

# DRAFT

## MINUTES – REGULAR SELECTBOARD MEETING TOWN OF BARNET, VERMONT MONDAY, AUGUST 22, 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:** Road Foreman Mark Chase, Town Clerk Benjamin Heisholt, Zoning Administrative Officer Shirley Warden, Gary Briggs, Marianne Briggs, Edward Brower, and Nancy Brower.

### 1. Consideration of approval of minutes of regular meeting held August 8, 2016

Mr. Bunnell moved to approve as presented the minutes of the regular meeting held August 8, 2016.

Seconded by Ms. Ford and approved by voice vote.

### 2. Appearances by members of the public

**a. Public comment on Animal Control Ordinance violations of Kathleen Campbell.** Gary Briggs, Marianne Briggs, Edward Brower, and Nancy Brower appeared to discuss observed violations, and inquire regarding the status of enforcement procedures.

- Mr. Roberts reviewed the current status of this matter, noting a proposed executive session later in this this meeting. Mr. Roberts indicated that Ms. Campbell has retained the services of an attorney to communicate with the Board regarding differences of opinion in interpretation of the Animal Control Ordinance and the current status of this matter. The Board has engaged the services of Town Agent Steven Adler to communicate with Ms. Campbell's attorney.
- The Board reviewed Ms. Brower's completed Animal Control Complaint form, as submitted earlier on August 22, 2016 and relating Ms. Brower's testimony of Ms. Campbell's dog being loose on August 19, 2016.
- Ms. Brower gave testimony regarding the August 19 incident, and stated frustration with Ms. Campbell's alleged lack of activity in assuring her compliance with the Animal Control Ordinance.
- The Board indicated that they have tasked Town Agent Steve Adler with further revising the Animal Control Ordinance, as events related to this matter have proved necessary.
- Ms. Briggs submitted an Animal Control Complaint form as completed by resident Michael DeKoeper. This relates to an incident involving Ms. Campbell's dog running out into Roy Mountain Road as Mr. DeKoeper passed by in his truck. Ms. Briggs testified regarding her knowledge of this incident.
- The Board asked that the public continue to submit completed Animal Control Complaint forms when incidents occur, as these are particularly helpful in enforcing the ordinance.

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

**a. Regular maintenance.** Mr. Chase indicated that the Highway Department continues to perform routine summer maintenance, including grading roads, mowing roadsides, etc.

**b. County Hill Road dumping.** Mr. Roberts indicated that his property on County Hill Road is once again available for dumping fill material.

**c. Mosquitoville Road compliment.** Ms. Ford reported that she had recently received a compliment from a bicyclist for the condition of Mosquitoville Road.

- d. **Rake Factory Road.** Mr. Roberts indicated that he had received a request that Rake Factory Road, a Class 4 road, be graded.
  - The Board requested that the Highway Department grade this road once this year if time allows.
- e. **Barnet Center Road tree in ditch.** Shirley Warden reported that there is a tree in the ditch on Barnet Center Road.
- f. **Bogie culvert.** Ms. Ford reported that Calvin “Sherm” Bogie spoke to her about the driveway culvert installed on his sugar house property, as discussed at the July 20, 2015 Board meeting. Mr. Bogie indicated that a discussion with former Road Foreman Timothy Gibbs revealed that this culvert should have been paid for by the Town with Federal Emergency Agency (FEMA) funds, stemming from 2011 flooding. Discussion ensued.
- g. **Garland Hill Road & Town Forest Road culvert projects excavation bids.** Mr. Chase indicated that he would have excavation bids available to be opened at the next Board meeting.

#### **4. Consideration of application of Jared Bradley for Highway Access Permit on Anderson Street**

Mr. Chase reported that this driveway project, discussed at the previous Board meeting, has been completed. The property across the road from the project is not owned by the Barnet Village Fire District, as supposed, but by Robert Dufresne, who did not grant permission for road water to be diverted to his property as a result of this project. The project was instead installed as a driveway culvert, with ditch line work performed by the applicant’s contractor. Mr. Chase reported that some finishing work will need to be performed by the Highway Department.

- With the Board’s approval Mr. Roberts signed the permit.

