

Barton Village, Inc.
Regular Trustees Meeting

Monday, September 9, 2024

Approximately 6:45pm, following the Special Informational
Meeting on the Barton Village Hydro Facility Upgrades
Barton Village Memorial Hall

Agenda

- A. Call to Order
- B. Changes to the Agenda/Additions or Deletions
- C. Privilege of the Floor

ACTION ITEMS:

- D. Minutes from the Regular Board of Trustees Meeting August 26, 2024
- E. Bills and Warrants
- F. Board Resolution – Ratification of USDA Grant Documents
- G. Ordinance Enforcement

DISCUSSION ITEMS:

- H. General Ordinance Discussion
- I. Flood Update
- J. Hydro Project Update
- K. Department Operations Updates

OTHER ITEMS:

- L. Other Business

EXECUTIVE SESSION ITEMS:

- M. Executive Session - Legal Action: 1 V.S.A. § 313 (a)(1)(E)
- N. Executive Session - Personnel: 1 V.S.A. § 313 (a)(3)

- O. Adjourn

Upcoming Meetings:

Hydro Facility Open House: 09/14/2024

Special Informational Hearing: 09/19/2024

Special Village Meeting: 09/20/2024

Regular Board Meeting: 09/23/2024

Barton Village, Inc.
Regular Trustees Meeting

Monday, August 26, 2024

6:00pm

Barton Village Memorial Hall

Attendance: Gina Lyon (Chair), Marilyn Prue (Trustee), Vera LaPorte (Business Manager),
Jacqueline Laurion (Clerk), Crystal Currier (VPPSA), David Billado, Ann Killimayer

Agenda

Full agenda with additional details can be found at <https://bartonvt.com/agenda-minutes/>

Audio recording of the meeting can be found for 30 days following the official approval of these
minutes at the next Regular Board of Trustees Meeting on September 9, 2024 at

<https://bartonvt.com/agenda-minutes/>

- A. **Call to Order** – Gina Lyon called the meeting to order at 6:00pm.
- B. **Changes to the Agenda/Additions or Deletions** – None.
- C. **Privilege of the Floor** – None.

ACTION ITEMS:

- D. **Minutes from the Regular Board of Trustees Meeting August 12, 2024** – Gina Lyon made a motion to approve the Minutes from the Regular Board of Trustees Meeting August 12, 2024 as presented. Marilyn Prue seconded. Motion carried.
- E. **Minutes from the Emergency Board of Trustees Meeting August 16, 2024** – Gina Lyon made a motion to approve the Minutes from the Emergency Board of Trustees Meeting August 16, 2024 as presented. Marilyn Prue seconded. Motion carried.
- F. **Bills and Warrants** – These will be reviewed throughout the meeting. Approval & adjustments will be given at the end of the meeting. Gina Lyon made a motion to review throughout the meeting & approve at the end. Marilyn Prue seconded. Motion carried.
- G. **Rental Agreements/Electric PILOT** - Historically the BOT has approved the Electric PILOT and department rental agreements on an annual basis. The existing rental agreements and Electric PILOT were effective for CY2023. The documents have been updated for CY2024 with two minor changes:
 - The dollar values were updated slightly based on number of customers for each department
 - The term was updated to keep the agreements in effect until the Board determines the rates are no longer appropriate. This maintains the agreements in effect and will not require the Board to approve them each year

Gina Lyon made a motion to approve the agreements for Electric PILOT, Electric Rent, Highway Rent, Water Rent, Wastewater Rent as presented. Marilyn Prue seconded. Motion carried.

- H. **Coin Drop Application** – The Board has received a coin drop application from the Orleans Fireman’s Association for August 31, 2024.

Gina Lyon made a motion to approve the Orleans Fireman’s Association coin drop application for August 31, 2024 pending changing the location to Glover Street in front of JP Sicard’s office building. Marilyn Prue seconded. Motion carried.

- I. **SQRP Results and Penalty** – Electric utilities are required to file a Service Quality and Reliability Plan (“SQRP”) with the Vermont Public Utilities Commission. The plan identifies certain standards that the utility must report each quarter.

VPPSA prepares this report for Barton Electric, submits it to the PUC each quarter and on an annual basis, calculates any penalties that may occur because of not meeting the standards as outlined in the plan. Located on the [Barton Village Website under agenda](#) is a copy of the annual report that VPPSA filed on May 14, 2024. There you will see that some standards were not met and therefore a penalty resulted. Per Barton’s SQRP, penalties are paid in the form of “community service projects.”

