

**MINUTES - SELECTMEN'S MEETING  
TOWN OF BARNET, VERMONT  
MONDAY, FEBRUARY 25, 2013**

**Meeting convened at 7:00 p.m. in the conference room of the Barnet Town Clerk's Office.**

**Board members present:** Selectmen Theodore Faris, Jeremy Roberts, and Gary Bunnell.

**Meeting Chair:** Co-Chair Theodore Faris presided as Chair for this meeting.

**Others present:** Town Agent Jay Abramson, Road Foreman Keith Gadapee, Town Clerk Benjamin Heisholt, Zoning Administrative Officer Shirley Warden, and Marvin Bailey (Barnet Fire District #4).

**1. Approve minutes of regular meeting held February 11, 2013**

Mr. Roberts moved to approve as presented the minutes of the regular meeting held February 11, 2013. Seconded by Mr. Bunnell and approved by voice vote.

**2. Appearance by Town Agent Jay Abramson regarding legal matters**

Mr. Abramson appeared to discuss two legal matters about which the Board had requested his opinion:

- a) **Lease land release.** Judith Salamandra Corso of the law offices of Reid & Balivet at the February 11, 2013 Board meeting requested that the Board release the Town's reversionary interest in a town school lease lot. Mr. Abramson indicated that he had reviewed proposed release documents, and that the Board has authority to release this interest without the vote of the Town or any public hearing. Discussion ensued.
  - Mr. Roberts moved to release the Town's reversionary interest in the property under discussion, and to sign the proposed release documents. Seconded by Mr. Bunnell and approved by voice vote. The Board signed the quitclaim deed and Vermont Property Transfer Tax Return.
- b) **Trustees of Public Funds.** See discussion regarding authority for disbursement of income from the Oliver Esden Estate Funds at the Board meeting held January 28, 2013. Mr. Abramson indicated that he had reviewed the trust documents and gave his opinion that the Selectmen have authority to expend the income from the portion of the estate invested for the benefit of the Town, and the School Board has authority to expend the income from the portion of the estate invested for the benefit of the School District. The Trustees of Public Funds have authority to invest the funds and responsibility to report on the investments, but have no direct authority with regard to the expenditure of the income from the investments.

**3. Appearance by Barnet Fire District #4 regarding alteration of boundary lines**

Marvin Bailey appeared to present a petition from Fire District #4 for alteration of the boundary lines of the fire district. Mr. Bailey also presented a description and a map of the proposed revised boundaries, as prepared by registered Vermont land surveyor William A. Willis. Pursuant to 20 V.S.A. Sec. 2481(a) the Selectboard may change fire district boundaries upon a petition by the fire district, and with a properly warned public hearing. Any boundary alteration made by the Selectboard must be approved by the fire district at an annual or special meeting of the fire district. Discussion ensued.

- Mr. Roberts moved to warn a public hearing regarding the alteration of boundaries for Fire District #4 as proposed by their petition. Seconded by Mr. Bunnell and approved by voice vote.

**4. Appearance by Road Foreman Keith Gadapee regarding Highway Department matters**

- a) **Magnesium chloride presentation.** Mr. Gadapee discussed his recent communications with Innovative Surface Solutions, a vendor of calcium chloride and magnesium chloride. Mr. Gadapee asked if the Board would be interested in hearing a presentation by this vendor regarding the benefits of magnesium chloride, or if they prefer that he simply include this

vendor with other vendors under consideration, and make a determination regarding calcium chloride versus magnesium chloride once all pricing information is available. Discussion ensued.

