

**MINUTES – SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, MARCH 9, 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, Zoning Administrative Officer Shirley Warden, Harry Adamek, Richard Berry, Leann Despina, Gregory Jackmauh, Cole Jefferson, John Jefferson, Kevin Knights, Shawn Larocque, Steve Mosher, William Nutter, and Ross Page.

1. Approve minutes of regular meeting held February 23, 2015

Mr. Bunnell moved to approve as presented the minutes of the regular meeting held February 23, 2015. Seconded by Ms. Ford and approved by voice vote.

2. Organization of the Board:

- a. Appoint Chairman.** Mr. Bunnell moved to appoint Mr. Roberts. Seconded by Ms. Ford and approved by voice vote.
- b. Appoint Road Commissioner.** Ms. Ford moved to appoint Mr. Bunnell. Seconded by Mr. Bunnell and approved by voice vote.
- c. Appoint Tree Warden.** Mr. Bunnell moved to appoint Stanley Robinson. Seconded by Ms. Ford and approved by voice vote.
- d. Set date and time of meetings.** Mr. Bunnell moved to continue to meet on the second and fourth Monday of each month at 7:00 p.m. at the Town Clerk's Office. Seconded by Ms. Ford and approved by voice vote.

3. Appearances by members of the public

There were no appearances by members of the public.

4. Annual review of Ordinance for Regulating All-Terrain Vehicles (ATVs)

The Board discussed the Ordinance, as adopted in 2010, which includes a provision (Section IX) for annual review of the sub-section (Section IV.C.) naming specific roads on which ATV travel is permitted.

- Steve Mosher, President of the Barnet Trailblazers ATV Club spoke regarding the list of town highways, or portions thereof, on which the Club requests ATV travel be permitted in 2015. A version of this list was transmitted by former Club Secretary Tammi Davis to Town Clerk Benjamin Heisholt via email on February 17, 2015. A later conversation revealed that this list omitted several roads that were used in 2014 and are requested again in 2015. A total of approximately 16.17 miles of town highway access was requested, which is the same mileage and includes the same town highways as permitted by the Board in 2014. Mr. Mosher indicated that the Club is working to reduce town highway mileage, and will keep the Board informed of their progress.
- Some discussion was had regarding enforcement of the ordinance. Mr. Roberts noted that Mr. Mosher was re-elected as First Constable. For this reason in the chain of command the Second Constable continues to replace the First Constable. Therefore violations of the ordinance should be reported first to Mr. Mosher, as President of the ATV club, then to David Stevenson as Second Constable, then to the Selectboard. Mr. Mosher reported that he received one complaint regarding a violation of the ordinance in 2014: Harry Adamek reported ATV travel on a non-approved section of Ferguson Road.

- Mr. Mosher asked if the Board would grant, in addition to the normal access request, limited access for portions of Little France Road, Barnet Center Road, and Warden Road. This would allow a limited number of Club members who live on Little France Road to access the trail system. Discussion ensued.
 - The Board requested that the Club make direct contact with all residents along the portions of town highways involved in this request. The Club will be required to submit evidence that each of these residents is agreeable to this arrangement. They will also be required to submit registration and insurance identification information for all Club members along Little France Road to whom this access would be granted.
- Gregory Jackmauh asked about liability to the Town resulting from this ordinance and about training and legislation to ensure safety of ATV operators and others using the roads. Discussion ensued.
- The Board agreed to table a decision regarding permission for town highway use and renewal of the ordinance until the next meeting, pending the Club's presentation regarding the added limited access on Little France Road, Barnet Center Road, and Warden Road.

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

- a. **Grader tires.** Mr. Chase reported that the new grader tires are on the grader. The Town of Groton has offered to purchase the six tires formerly on the grader for \$150 each. Discussion ensued.
 - The Board agreed to sell these tires to the Town of Groton for \$150 each.
- b. **Dump truck #006 transmission.** Mr. Chase reported that John Bogie performed the installation of a new rebuilt transmission. The truck was returned to the Highway Department and is working well.
- c. **Dump truck #009 body.** Mr. Chase reported that he has received only one bid for a truck body. H.P. Fairfield, LLC submitted a bid of \$29,610; Tenco did not submit a bid. Discussion ensued.
 - The Board instructed Mr. Chase to sell the body currently on Truck #009. The Board will then purchase a new body in October or November, when the appropriation to the Truck Fund is received.
- d. **Late bid on pick-up truck.** Mr. Chase reported that he received another bid for the Town's purchase of a pick-up truck shortly after the previous meeting. Wells River Chevrolet submitted a bid for a 2015 GMC Sierra 2500 at \$32,286. It was also revealed that the bid submitted by St. J Auto (\$30,384), as discussed at the previous meeting, did not include all of the options requested by the Town. With the options added St. J Auto's bid would be approximately the same at Wells River Chevrolet's. Discussion ensued.
 - Mr. Bunnell moved, upon receipt of additional material information, to revoke the Board's decision at its previous meeting to purchase a pick-up truck from St. J Auto, and instead to purchase a 2015 GMC Sierra 2500 from Wells River Chevrolet. Seconded by Ms. Ford and approved by voice vote.
- e. **Posting roads.** Mr. Chase asked the Board if it is the Town's policy to post roads during mud season.
 - The Board advised Mr. Chase that Town does not post roads during mud season, but that Mr. Chase should be alert for abuse of this policy and report such abuse to the Road Commissioner.