The utility must communicate the results of the report to its ratepayers and how the penalty was allocated.

The purpose of this memo is:

1. To provide the Board with the filing of the SQRP report and the results of that report a penalty of \$1,880 was assessed due to missed SAIFI and CAIDI targets
2. Request that the Village Board of Trustees determine how the SQRP dollars will be spent (a community service activity)

Once a decision regarding item #2 is determined, the notification to the customers can be developed and sent via bill stuffer as required by the PUC.

Gina Lyon made a motion to set up a line item under the Village Reserves and to have the assessed fine of \$1,880.00 split with 50% going to a Village Beautification fund, 25% to NEKO specifically for Thursday meals at the Memorial Hall, and 25% to the Barton Library. Marilyn Prue seconded. Motion carried.

- J. **Lien Release** - On January 8, 2024 a lien was placed on 3535 Pepin Road in Brownington for unpaid electric services totaling \$3,549.42. The property has recently been sold and Barton Village has been paid in full. The new owner has requested a lien discharge.

Gina Lyon made a motion to approve filing a lien discharge for 3535 Pepin Road in Brownington as presented. Marilyn Prue seconded. Motion carried.

DISCUSSION ITEMS:

- K. **Hydro Facility Project Update** – At the emergency Board of Trustees meeting on 08/16/2024, the new schedule of events was determined as follows:

- 08/16/2024 – BOT approved and signed the new Resolution for Hydroelectric Upgrades & Related Financing, Special Meeting Warning, and Official ballot with updated dates and language
- 08/24/2024 – Hydro facility open house from 9:00am to 11:00am
- 08/30/2024 – Absentee ballot available at Town Clerk's Office
- 09/09/2024 – Hydro facility informational meeting (before the Regular Board of Trustees Meeting)
- 09/19/2024 – Additional informational meeting (if more questions arise)
- 09/20/2024 – Bond vote via Australian ballot from 10:00am to 7:00pm in the BMB Hall

A 2nd open house of the Hydro plant will be set up to allow folks another opportunity to view the Hydro Plant. More to come on dates and times.

- L. **Flood Update** – FEMA DR-4810 declared on 08/20/2024. Vera LaPorte attended a virtual public assistance applicant briefing with Vermont Emergency Management (VEM) on 08/23/2024.

Bruce Melendy with Northeastern Vermont Development Association (NVDA) and members of STANTEC Engineering staff will be in the Village on 08/27/2024 to inspect culverts damaged by the 07/10/2024 storm. Special attention will be given to the concrete aqueduct along Lincoln Avenue.

Lincoln Avenue

- Currently looking into provenance of the aqueduct. It may have been installed as a response to a storm in 1883, but so far no records have been found.

Ball Field

- The ball field needs significant repair. DPW Utility Worker Garrett Heath has begun backfilling the washed out area and general cleanup.

High Street/St. Paul's Cemetery Access Road

- Eric Pope from VTrans inspected the High Street culvert and determined that it was undersized compared to the width of the stream. This will be addressed by FEMA Hazard Mitigation now that the disaster has been declared.

Pageant Park Road Culvert

- The culvert will be replaced when the seasonal campers have vacated.

M. Department Operations Updates

Electric Department

- After-hours on-call answering service – Will switch to Specialty Answering Service.
- Tariff rider draft has been reviewed by both the Board of Trustees and the OCFA Board. Steve Farman from VPPSA is currently drafting supporting testimony and will submit to the Public Utility Commission (PUC) once done.
- Hydro plant informational meeting is rescheduled to 09/09/2024 with the Australian ballot vote on 09/20/2024.

- Vera LaPorte to attend meeting on 09/11/2024 with fellow VPPSA members John Morley of Orleans Village and Jonathan Elwell of Lyndonville Electric to address some issues that all three utilities share, including tree-trimming, on-call service, and radio communications.

Wastewater Department

- Main lift station cleanout occurred on 08/22/2024 and went well.
- Mike Mainer with Aldritch & Elliott is digging more deeply into the Glover agreement. He will compile a list of thoughts and questions and attend a future meeting.
- Wastewater Facility Operator Nate Therrien is reviewing the new sewer ordinance and will provide his feedback at the regular Board meeting on 09/23/2024.
- The wastewater treatment facility continues to operate well and all reporting deadlines are being met.

