

# DRAFT

## MINUTES - REGULAR SELECTBOARD MEETING

### TOWN OF BARNET, VERMONT

MONDAY, NOVEMBER 14, 2022

Meeting convened at 7:00 p.m. in-person at Barnet Fire & Rescue Station (151 Bimson Drive) and via GoToMeeting telephone/online conference. This meeting was recorded via GoToMeeting.

**Board members participating in-person:** Dylan Ford, Benjamin Gates (presiding co-chair), and Mark Jefferson.

**Other Town officials and employees participating in-person:** Road Foreman Mark Chase, Town Clerk Benjamin Heisholt, Zoning Secretary Dawn Holtz, and Zoning Administrative Officer Shirley Warden.

**Other Town officials and employees participating via GoToMeeting:** None.

**Members of the public participating in-person:** Michael Kennedy, Jeremy Roberts, and Gary Thompson.

**Members of the public participating via GoToMeeting:** Amy Ash Nixon (Caledonian-Record).

#### 1. Consideration of approval of minutes of special meeting held October 24, 2022

- Ms. Ford moved to approve as presented the minutes of the special meeting held October 24, 2022. Seconded by Mr. Jefferson and approved by voice vote.

#### 2. Consideration of approval of minutes of regular meeting held October 24, 2022

- Ms. Ford moved to approve as presented the minutes of the regular meeting held October 24, 2022. Seconded by Mr. Jefferson and approved by voice vote.

#### 3. Consideration of, and take any action on, planning for expenditures of American Rescue Plan Act (ARPA) funds

Gary Thompson of Fire District #3 (McIndoe Falls) appeared to discuss the Fire District's request for ARPA funding. He indicated that, per the Board's request, the Fire District had investigated state funding for filter sand and a well pump owned by Fire District #2. He reported that the Fire District did not find any available funding for sand from the State. He also reported that the well pump owned by Fire District #2 is too large for Fire District #3's use. The Fire District is currently awaiting more current and accurate estimates for sand delivery and for well pump replacement but would like to request ARPA funding for both. Mr. Thompson reported that the replacement of the water system's roof, for which the Town has already expended \$15,000 in ARPA funds, was billed at \$24,000, rather than the estimated \$18,000.

- Ms. Ford moved to expend \$9,000 in ARPA funds to Fire District #3 to pay for additional costs for replacement of the water system's roof. Seconded by Mr. Jefferson and approved by voice vote.
- The Board agreed to postpone any decision regarding funding for filter sand and well pump until after additional information is gathered.

**4. Other business presented by members of the public**

**a. Resident Michael Kennedy regarding Jewett Brook Road accidents**

Mr. Kennedy, who resides near Jewett Brook Road, appeared to discuss two car accidents he has witnessed on Jewett Brook Road in the past year and a half. He believes both accidents were caused, at least in part, by the sharp turn on Roy Mountain Road near its intersection with Jewett Brook Road. He also suggested that loose cold patch or gravel on the surface of Roy Mountain Road near the same intersection may be a contributing factor. Mr. Kennedy suggested that the Board consider installing signage on Roy Mountain Road to warn of the sharp corner.

- The Board agreed to instruct Road Foreman Mark Chase to inspect the intersection and provide a recommendation.

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

**a. Consideration of, and take any action on, application of Richard Stevenson for permit for highway access on Stevenson Road**

The Board reviewed the application for a permanent driveway/hay field access. Mr. Chase reported that he had inspected the site and found it to be suitable for the proposed access. Mr. Chase commented that a 15-inch culvert in the ditch line should be a condition of the permit.

- With the Board's approval, Mr. Gates signed the permit.

**b. Consideration of, and take any action on, quotes for purchase of dump truck**

The Board continued to review quotes for purchase of a new dump truck. Various options for trucks and equipment, including both single axle and tandem axle options, from R.R. Charlebois and from Advantage Truck Group were considered. Mr. Chase indicated that he is still awaiting a quote on trade-in values for an "as-built" truck from Advantage Truck Group.

- No action taken.

**c. Consideration of, and take any action on, complaint regarding dumping of waste off North Monroe Road**

Mr. Chase reported that he is awaiting communication from Mathews Excavating regarding availability and pricing for placement of stone barriers along the shoulders of North Monroe Road.

**d. Other business**

**i. Routine maintenance**

Mr. Chase reported that the Highway Department continues to perform routine autumn road maintenance, including removing leaf debris from ditches and grading roads.

