

**MINUTES – SPECIAL SELECTBOARD MEETING  
TOWN OF BARNET, VERMONT  
MONDAY, JUNE 4, 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:** Building Committee Chair William Graves, Town Clerk Benjamin Heisholt, Zoning Administrative Officer Shirley Warden, Benjamin Adams, Jonathan Carpenter, John Cook, Kenneth Faris, Mary Faris, Frank Jannarone, Kathleen Monroe, and Michael Wright.

**1. Consideration of approval of minutes of special meeting held May 14, 2018 and regular meeting held May 14, 2018**

- Mr. Gates moved to approve as presented the minutes of the special meeting held May 14, 2018. Seconded by Ms. Ford and approved by voice vote.
- Ms. Ford moved to approve as presented the minutes of the regular meeting held May 14, 2018. Seconded by Mr. Gates and approved by voice vote.

**2. Consideration of matter relating to proposed transfer of portion of Barnet School District property to Town of Barnet**

The Board acknowledged receipt of correspondence from resident Sarah Cook regarding this issue. Ms. Cook indicates her approval of the Selectboard's proposal that the Barnet School District transfer 83 acres of land to the Town of Barnet. Ms. Cook also states her beliefs that the Barnet School Board is not acting in the best interests of the town, and that the minutes of School Board meetings do not accurately reflect the meetings.

The Board reviewed and discussed correspondence from Town Agent Steven Adler. Mr. Adler's memorandum reports the results of the Barnet School Board meeting held May 14, 2018. Mr. Adler reports that: a) the School Board would not agree to complete a conveyance of land to the Town of Barnet within the brief window of time remaining before June 30, 2018, b) the School Board may consider signing a non-binding letter of intent to convey property to the Town, but would not be rushed and would do so only after consultation with the Caledonia Cooperative School District Board, c) the School Board indicated that the use of the full 98 acres of land is in the best educational interests of Barnet School students, d) the School Board stated that if voters were not aware that this land would transfer to CCSD when the merger took place, it was their own fault for not investigating the matter earlier, e) the quantity of land involved in the transfers from Barnet (98.76 acres), Walden (34 acres), and Waterford (17 acres) appears nowhere in any of the reports or minutes of the Act 46 Committees that Mr. Adler has seen, f) the School Board indicated that they would require that the Town commit to a specific use of the school property before they would consider transferring any portion of it to the Town. Mr. Adler's letter also provides the Selectboard with various options with which to proceed from the decision of the School Board.

Mr. Roberts indicated that the Selectboard's only option to take action on the School Board's decision at this time would be to pursue legal action to seek an injunction to prevent the transfer of acreage to the CCSD. This would be, in Mr. Robert's opinion, an expensive and uncertain path. Mr. Gates and Ms. Ford agreed that legal action would be a long, drawn-out, process, with a relatively tenuous position and a high likelihood to divide the town.

Discussion ensued between the Selectboard and residents present, as summarized below.

- Resident Kathleen Monroe suggested that it would appear that, prior to the merger vote, the School Board misrepresented the facts with regard to the acreage to be transferred. She suggested that the School Board has lost the trust of the town and that this property issue should be voted on by the voters as an issue separate from the merger itself. Discussion ensued.
- Resident Shirley Warden noted that the voters were, prior to the merger vote, misinformed regarding the property tax savings anticipated due to the merger.
- Ms. Monroe suggested that residents should gather momentum to create a larger public discussion regarding this issue.

### **3. Correspondence from Trustees of Public Funds to Caledonia Cooperative School District (CCSD) regarding use of school district portion of Esden Fund**

The Board read a copy of a letter addressed to the CCSD, in which the Trustees state that “the original intent of the [Esden] fund was to benefit the Barnet Public School System and the Town of Barnet,” that “this intent should remain intact,” and that “the share of Esden Funds dedicated to the Barnet School District should remain dedicated to the Barnet School for capital improvements only.” Trustee William Graves appeared and stated that this letter was delivered to the CCSD at their Board meeting the same evening as this meeting. Mr. Graves indicated that only the school district’s portion of the fund is at issue here, because only the school district’s portion will transfer to CCSD. He reported that there is a total school district fund balance of approximately \$84,000, of which approximately \$53,000 is non-spendable principal. Mr. Graves also indicated that he had requested legal advice from former Town Agent David Willis, who was Town Agent at the time the fund was established; Mr. Willis indicated that it appears, according to the school merger agreement, the school portion of the Esden Fund must be transferred to the CCSD. Discussion ensued, as summarized below.

