

**MINUTES – REGULAR SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, MAY 11, 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, Gary Bunnell, and Dylan Ford.

Others present: Road Foreman Mark Chase, Town Clerk Benjamin Heisholt, First Constable Steve Mosher, Zoning Administrative Officer Shirley Warden, Michael Bigelow, Christopher Boldt, Brian Fogg, and January O'Donnell.

1. Approve minutes of regular meeting held April 27, 2015

Ms. Ford moved to approve as presented the minutes of the regular meeting held April 27, 2015. Seconded by Mr. Roberts and approved by voice vote.

2. Appearance by Barnet School Facilities Director Michael Bigelow regarding use of Town equipment for playground project

Mr. Bigelow appeared to request the Town's assistance in a project at the School this summer involving removing the current playground structure and installing a new structure. Mr. Bigelow requests that the Town donate the use of its backhoe and an operator for one or two days in early July to assist in the removal of the current playground structure. Discussion ensued; Road Foreman Mark Chase indicated that he would likely be able to fit this request into the Highway Department's schedule.

- The Selectboard agreed to authorize this use of Town equipment and personnel, pending the schedule of the Highway Department.

3. Appearances by members of the public

January O'Donnell appeared to discuss the letter sent to the Board by her husband Brent O'Donnell, as discussed at the Board meeting held April 13, 2015. Town Clerk Benjamin Heisholt indicated that he had called Mr. & Ms. O'Donnell and left a message informing them of the outcome of the April 27, 2015 Board meeting, at which the restricted-use all-terrain vehicle (ATV) access was revoked; the O'Donnells, however, did not receive this message. Mr. Roberts explained the events leading to the April 27 decision of the Board, and the content of the decision. Steve Mosher, of the Barnet Trailblazers ATV Club, indicated that the Club does not plan to request the above-referenced restricted use access in future years.

4. Appearance by Road Foreman Mark Chase regarding Highway Department matters

- a. **Spring cleaning.** Mr. Chase reported that the Highway Department has been working on several routine spring tasks during the past several weeks, such as washing bridges, and filling pot holes and mud holes.
- b. **Pick-up truck inspection.** Mr. Chase reported that the inspection on the pick-up truck has expired; Mark Jefferson of Mark's Automotive has indicated that the truck will not currently pass inspection due to corrosion. The new pick-up truck is due for delivery in June.
- c. **Roy Mountain Road culvert location change.** Mr. Chase reported on his recent communication with resident Arthur Roy. Mr. Roy indicates that during the 2014 construction project on Roy Mountain Road the location of a culvert was changed, which resulted in water being directed towards a field and feed bunk at his farm. Mr. Roy indicated that former Road Foreman Keith Gadapee, who headed the project, offered to provide a drainage solution if this culvert relocation caused a problem for Mr. Roy's farm. Mr. Roy inquires if he may purchase a quantity of 6" drainage tubing to resolve this problem using the Town's credit account with the vendor, so that the product may be purchased at a discount. Discussion ensued.

- The Board agreed to permit this use of the Town's credit account.
- d. Pit stripping.** Mr. Chase reported that Mathews Excavating plans to commence work on stripping the pit during the week of this meeting.
- e. Better Backroads Grant.** Town Clerk Benjamin Heisholt indicated that this grant application is due May 15, 2015; he asked the Board to confirm that they wish to apply for a project on Town Forest Road.
- The Board confirmed that they wished to apply for a grant for a project on Town Forest Road.
- f. Dumpster compaction.** Ms. Ford reported to Mr. Chase that Transfer Station & Recycling Center Supervisor Bruce Marston has requested that the Highway Department use the loader to compact the materials in the construction dumpster.

5. Correspondence from VTel Wireless, Inc. regarding revision of 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 drawing relating to the proposed project originally discussed at the previous Board meeting. Per the request of Road Commissioner Gary Bunnell, this revised drawing substitutes overhead transmission lines for cable buried under the roadway. Discussion ensued.

- The Board agreed to sign an agreement based upon the revised drawing, once such an agreement is available.

6. Correspondence from Vermont Agency of Transportation regarding 2015 annual town highway financial plan

The Board reviewed the annual town highway financial plan as drafted at the Board's special meeting held April 13, 2015.

- The Board signed the plan.

7. Consideration of regular Selectboard meeting scheduled for May 25, 2015 (Memorial Day)

The Board discussed whether or not to reschedule their regular meeting scheduled for Monday, May 25, 2015, which happens to be a holiday.

- The Board agreed to not reschedule the meeting and to hold the meeting as scheduled.

8. Consideration of Transfer Station & Recycling Center hours on July 4, 2015 (Independence Day)

The Board reviewed an email from Transfer Station & Recycling Center Supervisor Bruce Marston regarding the question of whether or not to close the Transfer Station & Recycling Center on July 4, 2015, which happens to be a Saturday. Mr. Marston recommends that the facility be closed. Discussion ensued.

