISION REGARDING BIDS FOR SCISSOR LIFT

Read advertisement requesting bids for 1993 JLG propane-powered scissor lift, as printed in the Caledonian-Record.

Faris noted that no bids were received as of the deadline stated in the advertisement (April 12th).

After brief discussion, the Board agreed to instruct Town Clerk Benjamin Heisholt to place an advertisement to sell the scissor lift for \$3,000 or best reasonable offer.

CORRESPONDENCE FROM NORTHEASTERN VERMONT DEVELOPMENT ASSOCIATION (NVDA) REGARDING HIGH RISK RURAL ROAD PROGRAM

Read letter describing program designed to identify and address areas on local roads that pose a high risk for traffic accidents.

Board agreed to delegate this correspondence to Road Commissioner Gary Bunnell for further investigation.

CORRESPONDENCE FROM FAIRPOINT COMMUNICATIONS WITH PETITION AND ORDER FOR POLE AND WIRE LOCATIONS

Read cover letter requesting the Board sign a petition and order for pole and wire locations on Kitchel Hill Road. Reviewed work order plan attached. After brief discussion, the Board signed the petition.

APPLICATION FOR HIGHWAY ACCESS PERMIT

Read application of Zachary Drown for Highway Access Permit on County Hill Road.

Road Foreman Timothy Gibbs reported that he had visited the site and that a driveway is already in place with a culvert installed. Gibbs recommended approving the application.

After brief discussion, Faris signed the application.

CORRESPONDENCE FROM PLANNING/ZONING BOARD REGARDING NOMINATION OF ZONING ADMINISTRATIVE OFFICER

Read letter stating that the Planning/Zoning Board had nominated Shirley Warden for a three-year term as Barnet's Zoning Administrative Officer.

Motion made by Roberts to accept this nomination. Seconded by Bunnell and approved by voice vote.

**CORRESPONDENCE FROM STATE OF VERMONT AGENCY OF
NATURAL RESOURCES REGARDING ACT 250 PERMIT OF
MILAREPA CENTER**

Briefly reviewed the comments of the Agency of Natural Resources regarding the Act 250 permit of Milarepa Center. Included in these comments were evaluations of the water supply and of the effect on the wildlife habitat.

**CORRESPONDENCE FROM STATE OF VERMONT AGENCY OF
AGRICULTURE, FOOD & MARKETS REGARDING REQUEST OF
FARM STRUCTURE SETBACK VARIANC OF SOMERS FAMILY FARM**

Briefly reviewed copy of letter sent to Zoning Administrator.

UNIFORM MUNICIPAL EXCESS WEIGHT PERMITS

Reviewed and approved fleet permit applications of: Calkins Sand & Gravel, Inc.; Green Mountain Power Corporation; Kirk Fenoff & Son Excavating; Mathews Excavating; Darcy Nelson; and Thomson Timber Harvesting & Trucking, LLC.

Reviewed and approved single vehicle applications of: Anthony Nutbrown; and Michael L. Townsend.

**APPEARANCE BY COLLECTOR OF DELINQUENT TAXES LISA
BOWDEN**

Bowden appeared to discuss the Town hiring an attorney to facilitate the tax sale of some properties whose owners are currently delinquent taxpayers. Bowden presented the Board with a list of several taxpayers who are three years delinquent.

Discussion followed in which Bowden described the payment plans and payment histories of the properties in question. Also stated that Town Agent Jay Abramson is unable to serve the Town in this matter due to a conflict of interest. Former Town Agent David Willis is also unable to serve due to a conflict of interest.

The Board agreed that the Board would assume the responsibility of selecting and hiring an attorney for this matter.

**REVIEW OF CORRESPONDENCE FROM STATE OF VERMONT
AGENCY OF TRANSPORTATION REGARDING SCOUR PLANS OF
ACTION**

This correspondence had previously been reviewed at Board meetings of December 14, 2009 and December 28, 2009. At that time the Board had agreed to postpone further discussions on the matter until the spring of 2010.

Road Foreman Timothy Gibbs discussed details of a meeting with Shauna Clifford of the Vermont Agency of Transportation. This meeting focused on potential road projects for the summer of 2010 -- especially projects for which the Town will be seeking State grants. Identified

among these projects were culverts requiring hydraulics studies on the Peacham-Groton Road, County Hill Road and Old Silo Road.

OUTSTANDING CHECK WARRANTS

Reviewed and signed all outstanding check warrants.

EXECUTIVE SESSION REGARDING PERSONNEL MATTERS

Motion made by Roberts to enter executive session. Seconded by Bunnell and approved by voice vote. Entered executive session at 8:48 p.m.

Motion made by Roberts to exit executive session. Seconded by Bunnell and approved by voice vote. Exited executive session at 9:00 p.m.

No action taken.

ADJOURNMENT

Motion made by Roberts to adjourn. Seconded by Bunnell and approved by voice vote. Meeting adjourned at 9:00 p.m.

A true copy.

Attest: _____
Town Clerk