

**MINUTES – SPECIAL SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, AUGUST 31, 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, Transfer Station & Recycling Center Supervisor Bruce Marston, Transfer Station & Recycling Center Attendant Donald Nelson, Zoning Administrative Officer Shirley Warden, Steven Adler, and Theresa Conant.

1. Approve minutes of regular meeting held August 10, 2015

Mr. Bunnell moved to approve as presented the minutes of the regular meeting held August 10, 2015. Seconded by Ms. Ford and approved by voice vote.

2. Appearances by members of the public

- a. Theresa Conant regarding stone lining on bank of Cloud Brook.** Mrs. Conant appeared to discuss a problem resulting from ledge material along the bank of the Cloud Brook sliding down the bank into the brook, as discussed by Ms. Ford at the previous meeting. Mrs. Conant presented several photographs, which demonstrate the condition of the stream bank. The large ledge material was installed to stabilize the bank after the May 2011 flooding, but no smaller material was installed to hold the large stones in place. The photographs showed erosion of the stream bank, including fallen trees. Discussion ensued between Mrs. Conant, the Board and Road Foreman Mark Chase regarding the condition of the site and the best course of action.
- The Board agreed that Mr. Chase and Mr. Bunnell will meet at the site to inspect the area and devise a plan of action to stabilize the bank.

3. Appearance by Transfer Station & Recycling Center employees Bruce Marston and Donald Nelson regarding Transfer Station & Recycling Center matters

Supervisor Mr. Marston and attendant Mr. Nelson discussed several matters relating to the Transfer Station & Recycling Center.

- a. Recycling Center space constraints.** Mr. Marston and Mr. Nelson indicated that the Recycling Center is once again too small for the volume of recycling material received. Mr. Marston presented a photograph of the inside of the building at the end of a busy Saturday. Mr. Marston reported that Northeast Kingdom Waste Management District picks up all recycling materials from the Town once per week and during the summer sometimes twice per week. Mr. Nelson indicated that use of the facility has increased significantly since the State's mandatory recycling law took effect on July 1, 2015.
- The Board agreed that Mr. Roberts will inspect the facility and provide a recommendation regarding an addition.
- b. Lights and heat.** Mr. Marston, Mr. Nelson and the Board discussed the need for lighting and heat at the recycling building.
- Mr. Roberts indicated that he has visited the site with the St. Johnsbury Academy's electrical class. The Board agreed that Mr. Roberts will facilitate the electrical upgrade necessary to add lights and heat to the building.
- c. Unregistered users.** Mr. Marston indicated that there has been an increase in use of the facility by unfamiliar customers. When asked if they are Barnet residents or taxpayers they often respond that they are bringing materials for a friend or relative who is a Barnet resident. Discussion ensued about State requirements with regard to accepting materials.

- The Board instructed Mr. Marston to keep records of non-residents and non-taxpayers who report that they are transporting trash or recycling for Barnet residents or taxpayers.
- d. **Weight-based pricing.** Mr. Marston suggested that the Board consider charging for waste on a weight basis, rather than per item or per bag, as this would be a fairer method and would encourage recycling. Discussion ensued.
- e. **Refrigerators and air conditioner units.** Mr. Marston indicated that some refrigerators and air conditioners were placed in the metal dumpsters by the Highway Department. Mr. Marston reported that all refrigerators and air conditioners should be transported to the Northeast Kingdom Waste Management District in Lyndonville.
- f. **Roof over construction dumpsters.** Mr. Nelson asked if the Board still plans to build a roof over the construction dumpsters, as was discussed in 2014. Discussion ensued.
 - The Board indicated that they still plan to build a roof, but the work is not planned for this year.
- g. **Snow maintenance.** Mr. Marston spoke about the need for the facility to be plowed and sanded on Saturdays during the winter, indicating that there was some difficulty with this last year.
- h. **Brush pile location.** Shirley Warden instructed the Board that she received information suggesting that the plan established by the Board for collection and removal of yard debris will not be acceptable under the new state law. Discussion ensued.

