

**MINUTES – REGULAR SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, SEPTEMBER 9, 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: Planning Commission/Zoning Board Chair William Biddle, Fire Warden Christopher Bunnell, Road Foreman Mark Chase, Lister Sarah Cook, Town Clerk Benjamin Heisholt, First Constable Steve Mosher, and Zoning Administrative Officer Shirley Warden.

Members of the public present: Wayne Berge, Michael Bigelow (Barnet School), Sara Bunnell, Jonathan Carpenter, Donna Ellery, Barry Fudim, Taylor Girard (Northern Vermont University News 7), Olivia Hoag (Northern Vermont University News 7), Frank Jannarone, Kathleen Monroe, Amy Ash Nixon (Caledonian-Record), and Jeremy Roberts,

1. Consideration of approval of minutes of regular meeting held August 26, 2019

- Ms. Ford moved to approve as presented the minutes of the regular meeting held August 26, 2019. Seconded by Mr. Jefferson and approved by voice vote.

2. Consideration of approval of minutes of special meeting held August 28, 2019

The Board agreed to table this matter, as these minutes were unavailable.

3. Consideration of approval of minutes of special meeting held September 5, 2019

- Ms. Ford moved to approve as presented the minutes of the special meeting held September 5, 2019. Seconded by Mr. Jefferson and approved by voice vote.

4. Appearance by resident Barry Fudim regarding municipal building project

Mr. Fudim appeared and discussed the municipal building project, as has been the subject of recent meetings and activity by the Building Committee and its professional consultant Cynthia Stuart. He thanked the Selectboard and Building Committee for their work on the project over the past several years, but indicated that he was unaware of the project until the mailing sent by Ms. Stuart – suggesting the process has not been transparent. He asked about costs for the proposed building/renovating options, expressing concern about overall costs, financing costs, and rising property taxes. He also asked about the voting process, expressing a wish for a “no” option for the voters. Discussion ensued. Ms. Ford indicated that the Board attempted to construct worst-case scenarios with regard to taxpayer expense; the project will be expensive, but the estimates publicized are likely higher than actual taxpayer expense. Former Board Chair Jeremy Roberts spoke, providing historical context and reasoning for why properties currently owned by the Town were not pursued as new building options.

5. Other business presented by members of the public

There was no other business presented by members of the public.

6. Consideration of, and take any action on, application of Fire District #2 (Barnet Village) for grant from Fire District Reserve Fund

The Board reviewed an application for a \$15,000 grant from the Fire District Reserve Fund for a project that will involve repair and replacement of water lines on Monument Circle, Anderson Street

and Church Street. The total project costs, according Ruggles Engineering, if administered through the State Revolving Loan Fund, are estimated at approximately \$280,000. The application also requests town in-kind contributions in the form of overburden material. Road Foreman Mark Chase estimated that costs for replacing pavement disturbed by the project may be approximately \$10,000; this cost is not included in the total project costs, nor as a part of the grant funding request. Discussion ensued.

- Ms. Ford moved to grant \$10,000 to Fire District #2 for a project involving the repair and replacement of water lines on Monument Circle, Anderson Street, and Church Street in response to their application submitted September 3, 2019. Seconded by Mr. Jefferson and approved by voice vote.

7. Appearance by First Constable Steve Mosher regarding animal control complaints related to animals kept at US Route 5 North in East Barnet

Mr. Mosher appeared and asked the Board for guidance with regard to a recurring problem involving a pig owned by Billy Noyes and kept at US Route 5 North in East Barnet. He indicated that he had received a number of complaints regarding the animal entering private property and causing damage, and creating a hazard within the traveled portion of US Route 5 North. Christopher and Sara Bunnell, residents at Comerford Dam Road in East Barnet, appeared and submitted documentation supporting complaints about multiple incidents of Mr. Noyes's pig entering the Bunnells' private property and causing damage. The documentation includes a list of incidents beginning August 4, 2019, with the most recent occurring September 2, 2019, 22 photographs of the property damages described, and text communication between Mr. and Ms. Bunnell and Mr. Noyes. The Board indicated that they had issued a certified violation letter to Mr. Noyes after their previous meeting, but it had been refused. Discussion ensued. McIndoe Falls resident Donna Ellery appeared and described a recent incident involving a bull running loose in McIndoe Falls and surrounding area. Discussion ensued. It was noted that incidents involving agricultural animals can be reported to the Commissioner of Agriculture and the State Veterinarian.

- The Board agreed to hire the Caledonia County Sheriff's Department to serve the Board's violation letter to Mr. Noyes.

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

a. Consideration of, and take any action on, proposed Snow Removal and Maintenance Services Agreement with Caledonia Cooperative School District

The Board reviewed a proposed agreement for services from Caledonia Cooperative School District, in connection with the Board's decision at their August 12, 2019 meeting. The Board also reviewed correspondence from Town Attorney Steven Adler, which provides Mr. Adler's opinion on the agreement with suggested amendments.

- Ms. Ford moved to request that Mr. Adler modify the draft agreement to incorporate his suggested amendments. Seconded by Mr. Jefferson and approved by voice vote.

b. Other business

i. Joe's Brook Road bridge outlet erosion

Mr. Chase reported complaints from residents near an unnumbered bridge on Joe's Brook Road. Erosion is reportedly spreading towards the residence from the Town's right-of-way; the residents request the application of erosion stone to remedy the problem. Discussion ensued.