- Resident Frank Jannarone asked if the Selectboard could make a statement regarding their position with regard to transfer of assets to the CCSD.
  - Ms. Ford indicated that Town Agent Steven Adler had represented the Selectboard at the May 14, 2018 School Board meeting, and that this should provide a public record of the Selectboard’s position.
    - Resident Kathleen Monroe indicated that the School Board minutes do not reflect Mr. Adler’s presence or his statement of the Selectboard’s position.
  - Mr. Roberts indicated that the Selectboard could contact the Vermont League of Cities & Towns for advice regarding the School Board meeting minutes.
- Resident John Cook asked if the Selectboard would be receptive to a non-binding town vote on the matter of the transfer of land to the CCSD.
  - Mr. Roberts indicated that the Selectboard could ask the Vermont Secretary of State’s Office regarding available avenues for a town vote on this issue.

### **4. Consideration of asbestos removal and next steps regarding the Barnet Village fire station**

The Board discussed their prior decision to solicit bids for removal of asbestos from fire station. They reviewed a list of recommended local contractors, as provided by Building Committee Chair William Graves. Discussion ensued.

- Ms. Ford moved to request bids for the itemization and removal of asbestos from the Barnet Village Fire Station and Town Hall from Crothers Environmental Group, Levaggi Environmental Contracting, and Midstate Asbestos, Inc.

The Board reviewed two 1973 Quit Claim Deeds: one from Edwin and Mildred Robinson to the Town of Barnet, and one from the Town of Barnet to Edwin and Mildred Robinson. These deeds define boundary lines and property rights between the Town Hall/Fire Station property and its westerly neighbor, the property currently owned by Neil and Leah Benedict. Mr. Graves indicated that the descriptions in these deeds are not in consonance with the use of the properties by Mr. and Ms. Benedict. Discussion ensued.

- Mr. Gates moved to request that Town Agent Steven Adler draft a letter to Mr. and Ms. Benedict describing the boundary lines and property rights per the above-referenced Quit Claim Deeds, and requesting their fence be moved to be situated along the boundary or on the Benedicts' side of the boundary. Seconded by Ms. Ford and approved by voice vote.

## **5. Appearance by Barnet Fire District #2/Barnet Water District regarding Fire District/Water District matters**

Prudential Committee member Jonathan Carpenter appeared to discuss several matters:

- a. Water line under Church Street bridge.** Mr. Carpenter reported that he had received correspondence from the Vermont Agency of Transportation (VTrans), which indicated that Bridge #11 is a Town bridge: the proposed project does not require State approval.
  - The Board agreed to grant approval to the Fire District to pursue the proposed project. The Board requested that the Fire District seek engineering services from Ruggles Engineering Services.
- b. Sidewalk grant opportunities.** Mr. Carpenter reported that he had investigated grant opportunities for removing the lower portion of the Church Street sidewalk and replacing it with a widened town highway with a bicycle/pedestrian path. He indicated that he had emailed Doug Morton of Northeastern Vermont Development Association but had not received a response. According to Mr. Carpenter's research, there are State grants available for fifty percent reimbursement of costs of construction, and there are Federal grants available for eighty percent reimbursement of costs of engineering and construction. Mr. Carpenter indicated that he hopes to combine the proposed sidewalk project with the proposed Church Street water line project to save costs. Discussion ensued.

## **6. Appearances by members of the public**

- a. Resident Kathleen Monroe regarding minutes of regular meeting held May 14, 2018.** Ms. Monroe asked for clarification regarding the third bullet point under the item #4 in the minutes, which, quoting Building Committee Chair William Graves, reads: "One of the more significant sources of funding for the proposed McIndoe Falls Academy project is the donation of McIndoe Falls Academy assets, which may be valued at as much as \$600,000."
  - Ms. Ford indicated that the "funding" to which Mr. Graves referred consists of the estimated value of the existing McIndoe Falls Academy building, land, and infrastructure, and an unspecified sum of cash value held by the Academy in the form of invested endowments, which may possibly be available to the Town if it pursues the McIndoe Falls Academy renovation.

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

Mr. Chase did not appear at this meeting.

- a. Consideration of use of Town Garage property for tractor/truck pull inspections.** The Board discussed that permission had been granted to Highway Department seasonal employee Mark Fuller to use the Town Garage property for a tractor/truck pull inspection station on Sunday, May 27, 2018. The Board acknowledged a report from Mr. Chase that the event had been conducted smoothly and without any problem.
- b. Consideration of application for Municipal Roads Grants-in-Aid Program.** In Mr. Chase's absence, the Board tabled discussion of this matter.
- c. Consideration of proposed re-naming of Symns Pond Road.** Mr. Heisholt indicated that he had received a complaint regarding the spelling of Symns Pond Road. A resident of the road reports difficulty in receipt of mail delivery because the road name is spelled differently in Ryegate (Symes Pond Road). The Board reviewed E911 maps of the road, confirming that difference in spelling between the two towns. Discussion ensued.

