

**MINUTES – REGULAR SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, APRIL 9, 2018**

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

Board members present: Jeremy Roberts, Dylan Ford, and Benjamin Gates.

Others present: Road Foreman Mark Chase, Beach Committee Member Christen Emerson, Town Clerk Benjamin Heisholt, Zoning Board/Planning Commission Chair Dennis McLam, Louis Bushey, Merle Fitzgerald, Frank Jannarone, and Kathleen Monroe.

1. Consideration of approval of minutes of regular meeting held March 26, 2018

Mr. Gates moved to approve as presented the minutes of the regular meeting held March 26, 2018. Seconded by Ms. Ford and approved by voice vote.

2. Appearances by members of the public

There were no appearances by other members of the public.

3. Correspondence from resident Merle Fitzgerald regarding West Main Street drainage system

The Board read a letter from Mr. Fitzgerald, which discusses the condition of the lawn beside his house in West Barnet Village. The letter indicates that the lawn was acquired by Mr. Fitzgerald more than thirty years ago, at which time it was an overgrown swamp. The swamp was cleared, and a drainage system was installed by Richard Stevenson. Mr. Fitzgerald claims that several years ago, when the Town completed a paving project on West Main Street, it destroyed the Fitzgerald drainage system by breaking off and blocking the ends of all drainage pipes and rebuilding the ditch at the bottom so that it was level. Mr. Fitzgerald appeared at this meeting and asked that the Board help to repair the damage he claims was caused by the Town. Road Foreman Mark Chase indicated that the Highway Department had intended to address this problem last summer but was interrupted by repairs of flooding damages caused by storms on July 1, 2017. Discussion ensued.

- The Board instructed Mr. Chase to repair the drainage problem, to inquire with Richard Stevenson for information about the drainage system, and to request an estimate for Mr. Stevenson to repair the system.

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

a. Open bids for stripping pit of overburden. The Board opened and reviewed three bids for stripping and moving overburden for 2018, as summarized below:

- C & C Bunnell Excavating, LLC: \$1.39 per cubic yard
- Chief Crushing & Excavation, Inc.: \$1.14 per cubic yard
- Darrell Mathews/Mathews Excavating: \$1.15 per cubic yard

Discussion ensued.

- Ms. Ford moved to accept the bid of Darrell Mathews/Mathews Excavating. Seconded by Mr. Gates and approved by voice vote.

b. West Barnet Road speed signs. Mr. Chase reported to the Board regarding a matter discussed at the previous meeting: posting the speed limit as currently ordained for West Barnet Road, at 35 miles per hour. Mr. Chase indicated that there does not appear to be any State or Federal funding available to purchase speed limit signs. He also reported that there are relatively few requirements for number and placement of signs. Ms. Ford discussed the possibility of posting

a school zone for Kid Row and the area near the intersection of Kid Row and West Barnet Road. Discussion ensued.

- The Board agreed to investigate the possibility of posting a school zone in the vicinity of the Barnet School.
- c. **West Main Street culvert and drainage project near West Barnet Quick Stop.** Mr. Chase discussed the Federal Highway Administration requirement to secure a certain form of agreement with Debra King, owner of the West Barnet Quick Stop, as discussed at the previous meeting. Mr. Chase reported that he and Ms. Ford met with Ms. King, and that she was agreeable to signing the agreement. The agreement draft is currently being reviewed by Town Attorney Steven Adler prior to the parties signing. Discussion ensued.
 - d. **Highway Department vacation.** Mr. Chase reported that Highway Department employee Thomas Gould would be on vacation the week of April 16 to April 20.
 - e. **Mine Safety and Health Administration (MSHA) training.** Mr. Chase reported that the Highway Department attended mandatory annual MSHA training on Friday, April 6, 2018.
 - f. **Vermont Agency of Transportation (VTrans) annual meeting.** Mr. Chase reported that the Town's annual meeting with VTrans is scheduled for Wednesday, April 18, 2018 at 10:30 a.m.
 - Mr. Roberts indicated that he would attempt to attend this meeting, along with Road Foreman Mark Chase and Town Clerk Benjamin Heisholt.
 - g. **Bid solicitation.** Mr. Chase reported that he had requested bids for screening winter sand, crushing gravel, and sweeping streets.
 - h. **Harvey Mountain Road erosion.** Resident Louis Bushey appeared and indicated that erosion is occurring at or below the outlets of one or more culverts along the section of Harvey Mountain Road that was paved in 2017. Mr. Chase indicated that these culverts had been up-sized during the project, which may be causing water to flow more freely along these streams.
 - The Board agreed to instruct Mr. Chase to inspect these sites to see if the installation rip-rap gravel material at and below the outlets of these culverts may prevent erosion.

