

**MINUTES – REGULAR SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, APRIL 23, 2018**

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

Board members present: Dylan Ford and Benjamin Gates.

Others present: Town Agent Steven Adler, Road Foreman Mark Chase, Building Committee Chair William Graves, Town Clerk Benjamin Heisholt, Second Constable David Stevenson, Zoning Administrative Officer Shirley Warden, Timothy Aiken, Heather Cheney, Matthew Nowakowski, Frank Jannarone, and Kathleen Monroe.

1. Consideration of approval of minutes of regular meeting held April 9, 2018

Mr. Gates indicated that the draft minutes of the regular meeting held April 9, 2018 reflect that William Graves was present at the meeting, whereas Mr. Graves was not present. Mr. Gates moved to approve, with this noted correction, the minutes of the regular meeting held April 9, 2018. Seconded by Ms. Ford and approved by voice vote.

2. Consideration of animal control complaint regarding alleged incident involving dog owned by Matthew Nowakowski and Heather Cheney

The Board reviewed an animal control complaint form submitted by Timothy Aiken regarding an incident involving a dog named Powers, owned by Matthew Nowakowski and Heather Cheney at 178 Mosquitoville Road. Powers, a neutered male boxer mix, is licensed in the Town of Barnet and has a valid rabies vaccination. Mr. Aiken's complaint alleges that on April 9, 2018 Powers jumped in front of his bicycle as Mr. Aiken was bicycling past Mr. Nowakowski and Ms. Cheney's property. The complaint also alleges that Powers bit the left side of Mr. Aiken's coat and pulled him off his bicycle. Second Constable David Stevenson investigated the incident on April 14, 2018. Mr. Aiken, Mr. Nowakowski, Ms. Cheney, and Mr. Stevenson appeared at this meeting and provided testimony about the incident. This testimony is summarized below.

- Mr. Stevenson indicated that he had viewed marks on Mr. Aiken's side, where the dog had allegedly attempted to bite Mr. Aiken. Mr. Stevenson reported that the marks did not reflect a bite that had broken the skin and that Mr. Aiken had not sought medical attention for the alleged bite attempt.
- Ms. Nowakowski indicated that he had been at home when the incident took place. He confirmed that Powers had knocked Mr. Aiken off his bicycle. He stated that when he had realized what had taken place, he called Powers, and the dog responded to his call and came to the house.
- Ms. Cheney testified that Powers is a friendly dog, and has never aggressively approached passers-by in the past.
- Mr. Aiken testified that this incident was the second time Powers has aggressively approached him while he passed the Nowakowski and Cheney residence on bicycle; Mr. Aiken indicated that in the first incident Powers attempted to bite his ankle but did not knock him off his bicycle.
- Mr. Stevenson reported that he is not aware of any prior incidents involving Powers, and that the dog appeared to be friendly when he visited the Nowakowski and Cheney residence.
- Mr. Aiken indicated that he is willing to visit the Nowakowski and Cheney residence to meet Powers and allow the dog to become more familiar with him.

Town Agent Steven Adler, who was present at this meeting, explained that in these incidences the Board listens to the evidence and testimony available, and upon consideration of the facts and of prior

incidents, can issue a fine of up to \$500 per incident with a finding of a violation of the Animal Control Ordinance. Upon receipt of a notice of violation, the dog owner can request a hearing to appeal the decision. If the owner admits to or does not contest the fine, a fifty percent waiver fee applies. Discussion ensued.

- The Board agreed to consider this matter in executive session later in the meeting.

3. Appearances by members of the public

There were no appearances by members of the public.

4. Appearance by Building Committee regarding proposed Municipal Planning Grant application, proposed Town Hall use/sale, etc.

Building Committee Chair William Graves appeared at this meeting and discussed several items relating to the Building Committee's recent activities.

