

**MINUTES – REGULAR SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, JULY 8, 2019**

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

Board members present: Dylan Ford (presiding co-chair), Benjamin Gates, and Mark Jefferson.

Other Town officials and employees present: Road Foreman Mark Chase, Town Clerk Benjamin Heisholt, and Zoning Administrative Officer Shirley Warden.

Members of the public present: Jonathan Carpenter, Harry Cornelius, Karla Cornelius, David Kristoff, and James MacDonald.

1. Consideration of approval of minutes of regular meeting held June 10, 2019

- Mr. Jefferson moved to approve as presented the minutes of the regular meeting held June 10, 2019. Seconded by Ms. Ford and approved by voice vote.

2. Consideration of approval of minutes of regular meeting held June 24, 2019

- Mr. Gates moved to approve as presented the minutes of the regular meeting held June 24, 2019. Seconded by Ms. Ford and approved by voice vote.

3. Other business presented by members of the public

a. Resident David Kristoff regarding re-classification of Tower Road. Mr. Kristoff asked the Board to consider re-classifying a portion of Tower Road from Class 4 to Class 3. The proposed portion of the road is approximately one-third of a mile, from the end of the current Class 3 portion to the culvert before Mr. Kristoff's residence. The Board advised regarding the process to re-classify a road, beginning with the Board's determination regarding the requirement of a petition to initiate the process. Discussion ensued.

- The Board agreed to add to the agenda of their next regular meeting the matter of determining if a petition will be required to initiate the re-classification process, and any other discussion of this issue.
- The Board agreed that Mr. Kristoff's contractor is permitted to perform road maintenance and improvement on the Class 4 portion of Tower Road without specific prior permission.

b. Karla Cornelius regarding water level at Harvey's Lake. Ms. Cornelius indicated that the water level of the lake is below the appropriate level. She asked about placing the two removed stop logs back in the Harvey's Lake Dam. She also reported that debris, including a large tree, is trapped on the upstream side of the dam, making access to the stop logs difficult. Ms. Cornelius indicated that Tracy St. Louis of North Country Tree Care has offered to remove the debris on the upstream side of the dam. Ms. Ford indicated that replacement of one stop log will not interfere with the Interfluv study currently underway. Discussion ensued.

- The Board agreed to hire Tracy St. Louis of North Country Tree Care to remove the debris upstream of the dam.
- The Board agreed that Mr. Jefferson will inquire with former Board member Gary Bunnell regarding training for the job of removing and replacing the dam stop logs as needed.

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

- a. Consideration of, and take any action on, correspondence from Vermont Agency of Transportation regarding 2019 state-approved Town Road and Bridge Standards template.** The Board reviewed an email and attachments regarding the new state-approved standards template. Discussion ensued.

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

b. Other business

- i. Leased excavator to be returned.** Mr. Chase reported that the wheeled excavator, leased by the Town for the month of June, is scheduled to be returned to Liftech on Tuesday, July 9.
- ii. Tower Road culvert.** Mr. Chase reported that a four-foot culvert was installed on Tower Road, per the Board's instruction. He also reported that a water line, owned by property owner Robin Kristoff, located within the Town's right-of-way was damaged during the installation. He indicated that the water line was repaired by the Town.
- iii. Dump Truck #008.** Mr. Chase reported that the new dump truck has returned from the shop and is working well.
- iv. Routine summer road maintenance.** Mr. Chase reported that the Highway Department has commenced roadside mowing. Grading operations continue, and chloride has been applied to some roads.
- v. Cloud Brook Road culvert project.** Mr. Chase reported that the Cloud Brook Road culvert project is complete. Discussion ensued.
- vi. Federal Emergency Management Agency (FEMA) meeting.** Mr. Chase reported that he and Town Clerk Benjamin Heisholt will meet with a FEMA representative on Thursday, July 11. This will be a Recovery Transition Meeting, the purpose of which is to transition the projects to the State and review each of the projects. This meeting will signal the end of FEMA's involvement in the July 2017 disaster projects. Discussion ensued.
- vii. Drivers for hauling materials.** Mr. Chase asked if the Board would like him to hire any part-time seasonal employees for hauling sand and gravel material from the town gravel pit to stock piles. Mr. Chase indicated that resident Steve Mosher expressed interest in this work.
- The Board agreed to instruct Mr. Chase to offer summer seasonal hours to part-time seasonal employee Paul Gibson, and to inquire with Steve Mosher regarding his availability.
- viii. Paving progress.** Mr. Chase reported that Pike Industries will be returning to Barnet, with remaining 2019 projects on Comerford Dam Road and Barnet Center Road.
- ix. Application of Lane Roy for Highway Access Permit for driveway access on Anderson Street.** The Board reviewed an application for an access from parcel ID #0009-02-69.2. Mr. Chase reported that he had inspected the site; his written comments indicate: "Visibility in both directions is good. No culvert needed at road entrance." Discussion ensued.
- The Board agreed to approve the permit application; Ms. Ford signed the permit.