5. Correspondence from Ruggles Engineering Services, Inc. regarding Ferguson Road culvert replacement Stream Alteration Permit

The Board reviewed a letter and attached permit application regarding a proposed project to replace a 3 feet diameter culvert with a new 8 feet by 6 feet concrete box culvert. Discussion ensued.

- With the Board's approval, Mr. Roberts signed the permit application.

6. Correspondence from Kelly Glentz Brush regarding resignation from Beach Committee

The Board reviewed an email from Ms. Glentz Brush indicating that she is no longer a resident of Barnet and can no longer serve on the Harvey's Lake Beach Committee. Discussion ensued.

7. Consideration of appointment to Beach Committee

Beach Committee Member Christen Emerson appeared and indicated that the Beach Committee had agreed to nominate Joseph Breidenstein to replace Ms. Glentz Brush on the Beach Committee. Discussion ensued.

- Ms. Ford moved to appoint Joseph Breidenstein to the Harvey's Lake Beach Committee. Seconded by Mr. Gates and approved by voice vote.

8. Consideration of Harvey's Lake Beach hiring practices

Ms. Ford discussed the Board's decision at its previous meeting regarding hiring 15-year-old lifeguards, and subsequent correspondence with a staff attorney at Vermont League of Cities & Towns (VLCT). It appears that the advice from VLCT that the Board used to form its decision at the previous meeting had overlooked a federal labor law that explicitly prohibits 15-year-olds from lifeguarding at a natural environment such as a lake or pond. Discussion ensued.

- Mr. Gates moved to repeal the Board's decision at the previous Board meeting, and to not allow the Beach Committee to hire 15-year-old lifeguards, but to allow the hiring of 15-year-old gate attendants. Seconded by Ms. Ford and approved by voice vote.

9. Consideration of scheduling of zoning by-laws public hearing

Planning Commission/Zoning Board Chair Dennis McLam appeared, and indicated that the Zoning Board/Planning Commission had approved a proposed Zoning Bylaw. The next stage in adopting the bylaw is for the Selectboard to hold a public hearing. Discussion ensued.

- The Board agreed to hold a public hearing on the proposed Zoning Bylaw on May 14, 2018 at 6:45 p.m. at the Town Clerk's Office.

10. Consideration of appointment to Zoning Board/Planning Commission

Planning Commission/Zoning Board Chair Dennis McLam appeared and indicated that the Zoning Board/Planning Commission had agreed to nominate Karen Stark to be appointed to fill the current vacancy on the Planning Commission/Zoning Board.

- Mr. Gates moved to appoint Karen Stark to fill the current vacancy on the Planning Commission/Zoning Board. Seconded by Ms. Ford and approved by voice vote.

11. Consideration of purchasing of fuel oil, propane, and diesel fuel for 2018-2019 season

Town Clerk Benjamin Heisholt asked if the Board will like to request bids for purchasing fuel oil, propane, and diesel fuel for the 2018-2019 season. Discussion ensued.

- The Board agreed to request bids for purchasing fuel oil, propane, and diesel fuel for the 2018-2019 season.