- Mr. Graves reviewed a report presented to the Building Committee at their meeting April 17, 2018. This report reflects recent estimates received for two potential options for a new municipal office space: 1) an existing building on a good site (McIndoe Falls Academy), and 2) a new building on a good site. The report, provided by Mr. Graves, summarizes his primary considerations and his estimates for possible or likely scenarios that may evolve from following each of the two paths, with regard to costs and funding for the projects.
- Mr. Graves reported that Alison Low of Northeastern Vermont Development Association (NVDA) has suggested that the Building Committee and the Selectboard pursue a Municipal Planning Grant that would fund a community engagement specialist who would help the Town to navigate its way through the funding process for the proposed new municipal office space. The grant would be for \$18,000 to \$20,000 and would require a Town match of \$2,500. Mr. Graves indicated that he believe this grant would be a good investment, as it would allow for an expert to provide both assurance that all available funding avenues are pursued, and a third party voice to communicate with the public with objective and empirical evidence. The decision about pursuing the grant must be made soon because the next grant application deadline is May 1, 2018.
 - Mr. Gates moved to meet with NVDA to pursue a Municipal Planning Grant for a community engagement specialist for the municipal office project. Seconded by Ms. Ford and approved by voice vote.
- Mr. Graves indicated there is a procedural problem that has arisen with regard to the membership of the Building Committee. When the Selectboard has appointed members to the Committee, it has named only individuals, and not made any *ex officio* appointments. As municipal office-holders (Selectboard, Assistant Town Clerk, etc.) have changed, this has resulted in the former office-holders remaining on the Committee, while new office-holders are not on the Committee. An example of this is that former Selectboard member Gary Bunnell remains a member of the Committee while new Selectboard member Benjamin Gates does not. Discussion ensued.
 - Ms. Ford moved to redefine membership on the Building Committee as *ex officio* membership of the Selectboard, Town Clerk, Assistant Town Clerk, and Zoning Board/Planning Commission Chair, in addition to the previously individually appointed members Chair William Graves, Stanley Robinson, Norman Stevenson, Laura Jean Stewart, David Warden, and Dana Young. Seconded by Mr. Gates and approved by voice vote.
- Mr. Graves indicated that the Building Committee has been approached by Barnet resident Shawn Hilliker, who has expressed interest in owning or actively managing the Town Hall property. His primary interest seems to be use of the building as a community club and center for youth activities. The Building Committee endorsed this use of the building, with the caveat

that any asbestos on the property first be abated by the Town. Discussion ensued, including consideration of the lack of a viable septic system available for the Town Hall.

- Mr. Gates moved to obtain three bids for the abatement of asbestos at the Town Hall property. Seconded by Ms. Ford and approved by voice vote.

5. Consideration of proposed Smoke-Free Zone designation at Harvey's Lake Public Beach

Ms. Ford indicated that she had researched Beach Committee rules and procedures. This research was void of substantial results. It would appear that the Beach Committee since its inception has largely operated by its own rules, which it did not always record and apparently did not submit to the Selectboard. Ms. Ford suggested that, rather than the Selectboard unilaterally making a rule on this specific issue only, it should request from the Beach Committee a list of rules and policies of which a smoke-free zone may be a part. Discussion ensued.

- Mr. Gates moved to instruct the Beach Committee to draft a document of beach rules and policies, and forward them to the Selectboard to be ratified. Seconded by Ms. Ford and approved by voice vote.

6. Consideration of proposed school speed zone on West Barnet Road/Kid Row

Road Foreman Mark Chase appeared and presented price estimates from Work Safe Traffic Control Industries for flashing beacon school speed zone signs. The total price to supply and install the signs is \$10,226.53. Discussion ensued regarding this and other alternatives for marking and enforcing a speed zone on West Barnet Road and Kid Row.

- Ms. Ford moved to instruct the Highway Department to install 35 miles per hour speed limit signs on West Barnet Road from near its western intersection with Gilfillan Road, easterly to near the easterly end of the road frontage of the Barnet School District property. Seconded by Mr. Gates and approved by voice vote.

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

a. Ferguson Road box culvert. Mr. Chase reported that Calco, Inc. is prepared to manufacture the box culvert required for the Ferguson Road box culvert project. The total cost for the product is \$31,000; Calco requires one-half payment for the product prior to manufacture. Discussion ensued.

