

**MINUTES – SPECIAL SELECTBOARD MEETING  
TOWN OF BARNET, VERMONT  
MONDAY, MAY 16, 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:** Building Committee Chair William Graves, Town Clerk Benjamin Heisholt, Beach Committee Member Philo Marcotte, First Constable Steve Mosher, Second Constable David Stevenson, Zoning Administrative Officer Shirley Warden, William Biddle, Gary Briggs, Marianne Briggs, Edward Brower, Nancy Brower, Kathleen Campbell, Jody Degree, Donald Easter, Michael DeKoeper, Susannah Pogue, and Michelle Travis.

**1. Approve minutes of regular meeting held April 25, 2016**

Ms. Ford moved to approve as presented the minutes of the regular meeting held April 25, 2016. Seconded by Mr. Roberts and approved by voice vote.

**2. Public hearing on notice of violation of the Barnet Animal Control Ordinance, pursuant to Section 12, Part C.5. of the Animal Control Ordinance**

Mr. Roberts indicated that this hearing would be held to hear the objections of Kathleen Campbell regarding the civil penalties (\$1,000) assessed to her for violations of the Animal Control Ordinance, as discussed at the previous Board meeting. Mr. Roberts reviewed the rules of order for the hearing.

- Ms. Campbell stated her case for the elimination or reduction of the penalty. She indicated that she had not been “privity to” the violations made by her dogs, and that she had not had enough time yet to put her new dog fence system into use, and to have it fully installed. She suggested that the Animal Control Ordinance be revised to make the notice of violation and civil penalty be issued after the hearing instead of before the hearing. Ms. Campbell indicated that her two dogs (Diesel and Harley) are not currently within the Town of Barnet.
- Testimony was given neighbors of the Campbell property regarding numerous occasions of Ms. Campbell's two dogs running at large, aggressively approaching passers-by and neighbors on neighbors' own property, and damaging neighbors' property. Neighbors testifying included William Biddle, Marianne Briggs, Edward Brower, Nancy Brower, Jody Degree, Michael DeKoeper, and Michelle Travis.
- Constables Steve Mosher and David Stevenson testified regarding having witnessed Ms. Campbell's dogs running at large, and about the danger presented by the current situation.
- Discussion ensued.
- Mr. Bunnell moved that Ms. Campbell's two dogs should not be permitted to return to the Town of Barnet. Seconded by Ms. Ford and approved by voice vote.
- Town Clerk Benjamin Heisholt asked the Board for clarification regarding the civil penalties contested by Ms. Campbell.
  - The Board agreed to waive all civil penalties assessed to Ms. Campbell on the condition that Diesel and Harley do not return to the Town of Barnet.

**3. Appearances by members of the public**

There were no appearances by other members of the public.

#### **4. Appearance by Donald Easter of the Lake Harvey Association regarding boat access at Harvey's Lake Public Beach and speed limit violations on West Main Street**

Mr. Easter appeared on behalf of the Lake Harvey Association (LHA) to encourage the Board to disallow boats to access the lake through the public beach. LHA is concerned that even controlled allowance, using tickets issued by the boat monitoring station at the south end of the lake, will foster the bad habit of accessing the lake at the beach when no beach personnel is present. LHA wishes to prevent all possible un-monitored boat access in order to prevent invasive species from entering the lake. Mr. Easter indicated that he had spoken to the Beach Committee about this issue, but had received no response. Philo Marcotte, representing the Beach Committee, indicated that the delay was due to the Beach Committee waiting for a response from personnel at the Vermont Land and Water Conservation Fund (LWCF). Because the beach was purchased using LWCF funds, the Beach Committee was concerned that there may be some condition that would prevent them from restricting boat access. When LWCF finally responded they indicated that the Beach Committee can restrict boat access at the beach. Discussion ensued.

- The Board agreed to disallow boat access to Harvey's Lake at the public beach, and to instruct the Beach Committee to install signs indicating this prohibition and explaining the reason for it.

Mr. Easter also expressed a concern about the speed of traffic through West Barnet Village on West Main Street; he asked if the Board would request that a speed cart be stationed there for a period of time.

- The Board agreed to request that a speed cart be stationed in on West Main Street for a period of time.

#### **5. Other business**

**a. Appearance by Building Committee Chair William Graves.** Mr. Graves appeared to discuss the proposed location of new town offices at the McIndoe Falls Academy (Academy) building. Mr. Graves and Ms. Ford attended a meeting of the Academy Board of Trustees. The Trustees were receptive to the idea of using the building as town offices, through either a lease arrangement or outright conveyance of the property to the Town. Discussion ensued.

- The Board agreed to arrange a meeting of the Building Committee at the Academy building on Thursday, May 19, 2016.

#### **6. Appearance by Road Foreman Mark Chase regarding Highway Department matters**

**a. Tree cutting at gravel pit.** Mr. Bunnell and Mr. Roberts discussed the work performed at the pit by the St. Johnsbury Academy forestry program, and arrangements for a private contractor to continue work when the academic year has concluded.

**b. Bridges.** Mr. Chase indicated that he had attended a Vermont Transportation Advisory Committee meeting at which he asked about the bridge on Joe's Brook Road near the Adams farm, which has been discussed at recent Board meetings. Subsequently Mr. Chase inspected this bridge, and the bridge on Garland Hill near its intersection with West Main Street, with Northeastern Vermont Development Association (NVDA) representative Douglas Morton. Mr. Chase discussed the findings of these inspections. Discussion ensued.

