

MINUTES - SELECTMEN'S MEETING
TOWN OF BARNET, VT
MONDAY, APRIL 26, 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, Lisa Adler, Irwin Gelber, Michael Kennedy, Jeffrey Larocque, Shawn Larocque, Steven Mosher, Susan Robinson, Lisa Von Kann, David Warden, and Shirley Warden.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Motion made by Roberts to approve as presented the minutes of the regular meeting held April 12, 2010. Seconded by Bunnell and approved by voice vote.

DISCUSSION REGARDING ALL-TERRAIN VEHICLE (ATV) USE OF TOWN HIGHWAYS TO CONNECT TRAILS

Several interested members of the public appeared to participate in discussion between the Barnet Trailblazers ATV Club ("Club") and the Selectboard:

- Faris made several opening comments:
 - Explained the how the discussion of ATV use of town highways has progressed to date.
 - Explained that the Board has concluded that in order to enforce any access it grants for ATV use of Town Highways it must adopt an ordinance.
 - Given the high level of public interest in this issue, suggested that the Board set and warn a date for a public hearing.
- After brief discussion, a motion made by Roberts to hold a public hearing for discussion of this matter at the Board's regular meeting on May 10, 2010 at 7:00 p.m. Seconded by Bunnell and approved by voice vote.¹
- Lisa Adler asked if the proposed ordinance would be prepared for the public hearing and if the hearing would be held in a space larger than the Town Clerk's Office.
 - Faris responded: A proposed ordinance will be prepared and a larger facility will be used if the Board finds it necessary.
- Steven Mosher of the Club spoke, explaining the trail maps the Club gave to the Board at the previous meeting. Mosher also spoke concerning the Club's purpose of formation and their intention to gain land-usage permission from enough landowners to eventually eliminate the necessity of using Town Highways.
- Faris stated that it is the Board's intention to create an ordinance that would require annual review of allowed Town Highway use.
- Lisa Adler asked if what Faris proposes would necessitate annual review of the ordinance itself.
 - Faris responded that the ordinance itself would remain unchanged from year to year but would allow for the flexibility of annual review of specific Town Highways on which ATV travel is permitted.

¹ This decision was amended later in this same meeting. See following page.

- Michael Kennedy asked about decibel levels, referencing the minutes of the previous Board meeting and levels allowable by Vermont State Statutes.
 - Steven Mosher responded: The national and Club standard decibel levels stated in the minutes are accurate.
- Michael Kennedy asked whether the Town would assume liability for accidents caused by ATVs on Town Highways on which ATV travel is permitted.
 - Lengthy discussion ensued regarding this issue. Faris stated that the Board has not yet asked this specific question of the Town's insurance carrier.
- Steven Mosher responded to several questions regarding laws and enforcement of laws impacting ATVs: The organization of which the Club is a member – the Vermont All-Terrain Vehicle Sportsman's Association (VASA) – requires a speed limit of twenty-five miles per hour on all trails. The Club is required by VASA to patrol its own trails. The Club must pay for any law enforcement it deems necessary for either reactive or proactive purposes. The Club can only enforce ATV rules on its own trails: it cannot police portions of Town Highways not incorporated into its trails.
- Susan Robinson spoke: ATV travel may have a positive economic impact on Barnet retail businesses.
- Road Foreman Timothy Gibbs spoke in favor of adopting an ATV ordinance: ATVs are currently riding on Town Highways with no ordinance in place.
- Faris spoke concerning the years of history behind the creation of this Club and organization of ATV trails in Barnet. Stated that the Board views this as an opportunity to create a mechanism for control of ATV use.
- Michael Kennedy spoke regarding safety concerns relating to the grade of Garland Hill and the sharp corner on West Main Street in West Barnet Village.
- Lisa Von Kann spoke regarding safety concerns relating to ATV headlights.
- Lisa Adler asked if the Club's trails would be connected to trails in other towns.
 - Steven Mosher responded: It is the intention of the Club to eventually create trails of this nature.
- Roberts requested that discussion be confined to ATV use of Town Highways since the Selectboard has no control of ATV use on private land.
- Michael Kennedy asked if the ordinance would specify certain Town Highways permitted for ATV use.
 - Roberts responded that the ordinance would leave this portion of the matter open-ended to allow for annual review of specific Town Highways permitted.
- Brief discussion ensued regarding ATV use of Town Highways on Green-Up Day (May 1, 2010).
- Shirley Warden asked whether ATVs have speedometers and whether helmets are required for use on the Club's trails.
 - Steven Mosher responded: ATVs do have speedometers and helmets are required on the Club's trails due to VASA rules.
- The Board agreed to amend its decision from earlier in this meeting and hold a separate meeting for the public hearing regarding this matter. Public hearing to be warned and held on May 17, 2010 at 7:00 p.m. Faris instructed Town Clerk Benjamin Heisholt to call the Barnet Elementary School to inquire regarding the availability of a larger space to hold the hearing.

CORRESPONDENCE FROM STATE OF VERMONT AGENCY OF TRANSPORTATION (VTRANS) REGARDING ANNUAL FINANCIAL PLAN

Briefly reviewed the Annual Financial Plan for Town Highways as prepared by Road Foreman Timothy Gibbs, Treasurer Benjamin Heisholt, and VTrans District Project Manager Shauna Clifford. Plan expense and income budgets each total \$696,050. Major projects planned include reclaim, culverts, ditching and paving on the Peacham-Groton Road and replacement of a culvert on County Hill Road.

