

MINUTES - SELECTMEN'S MEETING
TOWN OF BARNET, VT
MONDAY, SEPTEMBER 13, 2010

Meeting convened at 7:05 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, Wayne Berge, Donald Burke, Harry Cornelius, Karla Cornelius, Mike Hennessey (Lyndon State College News 7), Joseph Mangiapane, Charles McAlpine, Robert Perrin, Nick Ploof (Lyndon State College News 7), Jan Sherman, David Warden, Shirley Warden, and Robert Zita.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Motion made by Roberts to approve as presented the minutes of the regular meeting held August 23, 2010 and special meetings held September 1, 2010 and September 2, 2010. Seconded by Bunnell and approved by voice vote.

DISCUSSION REGARDING LOWERING OF HARVEY'S LAKE WATER LEVEL

Faris reviewed correspondence received regarding this matter since the Special Selectmen's Meeting held for the purpose of discussing this matter on September 1, 2010. Included in the correspondence were petitions requesting that the lake level not be lowered prior to October 15, 2010, or not prior to October 5, 2010 if the Selectmen believe that the permitted repair work cannot be completed after October 15, 2010. Also included was a permit for said repair work issued by the State of Vermont Department of Environmental Conservation. Faris reviewed this permit at length, reading portions pertinent to the matter at hand.

Co-Chair Faris then opened the floor for public comment on this matter:

- Harry Cornelius spoke: Two points should be made clear regarding the permit: Condition #2 states that the permit, "does not authorize or recommend changes to the water level of Harvey's Lake or otherwise regulate the water level of Harvey's Lake;" and condition #19 states that the permit shall become effective 10 days from the date of its issuance (13 September 2010) unless an appeal is filed with the Vermont Environmental Court. Also, the Board should consider that seasonal lake property owners have in recent years been staying at their lake properties later in the season; therefore to lower the lake level earlier would cause inconvenience to these property owners and a considerable negative economic impact on local retailers.
- Charles McAlpine spoke: The permit states that the project will not have a negative impact on navigation. This seems suspect, given that lowering the lake will cause some boats to become stuck in the mud.
 - o Faris responded: The effects of the project named in the permit relate to the finished project, not any effects that may occur temporarily while the work is being done.
- Wayne Berge requested that Co-Chair Faris give a clearer indication of the number of petitions received.
 - o Co-Chair Faris counted the petitions and announced that there were 27 pages, some of which included the signatures of two spouses.

- Selectman Bunnell stated that he would recuse himself from voting on this matter, as his business is contracted to work on the project in question.
- Co-Chair Roberts suggested a potential compromise of attempting to lower the water level, complete the work, and return the lake to its previous water level all before the fall foliage weekend (October 1-3).
 - o Harry Cornelius responded: This does not seem like a feasible solution. Lowering the water level will cause many boats to become impacted in the mud; and many lake property owners plan to use their boats prior to fall foliage weekend.
- Co-Chair Faris spoke: Reduction of pollution and siltation in the lake is of chief importance in any discussion of lowering the lake level. Although recognizing that some property owners will be disaccommodated, suggested that the Board vote to begin lowering the water level on September 18th.
 - o Harry Cornelius spoke: This action would disenfranchise many lake property owners for the sake of accommodating one individual. The permitted project can be done without lowering the lake.
 - o Joseph Mangiapane spoke: It would be impossible to complete the project with the water level up without a cofferdam in place. Placing a cofferdam would be cost-prohibitive.
- Co-Chair Roberts asked if lowering the water level by twelve inches would cause boats to become mud-lodged.
 - o Jan Sherman responded: Would lowering the lake just twelve inches be possible?
 - o Co-Chair Faris responded: If this was the target, the Board would make every effort to reach it with as much precision as possible.
- Joseph Mangiapane spoke: Suggested that half of the boards on the dam be pulled on October 1st to cause a gradual lowering, with the rest of the boards removed at the end of the foliage weekend.

Motion made by Co-Chair Faris to gradually draw down the water level of Harvey's Lake beginning on October 1st, with a target water-level lowering of twelve inches; and to fully open the dam for lowering on October 4th. Seconded by Roberts and approved by voice vote.

Board also agreed to advertise the dates of the water-level lowering in the Caledonian-Record as soon as possible.