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

- a. **Barnet Center Road Structures Grant project.** Mr. Chase indicated that Calco, Inc. has reported that the box culvert for this project will be delivered no sooner than the last week of September. If it is delivered this early it will leave two weeks to complete work before the end of season for stream-work. Shauna Clifford, of the Vermont Agency of Transportation, has indicated that the grant is effective until late spring of 2016. Mr. Chase indicated that he did not request bids for excavation contractors because the project looks unlikely for this year.
- b. **Truck repairs.** Mr. Chase reported that several trucks are undergoing repair. A brake job was performed on dump truck #008. On dump truck #004 there appear to be problems with the head gasket and turbo; these have been sent away for inspection. The Highway Department continues to perform welding repairs on the body of dump truck #009, which is in very poor condition.
- c. **Grading.** Mr. Chase reported that the Highway Department has re-commenced grading roads.
- d. **Paving projects.** Mr. Chase reported that Pike Industries has paved all of South Main Street and most of Granger Street. Mr. Chase reported that it is unknown at what date the other planned projects will be paved. Discussion ensued regarding County Hill Road paving; some complaints were received regarding the planned scope of this year's paving and about the present reclaimed, gravel condition of the road.
- e. **Culverts.** Mr. Chase reported that the Highway Department is working on installing culverts on roads where reclaiming has been performed but paving is not yet performed. A culvert was installed on Gilfillan Road; several culverts are to be installed by Shane Stevenson on Comerford Dam Road.
- f. **Culvert bumps.** Shirley Warden noted that there are several areas of Barnet Center Road with large bumps at the location of culverts. Mr. Chase indicated that there are many of these bumps throughout town and that they are caused by large amounts of rainwater.

5. Consideration of Harvey's Lake Dam sediment removal project

Mr. Roberts read proposals for removal of sediment behind the dam from three excavation contractors. These proposals, as summarized in terms of total estimated cost, are:

- J.A. McDonald, Inc.: \$119,000.00
- Raymond Heath Construction, Inc.: \$314,015.00
- Dubois Construction, Inc.: \$166,149.00

These proposals represent three of the four proposals solicited. Mathews Excavating did not submit a proposal. It was noted that the contractors were bidding on general parameters as presented by the Town's project manager Robert Desrochers. There were not detailed specifications; therefore some of the difference in estimated cost may be attributable to different approaches to the project or different assumptions. Discussion ensued.

- Mr. Bunnell moved to hire J.A. McDonald, Inc. to perform excavation work for sediment removal behind Harvey's Lake Dam. Seconded by Ms. Ford and approved by voice vote.

Steven Adler asked if the Board intends to sell any salvaged gravel or topsoil from the project.

- Mr. Bunnell indicated that it is doubtful whether there will be a great deal of marketable material extracted. The dumping site will need to be State-approved; it may be difficult to find an approved site corresponding with a willing customer for any useful material.

Ms. Ford indicated that she had received several questions regarding the project. The Ben's Mill organization asked if the project would interfere with the "Ducky Race" event to be held October 3.

- Mr. Bunnell indicated that the project should not prevent adequate water flow for the Ducky Race.

Ms. Ford asked if there would be significantly increased water flow downstream when the stop logs are withdrawn.

- Mr. Bunnell responded that this is unknown, but that he plans to remove the stop logs gradually: not all of the boards will be removed at once.

Mr. Adler asked if the Board plans to put the same wooden stop logs back in after the project or if they plan to replace them with aluminum boards.

- Mr. Bunnell indicated that the Board has not made a decision about this. Discussion ensued.

Mr. Adler asked if the Board plans to perform test borings for a future dam site this year. Discussion ensued.

- The Board indicated that they are interested in pursuing this project as soon as possible, but it is not in the budget for this year. Mr. Adler indicated that he would inquire with the Lake Harvey Association to see if there is interest in providing funds to expedite the process.