After brief discussion the Board signed the plan.

REPORT ON AGREED-UPON CASH PROCEDURES TO CASH BALANCES FROM MUDGETT, JENNETT & KROGH-WISNER

Briefly reviewed final draft of a report on cash balance procedures conducted for the Town of Barnet by independent accountant firm Mudgett Jennett & Krogh-Wisner. The final draft of this report is unchanged from a draft report received by the Board in March 2010 and described in the minutes of the regular meeting held March 22, 2010.

After brief discussion, motion made by Roberts to accept the report. Seconded by Bunnell and approved by voice vote.

SOLID WASTE TRANSFER STATION REPORT FROM STATE OF VERMONT SOLID WASTE MANAGEMENT PROGRAM

Reviewed highlights of report detailing first quarter 2010 waste disposed and waste recycled at the Barnet Transfer Station and Recycling Center. Quarter totals were as follows (in tons):

Waste Disposed:

Municipal Solid Waste	41.98
Bulky Wastes	12.90
Total	54.88

Waste Recycled:

Glass Containers	3.19
Metal Cans	0.94
Other Plastic	1.85
Books	0.14
Boxboard/Paperboard	1.83
Corrugated Cardboard	2.62
Mixed Paper	8.16
Scrap Metal, Appliances & White Goods	2.26
Electronics	0.62
Total	21.61

CORRESPONDENCE FROM GEORGE D. AIKEN RESOURCE CONSERVATION & DEVELOPMENT AREA WITH REQUEST FOR PROPOSAL FOR COMMUNITY WILDFIRE PROTECTION PLANNING

Briefly reviewed correspondence requesting proposals for grant projects with purpose of creating a safer building environment in the Wildland Urban Interface.

After brief discussion, motion made by Roberts to forward this correspondence to the Town of Barnet's Fire Warden. Seconded by Bunnell and approved by voice vote.

CORRESPONDENCE FROM STATE OF VERMONT PROGRAM DEVELOPMENT DIVISION REGARDING 2011 TRANSPORTATION ENHANCEMENTS PROGRAM SCHEDULE AND PROCESS

Read cover letter and briefly reviewed informational materials and a pre-application form for grant projects for non-traditional transportation-related projects.

After brief discussion no action taken regarding this matter.

LIQUOR AND TOBACCO LICENSE RENEWAL APPLICATIONS OF BARNET VILLAGE STORE AND WEST BARNET QUICK STOP

Reviewed and signed all applications.

APPLICATIONS FOR HIGHWAY ACCESS PERMITS

- Reconsidered application of Zachary Drown. This application was approved at the previous Board meeting. Road Foreman Timothy Gibbs reported on amendment to the permit application due to an error in the original review of the site. The permit reflects a culvert 15 inches wide and 40 feet long, the size of which is dictated by ledge material in the area.
 - After brief discussion the Board agreed to approve the permit as amended.
- Reviewed new application of Leigh and Beverly Larocque for an access on Old Silo Road. Road Foreman Timothy Gibbs stated that he had reviewed the application and the site and recommended approval of the application.
 - After brief discussion Faris signed the application.

UNIFORM MUNICIPAL EXCESS WEIGHT PERMITS

Reviewed and approved fleet permit applications of: Carroll E. Ainsworth; Murray Transport; Sidney M. Smith; and Arthur Whitcomb.

Reviewed and approved single vehicle application of: Larry Flood.

OTHER BUSINESS

- Faris discussed purchasing a drill press for the Highway Department. The Board has previously investigated pricing on this item and found options ranging between \$800 and

\$1,100. Faris stated that he has recently been in contact with a vendor offering a desirable drill press at \$500. Faris asked for the Board's approval to purchase this item.

- After brief discussion the Board agreed to approve the purchase of the drill press.
- Roberts discussed his recent communication with forester David Senio regarding the potential construction of a walking path in the Barnet Town Forest. Roberts stated that the advantage of this construction would be to control the path of walkers in the Town Forest. This would prevent Town's liability due to access to the Town gravel pit.
 - After brief discussion the Board agreed that Roberts will request that Mr. Senio review the area to make recommendations.
- Roberts also discussed specifying on the agenda of Board meetings a time limit for each item.
 - After brief discussion the Board agreed to print on future meeting agendas a limit of twenty minutes for each agenda item.

REVIEW OF SCOUR PLANS OF ACTION AS RECEIVED FROM STATE OF VERMONT AGENCY OF TRANSPORTATION (VTRANS)

- Reviewed correspondence and plans prepared by VTrans regarding replacement of a culvert on Cloud Brook Road.
 - After brief discussion the Board agreed that Bunnell (Road Commissioner) and Road Foreman Timothy Gibbs will visit the site of the culvert to view and give recommendations.
- Board agreed that Roberts will review the Scour Plans of Action and report recommendations to the Board.

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 9:05 p.m.

Motion made by Roberts to exit executive session. Seconded by Bunnell and approved by voice vote. Exited executive session at 9:25 p.m.

Motion made by Roberts to offer a full-time permanent Highway Department position on May 1, 2010 to Keith Gadapee, who is currently a temporary employee until April 30, 2010. Seconded by Bunnell and approved by voice vote.

ADJOURNMENT

Motion made by Roberts to adjourn. Seconded by Bunnell and approved by voice vote. Meeting adjourned at 9:30 p.m.

A true copy.

Attest: _____
Town Clerk