BARRE TOWN SELECTBOARD MINUTES
August 12, 2014

The duly warned meeting of the Barre Town Selectboard of August 12, 2014 was held at the Barre Town Municipal Building, Selectboard Room, Lower Websterville at 7:00 p.m.

The following members were in attendance: Jeff Blow, Robert LaClair, W. John “Jack” Mitchell, Roland Tessier, and Tom White.

Attendance for the regular meeting included: Town Manager Carl Rogers, Assistant Town Manager Andrew Dorsett, Town Clerk-Treasurer Donna J. Kelty, Town Attorney Michael Monte, Town Engineer Harry Hinrichsen, David Kreindler, Tim Stone, Henry Dessureau, Tom Mancini, R. Lee Walther, Sheila Walther, Mark Moran, Ann Moran, Bruce Boisvert, Julie Morrison, Sarah Albert, Wayne Pelkey, Dave Oles, and Paul Malone.

CALL TO ORDER - The meeting was called to order at 7:10 p.m.

PLEDGE OF ALLEGIANCE

Those present recited the Pledge of Allegiance.

CHANGES TO THE AGENDA

On a motion by Mitchell, seconded by LaClair, the Selectboard voted unanimously to add to Item 18, Miscellaneous, add the items for Catering Permit - Three Penny Taproom; Fireworks permits for Mark Kittell/Chris Morrison, Peter Potvin & Sherrol Farnham, and Scott Lamberti.
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MINUTES

On a motion by Mitchell, seconded by LaClair, the Selectboard voted unanimously to approve the Selectboard Meeting Minutes of July 29, 2014 with the following corrections:

1. Page 4, Consider TSAC Recommendations, first paragraph, first sentence, delete the number 225 and insert 22; and
2. Page 6, Adjourn, first sentence, delete the words "seconded by White" and insert "seconded by Tessier."

ANNOUNCEMENTS

- There is a community yard sale to benefit the Websterville Playground was a success thanks to all the volunteers and those who donated to make this event happen. Anyone wishing to make a monetary donation toward the playground project can call 479-9331.

- On Sunday, August 17, 2014 the MTA will host the Millstone Grind, an eight (8) mile mountain bike race that is composed of approximately 90% single track. The race is located in the Barre Town Forest. To register or learn more about this event visit www.millstonegrind.com.

- Guided nature walks in the Town Forest are offered on Sunday and Tuesday mornings. Meet at the 44 Brook Street (Websterville) parking area at 9:00 a.m. There is NO fee. The walks are 1.5 to 2 hours. On Tuesdays there are two (2) guides and each one will lead a group. There will be one group for fast walkers and one for slow walkers.

- The Primary Elections will be held on Tuesday, August 26, 2014. Polling hours are 7:00 a.m. - 7:00 p.m. Deadline to register to vote is Wednesday, August 20, 2014. This year there will be four (4) party ballots (Democratic, Liberty Union, Progressive, and Republican).

- The waterline project on East and West Cobble Hill Roads is underway. Travel delays should be expected during the project, please plan accordingly.

GUESTS - None

REQUEST FOR BELDING ROAD - SECTION USED AS DRIVEWAY

Background: David Kreindler would like to build a home on a landlocked parcel. To gain access he would need Selectboard approval to use a section of a Class 4 road as a driveway. It is noted that Section 6-35 of the Town ordinances states that Class 4 roads are to be retained for public travel. New structures on lots fronting a Class 4 road are subject to requirements in the zoning ordinance, namely required frontage on a public road. The Town does no summer maintenance on Class 4 roads except for removal of obstructions and drainage related work as necessary. No plowing is done on Class 4 roads and private parties ‘shall not damage rights-of-way and paths used for recreational activities. In 2007 the Town did allow Woods Road to be used as a private driveway with conditions.

The section of road in question is a 500’ section of Class 4 Belding Road which is on the Sno-Bees trail system. Time Stone (President of Sno-Bees) has spoken with Mr. Kreindler and would like to work things out so he can use the road as a driveway and ensure the Sno-Bees trail is protected.
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Discussion focused on Mr. Kreindler understanding his responsibilities for maintenance, allowing individuals to continue using the section in question, and the snowmobile club signing the area appropriately to warn of a shared use on a path.

