

MINUTES
SPECIAL SELECTMEN'S MEETING
TOWN OF BARNET, VT.
WEDNESDAY, SEPTEMBER 1, 2010

Meeting convened at 6:30 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, Wayne Berge, Donald Burke, Harry Cornelius, Karla Cornelius, Joseph Mangiapane, Robert Perrin, and Jan Sherman.

DISCUSSION REGARDING LOWERING OF HARVEY'S LAKE WATER LEVEL

Co-Chair Faris discussed previous Board meeting (23 August 2010), at which was discussed the question of when in the year 2010 the water level at Harvey's Lake will be lowered. At that meeting, resident Joseph Mangiapane requested that the Board approve lowering the water level beginning on 15 September 2010 to allow for the completion of a planned waterfront project.

Faris then reviewed correspondence from members of the Lake Harvey Association requesting that the Board deny Mr. Mangiapane's request and to lower the lake water level in mid-October, as in recent years. Included were emails from Wayne Berge (including forwarded correspondence from J. Ellen Marsden, Professor of Fisheries at the University of Vermont), Harry Cornelius (including forwarded correspondence from Steven Hanna of the State of Vermont Water Quality Division), Karla Cornelius, and Robert Dufresne.

Board then open the floor for public comment on this matter:

- Harry Cornelius spoke, stating that it is clear that Mr. Mangiapane needs to do the project he is planning, but that he could do the work either when the lake level is down in October or with the water level still up in September.
- Co-Chair Faris spoke: A primary object of the Board in lowering the lake level is to minimize siltation in the lake. The Board does not believe that lowering the lake at one date or the other would be of any greater advantage to this end. The October lowering of the lake level in recent years was an accommodation of the request of the Lake Harvey Association. Both suggested lowering dates currently under discussion are within the limits imposed by the State of Vermont.
- Joseph Mangiapane spoke: There have been significant delays in the process of obtaining a State of Vermont permit for the planned project. Property owners on the lake were notified of the permit application, but did not appeal it. The project cannot be done in October because the water is too cold, and because the soil at the site needs to be grass-seeded after the project. Also, some of the project includes drilling that cannot be done in the water.
- Wayne Berge spoke: Lowering the water level at an earlier date will create an unexpected hardship on many taxpayers at the lake.
- Some discussion followed regarding the emergency opening of the sluice gate of the Harvey's Lake Dam following contamination of the lake from South Peacham Brook in July 2010.
- Harry Cornelius spoke: According to Steven Hanna of the State of Vermont Water Quality Division, Mr. Mangiapane does not currently have a permit for this project. Mr. Hanna also

reported that the recipient of such a permit may not start work on the project until ten days after the permit is granted. Also, the permit would be subject to appeal.

- Joseph Mangiapane spoke: There was an appeal period after the permit was applied for, but the Water Quality Division did not report that another appeal period would be necessary after the permit was granted. The project will likely take seven to ten days to complete, but there is a degree of unpredictability involved with this estimate.
- Harry Cornelius spoke: The Lake Harvey Association members present propose a compromise of beginning the lake lowering on October 5, with the anticipation that the lake will reach its lowest level by October 10.
- The other Lake Harvey Association members present (Wayne Berge, Donald Burke, Harry Cornelius, Karla Cornelius, Robert Perrin, and Jan Sherman) agreed to this compromise.
- Co-Chair Faris spoke: The Board is reticent to make a decision on this matter without seeing Mr. Mangiapane's permit for this project.
- Wayne Berge spoke: Suggested that Co-Chair Faris contact Steven Hanna to ask about the status of the permit.

The Board agreed to take no action regarding this matter at this time. Also agreed that Co-Chair Faris will contact Steven Hanna to discuss the permit in question, and that the Board will discuss this matter further at their regularly scheduled meeting of 13 September 2010.

ADJOURNMENT

Motion made by Roberts to adjourn. Seconded by Bunnell and approved by voice vote. Meeting adjourned at 7:23 p.m.

A true copy.

Attest: _____
Town Clerk