Water Department

- The Vermont Bond Bank/ARPA Funds tier 1 applications for flood damage are currently being accepted. Tier 2 applications for age related defects will be accepted sometime in the fall.
- The new chlorine analyzer was installed on 08/14/2024 and is working well.
- The water treatment facility continues to operate well and all reporting deadlines are being met.

Highway Department

- Paving continues between flood recovery projects.
- Salt/sand shed – Barton Village has been awarded an additional \$138,900 in grant funding from the USDA Community Facility REAP Grant, bringing the total to \$231,900. An additional \$77,300 needs to be funded to complete the project.
- See Flood update for additional information.

Village Department

- School crossing signs – DPW Foreman Andrew Sicard needs to adjust the position of the signs/poles already in place and will do so once he returns from vacation on 08/28/2024.
- The Village received \$20,000 of the promised \$80,000 flood recovery funds from the FY24 Budget Adjustment Act. No news on when the rest can be expected.
- The BOT inspected Washington Terrace (TH422) on 08/21/2024 as part of the process of discontinuing the road. A report will be issued on their findings.
- The VT-ALERT contact survey was included in the 08/13/2024 water/sewer billing. The Office has received a handful of completed surveys every day since. Vera LaPorte and Gina Lyon will update the system weekly.
- Vera LaPorte will be attending an ordinance drafting class on 08/29/2024.
- Junky Yard Ordinance Violation follow-up letters sent. 155 High Street and 377 Park Street are still in violation as of 08/23/2024.
- UCONN-TAB presentation confirmed for 09/23/2024 meeting.
- See Flood update for additional information.

Regarding the Junk Yard Ordinance – The Trustees at a future meeting will review the Junky Yard Ordinance and Winter Parking Ban Ordinance regarding how they are executed, followed up on and fines served to the public.

OTHER ITEMS:

- N. **Other Business** – Concern over the student pick up changes for Barton Graded was brought up. Seems the school will be using Water Street for parents to line up to pick up their child. The concern is at the top of Water Street, such as how steep and narrow it is. If a car does not take a wide enough right hand turn to enter Water Street given the design of the road a car can easily ground out and generally stuck there and the possibility of cars backing up in front of E.M Browns entrance. Vera LaPorte will reach out to the school principal to open a dialog regarding this concern form the Village.

EXECUTIVE SESSION ITEMS:

- O. **Executive Session** - Legal Action: 1 V.S.A. § 313 (a)(1)(E) – None.
- P. **Executive Session** - Personnel: 1 V.S.A. § 313 (a)(3) – None.
- Q. **Adjourn** – Gina Lyon made a motion to adjourn. Marilyn Prue seconded the motion. Motion carried and the meeting adjourned at 7:31pm.

Upcoming Meetings:

Special Informational Hearing: 09/09/2024 (before Regular Board Meeting)

Regular Board Meeting: 09/09/2024

Special Village Meeting: 09/20/2024

Regular Board Meeting: 09/23/2024

Regina Lyon, Board of Trustees Chair

Barton Village, Inc.
PO Box 519
Barton, Vermont 05822
(802) 525-4747

Memorandum

To: Barton Village Board of Trustees
From: Crystal Currier
Date: 09/09/2024
Subject: Resolution-Ratification of USDA Grant Documents
Agenda: Agenda Item "F"

On November 27, 2023, Barton Village filed a second application with the USDA Community Facilities REAP Grant Program to fund the cost over-run for the Salt/Sand Shed Project. This application was reviewed by USDA in August and in order to receive approval, the Board Chair was required to sign a number of documents within a very short turnaround. The full packet of USDA documents as well as a Resolution that ratifies the actions of the Board Chair is attached for the Board's review and approval.

Board Resolution – Ratification of USDA Grant Documents
08.23.2024 USDA Letter of Application Approval
USDA Application for Federal Assistance SF-424
08.15.2024 USDA Request for Obligation of Funds RD 1940-1
08.15.2024 USDA Letter of Conditions
08.15.2024 USDA Letter of Accounting Compliance
08.15.2024 Certification of Compliance with Federal Requirements
08.15.2024 Letter of Intent to Meet Conditions
08.26.2024 Notice of Federal Interest
08.26.2024 Public Body Certificate of Organization
ACH Vendor Enrollment Form

Proposed Motion: Motion to approve the attached Resolution – Ratification of USDA Grant Documents, as presented.

