

**MINUTES – REGULAR SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, AUGUST 12, 2019**

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

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

Other Town officials and employees present: Town Agent Steven Adler, Road Foreman Mark Chase, Building Committee Chair William Graves, Town Clerk Benjamin Heisholt, and Zoning Administrative Officer Shirley Warden.

Members of the public present: Marlisa Cheney, James MacDonald, Peter Murphy, and Julie Murphy.

1. Consideration of approval of minutes of regular meeting held July 22, 2019

- Ms. Ford moved to approve as presented the minutes of the regular meeting held July 22, 2019. Seconded by Mr. Jefferson and approved by voice vote.

2. Consideration of, and take any action on, animal control complaints regarding animals kept at US Route 5 North in East Barnet

The Board reviewed five animal control complaint forms received from Brad and Brenda Sherman regarding a pig owned by Billy Noyes. These complaints describe incidents of the pig running at large and causing damage on the following dates: July 21, 2019 (twice), July 22, 2019 (once, with reference to five other dates), July 29, 2019 (three times), July 31, 2019 (once), August 1, 2019 (once, with zoning violation noted), and August 3, 2019 (once). The Board also reviewed a letter from Town Agent Steven Adler to Billy Noyes dated October 16, 2018. This letter was in response to similar complaints regarding the pig and other domestic animals, and served as a warning of fines if further complaints were received. Town Agent Steven Adler advised regarding possible enforcement actions pursuant to the Animal Control Ordinance and Vermont Statutes. Discussion ensued.

- Ms. Ford moved to request that Town Agent Steven Adler draft a letter to Billy Noyes advising that the Board has found Mr. Noyes in violation of the Animal Control Ordinance with regard to a pig running at large and causing damage as described in five formal complaints, that a fine of \$150.00 has been assessed (subject to appeal or a \$75 waiver fee), that an order to enclose the pig on Mr. Noyes’s property is imposed, and that further fines will be assessed if the pig is found to be running at large in future. Seconded by Mr. Jefferson and approved by voice vote.

3. Consideration of, and take any action on, animal control complaints regarding dogs kept at Mosquitoville Road

The Board reviewed two animal control complaint forms regarding incidents involving a dog owned by Matthew Nowakowski and Heather Cheney kept at 178 Mosquitoville Road. A complaint received of Robert Dufresne reports that in early July 2019 Mr. Dufresne was riding a small scooter on Mosquitoville Road when he was aggressively threateningly approached by the dog as Mr. Nowakowski walked it on the road on a leash. The report indicates the owner had difficulty retaining control of the dog. A second complaint, from Peter and Julie Murphy, reports that on two occasions (early July 2019 and July 28, 2019) the Murphys were walking on Harvey Mountain Road when aggressively and threateningly approached by the dog as Mr. Nowakowski walked it on a leash. The report indicates that on both occasions Mr. Nowakowski had difficulty retaining control of the dog. Peter and Julie Murphy appeared and discussed their experiences. The Board reviewed the dog’s

record, indicating that his name is Powers, and has a current rabies vaccine and town license. The Board discussed a previous violation involving this dog in April 2019, wherein Powers was found to have run at large and approached a bicyclist. Discussion ensued.

- Ms. Ford moved to send a notice to Matthew Nowakowski and Heather Cheney indicating that, in addition to compliance with the animal control ordinance with regard to retaining control of Powers, they are required muzzle Powers at all times when Powers is off Mr. Nowakowski and Ms. Cheney's property. Seconded by Mr. Jefferson and approved by voice vote.

