

**MINUTES – SELECTBOARD MEETING  
TOWN OF BARNET, VERMONT  
MONDAY, APRIL 27, 2015**

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

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

**Others present:** Road Foreman Mark Chase, Lister John Cook, Town Clerk Benjamin Heisholt, Zoning Administrative Officer Shirley Warden, and George Sansoucy (via telephone).

**1. Approve minutes of special meeting held April 13, 2015 and regular meeting held April 13, 2015**

Ms. Ford moved to approve as presented the minutes of the regular meeting held April 13, 2015. Seconded by Mr. Roberts and approved by voice vote.

Mr. Roberts moved to approve as presented the minutes of the special meeting held April 13, 2015. Seconded by Ms. Ford and approved by voice vote.

**2. Appearances by members of the public**

There were no appearances by members of the public.

**3. Appearance by Road Foreman Mark Chase regarding Highway Department matters**

- a. **Mud season.** Mr. Chase reported that the Highway Department has been busy applying gravel and stone in problem areas.
- b. **Mining Safety and Health Administration (MSHA) training.** Mr. Chase reported that Highway Department employees attended mandatory training on April 21, 2015.
- c. **Truck maintenance.** Mr. Chase indicated that the Highway Department continues to spend time at the Town Garage repairing and maintaining trucks; a number of repairs have been necessary recently.
- d. **Grading.** Mr. Chase reported that the Highway Department has commenced grading some roads where conditions permit.
- e. **Highway Department praise.** Ms. Ford indicated that she received a telephone call expressing thanks for the professionalism, efficiency, and courtesy of the Highway Department in a particular matter.
- f. **Green Up Day.** Shirley Warden discussed with Mr. Chase arrangements for the use of Town dump trucks for Green Up Day on May 2 at the Barnet School.

**4. Consideration of bids for stripping and moving overburden at Town pit**

Mr. Roberts opened bids from the two contractors who submitted bids of four from whom bids were requested. Per yard prices were requested for stripping and removing (including loading and trucking) overburden at the pit. The bids were submitted as follows: Kenneth Bunnell & Sons bid \$1.55 per yard, and Mathews Excavating bid \$1.15 per yard. Discussion ensued.

- Ms. Ford moved to accept the bid of Mathews Excavating at a price of \$1.15 per yard. Seconded by Mr. Roberts and approved by voice vote.

**5. Consideration of change in 2015 restricted use expansion of all-terrain vehicle (ATV) access on town highways**

Jeremy Roberts reported on his conversation with John Jefferson, the member of the Barnet Trailblazers ATV Club who organized the Club's request for the restricted use expansion of access,

which the Board approved at their meeting held March 23, 2015. Mr. Jefferson reported that the Club would now like to retract its request, indicating that they will not use this restricted access section, which included portions of Little France Road, Barnet Center Road, Warden Road, and Goss Hill Road. Discussion ensued.

- Ms. Ford moved to amend the Town Highway ATV access granted for the 2015 season on March 23, 2015 by revoking the restricted use sections of Little France Road, Barnet Center Road, Warden Road, and Goss Hill Road. Seconded by Mr. Roberts and approved by voice vote.

#### **6. Correspondence from VTel Wireless, Inc. with proposed right-of-way agreement for aerial and underground placement of cable in Town right-of-way on Pearlmont Road, Garland Hill, and Symns Pond Road**

The Board reviewed an email and attached agreement, sketches, and map describing the proposed project and requesting the Town's approval to perform the installation within Town right-of-way. Discussion ensued.

- The Board agreed to not sign the agreement at this time, but to instruct Road Foreman Mark Chase to meet with Road Commissioner Gary Bunnell at the site to review the project and report back to the Board with a recommendation.

#### **7. Applications for Uniform Municipal Excess Weight Permits**

The Board reviewed and approved the fleet applications of Cardinal Logistics Management Corporation, Mathews Excavating, Thomson Timber Harvesting & Trucking LLC, Amadon Construction Inc., and single vehicle application of Donald Moore Jr.

#### **8. Other business**

- a. Clicker dog training at Town Hall.** Ms. Ford discussed the request of use of the Town Hall, as discussed at the previous meeting. The Town's insurance carrier, the Vermont League of Cities & Towns (VLCT) indicates that the Town would be covered for liability if the Board decided to permit this use. VLCT does, however, request that the Town create a rental facility agreement, and require that the group using the Town Hall complete and sign this agreement, which would include the requirement that the group provide proof of general liability coverage and agree to be responsible for damages, etc. With regard to property insurance the building is currently insured at an actual cash value of \$419,502. This status reflects a change last year from a guaranteed replacement cost value due to the building's vacancy. The decision of whether or not to allow this use of the building will not affect the property insurance status unless the Board decides that this use warrants reverting to a guaranteed replacement cost status. Discussion ensued.
  - The Board agreed to deny this request for use of the Town Hall.
- b. Town Hall renovations and land survey.** Mr. Roberts discussed his meeting with Andrew Dussault, who is performing a survey of the Town Hall property.
  - The Board agreed to meet with Mr. Dussault, tentatively arranging for a meeting at 4:30 p.m. on May 6 or 7.
- c. McIndoe Falls geese concerns.** Zoning Administrative Officer Shirley Warden discussed complaints she has received regarding geese in McIndoe Falls. She indicated that she has received several complaints over the past few years, and has sent several letters to the owners indicating that they are in violation of the Zoning Ordinance. She asked the Board if she should send a letter warning of a fee for non-compliance, pursuant to the Zoning Ordinance. Discussion ensued.
  - The Board instructed Ms. Warden to mail a letter warning of a fee for non-compliance.
- d. Trash ordinance.** Ms. Ford discussed the possibility of adopting a trash ordinance, indicating that the Town of Waterford has adopted one, and suggesting properties in Barnet that may benefit from such an ordinance. Discussion ensued.

- e. **Noise ordinance.** Town Clerk Benjamin Heisholt indicated that he has inquired with Town Attorney Jay Abramson regarding the Board's options for restricting excessive noise; Mr. Abramson has not yet responded. Discussion ensued.

**9. Outstanding check warrants**

The Board reviewed and approved all outstanding check warrants.

**10. Discussion regarding legal proceedings in the tax appeal of TransCanada Hydro Northeast, Inc. (executive session)**

- Ms. Ford moved that the Board make a specific finding that premature public knowledge of discussion concerning the legal proceedings related to the tax appeal of TransCanada Hydro Northeast, Inc., in which the Town is a party, would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Roberts and approved by voice vote.
- Ms. Ford moved that the Board enter executive session pursuant to 1 V.S.A. Section 313 (a)(1)(E) to discuss the legal proceedings related to the tax appeal of TransCanada Hydro Northeast, Inc., as premature public disclosure of which would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Roberts and approved by voice vote. Entered executive session at 8:00 pm. Those present in executive session: Mr. Roberts, Ms. Ford, Town Clerk Benjamin Heisholt, Lister John Cook, and George Sansoucy (via telephone).
- Ms. Ford moved to exit executive session. Seconded by Mr. Roberts and approved by voice vote. Exited executive session at 8:17 p.m.
- Ms. Ford moved to hire attorney Chris Boldt of the law firm of Donahue, Tucker, and Ciandella to represent the Town in this matter, to replace attorney Richard Coutant of the law firm of Salmon & Nostrand, who has retired.

**11. Adjournment**

Ms. Ford moved to adjourn. Seconded by Mr. Roberts and approved by voice vote. Meeting adjourned at 8:20 p.m.

*A true copy.*

Attest: \_\_\_\_\_  
Town Clerk