

DRAFT

MINUTES – REGULAR SELECTBOARD MEETING TOWN OF BARNET, VERMONT MONDAY, DECEMBER 11, 2017

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

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

Others present: Zoning Board/Planning Commission member Gary Briggs, Road Foreman Mark Chase, Zoning Board/Planning Commission member Bruce Denio, Town Clerk Benjamin Heisholt, Zoning Board/Planning Commission member Shane Stevenson, Zoning Administrative Officer Shirley Warden, Neil Benedict, Donald Easter, Bruce Ellison, Donna Ellison, Rachel Kittredge, Charles Smith, and Darren White.

1. Consideration of approval of minutes of regular meeting held November 27, 2017

Mr. Bunnell moved to approve as presented the minutes of the regular meeting held November 27, 2017. Seconded by Ms. Ford and approved by voice vote.

2. Appearances by members of the public

a. Appearance by residents Rachel Kittredge and Charles Smith regarding tree on Church Street. Ms. Kittredge and Mr. Smith appeared to discuss a black locust tree located within the Town's right of way on Church Street, which they believe to be hazardous. They presented a letter from forester Stephen Slayton. Mr. Slayton's letter indicates that he has assessed the health of the tree and determined that it is old and in decline. Mr. Slayton does not predict how the tree will fall apart, indicating that it could uproot and fall across the road and power line, or fall apart piece by piece over time. Mr. Slayton's letter does state his opinion that "because of its size and end of life decline...the tree will sooner rather than later cause some trouble." Mr. Smith requested that the Town take action to cut down this tree, which he believes to be a hazard to his home and the Town highway. Neil Benedict, who lives across Church Street from Ms. Kittredge and Mr. Smith, appeared to also express his request that the Town cut down this tree. Discussion ensued.

- The Board agreed that Mr. Roberts will contact Green Mountain Power regarding this tree to determine if Green Mountain Power deems it a hazard to the power lines.

b. Appearance by resident Shane Stevenson regarding Harvey's Lake water level lowering. Mr. Stevenson, who is an excavation contractor, appeared to thank the Board for their annual lowering of the water level of Harvey's Lake in 2017, which enabled him to perform shoreline excavation projects.

3. Appearance by Zoning Administrative Officer Shirley Warden regarding possible zoning violation of Bruce Ellison

Ms. Warden appeared to discuss with the Selectboard the possible zoning violation of Mr. Ellison, as discussed at the previous Selectboard meeting. Ms. Warden reported that a site visit was performed, in response to a complaint from an abutter, on the afternoon of Thursday, December 7, 2017. A laser measurement at that site visit confirmed that the construction thus far appears to be of greater height than the permit allows, according to Ms. Warden's interpretation. Ms. Warden indicates that an unpermitted 18" wooden sill placed on the foundation of the structure creates the additional height. Ms. Warden indicated that in order to enforce the zoning ordinance in the case of a permit violation her available course of action is to issue an order of violation. If she does this Mr. Ellison would have

the right to appeal her order, in which case the whole Zoning Board would hear his appeal and make a determination. This hearing would take place no sooner than the February Zoning Board/Planning Commission meeting. If, after this hearing, Mr. Ellison was aggrieved by the action of the Zoning Board he would have the right to appeal to the State Environmental Court. Discussion followed between Ms. Warden, the Selectboard, Mr. and Ms. Ellison, Zoning Board/Planning Commission members Gary Briggs, Bruce Denio, and Shane Stevenson, Donald Easter, and Darren White, as summarized below.

- Mr. Ellison indicated that he does not believe he is violation of his zoning permit. indicating that the permit did not specify the height of the permitted construction.
- Mr. Stevenson indicated that there are conditions on the permit, which were adding by the Zoning Board in response to concerns the abutters expressed at the first site visit. Mr. Stevenson indicated that there have been complaints from the abutters regarding violations of the conditions.
- It was agreed that the construction thus far does not exceed the zoning ordinance's general maximum construction height of 35 feet.
- Mr. Briggs suggested that the Zoning Board may have erred by not establishing a benchmark from which to measure the height of construction, thereby making it difficult to determine if the construction is in violation of the permit.
- It was agreed that the height of construction allowed by the permit was not determined until the most recent Zoning Board meeting, on December 5, 2017. The allowable height is not written on the permit itself; the minutes for the December 5, 2017 meeting are not yet approved.

