

**MINUTES – REGULAR SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, MARCH 23, 2020**

Meeting convened at 7:00 p.m. in the Barnet Public Library.

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

Other Town officials and employees present: Road Foreman Mark Chase.

Other Town officials and employees participating via GoToMeeting telephone or video conference: Town Clerk Benjamin Heisholt.

Members of the public present: None.

Members of the public participating via GoToMeeting telephone or video conference: Steven Adler, Cody Bedard, Laurie Jefferson, Kathleen Monroe, Brent O'Donnell, and January O'Donnell.

1. Consideration of approval of minutes of special meeting held March 9, 2020

- Mr. Gates moved to approve as present the minutes of the special meeting held March 9, 2020. Seconded by Mr. Jefferson and approved by voice vote.

2. Consideration of approval of minutes of regular meeting held March 9, 2020

Town Clerk Benjamin Heisholt noted that resident Kathleen Monroe had reported an error regarding item 15.d.; Ms. Monroe stated that it was Ms. Ford, not Ms. Monroe, who initiated the conversation regarding Northeast Kingdom Community Broadband.

- Mr. Gates moved to approve, with the amendment suggested by Ms. Monroe, the minutes of the regular meeting held March 9, 2020. Seconded by Mr. Jefferson and approved by voice vote.

3. Comment on agenda items, and any other business, by members of the public

No comments were made by members of the public.

4. Appearance by Road Foreman Mark Chase regarding Highway Department matters; take any action

a. Consideration of, and take any action on, bids for stripping of gravel pit

The Board reviewed bids from two contractors for stripping and removing overburden for the 2020 season per the Town's specifications. Bids were as summarized below:

- C & C Bunnell Excavating, LLC: \$1.17 per cubic yard, plus \$500 to move equipment on site.
- Mathews Excavating: \$1.15 per cubic yard.

- Mr. Gates moved to accept the bid of Mathews Excavating. Seconded by Mr. Jefferson and approved by voice vote.

b. Other business

i. Town forest tree cutting

Mr. Chase asked if the Board would like him to seek bids for tree cutting services in the town forest, with the objective of clearing ground for access to gravel materials. Discussion ensued.

ii. Vermont Agency of Transportation (VTrans) Annual Meeting

Mr. Chase reported on his conversation with VTrans representative Shauna Clifford. Ms. Clifford indicated that she will not be conducting in-person annual meetings this year, and requests that the Town send her documents related to the annual meeting. Mr. Chase reported that he had discussed with Ms. Clifford a proposed Structures Grant project on Roy Mountain Road. Ms. Clifford recommends that the Town combine the replacement of two culverts on this road into one Structures Grant application. Discussion ensued.

iii. Passumpsic bridge

The Board discussed the bridge over the Passumpsic River on Bridge Street in Passumpsic Village. Mr. Chase recommended that the pavement of the bridge be completely removed, so that oils in the wooden deck can be removed before re-paving.

5. Other business presented by other Town officers

There was no other business presented by other Town officers.

6. Consideration of, and take any action on, animal control complaint regarding dog kept at Warden Road

The Board noted that a single complaint, as discussed at the March 9, 2020 Board meeting, is the subject of two agenda items for this meeting. The complaint involves a bite, which must be considered in a hearing; this hearing is scheduled for later in this meeting. This agenda item is for other violations included in the complaint, which are unrelated to the bite. The Board indicated that the violation considered under this agenda heading is for “running at large.”

The Board reviewed several documents relating to this complaint. Each of these can be found as attachments following these minutes, as documented below:

- Attachment A: Complaint from complainant Cody Bedard, regarding a dog, Goliath, owned by Brent and January O’Donnell. This complaint was received, together with correspondence from the complainant’s attorney Steven Adler, on March 2, 2020.
- Attachment B: Email correspondence from Brent O’Donnell dated March 9, 2020.
- Attachment C: Letter from Steve Adler with enclosed photos of dog bite (photos redacted from minutes) dated March 23, 2020.
- Attachment D: Letter from Brent O’Donnell received via email March 23, 2020.

