

**MINUTES – REGULAR SELECTBOARD MEETING  
TOWN OF BARNET, VERMONT  
MONDAY, SEPTEMBER 23, 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:** Planning Commission/Zoning Board Chair/Building Committee member William Biddle, Planning Commission/Zoning Board member Mark Bowen, Road Foreman Mark Chase, Lister Sarah Cook, Planning Commission/Zoning Board member Bruce Denio, Building Committee Chair William Graves, Town Clerk Benjamin Heisholt, and Zoning Administrative Officer Shirley Warden.

**Members of the public present:** Edward Brower, Nancy Brower, Joyce Evans, Kenneth Faris, Mary Faris, Barry Fudim, Frank Jannarone, Rachel Kittredge, Kathleen Monroe, Amy Ash Nixon (Caledonian-Record), and Cynthia Stuart (Stuart Consulting).

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

- Mr. Gates moved to approve as presented the minutes of the special meeting held August 28, 2019. Seconded by Mr. Jefferson and approved by voice vote.

**2. Consideration of approval of minutes of regular meeting held September 9, 2019**

- Mr. Gates moved to approve as presented the minutes of the regular meeting held September 9, 2019. Seconded by Mr. Jefferson and approved by voice vote.

**3. Consideration of, and take any action on, recommendation of Building Committee to warn special Town Meeting/Australian ballot vote on authorization to accept gift of the McIndoe Falls Academy property and renovate McIndoe Falls Academy building into municipal offices**

Building Committee Chair William Graves appeared and discussed the Building Committee meeting held September 11, 2019. He reviewed the presentation and discussion had at that meeting, and related the decision of the Building Committee, which was to recommend to the Selectboard that they warn a special Town Meeting/Australian ballot vote on authorization to accept the gift of the McIndoe Falls Academy property and renovate the McIndoe Falls Academy building into municipal offices.

The Board reviewed thirteen letters received from Barnet residents and taxpayers regarding the municipal building project. Most of these recommended that the Board consider delaying the vote on the project from November 2019 to a later date.

Cynthia Stuart, of Stuart Consulting, the Town’s consultant on the current phase of the municipal building project, spoke regarding her work thus far. She highlighted some of the information presented at the September 11 Building Committee meeting and reported on next steps in the process. The remaining tasks for Ms. Stuart’s work are: 1) to prepare a comprehensive examination and valuation of funding opportunities for the two major municipal building development options, and 2) to utilize community outreach to encourage voter participation at a vote regarding a proposed municipal project. Ms. Sturt recommended that the Board consider bringing forth a vote in March 2020, allowing additional time for additional research about grant and fundraising opportunities, additional time for

updating and receiving additional project cost estimates, additional time for community members to become engaged in the process, and encouraging higher voter turnout due to the annual town meeting.

Ms. Ford made remarks about the course of the project thus far and concurring with Ms. Stuart that five months to gather additional information would be beneficial. From Ms. Ford's perspective it would be preferable if this information is from a source outside of the Building Committee. Ms. Ford presented a letter and cost estimate from Stephen Pitkin for evaluating several existing buildings and two undeveloped building sites for potential creation of a new town office facility. Proposed costs for various potential assessments are summarized as follows:

- Preliminary Building Assessments: \$1,900 per building;
- Building Specific Evaluation and Budget: \$15,600 to \$21,800 per building (inclusive of all possible services);
- Undeveloped Site Preliminary Evaluation: \$1,200
- Undeveloped Site Final Evaluation and Budget: \$8,900 to \$15,800

The Board opened the floor to public comment. Discussion ensued regarding various aspects of the municipal building project thus far and potential next steps. Part of this discussion was reference to the make-up of the Building Committee, current number of committee members, and possible new committees or new members on the current committee. There are ten current members of the Building Committee; of these six are *ex officio* and four at-large; there is no set number of at-large members. The Board suggested that those interested in serving in an appointed capacity on this project write the Board a letter of interest in appointment to the current Building Committee.