- Ms. Ford moved to warn a hearing to consider re-naming Symns Pond Road as Symes Pond Road on Monday, June 25, 2018 at 6:45 p.m. Seconded by Mr. Gates and approved by voice vote.
- d. Review of Vermont Agency of Transportation Structure Inspection, Inventory, and Appraisal Sheets.** In Mr. Chase's absence, the Board tabled discussion of this matter.
- e. Report on Recycling Center metal dumpster ramp project.** In Mr. Chase's absence, the Board tabled discussion of this matter.
- f. Other business.** No other business was discussed.

### **8. Consideration of Animal Control Complaint received from resident Shirley Warden**

The Board reviewed an animal control complaint form submitted on May 30, 2018, regarding an incident occurring May 28, 2018. The complaint indicates that a large black dog and a smaller brown dog owned by January and Brent O'Donnell appeared unattended on Ms. Warden's property. The complaint also states that when Ms. Warden attempted to encourage their withdrawal from her property through voice command and use of a spray of white vinegar, the larger brown dog aggressively approached her on two separate occasions. Discussion ensued regarding this incident, and previous complaints regarding dogs owned by Mr. and Ms. O'Donnell, as discussed at previous Board meetings.

- Ms. Ford moved to find January and Brent O'Donnell in violation of the Animal Control Ordinance with regard to their two dogs, based on the complaint received from Ms. Warden, finding that the dogs were running at large at the time of the incident, and to fine Mr. & Ms. O'Donnell in the amount of \$50.00, in consideration of this finding and record of previous Animal Control Ordinance violations. Seconded by Mr. Gates and approved by voice vote.

### **9. Consideration of negotiations with CALEX Ambulance Service regarding ambulance services contract arrangement**

Michael Wright of CALEX appeared to discuss contract negotiations. The Board acknowledged receipt of an email from Mr. Wright requesting that the Board consider a three-year initial term for the contract arrangement. The Board acknowledged that Town Agent Steven Adler has, at the Board's request, been in recent conversation with CALEX's attorney regarding the proposed contract. Discussion ensued.

- The Board agreed to instruct Town Agent Steven Adler to enter negotiations with CALEX with the intention of the Board signing a contract with an initial term of three years.

### **10. Report on 2018-2019 mowing contract**

Mr. Heisholt reported on activity since the last meeting with regard to the Board's decision to hire Little Acres Construction to mow the Passumpsic Village monument lot. Little Acres Construction agreed to mow the lot for \$30 per mowing for the 2018 and 2019 seasons. It is anticipated that the lot will require mowing approximately every two weeks.

### **11. Report on Recycling Center addition project**

Mr. Roberts reported that there are no updates to report regarding this project.

### **12. Report on Request to Cater Malt, Vinous and/or Spirituous Liquors applications**

Mr. Heisholt reported that he had signed a Request to Cater application from Blood's Catering & Party Rentals, Inc. for an event to be held June 30, 2018 at 140 Kinerson Lane. A permit for the event was issued by the Vermont Department of Liquor Control.

**13. Correspondence from Vermont Agency of Natural Resources regarding Vermont Environmental Notice Bulletin Stakeholder Update by Location**

Mr. Heisholt noted that numerous emails regarding stakeholder updates have been received recently, due to a change in the Agency of Natural Resource’s reporting system. These reports, which the Board has been receiving via email, replace the less frequent updates that were previously reviewed at Board meetings. Mr. Heisholt asked the Board how they would like to proceed with regard to receipt of these reports. Discussion ensued.

- The Board agreed to request that Mr. Heisholt continue to forward stakeholder updates to the individual Board members; the members will bring to Mr. Heisholt’s attention any updates that require placement on a meeting agenda.

**14. Consideration of Planning Commission Municipal Bylaw Amendments**

Zoning Administrative Officer Shirley Warden appeared and stated that the amended bylaw is not yet approved and prepared for Selectboard review; it will be forwarded to the Selectboard for their next meeting.

**15. Consideration of applications for uniform municipal excess weight permits**

The Board reviewed and approved the single vehicle application of Donald Moore, Jr.

**16. Other business**

- a. **Correspondence from Northeast Kingdom Waste Management District regarding events on public lands.** The Board reviewed an email with attached memorandum indicating that when containers in public buildings or on public land are provided to the public for use for solid waste, an equal number of containers must be provided for collection of mandated recyclables. The memorandum also indicates that it is not required that containers be made available: towns may adopt a “carry-in, carry-out” policy. Discussion ensued.

**17. Outstanding check warrants**

The Board reviewed and approved all outstanding check warrants.

**18. Adjournment**

Ms. Ford moved to adjourn the meeting. Seconded by Mr. Gates and approved by voice vote. Meeting adjourned at 8:33 p.m.

*A true copy.*

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