Ms. Ford moved to require that the construction under permit #3-17 issued to Bruce Ellison be built at no greater height than as currently built.

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

a. Town Highway #116 – McIndoe Falls. Mr. Chase reported that changes have been made to a railroad crossing on unnamed Town Highway #116, which is a dead-end spur off US Route 5 South at the south end of McIndoe Falls. The maintenance work performed on the crossing involved ditching, and makes it impossible to properly maintain the highway during winter storm events. In investigating this situation Mr. Chase discovered that Town Highway #116 is 0.07 miles long, and therefore ends approximately twenty (20) feet short of the railroad crossing. Furthermore, the crossing itself appears to be across the town line and in the Town of Ryegate, according to the State highway map. Mr. Chase then contacted Vermont Agency of Transportation District 7 representative Shauna Clifford, who indicated that the crossing does not appear to be a legal crossing according to the State's records. The Town's turnaround area for this highway is on the far side of the railroad tracks, which suggests that the Town originally plowed across the tracks only in order to reach a convenient turnaround area. Discussion ensued.

- Ms. Ford moved to request that Ms. Clifford contact railroad personnel to determine with certainty if the crossing is a legal crossing, and to send a letter to the property owners on this road indicating that plowing activity on this road will cease until further notice. Seconded by Mr. Bunnell and approved by voice vote.

b. Two-way radios. Mr. Chase indicated that within the past few years the Town's radio service company cut in half the radio frequencies at which the Town's radios operate. The Highway Department was told at that time that this change should not affect their ability to communicate, but the Highway Department has found this not to be the case. They have experienced difficulty communicating truck-to-truck within town, even when using a relay system. Mr. Chase indicated that he has been researching solutions to this problem, one of which may be a booster system, which would cost approximately \$10,000. Discussion ensued.

- c. **July 1, 2017 flooding/Federal Emergency Management Agency repairs not to be complete in 2017.** Mr. Chase reported that some of the flood repair and mitigation projects stemming from the July 1, 2017 flooding event, including the culvert on West Main Street near the West Barnet Quick Stop, will not be completed until 2018.
- d. **Public sand pile.** Mr. Chase reported that, at the behest of the Town's insurance carrier, Vermont League of Cities & Towns, the Highway Department has created a designated pile of sand for access by Town residents. This will allow for safer access for residents to small quantities of sand for use in driveways, etc.
- e. **Municipal General Permit.** Mr. Chase discussed the new general permit that will go into effect in 2018. He indicated that this new process will require the Town to draft a five-year plan of road repairs, and will require payment of a \$2,600 annual fee.
- f. **Winter maintenance.** Mr. Chase reported that the Highway Department has now shifted its maintenance focus to winter activities, including plowing, sand, and salting snow and ice-covered roads.
- g. **Pick-up truck repair.** Mr. Chase reported that the pick-up truck was recently in the shop for replacement of a carrier bearing.

5. Consideration of bids for Town Hall roofing

The Board reviewed the request for proposals for Town Hall roofing sent to three local roofing contractors, and the responses received thus far. Only one response was received, from LG Page Roofing, who indicated that they were interested in preparing a quote, but unable to complete the project this season.

6. Other business

- a. **Feasibility study environmental review.** Ms. Ford asked Mr. Roberts, Mr. Bunnell, and Mr. Heisholt if they had received her email inquiry regarding the Building Committee's consideration of proposals for environmental review.
 - Mr. Roberts, Mr. Bunnell, and Mr. Heisholt all indicated that they had received Ms. Ford's email and all voted "yes" to accept the proposal of Clay Point Associates, Inc., with an amendment of the proposal to remove the testing for lead paint, as it is known that there is lead paint in the building and the Committee will follow the removal protocol in the construction process. Ms. Ford indicated that with these responses there is now a majority of the Building Committee in approval of this action.

