

MINUTES – REGULAR SELECTBOARD MEETING
TOWN OF BARNET, VERMONT
MONDAY, AUGUST 26, 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:** Road Foreman Mark Chase, Highway Department employee Glenn Fearon, Town Clerk Benjamin Heisholt, and Zoning Administrative Officer Shirley Warden.
- **Via GoToMeeting online video conference:** Northeast Kingdom Broadband Representative Neil Glassman.

Members of the public participating:

- **In-person:** Kate Abrams, Leeland Alper, Kyle Berge, Jonathan Carpenter, George Copenrath, Merle Fitzgerald, Laura Goldberg, Natalie Kitchel, Heather Lindstrom, James MacDonald, William Mackey, Joseph Mangiapane, Jan Parsons, Linwood Stone, and Jonathan Zissman.
- **Via GoToMeeting online video conference:** “Mary C,” Mona Marceau, and “LJR.”

Approval of Minutes

1. Consideration of approval of minutes of special meeting held August 5, 2024

- Mr. Gates moved to approve as presented the minutes of the special meeting held August 5, 2024. Seconded by Mr. Jefferson and approved by voice vote.

2. Consideration of approval of minutes of re-scheduled regular meeting held August 5, 2024

- Mr. Jefferson moved to approve as presented the minutes of the special meeting held August 5, 2024. Seconded by Mr. Gates and approved by voice vote.

Appearances by Members of the Public

3. Appearance by West Main Street property owners regarding West Main Street culvert; take any action

West Main Street residents George Copenrath, Merle Fitzgerald, and William Mackey appeared and discussed drainage on West Main Street. They reported that a road reconstruction project in 2012 resulted in the closure of a previously functioning culvert crossing the road near the former West Barnet Garage. They stated that this change has caused drainage problems, resulting in annual basement flooding and poor lawn drainage, and during flooding events such as the one in July, severe flooding and property damage. They advocated for Federal Emergency Management Agency flood mitigation funding to be directed toward a solution to this drainage problem. Discussion ensued.

4. Appearance by Carter Street property owners regarding post-flood condition of Carter Street; take any action

Carter Street residents Kate Abrams, Jonathan Carpenter, Laura Goldberg, and Heather Lindstrom appeared and discussed with the Board strategies for post-flood repair of the road and road drainage, and mitigation of future flood damages. The Board reviewed correspondence between Road Commissioner Mr. Gates, Barnet Village resident Lisa Bowden, Ms. Lindstrom, and Mr. Carpenter. An email from Mr. Carpenter, who is the Prudential Committee Chair for Fire District #2, which operates the village water system, recommends a drainage solution. Discussion ensued regarding the feasibility of this suggestion and other alternatives, including returning the drainage system to pre-flood conditions and configuration. It was noted that the flood caused some new developments, including the appearance of surface water on the Mill Hill hillside property above Ms. Lindstrom's house, which appears to be the surfacing of a pre-existing subterranean stream which travels along the water system's main from above Monument Circle.

5. Appearance by citizens regarding proposed establishment of Town emergency recovery/relief funds; take any action

Kyle Berge, Natalie Kitchel, and Jan Parsons appeared and discussed this matter with the Board, as first discussed at the Board's regular meeting August 5, 2024. The Board reviewed an email from a staff attorney at Vermont League of Cities & Towns (VLCT) sent in response to the Board's request for an opinion regarding funds of this nature. The email indicates that the layout suggested by this group of citizens is generally possible, particularly in this emergency context. However, VLCT generally advises against this type of pass-through funding program because the municipality takes on an administrative burden for limited benefit to the municipality as a whole. Discussion ensued between Board, the citizens advocating for this fund, and Treasurer Benjamin Heisholt regarding administrative, legal, and fairness considerations with regard to initiating this fund.

- Mr. Jefferson moved to approve the establishment of an emergency recovery fund and related advisory committee and to require that all monies administered through this fund in connection with the July 2024 flooding event be deposited and disbursed not later than December 31, 2024. Seconded by Mr. Gates and approved by voice vote.

6. Other business presented by members of the public

a. Resident James MacDonald regarding grant funding to remove dams

Mr. MacDonald indicated that he had heard grant funding is available for the removal of dams; he asked if this funding could be used for Harvey's Lake dam.

- Ms. Ford, a Dam Committee member, indicated that removal of the dam is not under consideration at this time.

b. Dam gate stanchion

Dam Committee member Joseph Mangiapane appeared and asked if the Board had taken action regarding repair of the gate stanchion at Harvey's Lake Dam. He indicated that a quote from a contractor had been received.

- Mr. Gates moved to approve the quote of Ted Faris Welding, in the amount of \$3,295.00, for repair of the dam gate stanchion. Seconded by Mr. Jefferson and approved by voice vote.

Appearances by Town Officers

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

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

Mr. Chase reported that progress continues to be made in repairing roads to pre-flood conditions. Efforts are focused on widening roads in areas where they had been narrowed by

erosion and top-coating areas that were previously repaired only to emergency passability. Portions of McLaren Hill Road and Anderson Street remain closed.

b. Consideration of, and take any action on, bids for West Main Street project

The Board noted that there were no bids received for the West Main Street project. Discussion ensued.

- The Board agreed to not pursue completion of this project in 2024 but to request a grant extension.

c. Consideration of, and take any action on, bids for Church Street project

The Board reviewed one bid received from KML Excavation for excavation work in preparation for paving; total estimate is \$34,750.

- Mr. Jefferson moved to accept the bid of KML Excavation. Seconded by Ms. Ford and approved by voice vote.

d. Consideration of, and take any action on, bids for West Barnet Road project

The Board reviewed one bid received from KML Excavation for excavation work in preparation for paving; total estimate is \$125,000.