4. Consideration of, and take any action on, animal control complaints regarding dogs kept at Cloud Brook Road

The Board read a cover letter and two attached animal control complaint forms received from William Graves regarding dogs kept by Anea Lelong and William Douglas at 736 Cloud Brook Road. The first complaint describes an incident occurring November 2017, wherein a white dog and a dog named Rosie ran loose from the Lelong-Douglas residence as Mr. Graves and his daughter walked along Cloud Brook Road; the white dog bit the back of Mr. Graves right knee, which bled. After receiving assurances from the dogs' owners that the dogs would never be loose or unleashed again, the dog was again loose within four weeks of the incident and often is walked unleashed to this time, according to the complaint. The second complaint describes an incident occurring August 6, 2019. In this incident a tan pit bull ran loose and harassed young cattle contained in an electric fence on Mr. Graves's property. The Board reviewed current animal licenses and rabies vaccination certificates for two dogs reported to be kept at this address: a Staffordshire named Bruno owned by William Douglas and Anea Lelong, and a boxer mix named Wanona owned by Elisha Lelong-Douglas. Mr. Graves appeared at this meeting and discussed this matter. He indicated that there are twelve young cattle, heifers, in his field; they are owned by William and Gwen Pearl and have value of approximately \$4,000 each. The Board discussed enforcement options with Town Agent Steven Adler.

- Ms. Ford moved to draft a letter to William Douglas and Anea Lelong advising that the Board has found them to be in violation of the Animal Control Ordinance with regard to dogs running at large and causing damage as described in the two formal complaints received, that a fine of \$200.00 has been assessed (subject to appeal or a \$100 waiver fee) and that further fines will be assessed if the dogs are found to be running at large in future. Seconded by Mr. Jefferson and approved by voice vote.

5. Consideration of, and take any action on, reimbursement for plumbing repairs relating to damage to water line in Tower Road right of way

The Board reviewed documentation regarding this matter, as discussed the previous Board meeting, and apprised Town Agent Steven Adler of the Board's consideration and decision at that meeting. Further discussion was had regarding potential liability arising from the issuance of a settlement for damages; the Board reviewed email correspondence with the Town's insurance carrier Vermont League of Cities & Towns. The Board reviewed a proposed release, drafted by Mr. Adler, that Barbara and Robin Kristoff would sign in relation to any and all damages resulting from the incident under consideration.

- Ms. Ford moved to require Barbara and Robin Kristoff to sign a release, as drafted by Town Agent Steven Adler, in order for the Town to issue payment as discussed at the previous meeting, and to make the amount of the Town's consideration for the release dependent on the amount billed by Trombly Plumbing & Heating in relation to the incident in question but not to exceed \$1,000. Seconded by Mr. Jefferson and approved by voice vote.

6. Consideration of, and take any action on, maintenance of Barnet School property by Highway Department during 2020 school fiscal year

The Board recommenced their discussion regarding this matter, as was discussed at a number of Board meetings during the 2019 school fiscal year.

- Mr. Jefferson moved to offer winter plowing and salting services at the Barnet School for the 2020 school fiscal year on the fire lane along Kid Row and on the so-called “circle” at the end of the Kid Row, with this offer being contingent on the Caledonia Cooperative School District signing an indemnification agreement holding the Town harmless for any liability arising during these services, and to cease all other Town activities maintaining the Barnet School property. Seconded by Ms. Ford and approved by voice vote.

7. Appearance by Lake Harvey Association (LHA)

a. Consideration of, and take any action on, request for “slow down” signs on Roy Mountain Road

The Board reviewed an email from Karla Cornelius of LHA indicating that there continues to be a speeding problem on Roy Mountain Road near the public boat access, and asking for permission to purchase and install, with Highway Department guidance, two signs saying “Slow Down, Boat Access Ahead.” Steven Adler appeared for LHA and discussed this matter with the Board.

- Ms. Ford moved to allow LHA to place two “Slow Down, Board Access Ahead” signs near the public boat access on Roy Mountain Road with Highway Department guidance. Seconded by Mr. Jefferson and approved by voice vote.

b. Consideration of, and take any action on, request to place LHA literature at public beach pavilion

LHA member Steven Adler appeared to request that the Board allow LHA to attach a small box at the public beach pavilion that would make available literature on LHA and prevention of milfoil and other invasive species at the lake.

- Ms. Ford moved to allow LHA to attach a small box at the public beach pavilion making available literature on LHA and prevention of milfoil and other invasive species. Seconded by Mr. Jefferson and approved by voice vote.

8. Other business presented by members of the public

a. Resident James MacDonald regarding town-wide reappraisal

Mr. MacDonald asked about the schedule for notification of assessed values and opportunity for appeal. Discussion ensued.