Barton Village, Inc.
Board of Trustees Resolution
Ratification of USDA Grant Documents

WHEREAS, Barton Village Inc. filed an initial grant application with the USDA Community Facility's REAP program in March, 2022 to fund a Salt/Sand Shed project (the "Project"); and

WHEREAS, Barton received approval of the initial application in the amount of \$93,000; and

WHEREAS, the Project was delayed due to the COVID-19 pandemic and other inherent complications; and

WHEREAS, the delays resulted in a significant cost increase ("Cost Over-Run") for the Project; and

WHEREAS, Barton Village Inc. filed a second grant application with the USDA Community Facility's REAP program on November 27, 2023 to fund the Project's Cost Over-Run in the amount of \$138,900; and

WHEREAS, USDA reviewed Barton's application in August, 2024; and

WHEREAS, USDA required a number of documents be executed prior to approval, and

WHEREAS, the Board Chair executed such documents as required by USDA;

NOW, THEREFORE, be it resolved that the Board of Trustees hereby ratifies the actions previously taken by the Board Chair to execute the various USDA Grant Documents and further ratifies the attached executed documents as presented.

Adopted this 9th day of September, 2024

Certified By:

Secretary of the Board of Trustees

August 23, 2024

Regina Lyon, Board Chair
Barton Village, Inc.

Sent via email to: ginalyonbvt@gmail.com

Re: \$138,900 Community Facility REAP Grant
FY24 Salt and Sand Shed

Dear Regina:

Congratulations! This letter is your official notification that the United States Department of Agriculture (USDA) funding noted above has been approved. We are pleased to assist with the funding for this project.

USDA funding is subject to the conditions stated in our Letter of Conditions dated August 15, 2024. An executed copy of Form 1940-1, *Request for Obligation of Funds*, is enclosed for your records.

If you have any questions, please don't hesitate to contact Dianne Drown of our St Johnsbury Office at (802) 424-3159. The Area Office will be contacting you regarding the next steps in the process.

Sincerely,

**Sarah
Waring**

Digitally signed
by Sarah Waring
Date: 2024.08.20
14:26:10 -04'00'

Sarah Waring
State Director NH/VT
Rural Development
United States Department of Agriculture
Office: (802) 828-6066 | Cell: (802) 233-8497

Rural Development • Vermont & New Hampshire State Office
87 State Street, Suite 324 PO Box 249 Montpelier, Vermont 05601
Tel. (802) 828-6080 Fax (855) 794-3680 TTY 711

USDA is an equal opportunity provider, employer and lender

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Application for Federal Assistance SF-424

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		* 2. Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify) <input type="text"/>	
* 3. Date Received: <input type="text"/> Completed by Grants.gov upon submission.		4. Applicant Identifier: <input type="text"/>			
5a. Federal Entity Identifier: <input type="text"/>			* 5b. Federal Award Identifier: <input type="text"/>		
State Use Only:					
6. Date Received by State: <input type="text"/>		7. State Application Identifier: <input type="text"/>			
8. APPLICANT INFORMATION:					
* a. Legal Name: <input type="text"/> Barton Village, Inc					
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text"/> *****0363			* c. UEI: <input type="text"/> NGV5TG371CV4		
d. Address:					
* Street 1: <input type="text"/> P O Box 519		<input type="text"/>			
Street 2: <input type="text"/>		<input type="text"/>			
* City: <input type="text"/> Barton		<input type="text"/>			
County/Parish: <input type="text"/> Orleans		<input type="text"/>			
* State: <input type="text"/> Vermont		<input type="text"/>			
Province: <input type="text"/>		<input type="text"/>			
* Country: <input type="text"/> USA: UNITED STATES		<input type="text"/>			
* Zip / Postal Code: <input type="text"/> 05822		<input type="text"/>			
e. Organizational Unit:					
Department Name: <input type="text"/>			Division Name: <input type="text"/>		
f. Name and contact information of person to be contacted on matters involving this application:					
Prefix: <input type="text"/>		* First Name: <input type="text"/>			
Middle Name: <input type="text"/>		<input type="text"/>			
* Last Name: <input type="text"/>		<input type="text"/>			
Suffix: <input type="text"/>		<input type="text"/>			
Title: <input type="text"/>					
Organizational Affiliation: <input type="text"/>					
* Telephone Number: <input type="text"/>		Fax Number: <input type="text"/>			
* Email: <input type="text"/>					