On a motion by LaClair, seconded by Tessier, voted unanimously to approve the request of David Kreindler to use 500' section of the Class 4 Belding Road for a driveway with the following conditions:

- Mr. Kreindler must comply with the Zoning Ordinance to obtain a building permit for a home;
- Maintenance of this section of Belding road will be his responsibility, year-round;
- During the winter he must provide a 25' area for potential recreation trail;
- Other people cannot be prevented from using this section of the Class 4 Road;
- And Mr. Kreindler will not be responsible for future road improvement costs unless he is a partner in a development.

**AMENDMENT TO SOLAR SERVICES AGREEMENT**

*Background:* NOVUS and the investor have a finance closing scheduled for next Wednesday. The Manager received the Amendment and was asked to sign it. After consulting with the Town Attorney it was concluded the Manager could not sign as he did not have the authority to do so, even though the document is to the Town's benefit.

To keep the closing on track and construction to start around September 1st the Selectboard is being asked to approve the amendment and authorize the Town Manager to sign.

On a motion by White, seconded by LaClair, the Selectboard voted unanimously to approve and authorize the Town Manager to sign the First Amendment to the Solar Energy Services Agreement.

**DISCUSS PROPOSED TOWN CHARTER AMENDMENTS**

*Background:* During the last meeting the Selectboard was set with Sections 3, 7, and 33. The Board can give final approval of these amendments with little discussion. Section 34, the Board of Abatement (BOA) section will need more discussion.

The Manager contacted 10 larger municipalities and inquired what cases their BOA handled and how old, uncollectable debts are written off. He has received about 8 replies and no municipality sends everything to the BOA. Some let staff handle uncollectable bills. Waterbury’s water/sewer commissions would abate those chargers. Our situation is different because of our charter. Attorney Monte will further explain why he suggested changing the word taxpayer to individual.

1. Section 34 - Board of Abatement. This section pertains to what and under what criteria the Board of Abatement can abate. This past year Legislature changed the rules so penalties, interest, and other delinquent charges can be abated on their own. The amendment will mirror the State law and allow the Board to abate those items.

   The section (c) refers to posting of meeting notices and the amendment is to mirror the suggested posting places stated in item 1 above.

   The sections (b & d) had minor changes made to reflect the changes made in Section 34 first paragraph.
In this section there was discussion regarding deleting the word taxpayer and inserting individual. It was noted that there are many individuals who are not taxpayers (ambulance, parking tickets, and miscellaneous fees) who request abatement, thus the reason for the suggested amendment. Should the word taxpayer remain, then the Tax Collector (Town Manager) would have to make the request for non-taxpayers to make application to the Board of Abatement. The Town Managers’ workload was also noted. The Board thought this particular item needed additional thought.

Town Attorney Monte was present. He informed the Selectboard by using the word “taxpayer” instead of individual it could be considered as discrimination. There was discussion with regards to the “tax collector – delinquent tax collector” asking for abatement on behalf of those individuals who are not “taxpayers.” They could include ambulance bills, miscellaneous items (parking tickets, vault fees, copy fees, etc.).

Blow stated he like the way things are abated now. It is done in a very public arena and through a very public process.

Resident Paul Malone, a recently appointed Justice of the Peace and resident, stated the Secretary of State publishes a handbook on abatement which does not speak to abatement of anything other than property taxes. He recognizes that for items such as ambulance there must be write-offs and this could be done by the Selectboard or staff. Since the Board of Abatement meets so infrequently, it would be better public service to have the Selectboard decide items other property taxes and the meetings will be televised.

On a motion by Tessier, seconded by White, the Selectboard voted to leave the word “taxpayer” in the proposed charter amendments, Section 34 (d). Mitchell voted no.

The Board asked the Manager to put the topic of collection of delinquent taxes on a future agenda. Discussion should include in-house collection versus hiring/appointing a Delinquent Tax Collector and the collection process.

VIBRATORY ROLL - REPAIRS NEEDED (1)

Background: The large vibratory roll is used for the road base compaction. The roller drum drive torque hub needs to be replaced. The Shop Foreman obtained quotes from a couple of places. We could have the part from one source in the time it takes to ship it to use as it is in stock (cost of $7,272). The part could also be ordered from the manufacturer for $5,957 but there would be an 18 week lead time.

The 1995 roll was purchased in 1995-1996, nearly new condition. A new roll would cost about $100,000. Our machine, when repaired, would be worth $25,000 - $30,000 (per the dealer and the Shop Foreman’s research).