- The Board agreed to authorize the closure of the Transfer Station & Recycling Center on July 4, 2015.

9. Consideration of bids for 2015-2016 delivery of diesel fuel, heating fuel and propane

The Board reviewed the results of a request for bids sent to fuel suppliers. Service required is the delivery of fuel oil, propane, and diesel fuel to all Town locations for the period of June 1, 2015 to May 31, 2016. The Board reviewed bids submitted, which were from Dead River Company, Fred's Propane & Heating Oil, and Irving Oil. Discussion ensued.

- Mr. Bunnell moved to accept the bid of Fred's Propane & Heating Oil, and to continue to purchase all products at the fluctuating price based on the rack price. Seconded by Ms. Ford and approved by voice vote.

10. Correspondence from resident Elaine Pollak regarding dogs on Roy Mountain Road

The Board reviewed Ms. Pollak's letter, which complains of two recent occasions on which the dogs owned by Kathleen Campbell were allegedly not leashed and allegedly accosted pedestrians or motorists in the roadway. Discussion ensued.

- The Board agreed to send Ms. Pollak the Board's standard form letter requesting that she schedule a meeting with the Board at a regular Board meeting, and to also indicate on this letter that the Board is aware of recent complaints regarding Ms. Campbell's dogs and plans to address them once the new Animal Control Ordinance is effect on May 26, 2015.

11. Copy of correspondence from Zoning Administrative Officer Shirley Warden to McIndoe Falls residents regarding Zoning Ordinance violations

The Board reviewed a letter mailed via certified mail on May 6, 2015 by the Zoning Administrative Officer to James Verrill and Thomas Lyczko, per the discussion at the previous Board meeting. The letter cites several violations of the Zoning Ordinance. Discussion ensued.

- The Board agreed to authorize Ms. Warden to employ the Caledonia County Sheriff's Department to deliver the letter to Mr. Verrill and Mr. Lyczko if the certified mailing is not signed for.

12. Correspondence regarding petition of New England Power Company d/b/a National Grid (NEP) for a Certificate of Public Good (CPG) authorizing NEP to replace two circuit breakers and install associated electric equipment and foundations in the McIndoe Switchyard

The Board reviewed a letter from the attorney for NEP to the Clerk of the Vermont Public Service Board, which serves notice that NEP has fulfilled all of the requisite CPG conditions, has obtained the consent of Green Mountain Power Corporation, and intends to commence construction immediately.

13. Applications for Uniform Municipal Excess Weight Permits

The Board reviewed and approved the fleet applications of Chief Crushing & Excavation Inc., Chief Logging & Chipping Services Inc., Darcy Nelson, and VELCO, and single vehicle application of Stan Robinson Wood Procurement LLC.

14. Other business

- a. Passumpsic dog incident.** First Constable Steve Mosher appeared to report on an incident that occurred on Sunday, May 10, 2015 in Passumpsic Village. Mr. Mosher reported to the residence of Gary and Nicole Leigh after the incident occurred; the incident involved Animal Control Officer Josephine Guertin and a dog named Reese, believed to be owned by Darcie Nash, also of Passumpsic Village. Mr. Mosher reported that earlier in the afternoon on May 10, 2015, while Ms. Guertin was attempting to pick up Reese, a stray dog, at the Leighs' residence, Ms. Guertin was severely bitten. Subsequently Ms. Guertin shot the dog; the dog was not killed, however, and ran away from the scene of the incident. The dog was then reportedly recovered by Ms. Nash, treated at a local veterinary hospital, and currently recovering at the Nash residence. Ms. Guertin has also been treated for her wounds, and may require surgery. The dog has not been licensed in Barnet, and Mr. Mosher has been unable to attain a certificate of rabies vaccination. Mr. Mosher expects to receive a written statement from witnesses Mr. and Mrs. Leigh. Discussion ensued.
 - The Board instructed Mr. Mosher, or Second Constable David Stevenson, to visit the Nash residence with a State Police escort, apprehend the dog, and impound it on the basis of its non-licensure and lack of rabies vaccination.

15. Outstanding check warrants

The Board reviewed and approved all outstanding check warrants.

16. 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. Bunnell 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. Bunnell and approved by voice vote. Entered executive session at 8:20 pm. Those present in executive session: Mr. Roberts, Mr. Bunnell, Ms. Ford, Town Clerk Benjamin Heisholt, Christopher Boldt, and Brian Fogg.
- Mr. Bunnell moved to exit executive session. Seconded by Ms. Ford and approved by voice vote. Exited executive session at 9:10 p.m.
- No action taken.

17. Adjournment

Mr. Bunnell moved to adjourn. Seconded by Ms. Ford and approved by voice vote. Meeting adjourned at 9:10 p.m.

A true copy.

Attest: _____
Town Clerk