- Mr. Gates moved to table discussion of this matter until more information is gathered. Seconded by Mr. Jefferson and approved by voice vote.

#### **4. Appearance by Kathleen Monroe of Northeast Kingdom broadband initiative regarding information and timeline for proposed Town Meeting article**

Ms. Monroe appeared and indicated that she was filling in for another member of the initiative to follow-up on the initial contact with Board at their August 25, 2019 meeting. She spoke about organization and planning efforts thus far. Ms. Ford indicated that she had been in contact with Nick Anzalone, who was at the August 25, 2019 meeting. He indicated that there is no formal plan at this time; the group is building community support. Ms. Ford indicated that the Board intends to develop questions and concerns to address to the group before coming to any decision. Ms. Monroe indicated that she and Town Clerk Benjamin Heisholt had discussed the timeline for including an article on the 2020 Town Meeting warning. Ms. Monroe presented a NEK Broadband Action Plan, as produced by Northeast Kingdom Collaborative in partnership with the NEK Broadband Working Group.

#### **5. Other business presented by members of the public**

##### **a. Appearance by Karla Cornelius of Lake Harvey Association regarding annual lake water level lowering**

Ms. Cornelius inquired about the Board's decision at their September 9, 2019 meeting regarding lake water level lowering, indicating that it was her understanding that an agreement was in place to annually lower the water level beginning the week of Columbus Day. Discussion ensued. The Board acknowledged that this agreement has been in effect for several years, although it has been altered in some years when circumstances required it.

- The Board agreed that the 2019 water level lowering will occur the week of Columbus Day, and that this is the expected schedule for annual water level lowering henceforth.

#### **6. Other business presented by other Town officers**

There was no other business presented by other Town officers.

**7. Consideration of, and take any action on, animal control complaint regarding dogs kept at Roy Mountain Road**

The Board reviewed a complaint received September 18, 2019 from Edward and Nancy Brower regarding dogs owned by Kathleen Campbell at kept at 1998 Roy Mountain Road. The complaint describes multiple incidents involving Ms. Campbell's dogs, Harley and Shiloh, as described below:

- Spring 2019 – Harley and Shiloh running at large, entering on Browsers' property.
- August 2019 – Harley and Shiloh running at large, entering on Browsers' property, harassing Browsers and Browsers' dog, and damaging Browsers' property (flower garden).
- September 17, 2019 – Harley and Shiloh running at large, and entering on Browsers' property; Harley damaging Browsers' property (digging furrow along shed, upsetting shed leveling block), and harassing/threatening Mrs. Brower.

Mr. and Mrs. Brower appeared and discussed the complaint. Mr. Jefferson discussed his visit to the Brower property, confirming the damage described by Mrs. Brower. Discussion ensued, including the Board's noting that Ms. Campbell has been in violation of the Ordinance on multiple occasions, mostly recently involving Harley and a dog no longer in her possession, Diesel, in a lawsuit settled in Caledonia Superior Court in July 2017.

- Mr. Gates moved to: a) assess Ms. Campbell a civil penalty of \$500.00 for violation of the Animal Control Ordinance; b) order that Ms. Campbell reimburse the complainants, Edward and Nancy Brower, for reasonable costs associated with repairs of all damages to their property caused by Harley and Shiloh, including damage to their lawn and shed caused by digging; and c) order that, for the protection of persons and other animals, effective immediately, Harley be muzzled at all times when he is off Ms. Campbell's property within the Town of Barnet. Seconded by Mr. Jefferson and approved by voice vote.

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

The Board reviewed a letter of interest from Shirley Warden indicating that she wishes to be considered for the cleaning job at the Town Clerk's Office. Ms. Warden appeared and discussed this matter with the Board.

- Mr. Gates moved to hire Shirley Warden as an employee to perform Town Clerk's Office cleaning services as needed. Seconded by Mr. Jefferson and approved by voice vote.