- The Board agreed that Mr. Gadapee should simply include this vendor with others under consideration, and determine whether to use calcium chloride or magnesium chloride at a later date.
- b) **Backhoe repairs.** Mr. Gadapee discussed the life expectancy of the Town's backhoe loader as it relates to a significant repair to the rear bucket that is currently under consideration. This repair is estimated to cost \$2,000. Discussion ensued.
- The Board instructed Mr. Gadapee to schedule the repair of the backhoe's rear bucket.
- c) **Structures grant application.** Mr. Gadapee has an upcoming meeting with Shauna Clifford of the Vermont Agency of Transportation's District #7. Grant applications for structures projects will be discussed; the deadline for submission is approaching. Discussion ensued regarding prioritizing specific projects under consideration for this grant.
- d) **Vermont Local Roads classes.** Mr. Gadapee asked the Board for direction with regard to allowing Highway Department personnel to attend classes. Discussion ensued.
- The Board instructed Mr. Gadapee to generally limit attendance at classes to one class of Mr. Gadapee's selection for each employee per year. Additional classes of special importance may, at Mr. Gadapee's discretion, be allowable.
- e) **Truck #8 repairs.** This dump truck is currently in the repair shop for major repairs; it is likely that it requires repair of the head gasket. This repair is estimated to cost \$2,500 to \$3,000, and it is possible that other major repairs will be found necessary once repair of the head gasket is commenced. Discussion ensued regarding the current value of this truck, and the Board's plans for retirement of individual trucks in the current fleet.
- The Board instructed Mr. Gadapee to repair the truck as needed, but to consult with the Road Commissioner if further repairs are deemed necessary.
- f) **Plow driver incident.** Mr. Gadapee reported to the Board regarding an incident occurring on the date of this meeting wherein a resident drove into a ditch to avoid an oncoming Town of Barnet plow truck. The truck driver indicated that he was driving at a safe speed at the time of the encounter.
- g) **Town Garage lights.** Mr. Gadapee thanked Mr. Roberts for repairing the Town Garage lights, and further discussion was had regarding further repairs.
- h) **Keyser Hill Road complaint.** Mr. Bunnell reported to Mr. Gadapee regarding a resident's complaint relating to the manner in which Keyser Hill Road is plowed. Discussion ensued.

## 5. Discussion regarding proposed changes to Personnel Policy

Town Clerk Benjamin Heisholt presented a list of proposed revisions to the personnel policy. Eleven of these thirteen changes are to update the policy to reflect the current practice of accounting for compensated time off in "hours" rather than "days" as was the previous practice. Each reference to "days" in the policy is replaced with "hours" and the number associated with it is increased by a factor of eight (8), with revised portions of the policy as below:

- Section VI, Part A. Paragraph following list of paid holidays: "Floating holidays shall be credited as a separate benefit category from other compensated time off and calculated as eight (8) hours multiplied by the number of floating holidays to which each qualifying employee is entitled. These hours shall be credited at the beginning of the calendar year. Any floating holiday hours remaining credited to the employee at the end of the calendar year shall be eliminated; they may not be carried forward to the following year."
- Section VI, Part D.1.: "To accumulate at the rate of four (4) hours per month, on the anniversary date of employment of each employee, and not to accumulate more than forty-eight (48) hours. At the end of the year employees may either take the time off or be paid for the unused hours they have accumulated. Time taken off shall be arranged with the Road Foreman. Any employee hired after the year has begun shall have his personal time accumulate

at the rate of four (4) hours per month as stated in the first paragraph of this section. Existing employees at the start of each new year shall be considered as having forty-eight (48) personal hours for their use during the ensuing year. If any employee uses all forty-eight (48) hours before the end of the year and terminates his employment before the end of the calendar year, the difference in personal hours actually accrued and those taken shall be adjusted on the final paycheck.”

- Section VI, Part D.2.: “Assistant Town Clerk to receive one-half amount of personal hours as that received by full-time employee.”
- Section VI, Part E.1.i.: “For the first two (2) years of employment vacation time shall accrue at the rate of four (4) hours per month.”
- Section VI, Part E.1.ii.: “From the 3<sup>rd</sup> year of employment through the 9<sup>th</sup> year of employment, vacation time shall accrue at the rate of eight (8) hours per month.”
- Section VI, Part E.1.iii.: “Beginning with the 10<sup>th</sup> year of employment, vacation time shall accrue at the rate of ten (10) hours per month.”
- Section VI, Part E.1.iv.: “Beginning with the 20<sup>th</sup> year of employment, the Town Clerk’s vacation time shall accrue at the rate of thirteen and one-quarter (13 1/4) hours per month.”
- Section VI, Part E.2.: “Each employee’s year will be determined by his anniversary date of his employment. The vacation days outlined above are not to accumulate to more than two hundred (200) hours.”
- Section VI, Part E.3. Fifth sentence: “Temporary help working at least 35 hours per week will be entitled to vacation pay at four (4) hours per month.”
- Section VI, Part H.2.: “Amount of time eligible for to accumulate at the rate of four (4) hours per month, as of anniversary date of each employee’s employment, but shall not accumulate to more than one hundred sixty (160) hours.”
- Section VI, “Other Information Relating to Fringe Benefits”, Part 3.: “Personal time and vacation time shall be taken in units of one-quarter (1/4) hours.”