**6. Consideration of, and take any action on, proposed Errors and Omissions Certificate from Board of Listers**

The Board reviewed a proposed Errors and Omissions Certificate for one property. The proposed change would decrease the acreage of the property by 0.1 acre and decrease the value by \$900.00.

- The Board approved and signed the certificate.

**7. Consideration of, and take any action on, activities of Harvey's Lake Dam Committee**

Ms. Ford reported that the Dam Committee had had a meeting with Benjamin Green of the Vermont Department of Environmental Conservation. She indicated that she did not have any new information to report in connection with the meeting.

The Board read a letter from resident David Warden discussing the historical acquisition of the dam by the Town, the building and rebuilding of the new dam, and related dam elevation.

**8. Consideration of, and take any action on, correspondence from Library Trustees regarding resignation of Trustees and appointment of new Trustees**

The Board read resignation letters from Trustees Ashley Wright and Rebecca Boardman and letters from the Trustees nominating Jacquelyn Verley to replace Ms. Wright and Linda Cochrane to replace Ms. Boardman.

- Mr. Jefferson moved to appoint Jacquelyn Verley and Linda Cochrane to the Library Board of Trustees, as nominated by the Trustees. Seconded by Ms. Ford and approved by voice vote.

**9. Other business presented by other town officers**

There was no other business presented by other town officers.

**10. Consideration of, and take any action on, next steps in Town Hall project**

**a. Consideration of, and take any action on, proposed contract documents from Estes & Gallup**

The Board reviewed proposed contract documents from Estes & Gallup. The Board also reviewed correspondence from Vermont League of Cities & Towns PACIF regarding their review of the contract documents and from Town Attorney Steven Adler regarding a legal review of the contract documents. Mr. Adler indicated his availability to review the documents himself or to refer them to contract specialist Darren Misenko of Misenko Construction Law in Waterbury, Vermont. Discussion ensued.

- The Board agreed to request that Mr. Adler determine Mr. Misenko's availability and cost for undertaking a contract review.

**b. Consideration of, and take any action on, mechanical options to include wood pellet energy**

The Board reviewed an email from Jay Ancel of Black River Design regarding his investigation into the possible use of wood pellet energy. Discussion ensued.

**c. Consideration of, and take any action on, interior demolition of Town Hall building**

Mr. Gates proposed the possibility of performing interior demolition during the winter of 2022-2023, rather than waiting until spring 2023. Discussion ensued.

**d. Consideration of, and take any action on, correspondence from resident(s)**

The Board reviewed an email from resident Historical Society President David Warden with suggestions regarding retaining historical aspects of the building while also constructing a functional and cost-efficient space.

**e. Other business**

**i. Preservation Trust meeting**

Ms. Ford reported that she has an on-site meeting with Preservation Trust of Vermont on Wednesday, November 16.

**11. Consideration of, and take any action on, correspondence from resident David Warden regarding Chamberlin Road**

The Board read an email attachment regarding the layout and naming of Chamberlin Road. In this letter Mr. Warden states that the layout of the road changed to a “Y” shape sometime after the public hearing regarding E911 road naming in the 1990s. He states that the current layout could cause difficulties in responding to emergencies and that ongoing construction of a dwelling on one leg of the “Y” should trigger a road name change. Discussion ensued.

**12. Consideration of, and take any action on, correspondence from Repro Digital regarding annual reports contract renewal**

The Board reviewed a proposed contract renewal for annual report printing. Proposed price for 2022 reports only is \$2,697.00 and proposed per-year price for 2022 and 2023 reports is \$2,530.00.

- Mr. Gates moved to approve contracting with Repro Digital for 2022 town reports only at the quoted price. Seconded by Mr. Jefferson and approved by voice vote. Ms. Ford signed the contract.

**13. Consideration of, and take any action on, correspondence from Northeast Kingdom Broadband (NEK BB) regarding optical line terminal siting**

Mr. Jefferson reported on his attendance at a meeting with NEK BB representatives at the proposed site off Gilfillan Road. He indicated that NEK BB will communicate with Town Attorney Steven Adler regarding proposed contract documents.

**14. Consideration of, and take any action on, sign for Fire & Rescue Station**

Ms. Ford reported that there was no new information to report or discuss regarding this matter.

- No action taken

**15. Consideration of, and take any action on, memorial for veterans of wars in Iraq and Afghanistan**

Ms. Ford reported that there was no new information to report or discuss regarding this matter.

- No action taken

**16. Consideration of approval of outstanding check warrants**

- The Board reviewed and approved all outstanding check warrants.