- The Board agreed to pay Calco, Inc. their one-half advance payment, and to proceed with the box culvert project.

b. Backhoe repair. Mr. Chase reported that the backhoe is in need of parts and service to repair a loose left-right swing. Southworth-Milton Caterpillar recommends the replacement of the entire box that operates this action; the cost of repair is estimated to be approximately \$7,500. Discussion ensued.

- The Board agreed to instruct Mr. Chase to proceed with repair of the backhoe.

c. Grader maintenance. Mr. Chase reported that the grader requires parts and service to replace wear inserts and to re-shim the circle frame, and to replace the wear inserts for the blade tilt frame. This maintenance is periodically required; an estimate from Nortrax for parts and labor totals \$5,625. Discussion ensued.

- The Board agreed to instruct Mr. Chase to proceed with this maintenance work for the grader.

d. Recycle Center metal dumpster. Mr. Chase reported that he had received a request to estimate the cost of installing a ramp to the metal dumpster at the Recycling Center in order to make access to the dumpster easier and safer. Mr. Chase estimates the cost of the project to be approximately \$3,200. Discussion ensued about various logistical aspects of the proposed project.

- e. **Chloride bids.** Mr. Chase reported that he had received only one bid for supply of calcium chloride for the 2018 summer season, from Innovative Surface Solutions. Their bid price is \$0.80 per gallon. Discussion ensued.
 - Mr. Gates moved to accept the bid of Innovative Surface Solutions. Seconded by Ms. Ford and approved by voice vote.
- f. **Dump truck repairs.** Mr. Chase reported that dump trucks #004 and #006 recently returned from the repair shop and are in working order. Discussion ensued.
- g. **Peacham dump truck body.** Mr. Chase reported that the body of the Town of Peacham dump truck that was recently totaled has been offered for sale to the Town of Barnet. Discussion ensued.
- h. **Commencement of grading.** Mr. Chase reported that the Highway Department has commenced grading activities for the season.

8. Review of 2018 Class 2 Roadway applications and consideration of 2018 paving projects

Mr. Chase reported that the Town had applied for 2018 Class 2 Roadway grants for projects on Joe's Brook Road, West Barnet Road, and Harvey Mountain Road/Roy Mountain Road. Mr. Chase asked if the Board would like to discuss other 2018 paving projects, or wait until they receive a response from the Vermont Agency of Transportation regarding their Class 2 Roadway grant applications.

- The Board agreed to table discussion of 2018 paving projects until after they receive a response from the Vermont Agency of Transportation regarding their Class 2 Roadway grant applications.

9. Consideration of bids for 2018 gravel crushing

The Board reviewed and considered two bids received for 2018 gravel crushing, as summarized below:

Chief Crushing & Excavation, Inc.	\$5.34 per cubic yard
J.A. McDonald, Inc.	\$6.25 per cubic yard

Discussion ensued.

- Mr. Gates moved to accept the bid of Chief Crushing & Excavation, Inc. Seconded by Ms. Ford and approved by voice vote.

10. Consideration of bids for 2018 sand screening

The Board reviewed and considered two bids received for 2018 sand screening, as summarized below:

Chief Crushing & Excavation, Inc.	\$2.15 per cubic yard
Mathews Excavating	\$2.05 per cubic yard

Discussion ensued.

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

11. Consideration of bids for 2018 street sweeping

Mr. Chase reported that he did not receive any bids for street sweeping. He indicated that he would contact Little Acres Landscaping, who has performed street sweeping for the Town the past several years.

12. Consideration of correspondence regarding easement/agreement for West Main Street culvert and drainage project

Town Agent Steven Adler appeared. He reported that he has been in contact with Debra King, proprietor of the West Barnet Quick Stop. As discussed at previous meetings, a new easement from Ms. King is required in order to comply with Federal Highway Administration requirements for the project. Mr. Adler indicated that he is in the process of drafting a complying easement with the

assistance of Shauna Clifford of the Vermont Agency of Transportation. When it is final, it will be forwarded to Ms. King for a signature.

