

**MINUTES – SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, AUGUST 11, 2014**

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

Board members present: Chair Jeremy Roberts, Gary Bunnell, and Dylan Ford.

Others present: Road Foreman Keith Gadapee, Town Clerk Benjamin Heisholt, Zoning Administrative Officer Shirley Warden, Steven Adler, Dakota Butterfield, John Cook, Sarah Cook, Daniele Kostruba, and Farrell Seiler.

1. Approve minutes of special meeting held July 21, 2014

Mr. Bunnell move to approve as presented the minutes of the special meeting held July 21, 2014. Seconded by Ms. Ford and approved by voice vote.

2. Appearance by Daniele Kostruba, candidate for Caledonia County Sheriff

Ms. Kostruba, who is presently a Detective in the St. Johnsbury Police Department, spoke regarding her candidacy. She discussed her experience and plans for the Sheriff's Department if elected. The Board discussed with her the possibility of converting the Department to a twenty-four hour service, as the current Sheriff proposes.

3. Appearance by Farrell Seiler regarding Town Forest Road

Mr. Seiler appeared to follow up on his appearance at the previous meeting. He indicated that the minutes of that meeting were incomplete in that they did not reflect that he and his wife discussed, in addition to the matters mentioned in the minutes, weight limits and speed limits on Town Forest Road. At the present meeting, Mr. Seiler suggested lowering the speed limit from 35 miles per hour to 25 miles per hour for some sections of the road and 15 miles per hour for other sections. He also stated that the closure of the Town's landfill required an Act 250 permit, which stipulated that Town Forest Road must be paved. Mr. Seiler indicated that the pavement patching applied near his residence subsequent to the previous meeting was ineffective due to a drainage pipe protruding above the road surface.

- Mr. Seiler asked if the Town has a noise ordinance.
 - The Board indicated that the Town does not have a noise ordinance.
- The Board discussed with Mr. Seiler the possibility of changing the speed limit on Town Forest Road.
 - Mr. Roberts indicated that one other resident of Town Forest Road with whom he spoke does not believe that the speed limit is excessive. Mr. Roberts suggested that the Town may consider hiring the Sheriff's Department to patrol the road to control speeding.
- The Board also discussed with Mr. Seiler the possibility of paving Town Forest Road.
 - Mr. Roberts indicated that the road is in the Town's priority list for construction work, and suggested that Mr. Seiler attend a Board meeting during the 2015 budgeting process in the fourth quarter of 2014.

4. Discussion regarding fabrication of Harvey's Lake Dam gate components

Steven Adler appeared as a representative of the Lake Harvey Association (LHA), as discussed at the previous Board meeting. Mr. Adler discussed options for upgrading the dam as proposed by LHA. According to the engineers Mr. Adler consulted none of these options will completely resolve the problem with backflow from the South Peacham Brook into the lake, as was suggested as a possibility at the previous meeting. A major alteration of the dam would be necessary to completely resolve this problem. The two options for dam improvements, short of a major alteration, preferred by LHA are:

- Crest wall system. This would be LHA's first choice, because it would require less maintenance, especially with regard to debris removal. This system would cost approximately \$30,000, with an additional cost of \$15,000 if the system was automated.
- Sluice gate system. This would be LHA's second choice, because it would require more maintenance and may be detrimental to lake level consistency if not automated. The engineers consulted by Mr. Adler indicated that this system would not be significantly more effective in sediment removal than the crest wall system. The Board's current proposed system is a sluice gate, but LHA suggests a different design. The cost for this system would be approximately \$20,000, with an additional cost of \$15,000 if the system was automated.

LHA strongly prefers that the system be automated, regardless of which option the Board chooses, and Mr. Adler suggested that LHA may be willing to assist financially to this end. Mr. Adler reported that a State permit may not be required for either of these minor alterations, and that to this end the support of LHA may be advantageous. Discussion ensued.

5. Appearances by members of the public

- Appearance by Dakota Butterfield regarding County Hill Road.** Ms. Butterfield, who resides on County Hill Road, appeared to discuss the condition of the road. She discussed letters written by residents of County Hill Road to the Board in 2013, and the Board's subsequent agreement to pave a section of the road in 2014. Ms. Butterfield indicated that she understands that the entire project has not been undertaken this year due to budgetary constraints, but suggested that the bottom portion of the road, nearest its intersection with US Route 5, needs to be paved or patched this year to resolve a safety concern. Mr. Butterfield indicated that this section of the road is currently unsafe for motorcycle traffic. A driveway near the intersection with US Route 5 is depositing gravel into the road during rainstorms, contributing to the hazard. Discussion ensued.
- Appearance by Lieutenant Michael Henry of the Vermont State Police.** Lt. Henry, Station Commander of the St. Johnsbury Barracks, appeared to introduce himself to the Board and to discuss any law enforcement concerns of the Board. Lt. Henry indicated that the Town is represented on a State Police Community Advisory Board by David Stevenson and Randy Stewart. Discussion ensued.