- The Board advised Mr. MacDonald to inquire with the Board of Listers.

b. Resident Marlisa Cheney regarding roadside mowing and neighbor depositing materials in brook

Ms. Cheney asked if the Highway Department has changed their policy regarding roadside mowing, indicating that her flower bed was mowed. The Board consulted with Road Foreman Mark Chase regarding roadside mowing procedures this summer.

- The Board advised Ms. Cheney that mowing policy has not changed; her garden was likely mowed as a part of normal operations within the Town’s right of way. The Board suggested that in the future she contact the Highway Department prior to mowing season or put up a sign on her property requesting that her garden be bypassed.

Ms. Cheney reported that her neighbor, Dale Ryder, continues to deposit materials in the brook near their home. Discussion ensued.

- The Board advised Ms. Cheney to contact Vermont Agency of Natural Resources regarding this matter and watershed pollution enforcement.

9. Consideration of appointment of member(s) to Connecticut River Joint Commissions, Riverbend Subcommittee

Mr. Graves indicated that there are one or possibly two vacancies in Barnet's representation on the Riverbend Subcommittee of the Connecticut River Joint Commissions. These are Selectboard appointed positions. Discussion ensued.

- The Board agreed to make inquiries about potential candidates.

10. Consideration of appointment of member(s) to Building Committee

Mr. Graves discussed with the Board the recent resignations from the Building Committee, asking if they wish to fill the resulting vacancies. The resignations were of at-large members; because there is no required number of at-large members, the vacancies do not require appointments. Discussion ensued.

- The Board agreed to not appoint any members to the Building Committee at this time.

11. 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 the standards template. Mr. Chase provided his analysis of the options available; he stated that the proposed standards are similar to current Highway Department standard operating procedures. Discussion ensued.

- The Board completed and signed the standards template.

b. Consideration of application of Michael Rogers for Highway Access Permit on Goodwillie Road

The Board reviewed the application for a permanent driveway access bordering the property of the Goodwillie House owned by the Barnet Historical Society. Mr. Chase reported on his inspection of the site, indicating that there are no concerns from line of sight or water drainage perspectives. Discussion ensued.

- The Board signed the permit.

c. Other business

i. Request from Green Mountain Power for placement of transmission lines on Old Silo Road

Mr. Chase reported on correspondence from Green Mountain Power requesting to place power transmission lines on existing poles in the Town's right of way on Old Silo Road from the Waterford town line to the Lamothe farm, and to place transmission lines underground across Old Silo Road near the Lamothe farm. The latter would be 36 inches below the road surface and encased in concrete. Discussion ensued.

- The Board agreed to permit the placement of proposed transmission lines.

ii. Request from Green Mountain Power for placement of transmission lines on McLaren Hill Road

Mr. Chase reported on his meeting with Green Mountain Power regarding proposed placement of transmission lines on McLaren Hill, from the intersection with Braeburn Lane northerly on three poles within the Town's right of way on the west side of the road. Discussion ensued.

- The Board agreed to permit the placement of the proposed transmission lines.
- iii. Mill Hill paving**
Mr. Chase presented a quote from Pike Industries for paving Mill Hill from its northerly intersection with US Route 5 South to the end of the bridge on this road; the quote is in the amount of \$12,426. Discussion ensued.
- The Board signed the quote, agreeing to contract with Pike Industries for Mill Hill paving at the proposed amount.
- iv. Town Garage mowing**
Mr. Chase requested clarification regarding mowing of the Town Garage property; the Board had agreed to offer the job to Highway Department employee Thomas Gould at the previous meeting, when Mr. Chase had been absent. Discussion ensued.
- The Board agreed to instruct Mr. Chase to instruct Mr. Gould to perform mowing at the Town Garage approximately every two weeks, for a maximum of two hours for each mowing, and as determined to be necessary by Mr. Chase.
- v. Roadside mowing at Brian and Kathleen Somers farm**
Mr. Jefferson indicated that he had received a complaint from Brian and Kathleen Somers reporting that the Highway Department had inadvertently mowed a portion of their hayfield during roadside mowing activities. They requested that the Highway Department avoid mowing this area in the future.
- vi. Roadside mower equipment requirements**
Mr. Chase reported that the Highway Department's current roadside mowing equipment is inadequate; it does not include an over-the-guardrail attachment, which is necessary to properly mow many sections of town highways. He requested that the Board consider investing in improved equipment.
- vii. Gravel crushing**
Mr. Chase reported that the Highway Department has a few days of gravel crushing left to complete for the 2019 season.