Application for Federal Assistance SF-424

9. Type of Applicant 1 - Select Applicant Type:

Municipal

Type of Applicant 2- Select Applicant Type:

Type of Applicant 3- Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

11. Catalog of Federal Domestic Assistance Number:

10.766

CFDA Title:

*** 12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Village of Barton, Orleans County,

Add Attachments

Delete Attachments

View Attachments

*** 15. Descriptive Title of Applicant's Project:**

FY 24 Salt and Sand Shed Cost Overrun

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="\$138,900.00"/>
* b. Applicant	<input type="text" value="\$77,300.00"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text" value="\$93,000.00"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="\$309,200.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on .
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (if "Yes", provide explanation.)**

Yes No

If "Yes, provide explanation and attach.

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: * Date Signed:

REQUEST FOR OBLIGATION OF FUNDS

INSTRUCTIONS-TYPE IN CAPITALIZED ELITE TYPE IN SPACES MARKED () Complete Items 1 through 29 and applicable Items 30 through 34. See FMI.			
1. CASE NUMBER ST CO BORROWER ID 53-010-*****0363		LOAN NUMBER	FISCAL YEAR
2. BORROWER NAME Barton Village, Inc		3. NUMBER NAME FIELDS (1, 2, or 3 from Item 2)	
		4. STATE NAME Vermont	
		5. COUNTY NAME Orleans	
GENERAL BORROWER/LOAN INFORMATION			
6. RACE/ETHNIC CLASSIFICATION 1 - WHITE 2 - BLACK 3 - AI/AN 4 - HISPANIC 5 - A/PI	7. TYPE OF APPLICANT 1 - INDIVIDUAL 2 - PARTNERSHIP 3 - CORPORATION 4 - PUBLIC BODY 5 - ASSOC. OF FARMERS 6 - ORG. OF FARMERS 7 - NONPROFIT-SECULAR 8 - NONPROFIT-FAITH BASED 9 - INDIAN TRIBE 10-PUBLIC COLLEGE/UNIVERSITY 11-OTHER		8. COLLATERAL CODE 1- REAL ESTATE SECURED 2-REAL ESTATE AND CHATTEL 3 - NOTE ONLY OR CHATTEL ONLY 4 - MACHINERY ONLY 5 - LIVESTOCK ONLY 6 - CROPS ONLY 7 - SECURED BY BONDS 8 - RLF ACCT
10. SEX CODE 6 1 - MALE 2 - FEMALE 3 - FAMILY UNIT 4 - ORGAN. MALE OWNED 5 - ORGAN FEMALE OWNED 6 - PUBLIC BODY	11. MARITAL STATUS 1 - MARRIED 2 - SEPARATED 3 - UNMARRIED (INCLUDES WIDOWED/DIVORCED)	12. VETERAN CODE 1 - YES 2 - NO	9. EMPLOYEE RELATIONSHIP CODE 1 - EMPLOYEE 2 - MEMBER OF FAMILY 3 - CLOSE RELATIVE 4 - ASSOC.
14. DIRECT PAYMENT (See FMI)	15. TYPE OF PAYMENT 1 - MONTHLY 2 - ANNUALLY 3 - SEMI-ANNUALLY 4 - QUARTERLY	16. FEE INSPECTION 1 - YES 2 - NO	
17. COMMUNITY SIZE 1 - 10 000 OR LESS (FOR SFH AND HPG ONLY) 2 - OVER 10,000	18. USE OF FUNDS CODE (See FMI)		
COMPLETE FOR OBLIGATION OF FUNDS			
19. TYPE OF ASSISTANCE 2 4 2 (See FMI)	20. PURPOSE CODE	21. SOURCE OF FUNDS	22. TYPE OF ACTION 1 - OBLIGATION ONLY 2 - OBLIGATION/CHECK REQUEST 3 - CORRECTION OF OBLIGATION
23. TYPE OF SUBMISSION 1 - INITIAL 2 - SUBSEQUENT	24. AMOUNT OF LOAN	25. AMOUNT OF GRANT \$138,900.00	
26. AMOUNT OF IMMEDIATE ADVANCE	27. DATE OF APPROVAL MO DAY YR 8/15/2024	28. INTEREST RATE 0 %	29. REPAYMENT TERMS
COMPLETE FOR COMMUNITY PROGRAM AND CERTAIN MULTIPLE-FAMILY HOUSING LOANS			
30. PROFIT TYPE 1 - FULL PROFIT 2 - LIMITED PROFIT 3 - NONPROFIT			
COMPLETE FOR EM LOANS ONLY		COMPLETE FOR CREDIT SALE-ASSUMPTION	
31. DISASTER DESIGNATION NUMBER (See FMI)	32. TYPE OF SALE 1 - CREDIT SALE ONLY 2 - ASSUMPTION ONLY 3 - CREDIT SALE WITH SUBSEQUENT LOAN 4 - ASSUMPTION WITH SUBSEQUENT LOAN		
FINANCE OFFICE USE ONLY		COMPLETE FOR FP LOANS ONLY	
33. OBLIGATION DATE MO DA YR 8/15/2024	34. BEGINNING FARMER/RANCHER (See FMI)		