7. Consideration of recommendation of preferred surveyor for Harvey's Lake boundary work

The Board discussed potential recommendations for a preferred surveyor for the Harvey's Lake boundary work relating to the Harvey's Lake dam project.

- The Board agreed to recommend Truline Land Surveyors, Inc. of St. Johnsbury.

8. Correspondence from resident Bruce Marston regarding Passumpsic Village Water Department

The Board reviewed a letter from Mr. Marston regarding the current status of the Passumpsic Village Water Department. Mr. Marston indicates that he and others involved in volunteer work to administer the water system would like to resign or retire, but the village is having difficulty in recruiting new volunteers. Discussion ensued.

- The Board agreed that Mr. Roberts will contact Chad Whitehead at the Town of St. Johnsbury to discuss what options may be available to resolve the volunteer shortage problem.

9. Consideration of proposed GIS Services Annual Maintenance Agreement from CAI Technologies

The Board reviewed the proposed agreement between CAI Technologies and the Town of Barnet concerning the delivery of user support for listers' Query Manager GIS software. The cost to the Town for this support is \$600.00. Discussion ensued.

- The Board agreed to enter the agreement and signed the contract.

10. Correspondence from CALEX Ambulance Service regarding amendment of bylaws

The Board reviewed a letter and attached copy of CALEX's bylaws. The letter indicates the change to the bylaws is in adding a subsection stating "Persons currently serving as town selectboard members are ineligible to be nominated to the Board of Directors."

11. Correspondence from Caledonia County regarding fiscal year 2019 budget

The Board reviewed an email and attached notice. The email states that the exact town taxes are not yet determined, but are estimated to be an increase of approximately 3% to 4%. The notice indicates that a meeting regarding the county budget will be held at noon on January 12, 2018 at the Caledonia Courthouse.

12. Consideration of correspondence from Northeastern Vermont Development Association regarding Local Emergency Operations Plan

Ms. Ford updated the Board on her progress in the online coursework required for completion of the update of the Local Emergency Operations Plan. She reported that the Federal Emergency Management Agency's website continues to have technical difficulties, making it impossible to complete the course.

13. Correspondence from Vermont Agency of Natural Resources regarding Transportation General Permit issuance

The Board read an email indicating that the Agency of Natural Resources has issued the final General Permit 3-9007 for Stormwater Discharges from the Transportation Separate Storm Sewer System (TS4 General Permit). This permit covers stormwater discharges from the Vermont Transportation Agency infrastructure.

14. Consideration of 2017 year-end employee bonuses

Treasurer Benjamin Heisholt indicated that in 2016 the Board agreed to pay year-end bonuses of \$300 to full-time employees, \$150.00 to the Assistant Town Clerk, and \$100 each to Transfer Station/Recycling Center employees Kenneth Dow, Daniel Ehlers, Bruce Marston, Donald Nelson, and Shirley Warden. Discussion ensued.

- Ms. Ford moved to pay 2017 year-end bonuses of \$300 to full-time employees, \$150 to Assistant Town Clerk Catherine Roy, and \$100 each to Transfer Station/Recycling Center employees Kenneth Dow, Daniel Ehlers, Bruce Marston, Donald Nelson, and Shirley Warden. Seconded by Mr. Bunnell and approved by voice vote.

15. Consideration of scheduling for second regular Selectboard meeting in December 2017

Town Clerk Benjamin Heisholt inquired of the Board how they would like to proceed with scheduling the second regular meeting of December, given that the fourth Monday of the month falls on Christmas day, December 25. Discussion ensued.

- The Board agreed to cancel the second regular meeting in December and resume its regular schedule of meetings with second Monday in January, which is January 8, 2018.

16. Outstanding check warrants

The Board reviewed and approved all outstanding check warrants.

17. 2018 budget discussion

The Board agreed to table discussion of the 2018 budget until their next meeting.

18. Adjournment

Ms. Ford moved to adjourn the meeting. Seconded by Mr. Bunnell and approved by voice vote.

Meeting adjourned at 9:15 p.m.

A true copy.

Attest: _____ Town Clerk