5. Appearance by Zoning Administrative Officer Shirley Warden

- a. Consideration of, and take any action on, appointment of Planning Commission/Zoning Board members.** The Board briefly discussed the current vacancy

on the Planning Commission/Zoning Board. The Board reported that they have not found a resident interested in filling the vacancy.

- b. Consideration of, and take any action on, appointment of Zoning Administrative Officer.** The Board read the first paragraph of a letter from Planning Commission/Zoning Board Secretary Shirley Warden. The letter indicates that the Planning Commission/Zoning Board nominated Shirley Warden for a three-year term as Zoning Administrative Officer. Discussion ensued.
 - Mr. Gates moved to appoint Shirley Warden for a three-year term as Zoning Administrative Officer. Seconded by Mr. Jefferson and approved by voice vote.
- c. Consideration of Planning Commission/Zoning Board decision to reference Town Conflicts of Interest and Ethical Conduct Policy in Planning Commission/Zoning Board Rules of Procedure.** The Board read the second paragraph of the letter from Ms. Warden, which indicates that the Planning Commission/Zoning Board voted to reference the Barnet policy on Conflicts of Interest and Ethical Conduct in the Barnet Planning Commission/Zoning Board Rules of Procedure.
- d. Consideration of, and take any action on, Planning Commission/Zoning Board request to amend Town Conflicts of Interest and Ethical Conduct Policy.** The Board read the third and final paragraph in Ms. Warden's letter, which indicates that the Planning Commission/Zoning Board requests that the Selectboard include the Planning Commission in Article 4 of the Conflicts of Interest and Ethical Conduct policy, and remove the phrase "Design Review Board." Discussion ensued.
 - Mr. Gates moved to amend the Conflicts of Interest and Ethical Conduct policy per the request of the Planning Commission/Zoning Board. Seconded by Mr. Jefferson and approved by voice vote.
- e. Other business.** No other business was discussed.

6. Other business presented by other Town officers

No other business was presented by other Town officers.

7. Consideration of correspondence from Vermont Department of Housing and Community Development regarding Barnet awarded village center designation for four villages

The Board reviewed an email and attachments reporting that "the Downtown Development Board found that Barnet Village, McIndoe Falls, Passumpsic, and West Barnet's applications met the statutory requirements and designated the village centers to receive state benefits." Discussion ensued. The Board expressed thanks to the Planning Commission/Zoning Board for their efforts in achieving this designation.

8. Consideration of, and take any action on, correspondence from Transfer Station & Recycling Center Supervisor Bruce Marston regarding fee exemptions for tax-exempt organizations

The Board read an email from Mr. Marston asking for clarification on fee exemptions for tax-exempt organizations, when these organizations are operating business-like functions. A recent potential example of this is the Barnet Center Church, which runs the Green Mountain Retreat, a rental building on the same property as the church. Mr. Marston inquired regarding whether fees would be assessed for waste generated by this property. Discussion ensued.

- Mr. Jefferson moved to not charge a Transfer Station fee for waste generated at the Green Mountain Retreat. Seconded by Ms. Ford and approved by voice vote.

9. Consideration of, and take any action on, process for construction of Recycling Center addition

Mr. Gates reported that he had not taken any further action on this matter since the last Board meeting.

- The Board agreed to table discussion of this matter.

10. Consideration of, and take any action on, installation of signs prohibiting launching watercraft at Harvey's Lake Public Beach

The Board read an email and viewed an attached photograph from Steven Adler regarding signage prohibiting boat access on the Town right-of-way to Harvey's Lake from Sunny Beach Lane. The photograph shows the current sign at the location, reading "Help Us Control Invasive Species/Launching Watercraft at this Location is Prohibited/Please Take Your Watercraft to the State Boat Launch Access for Inspection and Launch/Lake Harvey Association." The email indicates that there has been some objection to the sign with regard to the word "prohibited" and the lack of reference to the Selectboard's authority. The Board also reviewed the minutes of the Board meeting held May 16, 2016, at which the Board agreed to prohibit boat access at the public beach, and instruct the Beach Committee to install signs indicating the prohibition. Discussion ensued.