CORRESPONDENCE FROM BOARD OF LISTERS REGARDING GRAND LIST ERRORS AND OMISSIONS

Co-Chair Faris read letter requesting the Board's approval in addressing two Errors and Omissions on the 2010 Grand List. These include the failure to delete the personal property of TransCanada (parcel #0000099015) per Town Meeting 2010 vote; and the failure to delete a removed unlanded RV from the property of Blue Sky Builders (parcel #000066017).

Motion made by Roberts to approve the above-referenced Errors and Omissions adjustments. Seconded by Bunnell and approved by voice vote.

**CORRESPONDENCE FROM LINCOLN APPLIED GEOLOGY
REGARDING VERMONT DEPARTMENT OF ENVIRONMENTAL
CONSERVATION REQUEST FOR REIMBURSEMENT FORM**

Briefly reviewed reports and request for reimbursement for services and expenses related to monitoring of the site of the former Passumpsic Village Store. Total reimbursement requested is \$349.29.

After brief discussion and with Board's approval, Co-Chair Faris signed the form.

**CORRESPONDENCE FROM STATE OF VERMONT DEPARTMENT OF
ENVIRONMENTAL CONSERVATION REGARDING PUBLIC NOTICE
OF DRAFT INDIRECT DISCHARGE PERMIT FOR AGRI-MARK, INC,
(D.B.A. CABOT CREAMERY)**

Read cover letter and reviewed public notice regarding the renewal of an Indirect Discharge Permit affecting the drainage basins of the Passumpsic River and Stevens River.

**CORRESPONDENCE FROM STATE OF VERMONT DISTRICT #7
ENVIRONMENTAL COMMISSION REGARDING ACT 250 PERMIT
APPLICATION OF CALVIN AND CHERRYLL BUNNELL**

Read two emails relating to the scheduling of hearings. A public hearing regarding legal issues associated with the Motion to Re-Open will be held Tuesday, September 28, 2010 at 7:00 p.m. at the Barnet Town Clerk's Office. A site visit will be held prior to this hearing at 5:30 p.m. on site at the front of the multi-purpose building. The application hearing is scheduled for Thursday, October 14, 2010 at 6:00 p.m. at the Barnet Town Clerk's Office.

**CORRESPONDENCE FROM SAWYER & RITCHIE INSURANCE
AGENCY REGARDING TOWN PROPERTY AND LIABILITY
INSURANCE**

Read letter requesting that the Board allow Sawyer & Ritchie to provide the Town with quotes for insurance policies.

After brief discussion, the Board agreed to direct Town Clerk Benjamin Heisholt to reply to this correspondence with a request for quotes.

OTHER BUSINESS

Road Foreman Timothy Gibbs appeared to discuss current Highway Department projects:

- Discussed at length the paving project currently underway on Town Highway 4 (Groton Road). This two-year project is nearing the end of its first year.
- The Highway Department will use cold patch to repair a portion of West Barnet Road that currently has a large dip.
- Discussed guard rails replaced in 2010 and plans for guard rail replacement and additions in 2011.
- Discussed policy regarding maintenance of Class 4 roads.

OUTSTANDING CHECK WARRANTS

Reviewed and signed all outstanding check warrants.

EXECUTIVE SESSION REGARDING CONTRACT NEGOTIATIONS

Motion made by Roberts to enter executive session. Seconded by Bunnell and approved by voice vote. Entered executive session at 8:40 p.m.

Motion made by Roberts to exit executive session. Seconded by Bunnell and approved by voice vote. Exited executive session at 8:47 p.m.

Motion made by Faris to instruct Town Clerk Benjamin Heisholt to respond to correspondence from attorney Jon Anderson by thanking him for his willingness to be of service but stating the Town does not currently have need of his services.

EXECUTIVE SESSION REGARDING LEGAL PROCEEDINGS

Motion made by Roberts to enter executive session. Seconded by Bunnell and approved by voice vote. Entered executive session at 8:50 p.m.

Motion made by Roberts to exit executive session. Seconded by Bunnell and approved by voice vote. Exited executive session at 8:52 p.m.

With Board's approval, Co-Chair Faris signed Agreement to Mediate in the matter of Gibson Wood Family Trust v. Town of Barnet.

ADJOURNMENT

Motion made by Roberts to adjourn. Seconded by Bunnell and approved by voice vote. Meeting adjourned at 8:52 p.m.

A true copy.

Attest: _____
Town Clerk