If the decision contained above in this form results in denial, reduction or cancellation of USDA assistance, you may appeal this decision and have a hearing or you may request a review in lieu of a hearing. Please use the form we have included for this purpose.

Position 2

ORIGINAL - Borrower's Case Folder COPY 1 - Finance Office COPY 2 - Applicant/Lender COPY 3 - State Office

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0062. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

CERTIFICATION APPROVAL

For All Farmers Programs

EM, OL, FO, and SW Loans

This loan is approved subject to the availability of funds. If this loan does not close for any reason within 90 days from the date of approval on this document, the approval official will request updated eligibility information. The undersigned loan applicant agrees that the approval official will have 14 working days to review any updated information prior to submitting this document for obligation of funds. If there have been significant changes that may affect eligibility, a decision as to eligibility and feasibility will be made within 30 days from the time the applicant provides the necessary information.

If this is a loan approval for which a lien and/or title search is necessary, the undersigned applicant agrees that the 15-working-day loan closing requirement may be exceeded for the purposes of the applicant's legal representative completing title work and completing loan closing.

35. COMMENTS AND REQUIREMENTS OF CERTIFYING OFFICIAL

Approval of financial assistance is subject to the Letter of Conditions dated August 15, 2024 and any subsequent amended Letter of Conditions.

"processed via terminal" dhd 08/15/2024

36. I HEREBY CERTIFY that I am unable to obtain sufficient credit elsewhere to finance my actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near my community for loans for similar purposes and periods of time. I agree to use the sum specified herein, subject to and in accordance with regulations applicable to the type of assistance indicated above, and request payment of such sum. I agree to report to USDA any material adverse changes, financial or otherwise, that occur prior to loan closing. I certify that no part of the sum specified herein has been received. I have reviewed the loan approval requirements and comments associated with this loan request and agree to comply with these provisions.

(For FP loans at eligible terms only) If this loan is approved, I elect the interest rate to be charged on my loan to be the lower of the interest rate in effect at the time of loan approval or loan closing. If I check "NO", the interest rate charged on my loan will be the rate specified in Item 28 of this form. YES NO

WARNING: Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

Date Aug 15, 2024

Regina Lyon, Board Chair (Signature of Applicant)

Date _____, 20____

(Signature of Co-Applicant)

37. I HEREBY CERTIFY that all of the committee and administrative determinations and certifications required by regulations prerequisite to providing assistance of the type indicated above have been made and that evidence thereof is in the docket, and that all requirements of pertinent regulations have been complied with. I hereby approve the above-described assistance in the amount set forth above, and by this document, subject to the availability of funds, the Government agrees to advance such amount to the applicant for the purpose of and subject to the availability prescribed by regulations applicable to this type of assistance.

BRANDI THOMPSON Digitally signed by BRANDI THOMPSON Date: 2024.08.15 17:21:51 -04'00' Brandi Thompson, CP Director (Signature of Approving Official)

Typed or Printed Name: Brandi Thompson

Date Approved: 8/15/2024

Title: Community Programs Director

38. TO THE APPLICANT: As of this date 8/23/2024, this is notice that your application for financial assistance from the USDA has been approved, as indicated above, subject to the availability of funds and other conditions required by the USDA. If you have any questions contact the appropriate USDA Servicing Office.