- The Board instructed Mr. Chase to contact the Vermont Agency of Transportation and the Vermont Department of Environmental Conservation regarding the Town's obligation in this situation and any permitting requirements for the proposed work.

ii. Gravel resurfacing

Mr. Chase reported that the Highway Department has recently re-surfaced several gravel roads, including Demaio Lane, County Hill Road, and Keyser Hill Road.

iii. Routine summer maintenance

Mr. Chase reported that the Highway Department continues spend much of its time performing routine summer road maintenance, including grading, raking, and applying chloride to gravel surfaces.

9. Other business presented by other Town officers

No other business was presented by other Town officers.

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

The Board reviewed a complaint received from Cloud Brook Road resident William Graves describing an incident involving a dog owned by Cloud Brook Road residents William Douglas and Anea Lelong. The complaint describes an incident on August 30, 2019, when on two occasions a medium-sized tan terrier harassed young cattle owned by William and Gwen Pearl and pastured on Mr. Graves's property. The complaint requests an absolute ban on this dog's presence off leash, off collar, off owner's property. It was noted that this complaint is similar to previous complaints about these same owners' dogs, and that the notice of violation from the Board's previous decision was sent by certified mail the same day as this incident – August 30, 2019. Discussion ensued.

- Ms. Ford moved to request that Town Attorney Steven Adler draft and send a letter of violation of the Animal Control Ordinance to Mr. Douglas and Ms. Lelong, indicating that, due to timing, no additional penalties are assessed at this time, but additional penalties will apply if further violations are found to have occurred. Seconded by Mr. Jefferson and approved by voice vote.

11. Consideration of, and take any action, policy on use of Transfer Station services by Barnet School

The Board reviewed a tentative bill written from the Transfer Station to the Barnet School for \$25.00 worth of rubbish disposed of at the Transfer Station on August 31, 2019. Town Clerk Benjamin Heisholt reported that the Transfer Station seeks guidance regarding whether to continue to allow the Barnet School to dispose of rubbish free of charge. Discussion ensued.

- The Board agreed to continue to allow the Barnet School to dispose of rubbish at the Transfer Station free of charge.

12. Consideration of, and take any action on, Town Health Officer Animal Bite Report on incident regarding cat on Roy Mountain Road

The Board reviewed a report regarding a cat owned by Kathryn Nester. On August 19, 2019 the cat bit Ms. Nester as it was dying; the cat died later that day. Town Health Officer Maurice Roberts investigated the matter and found that the cat died of old age, and was up-to-date on immunizations.

13. Consideration of, and take any action on, asbestos report on and disposition of former Fire Station

The Board reviewed an email and attached report from Clay Point Associates, Inc. The Board also reviewed a second email from Clay Point Associates, Inc. with a proposal to assist with professional consulting activities related to asbestos abatement required, pursuant to State and Federal regulations, prior to demolition of the Fire Station structure. The cost of the proposed services is \$695. Discussion ensued.

- Ms. Ford moved to contract with Clay Point Associates for professional services, per Clay Point Associates' proposal, at a cost of \$695. Seconded by Mr. Jefferson and approved by voice vote.

14. Consideration of, and take any action on, annual lowering of Harvey's Lake water level

Town Clerk Benjamin Heisholt asked the Board about timing for annual lowering of Harvey's Lake. In recent years the agreement between the Lake Harvey Association and the Board has been to perform this process beginning after the Columbus Day holiday. Discussion ensued.

- The Board agreed that Mr. Jefferson will discuss this matter with former dam operator Gary Bunnell to determine a date to begin water lowering.

15. Consideration of, and take any action on, correspondence from Little Acres/Weaver Construction regarding proposed contract for mowing services

The Board read an email requesting that the Board consider signing another contract for mowing services for the next two or three years, at the same price as the current contract. Discussion ensued.

- The Board agreed to ask Little Acres for a new quote including mowing services at the Town Garage property.

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

Planning Commission/Zoning Board Chair William Biddle appeared and reported that no further action has transpired in the recruitment of an individual to fill the vacancy on the Planning Commission/Zoning Board.

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

Mr. Gates reported that he has been in contact with construction contractor Dana Young and continues to try to arrange a site meeting on the project.

18. Consideration of, and take any action on, hiring or contracting for office cleaning services

Town Clerk Benjamin Heisholt asked for the Board's direction regarding soliciting applicants and proposals for Town Clerk's Office cleaning services. Scott Liveston, whom the Board had previously agreed to hire, declined the job offer. Discussion ensued.

19. Consideration of applications for Uniform Municipal Excess Weight Permits

The Board reviewed and approved the single vehicle applications of Darcy Nelson and Shane Stevenson.

20. Outstanding check warrants

The Board signed all outstanding check warrants.

21. Other business presented by Selectboard

There was no other business presented by the Selectboard.

22. Consideration of Highway Department personnel matters

- Ms. Ford moved to enter executive session to discuss Highway Department personnel matters, pursuant to 1 V.S.A. § 313(a)(3). Seconded by Mr. Jefferson and approved by voice vote. Entered executive session at 8:31 p.m. Those present in executive session: Ms. Ford, Mr. Gates, Mr. Jefferson, Road Foreman Mark Chase, and Town Clerk Benjamin Heisholt.

- Ms. Ford moved to exit executive session. Seconded by Mr. Jefferson and approved by voice vote. Exited executive session at 9:15 p.m.
- No action taken.

23. Adjournment

- Ms. Ford moved to adjourn the meeting. Seconded by Mr. Jefferson and approved by voice vote. Meeting adjourned at 9:15 p.m.

A true copy.

Attest: _____ Town Clerk