6. Appearance by Road Foreman Keith Gadapee regarding Highway Department matters

- Gravel crushing.** Mr. Gadapee reported that gravel crushing is complete. Discussion ensued regarding planning for crushing at the pit in future years.
- Class 4 roads.** Mr. Gadapee requested guidance from the Board regarding maintenance of Class 4 roads. The Town is only required to maintain waterways on these roads, but presently also occasionally performs grading and other maintenance in response to residents' requests. Mr. Gadapee indicated that he wishes to ensure all residents are treated fairly in this regard. He asked if some minimal routine maintenance should be established. Discussion ensued.
 - The Board instructed Mr. Gadapee to continue to respond to these requests on a case-by-case basis, while ensuring that certain roads do not receive inordinate attention.
- Better Backroads Grant approval.** Mr. Gadapee indicated that the Town's application for a grant for a project on Mosquitoville Road has been approved. The Board reviewed the State of Vermont grant agreement. Mr. Gadapee indicated that the hydrology report on the site of this project, which was recently received, recommends a box culvert; the cost of this installation would be approximately \$50,000. This would be a much more costly project than anticipated when the grant was applied for; the grant will pay a maximum of only \$5,000. If the grant is accepted, the project must be completed by December 2015. Mr. Gadapee asked the Board if they wish to continue with this project or to refuse the grant. Discussion ensued.
 - The Board instructed Mr. Gadapee to obtain a quote from Ruggles Engineering for engineering on the project.

- d. **Barnet Center Road.** Mr. Gadapee indicated that work is underway to repair the Barnet Center Road crossing that failed in the rainstorm of April 15, 2014. Paving of Barnet Center Road is expected to be performed at the same time as paving for the Roy Mountain Road project.
- e. **Tires.** Mr. Gadapee asked if the Town is required to transport waste tires to the Northeast Kingdom Waste Management District's facility in Lyndonville, or if they can be taken to the Town's vendor of choice. Discussion ensued.
 - The Board indicated that the Town is allowed to transport tires to the vendor of its choice.
- f. **Extended warranty.** Mr. Gadapee asked the Board if they are interested in purchasing an extended warranty for the new dump truck. Discussion ensued.
 - The Board agreed to table this matter.
- g. **Road cutting.** Mr. Gadapee discussed a recent occurrence of a party cutting across a Town road without obtaining the Town's permission to do so. Mr. Gadapee indicated that the Town does not presently have an ordinance, policy, or permit application for this process. Discussion ensued.
 - The Board agreed to pursue updating the Town's Highway Access Ordinance to incorporate a road cutting ordinance.

7. Correspondence from Vermont Department of Public Service regarding VTel Wireless, Inc.'s application for project on Kinerson Lane

The Board reviewed VTel Wireless's application for a Certificate of Public Good, and a letter from the Vermont Department of Public Service. This letter discusses various aspects of the project, including the Board's petition, on behalf of residents Kevin and Lura Bruno, that the pole associated with the project be either installed on the silo located on the site, or manufactured in the form of a tree. The application addressed these concerns by "revis[ing] the pole design by painting it forest green to camouflage it against the surrounding backdrop." The letter indicates that "based on its review of VTel's application, the Department recommends that, without further investigation or hearings, the Board issue an order approving the permit." Mr. Heisholt indicated that there may be some delay in the issuance of the permit because a procedural violation may have occurred; Mr. and Mrs. Bruno were excluded from an abutters list for some mailings although they appear to be abutters to the subject property.

8. Correspondence from Vermont Public Service Board regarding notice of hearings for The Helicon Group, L.P. d/b/a Charter Communications's application for renewal of Certificate of Public Good

The Board reviewed a notice of hearings regarding Charter Communications's petition for a renewal of its Certificate of Public Good to provide cable television service in 46 Vermont municipalities.

9. Correspondence from Berwick Agency, Inc. regarding Fire & Rescue department insurance

The Board reviewed emails inquiring whether or not the Board wishes to obtain Cyber Liability insurance for the Fire & Rescue policy. The annual cost is quoted at \$150.00. Discussion ensued.

- The Board agreed to decline this coverage.

10. Other business

- a. **Correspondence from the Town of Lincoln, New Hampshire regarding Lincoln Zoning Board of Adjustment (ZBA) notice of public hearing for ZBA to consider request for an administrative appeal of June 25, 2014 decision of Planning Board (PB) per NH RSA 676.5 (III).** The Board reviewed the notice of a public hearing to be held Tuesday, August 19, 2014.

11. Outstanding check warrants

The Board reviewed and approved all outstanding check warrants.

12. Discussion regarding pending litigation in connection with the tax appeals of TransCanada Hydro Northeast, Inc. (executive session)

- Mr. Bunnell moved to enter executive session. Seconded by Ms. Ford and approved by voice vote. Entered executive session at 8:45 p.m. Attendance in executive session: Mr. Roberts, Mr. Bunnell, Ms. Ford, Lister John Cook, Lister Sarah Cook, Attorney Richard Coutant (via telephone conference), and Mr. Heisholt.
- Mr. Bunnell moved to exit executive session. Seconded by Ms. Ford and approved by voice vote. Exited executive session at 9:30 p.m.
- No action taken.

13. Discussion regarding pending litigation in connection with the “Thomas Gould v. Town of Barnet for Richard Woodward” lawsuit (executive session)

- Mr. Bunnell moved to enter executive session. Seconded by Ms. Ford and approved by voice vote. Entered executive session at 9:30 p.m. Attendance in executive session: Mr. Roberts, Mr. Bunnell, Ms. Ford, Attorney John Leddy, and Mr. Heisholt.
- Mr. Bunnell moved to exit executive session. Seconded by Ms. Ford and approved by voice vote. Exited executive session at 10:00 p.m.
- No action taken.

14. Adjournment

Mr. Bunnell moved to adjourn. Seconded by Ms. Ford and approved by voice vote. Meeting adjourned at 10:00 p.m.

A true copy.

Attest: _____
Town Clerk