6. Correspondence from Library Trustee Alan Boye regarding resignation

Mr. Roberts read Mr. Boye's letter informing the Board of his resignation effective March 3, 2015. It was noted that Mr. Boye's vacated office was filled at Town Meeting on March 3, 2015.

7. Discussion regarding 2015 mowing of town properties

Mr. Roberts reviewed the minutes of the March 24, 2014 Board meeting, which indicate that the Board did not request bids for mowing in 2014 but hired Jeremy Bean of J & B Property Maintenance based on a quote of \$2,400. Discussion ensued.

- The Board agreed to not request bids at this time, but to request a quote from Mr. Bean for 2015 mowing. The Board also agreed to request a quote from Mr. Bean for repair of fencing at the Palmer Cemetery.

8. Notice of Hearing from Vermont Public Service Board regarding petition of New England Power Company d/b/a National Grid for a certificate of public good authorizing removal of transmission line in Barnet, etc.

Mr. Roberts read a notice of hearing for a prehearing conference to be held Tuesday, March 17, 2015 at 2:00 p.m. at the Public Service Board Hearing Room, Third Floor, People's United Bank Building in Montpelier.

9. Correspondence from University of Vermont Extension regarding Town Forest Centennial Anniversary

Mr. Roberts read an email and the Board reviewed an attachment regarding the marking of one hundred years since the 1915 legislation enabling the creation of town forests in Vermont was enacted.

10. Applications for Uniform Municipal Excess Weight Permits

The Board reviewed and approved fleet applications of Bourne's, Inc. & Bourne's Propane d.b.a. Bourne's Energy, and Camp Precast Concrete Products, Inc. The Board reviewed and approved single vehicle applications of A. Withers Trucking, C & C Bunnell Excavating, LLC, and Mike Lemieux Trucking, Inc.

11. Other business

- a. Harvey's Lake Dam.** The Board reviewed a copy of a Stream Alteration Individual Permit Application as submitted to the Vermont Agency of Natural Resources by Project Manager Roberts Desrochers of Fairbanks Mill. The application is for a next flood preventive measure for removal of in-stream materials upstream of the dam.
- b. Vermont Shoreland Permit Program and Town Pit.** Mr. Bunnell indicated that he had received a report that the new Shoreland Permit Program will at a future date require permits for riverfront developments. Restrictions may limit the Town's activities in the Town Pit. Discussion ensued.
- c. Animal Control Ordinance.** The Board reviewed an email from resident Rosemarie Spinelli. This email cites several concerns regarding the new ordinance. Mr. Roberts reported that he also spoke with Mr. Spinelli via telephone regarding her concerns. Discussion ensued.
 - Mr. Bunnell moved to revoke the Animal Control Ordinance adopted February 23, 2015 and adopt a new Animal Control Ordinance with the following amendments to the February 23, 2015 ordinance:
 - In Section 6, Item A to add language indicating that if the owner or keeper does not claim the certified mail notice within ten days, a Town official will visit the property of the owner or keeper to attempt to deliver the notice.
 - Delete Section 6, Item E.
 - Replace in its entirety the language in Section 6, Item C. The new language will indicate that an impounded dog may, after the initial ten day noticing period, be transferred to an animal shelter or rescue organization for the purpose of finding an adoptive home, and if the dog or wolf-hybrid cannot be placed in an adoptive home or transferred to a humane society or rescue organization within ten days the dog or wolf-hybrid may be destroyed in a humane way.
 - Mr. Bunnell's motion was seconded by Ms. Ford and approved by voice vote.

12. Outstanding check warrants

The Board reviewed and approved all outstanding check warrants.

13. Other business (continued)

a. Discussion regarding employee evaluations (executive session)

- Mr. Bunnell moved that the Board enter executive session pursuant to 1 V.S.A. Section 313 (a) (3) to discuss Highway Department evaluations. Seconded by Ms. Ford and approved by voice vote. Entered executive session at 9:00 p.m. Those present in executive session: Mr. Roberts, Mr. Bunnell, Ms. Ford, Road Foreman Mark Chase, and Town Clerk Benjamin Heisholt.
- Mr. Bunnell moved to exit executive session. Seconded by Ms. Ford and approved by voice vote. Exited executive session at 9:40 p.m.
- No action taken.

14. Discussion regarding legal proceedings in connection with the Gould v. Town of Barnet lawsuit (executive session)

- Mr. Bunnell moved that the Board make a specific finding that premature public knowledge of discussion concerning the lawsuit entitled Thomas Gould v. Town of Barnet for Richard Woodward, in which the Town is a party, would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Ms. Ford and approved by voice vote.
- Mr. Bunnell moved that the Board enter executive session pursuant to 1 V.S.A. Section 313 (a)(1)(E) to discuss the pending litigation in the lawsuit entitled Thomas Gould v. Town of Barnet for Richard Woodward, as premature public disclosure of which would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Ms. Ford and approved by voice vote. Entered executive session at 9:40 pm. Those present in executive session: Mr. Roberts, Mr. Bunnell, Ms. Ford, and Town Clerk Benjamin Heisholt.
- Mr. Bunnell moved to exit executive session. Seconded by Ms. Ford and approved by voice vote. Exited executive session at 9:41 p.m.
- No action taken.

15. Adjournment

Mr. Bunnell moved to adjourn. Seconded by Ms. Ford and approved by voice vote. Meeting adjourned at 9:52 p.m.

A true copy.

Attest: _____
Town Clerk