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

Town Clerk Benjamin Heisholt indicated that he had not received a response from Little Acres/Weaver Construction regarding the Board's request for a revised/updated quote for a contract extension for mowing services.

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

Zoning Administrative Officer Shirley Warden indicated that there are no updates to report on the recruitment of a candidate for the Planning Commission/Zoning Board vacancy.

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

Mr. Gates reported that there are no new developments on the Recycling Center addition project.

**12. Outstanding check warrants**

The Board signed all outstanding check warrants.

### **13. Other business presented by Selectboard**

There was no other business presented by the Selectboard.

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

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

The Board reviewed the agreement as amended by Town Agent Steven Adler. Discussion ensued.

- The Board signed the agreement as amended, agreeing to send to the Caledonia Cooperative School District to complete execution of the agreement.

#### **b. Consideration of, and take any action on, quote from Cargill for delivery of deicing salt for the 2019-2020 season**

The Board reviewed a quote indicating a delivered price of \$80.85 per ton for 1,650 tons of deicing salt. Discussion ensued.

- The Board agreed to table discussion of this quote until other salt quotes are received.

#### **c. Consideration of, and take any action on, suggested amendment to 2019 Town Road and Bridge Standards**

The Board read an email from Vermont Agency of Transportation indicating that the standards submitted by the Board from their August 12, 2019 meeting were incomplete, lacking responses in section 2 of the table on the first page. Discussion ensued.

- The Board completed the table, selecting “Yes” for Class 4 Road Standards on both hydrologically-connected road segments and non-hydrologically-connected road segments.

#### **d. Other business**

##### **i. Maintenance of waste oil furnace**

Mr. Chase reported that Arrow Equipment recently visited the Town Garage to assess and maintain the waste oil furnace. The technician cleaned the furnace and installed a new chimney. He found that moisture in the building is causing a corrosion problem with the furnace, predicting that it will cause rapid deterioration of the furnace, necessitating replacement. Discussion ensued regarding moisture in the Town Garage and strategies to alleviate it.

- The Board instructed Mr. Chase to inquire with Arrow Equipment regarding an electric furnace.

##### **ii. Comerford Dam Road bridge**

Mr. Chase discussed a recurring problem with the pavement on Bridge 10 on Comerford Dam Road. The bridge frame moves when traffic travels over it, causing the pavement break up. It has been cold-patched numerous times in the past few years. Discussion ensued.

- The Board instructed Mr. Chase to ask Pike Industries to pave Bridge 10.

##### **iii. Park-and-ride long-term parking**

Mr. Chase reported that he has spoken to Constable Steve Mosher regarding vehicles that have been parked at the park-and-ride for long periods of time. Mr. Mosher knows who the owner is and is willing, if the Board wishes, to serve this individual with an order to remove them. Discussion ensued.

- The Board agreed to request that Mr. Mosher deliver a letter to the owner of the vehicles in question, ordering they be removed from the park-and-ride

no later than October 15, 2019, or they will be towed at the owner's expense.

**iv. Gasoline purchasing**

Mr. Chase discussed the Highway Department's gasoline purchasing options in connection with the recent closure of Paul's Whistle Stop. He indicated that the Town has re-established a credit account with the West Barnet Quick Stop.

**v. Town Garage siding cleaning**

Mr. Chase reported that the siding of the Town Garage has become dirty and is in need of professional power-washing. Discussion ensued.

- The Board instructed Mr. Chase to inquire with Charles Somers regarding his availability for this service.

**vi. Town Garage septic system**

Mr. Chase reported that the Town Garage is due for septic system maintenance. Discussion ensued.

- The Board instructed Mr. Chase to call Royal Flush Sanitation to request septic system service.

**vii. Routine road maintenance**

Mr. Chase reported that the Highway Department continues to spend much of its time performing routine road maintenance, such as grading and cleaning ditches.

**15. Consideration of Highway Department personnel matters**

- Mr. Gates 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 9:35 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.

**16. 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*