12. Correspondence from Vermont Agency of Transportation regarding Interstate 91 ledge stabilization project

The Board reviewed an email containing an update on the ledge stabilization project. The project, which will cause the closure of Interstate 91 southbound from Exit 18 to Exit 17, will commence Monday, April 16 and is expected to be complete no later than May 15. Ms. Ford discussed her communications with the Vermont Agency of Transportation regarding funding for policing during the project. Ms. Ford reported that the State indicated that funding or enforcement assistance are not available. Discussion ensued.

13. Consideration of 2018 liquor license renewal application of Paul Keenan (Paul's Whistle Stop)

The Board reviewed and approved the 2018 liquor license renewal application of Paul's Whistle Stop.

14. Consideration of 2018 mowing of town properties

Town Clerk Benjamin Heisholt indicated that he had spoken to Jeremy Bean of J & B Property Maintenance, per the Board's request at their previous meeting. Mr. Heisholt reported that Mr. Bean indicated he is no longer in business. Discussion ensued.

- The Board agreed to request that Mr. Heisholt solicit bids for the 2018 mowing of town properties by newspaper advertising and public postings.

Dennis McLam, who the past several years has been hired to perform mowing of the Harvey's Lake Beach and the former landfill, appeared to express his willingness to perform this service again. He indicated that he would increase his prices over 2017 prices by \$5 per mowing for the Harvey's Lake Beach, and by \$5 per hour for the former landfill. Discussion ensued.

- The Board agreed to hire Mr. McLam to perform 2018 mowing of the Harvey's Lake Beach and the former landfill.

15. Consideration of fire district budget costs

Town Clerk Benjamin Heisholt indicated that he had not yet gathered all fire district budget costs and recommended that the Board table this matter until the next meeting. Discussion ensued.

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

16. Consideration of proposed acquisition of Barnet School District property

School Director Louis Bushey appeared to discuss this matter with the Selectboard, as discussed at the Selectboard's previous meeting. The Board reviewed an email from School Director David Warden; Mr. Warden advises the Selectboard not to pursue the construction of new municipal offices on the current School District property. Residents Kathleen Monroe and Frank Jannarone also appeared to discuss the issue. Ms. Ford stated that the Selectboard's action at the previous meeting was with the intent to explore the issue at the request of Ms. Monroe, not with any particular interest in securing real estate to build on. Mr. Roberts stated his concern that a procedural error in the merger of the Caledonia Cooperative School District may have occurred: he believes the Town of Barnet has an interest in the real estate on which the Barnet School is located, and the Town of Barnet did not through a Town Meeting vote or a Selectboard decision relinquish its real estate interest. Mr. Bushey indicated that the School District's attorney is investigating the options available through the merger agreement to transfer a portion of the School District property to the Town. Discussion ensued.

- The Board agreed that Mr. Roberts will discuss this issue with Town Attorney Steven Adler and report to the Board on his discussion.

17. Consideration of applications for uniform municipal excess weight permits

The Board reviewed and approved the single vehicle application of Arnold L. Withers/A. Withers Trucking, and the fleet applications of Barrett Trucking Co., Inc., Calkins, and Camp Precast Concrete Products, Inc.

18. Other business

- a. Harvey's Lake Beach maintenance.** Beach Committee Member Christen Emerson appeared and asked the Board if funding may be available to install wood chips on the floor of the beach playground. Discussion ensued.
 - The Board agreed to provide funding to install wood chips at the beach playground.

19. Outstanding check warrants

The Board reviewed and approved all outstanding check warrants.

20. Consideration of Ambulance Services Agreement from CALEX Ambulance Service

The Board reviewed an email from Town Attorney Steven Adler. Mr. Adler requests the Board's direction with regard to either committing to a three or four-year contract with set increases each year or re-negotiating the contract each year. Discussion ensued.

- The Board agreed to instruct Mr. Adler to proceed with the intention that the Board will sign a three-year contract.

21. Adjournment

Ms. Ford moved to adjourn the meeting. Seconded by Mr. Gates and approved by voice vote. Meeting adjourned at 8:40 p.m.

A true copy.

Attest: _____ *Town Clerk*