- The Board agreed to continue to prohibit watercraft access at the Harvey's Lake Beach, and to prohibit watercraft access at the Sunny Beach Lane right-of-way to Harvey's Lake, except by permit.
- Mr. Gates moved to install signage at the Sunny Beach Lane right-of-way to Harvey's Lake indicating that launching of any watercraft at that location is by permit only, and that this prohibition is by authority of the Barnet Selectboard. Seconded by Mr. Jefferson and approved by voice vote.

11. Consideration of, and take any action on, animal bite report involving dog owned by Raymond and Monica Vincent

The Board reviewed a Town Health Officer Animal Bite Report from Northeastern Vermont Regional Hospital. The report indicates that on July 3, 2019 a dog named Koda, owned by Raymond and Monica Vincent at 821 West Main Street, bit a child dwelling at 964 West Main Street. Ms. Ford reported that she had communicated with Health Officer Michael Walsh, who had responded to this incident. Mr. Walsh reports that the bite was provoked, and that the dog is now finishing a ten-day quarantine. It appears that this was an on-premises incident and that the victim is related to Mr. and Ms. Vincent. Discussion ensued.

12. Consideration of, and take any action on, new Town Clerk's Office fees

The Board reviewed changes in Town Clerk's Office fees effective July 1, 2019, pursuant to H.526 as approved by the Vermont Legislature in the 2019 session. Document recording fees increase from \$10 per page to \$15 per page; several other recording and research fees increase by similar margins.

13. Consideration of, and take any action on, amendment to Personnel Policy regarding employee participation in jury service

Discussion continued regarding a personnel policy change to include a benefit for jury service time, as discussed at previous meetings.

- The Board agreed in principle to introduce a new benefit in the personnel policy that would reimburse employees for wages lost due to jury service up to their average number of hours worked per week annually, or up to a maximum of forty hours annually. The Board agreed that any wages paid under this benefit would require submission of written proof of participation in jury service. The Board requested that Town Clerk Benjamin Heisholt draft language for this policy for the Board's consideration at their next meeting.

14. Consideration of, and take any action on, correspondence from Green Mountain Power with petition for reconstruction of overhead lines on West Barnet Road

The Board reviewed a petition and attached plan to locate six new poles and replace six more poles within the highway limits of West Barnet Road. Discussion ensued.

- The Board agreed to approve the petition. Ms. Ford and Mr. Gates signed the petition.

15. Consideration of correspondence from Vermont Department of Taxes with Notice of Education Tax Rates for Fiscal Year 2020

The Board reviewed the notice, which indicates that the non-homestead education tax rate will be \$1.4976 and the homestead education tax rate will be \$1.4462.

16. Consideration of correspondence from Vermont Department of Liquor and Lottery regarding change in application process for third class spiritous liquor applications

The Board reviewed an email indicating that the with the passage of Act 73 in the 2019 legislative session, all third class spiritous liquor applications must be approved locally prior to being sent to the state for approval.

17. Outstanding check warrants

The Board signed all outstanding check warrants.

18. Consideration of additional Assistant Town Clerk/Highway Department Administrative Assistant position

- Mr. Gates moved to enter executive session to discuss possible hiring of an additional Assistant Town Clerk/Highway Department Administrative Assistant position, pursuant to 1 V.S.A. § 313(a)(3). Seconded by Mr. Jefferson and approved by voice vote. Entered executive session at 9:13 p.m. Those present in executive session: Ms. Ford, Mr. Gates, Mr. Jefferson, Road Foreman Mark Chase and Town Clerk Benjamin Heisholt.
- Mr. Gates moved to exit executive session. Seconded by Mr. Jefferson and approved by voice vote. Exited executive session at 9:45 p.m.
- No action taken

19. Other business presented by Selectboard

No other business was presented by the Selectboard.

20. Adjournment

Mr. Gates moved to adjourn the meeting. Seconded by Mr. Jefferson and approved by voice vote. Meeting adjourned at 9:45 p.m.

A true copy.

Attest: _____ Town Clerk