#### **5. Consideration of items relating to burglary incident at Public Library Building**

The Board reviewed a loss notice submitted by Town Clerk Benjamin Heisholt to the Town’s insurance provider VLCT PACIF. Ms. Ford discussed her knowledge of the incident. The building was broken into sometime after 5 p.m. August 14, 2016 and before 10 a.m. the morning of August 15, 2016. The intruder appears to have entered the first floor library area by removing a window air conditioner, but did not do any damage or remove any property from the library. It appears that the intruder then entered the second floor office space, rented to the Town’s tenant Karne Choling, through an emergency exit on the second floor, doing damage to this exterior door. The intruder then entered an interior office door, damaging this door also. Finally, the intruder damaged and removed undisclosed items owned by Karne Choling. William Graves Builders has repaired the two doors; total cost is expected to be approximately \$500. The Town’s insurance deductible is \$1,000. Ms. Ford discussed the Library’s consideration of security measures, including an alarm system. Discussion ensued.

- The Board agreed to not file an insurance claim relating to this matter.

#### **6. Correspondence from Beach Committee member Joyce Evans regarding resignation**

The Board read Ms. Evans’ letter of resignation from the Beach Committee, which states that Ms. Evans is no longer “able to do what is needed to help Harvey’s Lake become what it needs to be.” Ms. Ford indicated that Beach Committee intends to recommend an appointee to replace Ms. Evans.

#### **7. Correspondence regarding Vermont Department of Environmental Conservation inspection of Transfer Station & Recycling Center**

The Board read correspondence from the Vermont Department of Environmental Conservation, Paul Tomasi of the Northeast Kingdom Waste Management District (NEKWMD), and Transfer Station & Recycling Center Supervisor Bruce Marston regarding an inspection of the facility on July 20, 2016. At the time of the inspection the facility was closed for business, but NEKWMD staff were on site to

pick up recyclables. The inspection found that the Transfer Station & Recycling Center is a well-managed facility, but a few issues exist: a) tires are stored on the ground and not in a container, b) fluorescent bulbs are unlabeled, and c) e-waste/CRT storage are stored correctly but unlabeled. Correspondence from Paul Tomasi and Bruce Marston refutes some of these findings, and indicates that according to the Facility Certification inspections must take place when the facility is open for business. Discussion ensued.

#### **8. Correspondence from John E. Lord with request for placement of headstones at Stevens Cemetery**

The Board read a letter requesting that Mr. Lord be allowed to place headstones in memory of his great-great-grandparents John and Helen (McIndoe) Gilchrist. Although Mr. Lord is not absolutely certain that Mr. and Mrs. Gilchrist are buried in the Stevens Cemetery, he believes they are likely buried there in the family plot in unmarked graves. Discussion ensued.

- The Board agreed to allow Mr. Lord to place headstones in the Stevens Cemetery in memory of Mr. and Mrs. Gilchrist.

#### **9. Correspondence from JP Sicard, Inc. regarding inspection of State of Vermont bridges**

The Board reviewed an email that notifies the Town of JP Sicard, Inc. intends to perform bridge inspections on several bridges throughout the state, including Barnet bridge #10. This work is tentatively planned for September and October 2016. Discussion ensued.

#### **10. Application for Uniform Municipal Excess Weight Permit**

The Board reviewed and approved the fleet application of Cardinal Logistics Management Corporation.

#### **11. Other business**

- a. Harvey's Lake Dam sand bar.** Ms. Ford reported that she had received notice about a sand bar that has formed upstream of the dam, and that she had inspected the site. She presented a photo of the sand bar to the Board. Discussion ensued.

#### **12. Outstanding check warrants**

The Board reviewed and approved all outstanding check warrants.

#### **13. Consideration of correspondence regarding Animal Control Ordinance violations of Kathleen Campbell (executive session)**

- Ms. Ford moved that the Board make a specific finding that premature public knowledge of discussion concerning the legal proceedings related to Animal Control Ordinance violations of Kathleen Campbell, in which the Town is a party, would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Bunnell and approved by voice vote.
- Ms. Ford moved that the Board enter executive session pursuant to 1 V.S.A. Section 313 (a)(1)(E) to discuss the legal proceedings related to Animal Control Ordinance violations of Kathleen Campbell, as premature public disclosure of which would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Bunnell and approved by voice vote. Entered executive session at 8:00 p.m. Those present in executive session: Mr. Roberts, Mr. Bunnell, Ms. Ford, and Town Clerk Benjamin Heisholt.
- Ms. Ford moved to exit executive session. Seconded by Mr. Bunnell and approved by voice vote. Exited executive session at 8:30 p.m.
- No action taken.

**14. Adjournment**

Ms. Ford moved to adjourn. Seconded by Mr. Bunnell and approved by voice vote. Meeting adjourned at 8:30 p.m.

*A true copy.*

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