- Mr. Gates moved to reject the bid received for the West Barnet Road project. Seconded by Mr. Jefferson and approved by voice vote.

e. Consideration of, and take any action on, correspondence from Vermont Agency of Transportation regarding fiscal year 2025 Town Highway Structures Grant standard grant agreement

The Board reviewed the standard grant agreement for a culvert replacement project on Ferguson Road.

- With the Board approval, Ms. Ford signed the agreement.

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

The Board reviewed an email from Vermont League of Cities & Towns, who recommend that the Town consult with Vermont Agency of Transportation regarding the placement of mirror installations. Discussion ensued.

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

- The Board reviewed and approved the fleet application of Sidney Smith Trucking and the single vehicle application of Field & Sons Transportation, Inc.

h. Other business

No other business was discussed.

8. Appearance by Zoning Administrative Officer Shirley Warden regarding Sunny Beach Lane flood damage; take any action

Ms. Warden appeared and discussed on-site meetings she has attended with property owners, Town officials, and state officials. She reported that the situation is complex, involving many stakeholders, owners, and permitting authorities. Ms. Ford suggested that she and Ms. Warden seek input from State officials at a flood recovery meeting to be held at the library Tuesday, August 27, 2024.

9. Other business presented by other town officers

There was no other business presented by other town officers.

New Business

10. Consideration of, and take any action on, correspondence from Northeast Kingdom Broadband (NEK Broadband) regarding merger with CVFiber

The Board reviewed an email notifying member towns of the merger, under 30 V.S.A. § 3052a, between two communication union districts (CUDs), NEK Broadband and CVFiber. Barnett's representative to NEK Broadband, Neil Glassman, appeared remotely and affirmed that he had voted in favor of the merger, finding that he believed it would be a net benefit or net neutral for the town.

11. Consideration of, and take any action on, correspondence from Jonathan Zissman regarding request for reimbursement for accident on Mill Hill

The Board reviewed emails describing an accident that occurred on Mill Hill on July 11, 2024, when Mr. Zissman drove his car into a sinkhole caused by flooding. Mr. Zissman appeared and discussed the incident with the Board; Mr. Zissman asked the Board to reimburse him for damages to his vehicle. The Board asked Mr. Zissman if the Town had been negligent in some way that caused the accident. Mr. Zissman responded that he did not know.

- The Board agreed that the Town cannot reimburse for damage to a personal vehicle if the Town was not negligent in some way that caused the accident.

12. Other business presented by Selectboard

a. Dog bite decision detail

The Board discussed their August 5 decision regarding a complaint submitted by Heather and Keith Labounty.

- The Board agreed that Anders Hahr must provide proof of payment in reimbursement of the veterinary expenses of Heather and Keith Labounty in connection with the complaint.

Old Business

13. Consideration of, and take any action on, fence viewer inquiry regarding Brook Hill Road residents

The Board reviewed an email from a staff attorney at Vermont League of Cities & Towns, sent in response to an inquiry from the Board regarding the role of the office of fence viewers, in connection with a matter discussed at the Board's August 5 regular meeting. The email indicates that 1) towns are not required to appoint fence viewers, 2) the Selectboard does not necessarily serve as fence viewers in the absence of appointed fence viewers, 3) fence viewers' role includes determining the location of a fence, but not determining the adjoining landowners' property lines, and 4) the duty created in statute to build and share in the responsibility of maintaining a fence is inapplicable to those landowners without livestock.

14. Consideration of, and take any action on, certification of 2024 property tax rates

The Board reviewed the certification of 2024 property tax rates, as presented by Treasurer Benjamin Heisholt. The Board noted that the certification had already been signed by all members of the Board prior to the issuance of property tax bills. Total rates, including all Town and Education rates, are 2.4529 for homestead and 2.3670 for non-homestead.

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

a. Progress report

Ms. Ford provided an update on the progress of renovations, including installation of the Town Clerk's Office counter. Discussion was had regarding planning for a phone system.

b. Consideration of, and take any action on, proposed Monitoring Contract from Alarmco, Inc.

The Board reviewed a proposed contract for alarm monitoring at the renovated Town Hall. Proposed annual fee is \$480.

- Mr. Gates moved to accept the contract as proposed. Seconded by Mr. Jefferson and approved by voice vote. Mr. Gates signed the contract.

c. Other business

No other business was discussed.

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

Zoning Administrative Officer Shirley Warden appeared and discussed with the Board her impending retirement and the search for a candidate for assistant/acting Zoning Administrative Officer.

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

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.

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, zoning permit application for parcel #0014-01-70

- Mr. Gates 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 a zoning permit application for parcel #0014-01-70 would clearly place the Town of Barnet at a substantial disadvantage. Seconded by Mr. Jefferson and approved by voice vote.
- Mr. Gates moved that the Board enter executive session pursuant to 1 V.S.A. Section 313 (a)(1)(E) to discuss a zoning permit application for parcel #0014-01-70, 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, Zoning Administrative Officer Shirley Warden, 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 9:13 p.m.
- No action taken.

20. 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 9:14 p.m. Those present in executive session: Ms. Ford, Mr. Gates, Mr. Jefferson, 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 9:29 p.m.

- Mr. Gates moved to accept a doctor's letter regarding a Town employee, as discussed in executive session, to allow the employee to return to work on September 7, 2024, without restrictions. Seconded by Mr. Jefferson and approved by voice vote.

Adjournment

21. Adjournment

- Mr. Gates moved to adjourn the meeting. Seconded by Mr. Jefferson and approved by voice vote. Meeting adjourned at 9:30 p.m.

A true copy. Attest: _____ *Town Clerk*