ATTACHMENT TO FORM 1940-1, REQUEST FOR OBLIGATION OF FUNDS

The grantee understands the requirements for receipt of funds under the Community Facilities Grant Program. The grantee assures and certifies that it is in compliance with all applicable laws, regulations, Executive Orders and other generally applicable requirements, including those set forth in Form RD 3570-3, "Agreement for Administrative Requirements for Community Facilities Grants," 7 CFR parts 3015, 3016 and 3019, as subsequently modified, and the letter of conditions issued August 1, 2024. The following conditions may apply if community facility grant funds were used to purchase equipment or obtain or improve real property:

The grantee understands that any property acquired or improved with Federal grant funds may have use and disposition conditions which apply to the property as provided by 7 CFR Parts 3015, 3016 or 3019 in effect at this time and as may be subsequently modified.

The grantee understands that any sale or transfer of property is subject to the interest of the United States Government in the market value in proportion to its participation in the project as provided by 7 CFR Parts 3015, 3016 or 3019 in effect at this time and as may be subsequently modified.

August 15, 2024

Regina Lyon, Board Chair
Village of Barton
17 Village Square
Barton, VT 05822

Subject: USDA Rural Development Community Facilities Grant
FY24 Salt & Sand Shed Cost Overrun - \$138,900.00

Dear Regina:

This letter establishes conditions which you must understand and agree to before further consideration may be given to your application. Any changes in project cost, source of funds, scope of services or any other significant changes in the project or applicant must be reported to and approved by Rural Development by written amendment to this letter.

Any changes not approved by Rural Development shall be cause for discontinuing processing of your application.

This letter is not to be considered grant approval or as representation of the availability of funds. The project may be completed on the basis of a Community Facilities Grant not to exceed \$138,900.00.

The grant will be considered approved on the date a signed copy of Form RD 1940-1, "Request for Obligation of Funds," is mailed to you.

Project Funding

Rural Development's grant is based on the following funding breakdown. Any significant changes in the funding must be approved by Rural Development.

Rural Development Community Facility Grant.....	\$138,900.00
Applicant Contribution.....	\$77,300.00
Previous RD Grant.....	\$93,000.00

Total.....\$ 309,200.00

Rural Development • Vermont & New Hampshire State Office
87 State Street, Suite 324 PO Box 249 Montpelier, Vermont 05601
Tel. (802) 828-6080 Fax (855) 794-3680 TTY 711

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If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Any applicant contribution shall be considered as the first funds expended. After providing for all authorized costs, any remaining Rural Development project funds will be considered to be Rural Development grant funds and refunded to Rural Development.

Applicant Organization

Rural Development assistance is being made available on the basis that the applicant is a legally organized public body and has provided Rural Development evidence in the form of a Certificate of Organization.

Grant Agreement

The appropriate officials are required to execute Form RD 3570-3, "Community Facilities Grant Agreement", at the time of grant closing. This agreement must be executed before grant funds are advanced.

Grant Agreement references completion of Forms SF 270 (or SF 271), SF 425, and SF-PPR. VT/NH Monthly Project Budget Form will be use as equivalent to Form SF 270 (or SF 271). Forms SF 425 and SF-PPR are to be submitted one year from obligation date or annually depending on the project duration.

The grantee understands that any property acquired or improved with Federal grant funds may have use and disposition conditions which apply to the property as provided by 7 CFR parts 3015, 3016 or 3019 in effect at this time and as may be subsequently modified. These CFRs are available at [eCFR :: Title 7 of the CFR -- Agriculture](#)

The grantee understands that any sale or transfer of property is subject to the interest of the United States Government in the market value in proportion to its participation in the project as provided by 7 CFR parts 3015, 3016 or 3019 in effect at this time and as may be subsequently modified. The CFRs are available at [eCFR :: Title 7 of the CFR -- Agriculture](#)

All grantees are also subject to the provisions of 7 CFR Part 3017. The CFR is available at [eCFR :: Title 7 of the CFR -- Agriculture](#)

Notice of Federal Interest

The grantee understands that any sale or transfer of property acquired or improved with Federal grant funds may have use and disposition conditions which apply to the property as provided by 2 CFR part 200 in effect at this time and as may be subsequently modified.

Disbursement of Funds

Rural Development grant funds will be disbursed on a monthly basis after all other funds have been expended.