Of the remaining two proposed revisions, one is to update the policy to reflect the current normal workday hours of the road department, as below:

- Section VIII, Part B. First sentence: “The normal workday hours for the road department are from 6:00 a.m. until 2:30 p.m. with half (½) hour taken out for lunch.”

The final proposed revision adds a new sub-section to clarify that employees are not permitted to receive compensation for time off during a pay period other than that when the time off was taken, as follows:

- Section VI, “Other Information Relating to Fringe Benefits”, Part 5: “Accrued time off shall be compensated only during the pay period in which the time off is actually taken, except in those circumstances specifically referenced elsewhere in this Personnel Policy.”

Discussion regarding these proposed revisions ensued.

- Mr. Roberts moved to revise the Personnel Policy per the above-described proposed changes. Seconded by Mr. Bunnell and approved by voice vote.

## **6. Correspondence from Law Offices of Salmon & Nostrand regarding TransCanada tax appeal**

Mr. Faris read the copy of a cover letter, and the Board reviewed the attached copy of a Discovery Certificate for Defendant’s First Interrogatories and Requests to Produce, as forwarded to Vermont Superior Court.

**7. Correspondence from Vermont Superior Court regarding Harriet S. Palmer Cemetery Fund**  
Mr. Faris read Entry Regarding Request indicating the Selectboard's motion to waive filing fees for the accounting of this trust was granted.

**8. Correspondence from A & D Klumb Environmental, LLC regarding proposed telecommunications facility**

The Board reviewed this notice regarding a proposed site for telecommunications antennas to be located on an existing 47' tall silo located at 140 Kinerson Lane.

**9. Discussion regarding August Town Hall dance**

Town Clerk Benjamin Heisholt reported that he had received communication from David Warden of the Barnet Historical Society indicating that the date for the dance at the Town Hall is to be August 17, 2013, not August 15, 2013 as discussed at the Board meeting held February 11, 2013.

**10. Discussion regarding Pre-Town Meeting Public Hearing**

Mr. Faris read the warning for the public hearing to be held Tuesday, February 26, 2013 at 7 p.m. at the Barnet Elementary School.

**11. Discussion regarding annual review of Ordinance for Regulating All-Terrain Vehicles (ATVs)**

The Board discussed the review of the ordinance to be held at the first regularly-scheduled Selectboard meeting after Annual Town Meeting, which is to be at 7 p.m. at the Town Clerk's Office on March 11, 2013.

**12. Uniform Municipal Excess Weight Permit applications**

The Board reviewed and approved the fleet permit applications of Bourne's Inc & Bourne's Propane, DBA Bourne's Energy, and Gould Well Drilling, Inc.

**13. Other business**

- a) **Harvey's Lake Dam design.** Mr. Faris indicated that he has received a renewed quote from Roger Damon for the re-design of the Harvey's Lake Dam.
- b) **New road name.** Zoning Administrative Officer Shirley Warden discussed a request for an E911 address she recently received for the property of Joel and Nicole Bartlett. Ms. Warden and Emergency Management Coordinator Ronald Morse determined that a new E911 road name will be required for the road at which this address will be assigned, which is off Davidson Lane. Letters have been mailed to abutters to request suggestions for road names. A public hearing will be required to assign a name to the road. Discussion ensued.
- c) **Expiring term of Zoning Administrative Officer.** Ms. Warden indicated that her term is expiring. The Planning Commission/Zoning Board will make a nomination, after which the Selectboard must make an appointment.

**14. Outstanding check warrants**

The Board reviewed and approved all outstanding check warrants.

**15. Discussion regarding legal proceedings (executive session)**

- Mr. Roberts moved to enter executive session. Seconded by Mr. Bunnell and approved by voice vote. Entered executive session at 8:22 p.m. Attendance in executive session: Mr. Faris, Mr. Roberts, Mr. Bunnell, and Mr. Heisholt.
- Mr. Roberts moved to exit executive session. Seconded by Mr. Bunnell and approved by voice vote. Exited executive session at 8:25 p.m.
- No action taken

**16. Adjournment**

Mr. Roberts moved to adjourn. Seconded by Mr. Bunnell and approved by voice vote. Meeting adjourned at 8:26 p.m.

*A true copy.*

Attest: \_\_\_\_\_  
*Town Clerk*