**17. Other business presented by Selectboard**

**a. Consideration of, and take any action on, correspondence from attorney Clarke Atwell regarding appeal of zoning permit issued to Michael & Jane Lawton**

- Ms. Ford moved that the Board make a specific finding, pursuant to 1 V.S.A. Section 313 (a)(1)(F), that premature public knowledge of discussion concerning an appeal of a zoning permit issued to Michael & Jane Lawton would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Jefferson and approved by voice vote.
- Ms. Ford moved that the Board enter executive session pursuant to 1 V.S.A. Section 313 (a)(1)(F) to discuss an appeal of a zoning permit issued to Michael & Jane Lawton, as premature public disclosure of which would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Jefferson and approved by voice vote. Entered executive session at 8:02 p.m. Those present in executive session: Ms. Ford, Mr. Gates, Mr. Jefferson, Town Clerk Benjamin Heisholt, Zoning Secretary Dawn Holtz, and Zoning Administrative Officer Shirley Warden.

- Ms. Ford moved to exit executive session. Seconded by Mr. Jefferson and approved by voice vote. Exited executive session at 8:28 p.m.
- No action taken

**18. Consideration of, and take any action on, correspondence from Town Attorney Steven Adler regarding request for interpretation of Zoning Bylaw**

- Ms. Ford moved that the Board make a specific finding, pursuant to 1 V.S.A. Section 313 (a)(1)(F), that premature public knowledge of discussion concerning a request for interpretation of Zoning Bylaw would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Jefferson and approved by voice vote.
- Ms. Ford moved that the Board enter executive session pursuant to 1 V.S.A. Section 313 (a)(1)(F) to discuss an appeal of a zoning permit issued to Michael & Jane Lawton, as premature public disclosure of which would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Jefferson and approved by voice vote. Entered executive session at 8:29 p.m. Those present in executive session: Ms. Ford, Mr. Gates, Mr. Jefferson, Town Clerk Benjamin Heisholt, Zoning Secretary Dawn Holtz, and Zoning Administrative Officer Shirley Warden.
- Ms. Ford moved to exit executive session. Seconded by Mr. Jefferson and approved by voice vote. Exited executive session at 8:34 p.m.
- No action taken

**19. Consideration of, and take any action on, appointment of Clerk of the Works for Town Hall project**

- Ms. Ford moved that the Board make a specific finding, pursuant to 1 V.S.A. Section 313 (a)(1)(A), that premature public knowledge of discussion concerning appointment of a Clerk of the Works for Town Hall project would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Jefferson and approved by voice vote.
- Ms. Ford moved that the Board enter executive session pursuant to 1 V.S.A. Section 313 (a)(1)(A) to discuss appointment of a Clerk of the Works for Town Hall project, as premature public disclosure of which would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Jefferson and approved by voice vote. Entered executive session at 8:34 p.m. Those present in executive session: Ms. Ford, Mr. Gates, Mr. Jefferson, Town Clerk Benjamin Heisholt, and Jeremy Roberts
- Ms. Ford moved to exit executive session. Seconded by Mr. Jefferson and approved by voice vote. Exited executive session at 8:49 p.m.
- Ms. Ford moved to appoint Jeremy Roberts as Clerk of the Works for the Town Hall project with terms as discussed in executive session. Seconded by Mr. Jefferson and approved by voice vote.

**20. Consideration of, and take any action on, tax appeal to Superior Court submitted by Great River Hydro LLC**

- Ms. Ford moved that the Board make a specific finding, pursuant to 1 V.S.A. Section 313 (a)(1)(E), that premature public knowledge of discussion concerning the tax appeal to Superior Court submitted by Great River Hydro LLC would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Jefferson and approved by voice vote.
- Ms. Ford moved that the Board enter executive session pursuant to 1 V.S.A. Section 313 (a)(1)(E) to discuss concerning the tax appeal to Superior Court submitted by Great River Hydro LLC, as premature public disclosure of which would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Jefferson and approved by voice vote.

Entered executive session at 8:56 p.m. Those present in executive session: Ms. Ford, Mr. Gates, Mr. Jefferson, 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 8:57 p.m.
- Ms. Ford moved to accept the current draft of the settlement agreement as presented. Seconded by Mr. Jefferson and approved by voice vote. The Board signed the settlement agreement.

**21. Adjournment**

- Ms. Ford moved to adjourn the meeting. Seconded by Mr. Jefferson and approved by voice vote. Meeting adjourned at 8:57 p.m.

*A true copy. Attest:* \_\_\_\_\_ *Town Clerk*