The roll could be used when the town fine grades Cheney Road before paving. Later this year it would be used on gravel road projects. If the part is purchased at the higher price we likely will not have it in time to roll Cheney Road but would have it for the gravel road work. If we purchase at the $5,957 then we will not have it in time for any road work this year and should rent a roll for the gravel road work.

On a motion by Mitchell, seconded by LaClair, the Selectboard voted to table this item to later in the meeting.
ANCIENT ROADS - CURTIS ROAD & JOHN HOOD ROAD

Background:
1. John Hood Road - Chase & Chase is researching deeds and maps per the Selectboard authorization. The Manager recommends not making any decisions until the report comes back.
2. Curtis Road - Last year's Board visited Curtis Road. The section in question is from the end of the Class 3 road to the Orange town line. Old maps (1800's) show Curtis Road going through to Ladd Road. Past Selectboard's have dealt with Curtis Road in 1970 and 1990. The Engineer's Office is doing more research and will report at this meeting.

The Board opted not to make any decision on the John Hood Road until the research has been completed.

Curtis Road discussion: The Manager noted the first 2000' of Curtis Road is a class 3 road. Another 2,100 prior to the 1980's was defined as a trail. During the 1980's 640' of the trail was upgraded to a class 4 road. The area after the trail section is in question as research has not located anything that would indicate there was ever a Town road in that vicinity.

Blow stated the section in question is problematic and it would be expensive to find out if there was ever a road. Mitchell stated while he agrees the Town should not spend any more time or money resolving the section in question he would also like to see some type of deed given to the property owners to reflect that should one ever be found the Town would have no claim. The consensus of the Board is that the deed issue can be addressed at a future date when the remaining roads in question have been reviewed.

On a motion by Tessier, seconded by LaClair, the Selectboard voted unanimously not to proceed with the research on determining whether or not there is a town road beyond the 4100' of Curtis Road due to the expense and that the road in Orange it may or may not have connected with is no longer there.

POLICY FOR DONATION OF TOWN SERVICES (1)

On a motion by Mitchell, seconded by Tessier, the Selectboard voted unanimously to table discussion until later in the meeting.

WILSON RECYCLING DEPOT LEASE

Background: The Wilson Recycling Depot lease expires October 31, 2014. If the Selectboard would like to seek competitive proposals the process should start right away. Currently, Earth Waste uses the depot free of charge except for some in-kind services. Last summer there was some dissatisfaction with their new recyclable sorting requirements.

The Board requested the Manager have our Central Vermont Solid Waste Management District representative Fred Thumb to come to a meeting to explain how they will be complying with the new Act 148 and whether or not they may need space at the Wilson Recycling Depot. The Town will then speak with Earth Waste to find out how they will handle Act 148 compliance. Rogers will also provide the Board with a copy of the original Earth Waste lease and the current one.

DATES FOR PUBLIC SAFETY CHARTER PUBLIC HEARING/APPOINTMENTS

Background: The Manager is seeking direction from the Selectboard on when to hold the public hearings for the upcoming Special November election on the Public Safety Authority (PSA) Charter. The PSA will be holding their first meeting late August. Town
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representatives should be appointed - will the Town appoint by advertisement(s), recruiting, or just by selection? If there are going to be Charter amendment questions in November are the public hearings going to be held the same night as the PSA hearings?

Board members stated that expertise in certain areas is definitely needed. Concerns were raised as to a "learning curve" if a lay person were appointed at this time. Tessier recommended appointing one of the Public Safety Department Heads. Former committee representative are also a logical choice.

On a motion by LaClair, seconded by White, the Selectboard voted unanimously to appoint EMS Director, Dave Jennings, as a Barre Town representative for the Public Safety Authority Charter Committee.

On a motion by Mitchell, seconded by Tessier, the Selectboard voted unanimously to appoint Bob Sager, as a Barre Town representative for the Public Safety Authority Charter Committee upon agreement to serve.

LINE EXTENSION FEE FOR STREETLIGHT NEAR CHERRYWOOD/QUARRY HILL ROADS

Background: During the streetlight conversion process the Traffic Safety Advisory Committee (TSAC) dealt with a request for a light at the Cherrywood/Barre View intersection near Quarry Hill Road. Green Mountain Power has been given the exact location. The pole at the intersection is set back quite a ways and has tall trees between it and the streets. There is another pole along Cherrywood and closer to Quarry Hill. TSAC and the Town Engineer are suggesting an alternative which does not have secondary power and would cost $250 to bring to the pole. The Selectboard is being asked to approve this light location and the secondary power extension at a cost of $250. This has also been done with 9 other new light locations.

