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MINUTES – REGULAR SELECTBOARD MEETING TOWN OF BARNET, VERMONT MONDAY, JULY 11, 2016

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: Town Agent Steven Adler, Road Foreman Mark Chase, Town Clerk Benjamin Heisholt, Zoning Administrative Officer Shirley Warden, Gary Briggs, Marianne Briggs, and Donna Gaston.

1. Approve minutes of regular meeting held June 13, 2016

Minutes of the regular meeting held June 13, 2016 were approved by voice vote.

2. Appearances by members of the public

- a. **Donna Gaston on behalf of the Extended Learning Opportunities (ELO) program run by the Caledonia Central Supervisory Union.** ELO is having an "adventure week" program during the week of July 18. They are requesting that on July 22 the ELO program be allowed to bring kayaks to the beach through the parking area, not the boat access. Ms. Gaston has spoken to Donald Easter, Supervisor at the Lake Harvey Association boat wash/monitor program, who has agreed to sign off on the washing of the boats that day.

- The Board agreed to approve ELO's request.

3. Consideration of complaint regarding dogs owned by Kathleen Campbell at 1998 Roy Mountain Road

Neighbors of Kathleen Campbell have heard dogs barking in her back yard. The Town Clerk received a phone call on the morning of July 11, 2016 from Ms. Campbell, who stated that she had not been sent a follow up letter from the Town following the May 16, 2016 hearing. Pursuant to the Animal Control Ordinance (Ordinance), the Board should send a written document stating the Board's decision at some time after the hearing; the Ordinance does not specify a timeframe for sending the written decision. At the hearing the Board had agreed to waive the civil penalties assessed to Ms. Campbell, provided her dogs never return to Barnet; because a written decision was not issued this agreement did not constitute the Board's decision. Town Agent Steven Adler, who had been contacted by the Board regarding this matter appeared. Mr. Adler recommended taking testimony from the attending neighbors, then going into a deliberative session.

- The Board requested that Mr. Adler work on a revision of the Ordinance to address Board concerns.
- The Board agreed to create a complaint form that people can fill out when addressing dog concerns.

Marianne Briggs reported hearing dogs barking from Kathleen Campbell's backyard on July 3, 2016. When she asked Ms. Campbell if the dogs were back, Ms. Campbell replied that she would rather not answer, and that she was working with the town. Marianne also had heard from Michelle DeKoyer that she had also heard dogs barking in Ms. Campbell's backyard during the weekend of July 9 and 10, 2016.

- The Board voted to enter deliberative session.
- The Board voted to exit deliberative session.

- The Board delivered a public decision: The Board will send Mr. Adler's drafted letter indicating the Board's decision from the hearing will be to affirm the original decision to assess a civil penalty of \$1,000 (\$500 per dog). The Board will also sign and send Ms. Campbell a second violation notice, regarding a different violation, stating her right to request a hearing.

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

- Guardrails.** Mr. Chase indicated that he had met with Steve Shattuck of Vermont Recreational Surfacing regarding guardrails on Barnet Center Road, Cloud Brook Road, and Little France Road.
- Paving.** Mr. Chase reported that Pike Industries, Inc. had completed the paving work for 2016, with the exception of patching where pavement was removed to install the culvert on Barnet Center Road.
 - Mr. Roberts asked Mr. Chase to inspect a gap in the pavement on County Hill Road.
- Sand screening.** Mr. Chase reported that Chief Crushing & Excavation, Inc. is currently performing screening of winter sand; this project is expected to be completed July 13, 2016.
- Gravel crushing.** Mr. Chase reported that Chief Crushing & Excavation, Inc. will be at the gravel pit to perform blasting and crushing for gravel beginning the week of July 18, 2016.
- Harvey Mountain Road maintenance.** Mr. Chase reported that the Highway Department has performed work to make Harvey Mountain Road smoother and less dusty in the wake of reclaiming the pavement earlier in the summer and in consideration that the road will not be paved until at least the summer of 2017.
- Strobridge Hill.** Ms. Ford indicated that she had received a complaint about the Class 4 portion of Strobridge Hill; some sections are washed out to the extent of impassibility.
 - The Board instructed Mr. Chase to inspect the road.

5. Consideration of Highway Access Permit application of Saddleback Meadow, LLC for driveway access on Old Silo Road

The Board reviewed an application for a perpetual driveway 280 feet north of the driveway to 2172 Old Silo Road. Mr. Chase reported on his inspection of the site; he recommends approval upon the conditions of a minimum 15" culvert in the ditch line under the driveway, and a flat approach area before entering the roadway. Discussion ensued.

- The Board agreed to approve the permit as per Mr. Chase's recommendation, and with the conditions suggested by Mr. Chase; Mr. Roberts signed the same.