- The Board instructed Mr. Chase to investigate the possibility of installing a concrete slab over the deck on the Joe's Brook Road bridge.

**c. Paving quotes.** The Board agreed to table discussion of the quotes from Pike Industries, Inc. until the following meeting.

**d. Barnet Center box culvert excavation bids.** Mr. Chase reported that he received no timely bids for excavation of this project. He did receive one bid subsequent to the due date, and sent bid solicitations to several contractors who were not initially invited to bid. Discussion ensued.

- The Board agreed to table discussion of this matter until the following meeting.

**e. Routine maintenance.** Mr. Chase reported that the Highway Department has spent most of its time in recent weeks doing routine spring maintenance on equipment and roads.

- f. Gravel crushing and sand screening bidding.** Mr. Chase reported that he had mailed bid solicitations for 2016 gravel crushing and sand screening.

**7. Other business (continued)**

- a. Appearance by Zoning Administrative Officer Shirley Warden regarding zoning permit on Inwood Lane.** Ms. Warden asked whether a permit issued Wayne and Burton Muller for an automobile garage would interfere with maintenance of the Town Highway. Discussion ensued.

**8. Correspondence from Forest Fire Warden Joseph Barrett regarding retirement as Forest Fire Warden**

The Board read a letter indicating Mr. Barrett's decision to retire from the position of Forest Fire Warden, and nominating Fire Captain Christopher Bunnell as the next Forest Fire Warden. Discussion ensued.

- Ms. Ford moved to appoint Christopher Bunnell as Forest Fire Warden. Seconded by Mr. Roberts and approved by voice vote. The Board signed a Vermont Town Forest Fire Warden Appointment Form appointing Mr. Bunnell.

**9. Consideration of bids for delivery of fuel oil, diesel fuel, and propane for the 2016-2017 season**

The Board reviewed bids submitted by Dead River Company, Fred's Energy, and Irving Oil. Discussion ensued.

- The Board agreed to table this matter until the next meeting, pending an investigation into the potential use of off-road diesel.

**10. Consideration of 2016 Memorial Day observances at Passumpsic Village and Barnet Village**

Mr. Roberts indicated that he had secured the services of the Veterans of Foreign Wars for Sunday, May 29, 2016 at 9:00 in Passumpsic Village and 9:30 in Barnet Village. Discussion about other details ensued.

**11. Consideration of investment of reserve funds**

Treasurer Benjamin Heisholt suggested that the Board consider investing some portion of the Reserve Funds in stocks and bonds. Mr. Heisholt indicated that a representative from Passumpsic Financial Advisors has expressed willingness to attend a Board meeting to discuss options.

- The Board agreed to invite the representative of Passumpsic Financial Advisors to a Board meeting.

**12. Correspondence from Vermont Department Environmental Conservation regarding Solid Waste Facility Certification Amendment for former landfill**

The Board reviewed an email and attached amendment, which reduces the environmental monitoring required at the former landfill.

**13. Correspondence from Vermont Department for Children and Families regarding Town Service Officer**

The Board reviewed an email indicating that a new Vermont statute will make the appointment of a Town Service Officer no longer mandatory. Discussion ensued.

**14. Correspondence from Downs Rachlin Martin PLLC regarding Vermont Transco LLC and New Cingular Wireless PCS, LLC d/b/a AT&T Mobility Petition for Certificate of Public Good for project on West Barnet Road**

The Board reviewed a letter and several attachments documenting design changes to the project that involve the addition of two photovoltaic arrays to supply power to the facility, increasing the size of

two propane storage tanks from 500 gallons to 1,000 gallons, and moving the entrance to the fenced compound. Discussion ensued.

**15. Correspondence from Federal Energy Regulatory Commission (FERC) regarding Order Accepting 2015 Annual Downstream Fish Passage Report and Suspending License Articles for TransCanada Hydro Northeast, Inc.**

The Board reviewed the order, which reports action by FERC on applications by TransCanada, filed December 31, 2015 and supplemented March 8, 2016 as discussed at previous Board meetings. These applications were approved by FERC.

**16. Applications for Uniform Municipal Excess Weight Permits**

The Board reviewed and approved the single vehicle application of Donald Moore, Jr. and the fleet application of Stacey Thomson/Thomson Timber Harvesting & Trucking, LLC.

**17. Other business**

- a. Appearance Zoning Administrative Officer Shirley Warden regarding expiration of Planning Commission/Zoning Board member terms.** Ms. Warden indicated that the terms of Jonathan Carpenter and George Pierce are due to expire July 1, 2016. Mr. Pierce has indicated willingness to serve another term; Mr. Carpenter has declined to be re-appointed.
- b. Fire Warden mileage.** Mr. Heisholt indicated that he was asked whether or not the Forest Fire Warden is paid for mileage to inspect sites for which burn permits are requested. Mileage for this has not been submitted to Mr. Heisholt in the past. Discussion ensued.
  - The Board agreed to request that the Fire Warden track his mileage for a period of time, and report this to the Board. The Board will then consider if mileage payments will be issued, and, if so, what method of payment (annual lump sum vs. per-mile) will be used.

**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 10:09 p.m.

*A true copy.*

Attest: \_\_\_\_\_  
*Town Clerk*