The Board also reviewed the records of several previous violations of the Animal Control Ordinance on file relating to dogs owned by January and Brent O’Donnell. They noted that the most recent violation resulted in a decision, dated September 11, 2018, which found that dogs owned by the O’Donnells, Goliath and Elka, were running at large. This decision issued a fine of \$50.00 (reduced from \$500.00 due to financial inability to pay) and ordered that the O’Donnells must keep their dogs off the property that was the subject of the complaint, and must keep their dogs under control at all times. This decision also stated that, “If any future violations of the Barnet dog ordinance are found to exist as to these dogs, the Selectboard will assess a civil penalty of no less than \$500.00 for any subsequent violation and may take such further action as the situation warrants.”

The Board opened the floor to the O’Donnells to provide testimony. Brent O’Donnell spoke, providing a summary of the incident from his perspective, as stated in Attachment B and Attachment D, and his response to the complaint and other documents submitted by Mr. Bedard. Brent and January O’Donnell also provided additional testimony as summarized below:

- Brent O’Donnell: Goliath did attack Mr. Bedard, and the incident occurred within the traveled portion of Warden Road.

- Brent O'Donnell: I made immediate vocal effort to command Goliath to break off the attack, and Goliath did break off the attack after approximately ten seconds.
- Brent O'Donnell: The unfortunate incident was caused by extenuating circumstances – the coincidence of the UPS truck arriving just as Goliath was released from his leash.
- January O'Donnell: It would be financially impossible for the O'Donnells to pay a \$500 fine at this time.
- Mr. Jefferson moved to fine the Brent and January O'Donnell \$500.00 pursuant to Section 12 (c)(4) of the Animal Control Ordinance, finding that their dog Goliath was running at large as reported in the complaint discussed in this agenda item. Seconded by Mr. Gates and approved by voice vote.

7. Consideration of, and take any action on, recommendation of appointment for Town Health Officer

The members of the Board indicated that no new volunteers for the Town Health Officer position had made themselves known. Mr. Gates reported that Deputy Town Health Officer Maurice Roberts had volunteered to change positions and serve as Town Health Officer if no volunteer for that position can be found.

- Mr. Gates moved to appoint Maurice Roberts as Town Health Officer, contingent on his resignation as Deputy Town Health Officer. Seconded by Mr. Jefferson and approved by voice vote.

8. Hearing regarding bite by domestic pet, pursuant to Animal Control Ordinance Section 8, Subsection B, in connection with animal control complaint received from Cody Bedard regarding incident involving dog kept at Warden Road

The Board stated that this agenda item would constitute an official hearing pursuant to Section 8, Subsection B of the Animal Control Ordinance. Subsection C of Section 8 states, "If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzles, chained or confined in a manner satisfactory to the Enforcement Officer or Animal Control Officer." The Board noted that this agenda item would be discussed as separate from agenda item 6, which involved a different violation of the Animal Control Ordinance occurring in the same incident.

The Board reviewed four documents relating to this complaint; these are the same documents which were reviewed and referenced under agenda item 6 above. Each of these can be found as attachments following these minutes, documented as Attachments A, B, C, and D and described under agenda item 6 above.

The Board opened the floor to the Cody Bedard and to the O'Donnells to provide testimony. Cody Bedard spoke, providing a summary of the incident from his perspective, as stated in Attachment A and Attachment C, and his response to the documents submitted by Mr. O'Donnell. Cody Bedard, his attorney Steven Adler, Brent O'Donnell, and January O'Donnell also provided additional testimony as summarized below:

- Cody Bedard: As a UPS driver, it is assumed that a dog that is off its leash or confinement is a non-threatening dog.
- Brent O'Donnell: I was able to vocally command Goliath to cease the attack within about ten seconds; otherwise the attack would have lasted much longer.
- Cody Bedard: The attack did last about ten seconds.