6. Correspondence from Vermont League of Cities & Towns (VLCT) regarding state salt bids

The Board reviewed a letter from the VLCT and quote from Cargill for supplying the Town with road salt for the 2016-2017 season. The letter indicated that Cargill is the only company that agreed to a contract price for towns through the State of Vermont's bid process. Cargill's quoted delivered price is \$80.56 per ton; this is the same price as in 2015-2016. Discussion ensued.

- The Board agreed to sign Cargill's quote; Mr. Roberts signed the same.

7. Correspondence from Vermont Agency of Transportation (VTrans) and Northeastern Vermont Development Association (NVDA) regarding Better Roads grant applications

The Board reviewed two letters from the Better Roads division of VTrans; these indicate that the Town's application for a Category A grant was approved, but its application for a Category D grant was denied. The Board then reviewed the Better Roads Grant Agreement from VTrans pertaining to the approved Category A grant.

- Mr. Roberts signed the agreement with the Board's approval.

The Board reviewed a letter from NVDA stating that Kerry O'Brien of Caledonia County Natural Resources Conservation District, with whom the Town had planned to contract for the Category A grant project, is unavailable to assist the Town. NVDA indicated that they are willing to work with the Town in Ms. O'Brien's stead.

- The Board instructed Mr. Chase to contact NVDA regarding this matter.

8. Correspondence from resident Kathleen Monroe regarding intersection of Harvey Mountain Road and Aiken Farm Road

The Board read an email indicating that a street light at the intersection of Harvey Mountain Road and Aiken Farm Road, which had been paid for through Green Mountain Power by resident Frank Jannarone, has been removed. Ms. Monroe suggested that in view of this change the Board should consider placing a yield sign at this intersection to make it safer. Discussion ensued.

- The Board instructed Mr. Chase to inspect the site to see if it is a suitable location for a yield sign.

9. Consideration of report of unlicensed dogs

The Board reviewed a list of unlicensed dogs, as furnished by the Town Clerk's Office.

- Ms. Ford moved to certify the list and forward it to the Constables for further action as required by law, pursuant to Section 11, Part G of the Animal Control Ordinance. Seconded by Mr. Bunnell and approved by voice vote.

10. Consideration of waiver of penalty for late-filed Vermont Homestead Declarations

The Board discussed whether or not to continue to waive the penalty for late-filed Vermont Homestead Declarations, as it has for the past several years.

- The Board agreed to table this matter until the next Board meeting.

11. Correspondence from Endyne, Inc. regarding results of analyses performed for water samples taken at former landfill site

The Board reviewed laboratory reports on samples and analyses of semiannual monitoring performed May 2016.

12. Correspondence from Vermont Department of Taxes with Notice of Education Tax Rates for Fiscal Year 2017

Mr. Roberts read a cover letter and reviewed the attached rates. The non-residential tax rate is to be \$1.4547 and the homestead tax rate \$1.4987.

13. Correspondence from Vermont Department of Environmental Conservation regarding Lake Encroachment Permit issued to Nancy Slayton at 301 Slayton Lane

The Board read an email and reviewed the attached permit indicating approval for replacing an existing wall with a boulder wall located within the public waters of Harvey's Lake. Discussion ensued.

14. Correspondence from Vermont Department of Environmental Conservation regarding Agency of Natural Resources (ANR) General Permit

The Board reviewed an email and attached notice and permit draft relating to public notice on a revised ANR General Permit, which provides for the authorization of activities exempt from municipal regulation located in Flood Hazard Areas and River Corridors. Discussion ensued.

15. Correspondence from Vermont Public Service Board regarding Order Revision pursuant to Act No. 130 (H.577)

The Board reviewed an email and attached memorandum and draft order relating to revision of procedures governing Public Service Board approval of telecommunications facilities. Discussion ensued.

16. Applications for Uniform Municipal Excess Weight Permits

The Board reviewed and approved the fleet applications of Supreme Industries and Triple L Lumber Company, Inc.

17. Other business

- a. Beavers in Harvey’s Lake channel.** Ms. Ford indicated that Dr. Richard Downer had contacted her regarding beaver dams in the channel; reports indicate that there are two dams and one lodge. Dr. Downer is concerned that the dams are intensifying any siltification occurring behind the dam. Ms. Ford discussed suggestions made by Dr. Downer to control beaver problems, including a device called a “culvert leveler,” and clearing an all-terrain vehicle path to the channel for debris removal.
- b. Harvey Mountain Road paving.** Ms. Ford discussed her communications with a contingent of Harvey Mountain Road residents who are disappointed that the road will not be paved in 2016. This group requests a firm timeline for when the project will be completed.

 - The Board agreed that it plans to apply for a 2017 Class 2 Roadway Grant for this project. If the project is not funded through the grant, the Board agreed that it does not have a firm timeline for completion of the project at this time.

18. Outstanding check warrants

The Board reviewed and approved all outstanding check warrants.

19. Adjournment

Mr. Bunnell moved to adjourn. Seconded by Ms. Ford and approved by voice vote. Meeting adjourned at 9:00 p.m.

A true copy.

Attest: _____ Town Clerk