12. Other business presented by other Town officers

There was no other business presented by other Town officers.

13. Consideration of, and take any action on, Town Health Officer Complaint and Inspection Form regarding Morrison Hill property

The Board reviewed a complaint and inspection form reporting that Deputy Health Officer Maurice Roberts had received an anonymous complain via the Environmental Protection Agency regarding asbestos removal at the property of Sarah Lepardo and Damien Ferrante at 740 Morrison Hill. The report indicates that Mr. Roberts inspected the site July 31, 2019; he found a demolition/renovation project underway, but no materials obviously containing asbestos having been removed. Mr. Roberts gave the owners information about safe removal of asbestos. Discussion ensued.

14. Consideration of, and take any action on, appointment of Planning Commission/Zoning Board members

The Board briefly discussed candidates for the vacant Planning Commission/Zoning Board position. Zoning Administrative Officer Shirley Warden reported that Planning Commission/Zoning Board Chair William Biddle is attempting to recruit an individual to fill the vacancy.

- The Board agreed to table further discussion of this matter.

15. Consideration of, and take any action on, changes to zoning fees

Zoning Administrative Officer Shirley Warden appeared and discussed proposed fee changes relating to recording of documents. The Board had previously been apprised of a change in the statutory fee for recording documents in the land records, from \$10 per page to \$15 per page. Ms. Warden indicated that a recording fee is included in the zoning permit fee; therefore, if the recording fee for permits is increased by \$5, a \$5 overall increase in zoning permit fees would result. Ms. Warden also indicated that the Zoning Board has implemented a “Letter of Intent” to document permit-exempt agricultural and silvicultural construction. The Zoning Board does not intend to assess a fee for acceptance of the Letter of Intent. The question of a recording fee for filing this document is, however, in the purview of the Selectboard rather than the Zoning Board. Discussion ensued.

- Ms. Ford moved to increase the zoning permit application fee by \$5 to accommodate a statutory increase in recording fees and to assess a \$15 recording fee for filing of Letters of Intent. Seconded by Mr. Jefferson and approved by voice vote.

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

Mr. Gates indicated that he has planned an on-site meeting with building contractor Dana Young. Town Clerk Benjamin Heisholt reported that Transfer Station/Recycling Center Supervisor Bruce Marston has requested to be included in future meetings and discussion about this project.

17. Consideration of, and take any action on, correspondence from Federal Energy Regulatory Commission (FERC) regarding Great River Hydro LLC and order approving revised Exhibit F drawings

The Board reviewed notices reporting that Great River Hydro LLC filed revised Exhibit F drawings for FERC approval. These drawings reflect upgrades to the McIndoes switch yard/transformer yard and were approved by FERC. Discussion ensued.

18. Outstanding check warrants.

The Board signed all outstanding check warrants.

19. Other business presented by Selectboard

There was no other business presented by the Selectboard.

20. Appearance by Road Foreman Mark Chase regarding Highway Department matters (continued)

c. Other business (continued)

viii. Correspondence from Northeastern Vermont Development Association regarding grant project for erosion control on Keenan Road

Mr. Chase discussed an email suggesting that the Town consider a grant project involving erosion control work on Keenan Road. The proposed project would require only materials and trucking, and would install improved drainage using a series of rolling grade water bars. The email also suggests the Town consider reclassifying Keenan Road to a legal trail to avoid maintenance liability. Discussion ensued.

21. Adjournment

Ms. Ford moved to adjourn the meeting. Seconded by Mr. Jefferson and approved by voice vote. Meeting adjourned at 10:16 p.m.

A true copy.

Attest: _____ *Town Clerk*