

MINUTES - REGULAR SELECTBOARD MEETING

TOWN OF BARNET, VERMONT

MONDAY, JULY 22, 2024

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 (presiding co-chair), Benjamin Gates, and Mark Jefferson.
- **Via GoToMeeting online video conference:** None.

Other Town officials and employees participating:

- **In-person:** Town Attorney Steven Adler, Road Foreman Mark Chase, Highway Department employee Glenn Fearon, Town Clerk Benjamin Heisholt, Fire & Rescue Chief Ronald Morse, Fire & Rescue Deputy Chief David Shields, and Planning Commission/Zoning Board Secretary Susan Sinclair.
- **Via GoToMeeting online video conference:** None.

Members of the public participating:

- **In-person:** Scott Beck, Jonathan Carpenter, Genevieve Cohn, Caleb Colpitts, Nathan Colpitts, Lisa Darling-Judd, Daniel Deatruck, Janet Heartson, John Heartson, Bob Joly, Robert Judd, Edward Kadunc, Jim MacDonald, Christopher Morse, Andrea Otto, Terri Steele, and Joe Suyemoto.
- **Via GoToMeeting online video conference:** Chris Browne, Kristen Gates, Mike Lamper, and Mona Marceau.

Approval of Minutes

1. Consideration of approval of minutes of regular meeting held June 24, 2024

- Mr. Gates moved to approve the minutes of regular meeting held June 24, 2024. Seconded by Ms. Ford and approved by voice vote.

2. Consideration of approval of minutes of regular meeting held July 8, 2024

- Mr. Gates moved to approve the minutes of regular meeting held July 8, 2024. Seconded by Mr. Jefferson and approved by voice vote.

Appearances by Members of the Public

3. Appearance by owners and residents of Sunny Beach Lane properties regarding damage caused by flooding; take any action

Resident Jim MacDonald appeared and discussed damage to properties on Sunny Beach Lane caused by flooding from the storm of July 10-11. He indicated that the damage to property was similar to that seen on Harvey's Lake Public Beach. Ms. Ford reported on meetings and communications with the State of Vermont regarding repair of damage to the public beach, noting that the process is complicated by shoreline protection laws. Discussion ensued.

4. Other business presented by members of the public

a. Thank you to road crew

Resident Daniel Deatruck spoke, thanking the Highway Department for their exceptional work in response to the widespread flooding damage to roads from the storm of July 10-11. A round of applause was given. Road Foreman Mark Chase acknowledged the work of the many others involved in the work, including local contractors.

b. West Main Street paving considerations

Resident John Heartson spoke about the paving of West Main Street near his residence. He said that the road elevation is raised each time the road is paved, causing challenges to homeowners, especially as regards driveways. Discussion ensued.

Appearances by Town Officers

5. Consideration of, and take any action on, adoption of Local Emergency Management Plan

The Board reviewed a proposed updated Local Emergency Management Plan. Ms. Ford indicated that she and Fire & Rescue Chief Ronald Morse had met with Bruce Melendy of Northeastern Vermont Development Association and performed the necessary updates to make the plan current.

- Mr. Gates moved to adopt the updated Local Emergency Management Plan. Seconded by Mr. Jefferson and approved by voice vote.

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

a. Consideration of, and take any action on, estimates for West Barnet Road paving project

The Board reviewed a proposal from Kirby Mountain Lawns. Discussion ensued.

- The Board agreed to table this matter.

7. Appearance by Fire & Rescue Department regarding purchase of fire truck; take any action

The Board reviewed an updated purchase order for the fire truck purchase previously approved. The new purchase order includes an extended warranty for seven years or 60,000 miles for a cost of \$4,435. The Board considered purchase of this extended warranty.

- Mr. Jefferson moved to approve the purchase of the extended warranty for \$4,435. Seconded by Mr. Gates and approved by voice vote.

8. Appearance by Road Foreman Mark Chase regarding Highway Department matters; take any action (continued)

b. Consideration of, and take any action on, road repairs in connection with July 2024 flooding event

- Ms. Ford spoke, expressing the Board's gratitude to the Highway Department and local contractors for hard work and dedication in quickly repairing roads following the July 10-11 rain event.
- Mr. Chase reported that all Class 2 and Class 3 roads are open to allow access to every highway access point with at least one lane passable. He reported that remaining trouble spots are part of Monument Circle, Mill Hill, South Monroe Road, the Anderson Street bridge, and the middle part of McLaren Hill.
- Mr. Chase reported that the large wash-out on West Barnet Road near Kid Row is awaiting the repair of US Route 5 North, because closure of a section of that road is restricting the Town's access to the Town gravel pit. Mr. Chase reported that, with

this Route 5 closure and the temporary closure of the bridge on Town Forest Road, access to road materials is problematic.