13. Consideration of 2018 Certification of Compliance for Town Road and Bridge Standards and Network Inventory

The Board reviewed the certification, which confirms the specifications and standards passed and adopted by the Selectboard in April 22, 2013. Discussion ensued.

- The Board agreed to sign the certification, and did sign the certification.

14. Consideration of Highway Access Permit of Justin White for permanent driveway on Jewett Brook Road

The Board reviewed an application for a permanent driveway, along with inspection notes provided by Road Foreman Mark Chase. Mr. Chase indicates that the location of the proposed driveway is ideal, and that no culvert is required. Discussion ensued.

- Mr. Gates moved to approve the Highway Access Permit. Seconded by Ms. Ford and approved by voice vote. Ms. Ford signed the permit.

15. Correspondence from Library Trustees regarding update to Library Bylaws

The Board reviewed an email and attached amended bylaws. The only amendment with this update was a change in the meeting frequency of the Trustees, which changes from twelve monthly meetings per year to ten monthly meetings per year.

16. Consideration of 2018 Local Emergency Operations Plan

The Board reviewed and considered the proposed 2018 Local Emergency Operations Plan, as submitted by Northeastern Vermont Development Association.

- Ms. Ford moved to approve the proposed 2018 Local Emergency Operations Plan. Seconded by Mr. Gates and approved by voice vote.

17. Consideration of 2018 liquor license renewal applications of Barnet Village Store and West Barnet Quick Stop

The Board reviewed the annual liquor license renewal applications of Barnet Village Store and West Barnet Quick Stop.

- Mr. Gates moved to approve the 2018 liquor license renewal applications of Barnet Village Store and West Barnet Quick Stop. Seconded by Ms. Ford and approved by voice vote.

18. Consideration of fire district budget costs

The Board reviewed a report of the 2017 annual expenses of the five fire districts, as compiled by Town Clerk Benjamin Heisholt based on the reports of the fire districts. Expense categories include electricity, parks, sidewalks, plowing, and payroll/administration. Total 2017 expenses for all fire districts were approximately \$25,000. Discussion ensued.

19. Consideration of applications for uniform municipal excess weight permits

The Board reviewed and approved the fleet applications of Chief Crushing & Excavation, Inc. and Chief Logging & Chipping Services, Inc.

20. Other business

- CALEX Ambulance Service contract arrangement.** Town Agent Steven Adler appeared and briefly discussed ongoing negotiations regarding a new contract arrangement with CALEX.
- School property transfer issue.** Town Agent Steven Adler appeared and briefly discussed ongoing communications regarding the proposed transfer to the Town of Barnet of a portion of

the land owned by the Barnet School District, prior to the latter's merger into the Caledonia Cooperative School District (CCSD) on July 1, 2018. Mr. Adler indicated that he had spoken to Barnet School Board and CCSD School Board member Louis Bushey about the issue, and that he intends to speak to Selectboard Chair Jeremy Roberts about it soon. He suggested that the Selectboard postpone action on the matter until Mr. Roberts is present. Discussion ensued.

21. Outstanding check warrants

The Board reviewed and approved all outstanding check warrants.

22. Consideration of animal control complaint regarding alleged incident involving dog owned by Matthew Nowakowski and Heather Cheney (continued)

The Board discussed the testimony of the complainant, the dog owners, and the Second Constable, as presented earlier in this meeting.

- Mr. Gates moved to find Matthew Nowakowski and Heather Cheney in violation of the Animal Control Ordinance with regard to their dog Powers, based on the complaint received from Mr. Aiken, and the testimony provided in this meeting, finding that Powers was running at large at the time of the undisputed incident, and to fine Mr. Nowakowski and Ms. Cheney in the amount of \$50.00, in consideration of this finding and that the Powers does not have a record of previous Animal Control Ordinance violations. Seconded by Ms. Ford and approved by voice vote.

23. Adjournment

Ms. Ford moved to adjourn the meeting. Seconded by Mr. Gates and approved by voice vote. Meeting adjourned at 10:13 p.m.

A true copy.

Attest: _____ *Town Clerk*