6. Consideration of proposals for request for reduction in monitoring at Barnet landfill

The Board reviewed proposals from DuBois & King, Inc. and The Johnson Company. A proposal was also solicited from a third firm, Lincoln Applied Geology, from whom no proposal was received. The two proposals received, as summarized in terms of estimated engineering cost, are:

- DuBois & King, Inc.: \$2,500.00
- The Johnson Company: \$3,962.00

Mr. Heisholt noted that The Johnson Company's proposal assumes the creation of an Excel database containing groundwater monitoring data from the past five years; this appears to constitute approximately \$2,190 of the total estimated cost. The DuBois & King, Inc. proposal assumes that data analysis will not be necessary. Discussion ensued.

- The Board requested that Mr. Heisholt ask The Johnson Company if they are able to provide a proposal that does not include data analysis.

7. Consideration of waiver of penalty for late homestead declarations

Mr. Heisholt reminded the Board of the content of 32 V.S.A. § 5410(g), which indicates that the Selectboard "may...include a penalty of up to three percent of the education tax on the property" of an owner who files a homestead declaration on property that does not meet the criteria of a homestead or of an owner who fails to file a homestead declaration on a property that does meet the criteria of a homestead. This particular penalty is only applicable when the above-described taxpayer errors are not to the taxpayer's advantage (i.e. when the homestead education rate is the lower of the two rates and the homestead owner fails to file a homestead declaration, or when the non-residential education rate is the lower of the two rates and the non-homestead owner files a homestead declaration). In instances when the taxpayer error is to the taxpayer's advantage, the Selectboard may include a penalty of up to

eight percent. Mr. Heisholt indicated that the Board has waived these penalties for the past several years. Discussion ensued.

- Ms. Ford moved to waive the penalties allowable pursuant to 32 V.S.A. § 5410(g). Seconded by Mr. Bunnell and approved by voice vote.

8. Correspondence from Vermont Agency of Transportation regarding Transportation Alternatives Program

The Board reviewed letter soliciting applications for grant projects of a range of eligible categories generally related to non-motorized transportation and transportation access for non-drivers.

9. Consideration of application for Uniform Municipal Excess Weight Permit

The Board reviewed and approved a single vehicle permit for Gary C. Roy Sr.

10. Other business

a. Dump truck purchase. Mr. Bunnell indicated that he believes the Board should trade in dump truck #009 for a new truck. Mr. Bunnell indicated that the body of truck #009 is in very poor condition, rendering the truck almost useless. Mr. Chase presented a bid prepared by R.R. Charlebois, Inc., which represents an extension of the same bid prepared for the truck purchased by the Town in 2014. The truck is a 2015 Freightliner 114SD chassis with a Viking plow package body. The chassis bid price is \$114,300, combining with a body bid price of \$63,100, for a total bid of \$177,400. Mr. Chase indicated that he believes R.R. Charlebois will offer \$43,000 for truck #009 in trade in this transaction. Discussion ensued.

- Mr. Bunnell moved to purchase the above-described Freightliner 114SD with Viking plow package body from R.R. Charlebois, subject to inspection of the truck by Mr. Chase, financing the transaction using the trade-in of truck #009, \$50,000 from the Truck Account in the reserve fund, and a bank loan for the remainder. Seconded by Ms. Ford and approved by voice vote.

b. Highway access conversion. Shirley Warden asked about the policy of the Board regarding existing highway accesses that are converted from one use to another. She discussed an access she has observed that has been converted from a logging access to a driveway. Discussion ensued.

- The Board instructed Mr. Chase to inspect the access to which Ms. Warden referred.

11. Outstanding check warrants

The Board reviewed and approved all outstanding check warrants.

12. Discussion regarding legal proceedings in the tax appeal of TransCanada Hydro Northeast, Inc.

The Board reviewed an email from Attorney Christopher Boldt indicating that the Court has granted his Motion for Pro Hac Vice.

13. Adjournment

Mr. Bunnell moved to adjourn. Seconded by Ms. Ford and approved by voice vote. Meeting adjourned at 8:50 p.m.

A true copy.

Attest: _____
Town Clerk