- Mr. Chase reported that there is significant damage to Class 4 roads that has not been addressed by the Town.
- A number of citizens of Barnet and Peacham who reside on Class 4 roads in Barnet or access Barnet Class 4 roads to reach their properties in Peacham, appeared at this meeting to express their concerns regarding unavailability of ingress and egress to their properties via motor vehicle. Residents appearing and speaking at this meeting, in person and remotely, included Chris Browne, Genevieve Cohn, Caleb Colpitts, Nathan Colpitts, Lisa Darling-Judd, Daniel Deatrick, Bob Joly, Robert Judd, Edward Kadunc, Mike Lamper, and Andrea Otto. Discussion ensued, some of which is summarized below:
 - o Mr. Gates noted that the Town does not have a Class 4 roads policy. He also stated that he had hiked the full length of Rake Factory Road the day prior to this meeting and noted that all bridges and culverts are intact.
 - o Town Attorney Steven Adler spoke regarding Town obligations for maintaining Class 4 roads. He read the relevant statute, which takes the place of Town policy if the Town does not have its own policy. This statute is 19 VSA § 310(b) which states: "*(b) Class 4 highways may be maintained to the extent required by the necessity of the town, the public good and the convenience of the inhabitants of the town...*" This statute leaves the maintenance of Class 4 roads to the discretion of the Selectboard. Mr. Adler indicated that the question of the maintenance of bridges and culverts on Class 4 roads is vague, with there being conflicting opinions from different authorities about the Town's obligations. Mr. Adler indicated that private owners may perform road maintenance themselves but must first obtain a Town permit.
 - o Residents appearing at the meeting requested that the Town take action to repair Class 4 roads, citing safety concerns over access by emergency services, injury risk of hiking the difficult terrain in and out of residences, and inaccessibility of utilities such as fuel delivery.
 - o Ms. Ford spoke about federal and state funding for repairs of Class 4 roads, indicating that reimbursement funding is uncertain.
 - o Mr. Gates stated that he had ordered a civil engineer estimate of cost of repairs to Class 4 roads, indicating that the Board would be in a better position to make a decision if a reliable estimate of cost was known.

c. Consideration of, and take any action on, request by Karme Choling for mirror at intersection of Patneau Land and West Barnet Road

The Board noted that there was no information to discuss or on which to take action regarding this matter.

- The Board agreed to table this matter.

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

- The Board reviewed and approved the single vehicle application of Bryan Lantagne DBA B & N Trucking and the fleet application of Resource Management, Inc.

e. Other business

No other business was discussed.

9. Consideration of, and take any action on, Errors & Omissions Certificate filings from Board of Listers

The Board reviewed two Errors & Omissions filings. The first, affecting seven properties for various reasons, has a net effect of adding \$466,300 in assessed value to the Grand List. The second, affecting one property, decreases the total value of Grand List by \$26,400.

- Ms. Ford moved to approve the two Errors & Omissions filings. Seconded by Mr. Gates and approved by voice vote.

10. Consideration of, and take any action on, correspondence from Zoning Administrative Officer regarding abutter's notice for permit issued for construction on Campers Lane

The Board reviewed a letter and an approved permit issued to Charles & Mary Stinchfield for a cabin addition.

- No action taken.

11. Other business presented by other town officers

There was no other business presented by other town officers.

New Business

12. Consideration of, and take any action on, re-scheduling of regular meeting August 12, 2024

Town Clerk Benjamin Heisholt noted that the Statewide Primary Election will be held at the Fire & Rescue Station conference room on Tuesday, August 13, 2024. The room will therefore not be available for use for regular meeting scheduled for Monday, August 12.

- Mr. Gates moved to reschedule the August 12 regular meeting for Monday, August 5. Seconded by Mr. Jefferson and approved by voice vote.

13. Other business presented by Selectboard

There was no other business presented by the Selectboard.

Old Business

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

a. Progress report

Ms. Ford reported on progress, including re-finishing of interior floors, installation of front doors, and exterior work.

b. Other business

No other business was discussed.

15. Consideration of, and take any action on, appointment of Planning Commission/Zoning Board (PC/ZB) members

PC/ZB Secretary Susan Sinclair appeared and reported that the PC/ZB had nominated Zachary Mangione and Jacob Stevenson for re-appointment for four-year terms on the PC/ZB.

- Mr. Gates moved to re-appoint Zachary Mangione and Jacob Stevenson for four-year terms on the PC/ZB. Seconded by Mr. Jefferson and approved by voice vote.

16. Consideration of, and take any action on, appointment of assistant/acting Zoning Administrative Officer

PC/ZB Secretary Susan Sinclair appeared and reported that there was no new information to discuss or on which to take action concerning this matter.

- No action taken.

17. Consideration of, and take any action on, replacement of library fence

The Board noted that there was no new information to discuss or on which to take action regarding this matter.

- No action was taken.

Check Warrants

18. Consideration of approval of outstanding check warrants

- The Board reviewed and approved all outstanding check warrants.

Anticipated Executive Session(s)

19. Consideration of, and take any action on, Highway Department employee leave of absence

- Mr. Gates moved to enter executive session to discuss Highway Department employee leave of absence pursuant to 1 V.S.A. § 313(a)(3). Seconded by Mr. Jefferson and approved by voice vote. Entered executive session at 8:38 p.m. Those present in executive session: Ms. Ford, Mr. Gates, Mr. Jefferson, Town Attorney Steven Adler, Road Foreman Mark Chase, Highway Department Employee Glenn Fearon, 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 9:28 p.m.
- Ms. Ford moved to accept the recommendation of Town Attorney Steven Adler to instruct the employee not to return to work until the Board obtains satisfactory clarification regarding work capacity. Seconded by Mr. Jefferson and approved by voice vote.

Adjournment

20. Adjournment

- Ms. Ford moved to adjourn the meeting. Seconded by Mr. Jefferson and approved by voice vote. Meeting adjourned at 9:29 p.m.

A true copy. Attest: _____ *Town Clerk*