On a motion by LaClair, seconded by Mitchell, the Selectboard voted unanimously to approve the request of the Traffic Safety Advisory Committee for the installation of a new streetlight at the Cherrywood/Barre View intersection and the secondary power extension at a cost of $250.00.

MATERIALS FOR BIKE PATH PROPERTY OWNER MEETING

Background: The Bike Path Committee met on July 17th and decided they would like to send Jamie Evans (member), Jeff Blow (Selectboard), and Evan Detrick (project engineer) to talk with the 12-13 property owners from whom the Town would need a right-of-way or construction consent for the Sterling Hill Road bike path. The thought was this group should have good visual material to show the owners what the path or cut and fill area would look like. The cost to produce these materials and have them available for property owners is estimated at $3,000. The Selectboard is being asked to approve this work because of a previous decision blocking any further expense for engineering. The Bike Path Committee has their next meeting on August 20th and hopes to have an approval from the Board and the visual materials from DuBois & King in hand. During the August 20th meeting the Bike Path committee will plan more property owner meeting detail with owner visitations to begin in September.

On a motion by White, seconded by LaClair, the Selectboard voted unanimously to approve the $3,000 expenditure to DuBois & King to provide materials (visuals, photos, maps, etc.) to present and review with the property owners from whom the Town will need to have a right-of-way or construction consent regarding the building of the Sterling Hill Road bike path segment.
WEEKLY ACCOUNTS PAYABLE WARRANT

On a motion by Tessier, seconded by White, the Selectboard approved the accounts payable warrant for August 5, 2014. Blow abstained due to an employer conflict.

On a motion by White, seconded by Tessier, the Selectboard approved the accounts payable warrant for August 12, 2014.

MISCELLANEOUS

On a motion by Tessier, seconded by LaClair, the Selectboard voted unanimously to approve and authorize the Town Clerk to sign a Request to Cater Malt, Vinous, and/or Spirituous Liquors for Three Penny Taproom, who will be catering a bike race event at 59 LittleJohn Road on August 17, 2014, 11:00 a.m. - 4:00 p.m.

On a motion by LaClair, seconded by Tessier, the Selectboard voted unanimously to approve and authorize the Town Clerk to sign the following fireworks permits:
1. Mark Kittell & Chris Morrison, 192 Osborne Road, for an event to be held on August 16, 2014;
2. Scott A. Lamberti, 118 Phelps Road, for an event to be held on August 31, 2014; and
3. Peter Potvin III & Sherrol Farnham, 29 LittleJohn Road for an event to be held on August 23, 2014.

VIBRATORY ROLL – REPAIRS NEEDED (2)

On a motion by Mitchell, seconded by LaClair, the Selectboard voted unanimously to put the topic, tabled earlier in the meeting, of the vibratory roll back on the table for discussion.

Concerns regarding age, recent repairs, and this piece of equipment not being in the replacement schedule were noted.

On a motion by Tessier, seconded by Mitchell, the Selectboard voted unanimously to approve the expenditure of $7,200 for the repair of the Vibratory Roll.

POLICY FOR DONATION OF TOWN SERVICES (1)

On a motion by Mitchell, seconded by White, the Selectboard voted unanimously to put the topic, tabled earlier in the meeting, of the Policy for Donation of Town Services back on the table for discussion.

On a motion by Mitchell, seconded by White, the Selectboard voted unanimously to instruct the Town Manager to place this item on the next meeting agenda for discussion due to the hour being late.

ROUND THE TABLE

Assistant Town Manager Dorsett gave the Board a brief update on the Websterville Playground renovations, noting their yard sale this past weekend was a huge success. Many vendors have donated their services and will be recognized during the dedication ceremony. He further noted the fencing at the East Barre bike path leg is installed and looks great.

Mitchell stated he would like to attend the VLCT Town Fair.

Tessier inquired on the status of TSAC reviewing the request for an additional street light on Route 14 in South Barre near the big field. Rogers stated the TSAC did
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speak to the issue during their June meeting with no resolve. It will be on their September meeting agenda.

EXECUTIVE SESSION - None

ADJOURN

On a motion by Mitchell, seconded by Tessier, the Selectboard voted unanimously to adjourn at 10:12 p.m.

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Donna J. Kelty, Town Clerk-Treasurer

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Selectboard Chair

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Barre Town Selectboard