- January O'Donnell: The O'Donnells object to the tone of Mr. Adler's letters; these letters inaccurately characterize the O'Donnells as unfeeling and unsympathetic.
 - Steven Adler: It is concerning that Brent O'Donnell indicated that the attack would have lasted much longer if he had not called off the attack. If Mr. O'Donnell had not be present, or if the attack had been on a small child instead of a fit young man like Mr. Bedard, the results may have been tragic. There have been multiple complaints against the O'Donnells' dogs. It appears that this dog cannot be trusted to be safe for passersby on Warden Road. The substantive facts of the incident are not disputed by the O'Donnells.
 - January O'Donnell: Goliath is four and a half years old.
 - Brent O'Donnell: A fair solution to this situation would be to require Goliath to be always on a leash whenever outside.
- Mr. Gates moved to require that Goliath remain on the O'Donnells' property at all times, and when outside to be muzzled, and after May 15, to be penned inside an adequate physical fencing system. Seconded by Mr. Jefferson and approved by voice vote.

9. Consideration of, and take any action on, execution of Resolution Approving the Formation of NEK Community Broadband Communications Union District (CUD) and Appointing a Representative to the Governing Board Thereof

The Board reviewed an email from Evan Carlson indicating that the Town must appoint one resident to the CUD board and one or more alternates. Attached to the email is a Board Appointment Resolution, which the Selectboard must complete to formalize the Town's entry into the CUD. The Board also reviewed emails from Kathleen Monroe indicating that in addition to Ms. Monroe's agreement to serve as representative, Charlie McAlpine and Carolyn Holliday have agreed to serve as alternates. Discussion ensued.

- Mr. Gates moved to sign the Board Appointment Resolution, formalizing the Town's entry into the CUD and appointing Kathleen Monroe as representative and Charlie McAlpine and Carolyn Holliday as alternates. Seconded by Mr. Jefferson and approved by voice vote. The Board signed the Resolution.

10. Consideration of, and take any action on, 2020 liquor license renewal application of West Barnet Quick Stop

The Board reviewed the liquor license renewal application of West Barnet Quick Stop for the period beginning May 1, 2020 and ending April 30, 2021. Discussion ensued.

- The Board agreed to sign the application; the Board signed the application.

11. Consideration of, and take any action on, appointment of signer of check warrants

The Board discussed the option of authorizing one Board member to review and approve check warrants on behalf of the entire board.

- Ms. Ford moved that the Board appoint Mr. Gates to approve and sign warrants for all payroll, accounts payable and other expenses, effective immediately and for the indefinite future, until such appointment is withdrawn by a vote of the majority of the Board. Seconded by Mr. Jefferson and approved by voice vote.

12. Consideration of, and take any action on, operations of Transfer Station/Recycling Center under COVID-19 coronavirus restrictions

The Board discussed the operations of the Transfer Station/Recycling Center in light of the current "social distancing" restrictions required to maintain public health amidst the COVID-19 coronavirus crisis. On Saturday, March 21, operations were as usual except that: 1) exact change was required at

the Transfer Station, and 2) only two recycling patrons were allowed in the Recycling Center at a time. Discussion ensued.

- The Board agreed to continue to operate the Transfer Station/Recycling Center as on March 21, and to continue to monitor the situation to determine if other changes are necessary.

13. Consideration of, and take any action on, Transfer Station/Recycling Station project

Mr. Gates discussed the Wednesday, March 18 meeting with contractors interested in bidding on the proposed project to build an addition to the Recycling Center and a roofing system over the construction debris dumpster. He indicated that four contractors were present at the meeting, and that details of the project were discussed and various options for design were explored. The due date for bids is April 13.

14. Consideration of, and take any action on, applications for Uniform Municipal Excess Weight Permits

The Board reviewed and approved the fleet applications of Calkins, Connecticut Valley Trucking, Inc., Gilman & Sylvia LaCourse (Gil's Construction), Irving Oil, and SD Ireland.

15. Outstanding check warrants

The Board reviewed and approved all outstanding check warrants.

16. Other business presented by Selectboard

a. Town Clerk's Office cleaning service on leave

Town Clerk Benjamin Heisholt reported that Town Clerk's Office cleaning service provider Shirley Warden is on leave due to the public closure of the Town Clerk's Office. Discussion ensued.

- The Board agreed to continue to pay Ms. Warden her regular weekly wages during her leave related to the public closure of the Town Clerk's Office.

17. Adjournment

- Mr. Gates moved to adjourn the meeting. Seconded by Mr. Jefferson and approved by voice vote. Meeting adjourned at 8:47 p.m.

A true copy.

Attest: _____ Town Clerk