To make grant funds available in a timelier manner, electronic funds transfer (EFT) will be utilized for funds disbursements. Complete and return the attached Enrollment Form SF-3881 to this office.

Mitigation Measures

Title to Facility

Title to all real property owned, or to be acquired, for the facility will be fee simple in the name of the applicant. Any other form of title must be approved by the Rural Development. Title acceptable to Rural Development or an option to purchase must be received prior to advertisement for construction bids.

Procurement Requirements

Grantee procurements (by purchase, rental or barter) of supplies, equipment and services must comply with Subpart S of 7 CFR, Part 3015, 3016, 3017, 3018 or 3019 as appropriate. These regulations addresses grantee standards of conduct, open and free competition, procurement methods, access to contractor records and equal employment opportunity requirements.

Any procurement contracts in excess of \$10,000 must contain a provision requiring compliance with Executive Order 11246 concerning equal employment opportunity.

A single procurement over \$25,000 must include competition in the selection process and price or rate quotations shall be obtained from an adequate number of qualified sources.

In addition, Form AD 1048, Certification Regarding Debarment -Lower Tier Transactions, must be completed and executed by each contractor(s) selected.

Accessibility

All facilities financed in whole or in part with Rural Development funds and which are accessible to the public or in which physically handicapped persons may be employed or reside, must be developed in compliance with the Uniform Federal Accessibility Standards.

Accessibility of existing facilities must be addressed. You must develop a "Self Evaluation Report" to determine whether the facility can accommodate the disabled. The self-evaluation is to be conducted with interested persons or organizations knowledgeable in accessibility issues. If barriers exist, a Transition Plan is required that specifies what remedial work will be done and when. Enclosed is an "Accessibility Plan Certification" and materials to assist you in completing your evaluation.

As an applicant and future recipient, you are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794). It provides in relevant

part as follows: "No otherwise qualified handicapped individual in the United States ... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Facility for Public Use/Equal Opportunity Requirements

Any facility that is constructed improved or purchased with federal funds and the services provided therein must be available for the benefit of the public at large without discrimination as to race, color, sex, national origin, disability, marital or familial status.

BUILD AMERICA, BUY AMERICA ACT (BABAA) (include if applicable) (Do Not Modify)

The Recipient must comply with the provisions of the Build America, Buy America Act (the "Act"). Pub. L. No. 117-58, §§ 70901-52, which was enacted on November 15, 2021. The Act requires that "none of the funds made available for a Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States." Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

- a. All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- b. All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- c. All construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

Materials and Equipment

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are

used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waiver Process

When necessary, recipients may apply for, and the Agency may grant, a waiver from these requirements. The Agency will notify the recipient for information on the process for requesting a waiver from these requirements. When the Federal agency has determined that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the Agency determines that:

- a. Applying the domestic content procurement preference would be inconsistent with the public interest;
- b. The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- c. The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The Agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver, as determined by the Agency.

Definitions (as applied in this condition only)

“Construction Materials” include an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

“Domestic Content Procurement Preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

Compliance

The Recipient must comply with the provisions of the Build America, Buy America Act (BABAA). Pub. L. No. 117-58, §§ 70901-52, which was enacted on November 15, 2021. By accepting these conditions, the Recipient attests that they or their designee(s) will maintain documentation for BABAA provisions to indicate compliance. Documentation may include, but is not limited to, authoritative statements, certifications, affirmations, sworn statements, daily logs, photographic material and other evidence indicating compliance. Documentation must be available and reviewable upon request.

Domestic Products

If the product(s) utilized in the project are determined to be domestic, the following is required:

- Evidence from the manufacturer that demonstrates compliance with BABAA, such as an authoritative statement or certification specific to the purchase,
- Sworn Statements by supervising contractors or licensed architects and professional engineers, as applicable.

Manufacturers

- For each item to which BABAA applies (every item permanently installed on the project, except for aggregate and aggregate binding materials),
 - a manufacturer’s certification letter or other document demonstrating compliance is required. It must, at a minimum, identify the item being certified (short written description as well as part number, if applicable) and affirm that the item complies with BABAA.
 - This document must be signed by an authorized company representative.
 - The manufacturer may submit a letter on letterhead or provide other evidence acceptable to the Agency.

Architects and Engineers (A/E)

- The need to comply with BABAA will be spelled out in agreements for A/E services, construction contracts, and procurement contracts. Generally, the A/E contract will include, as a basic service,

- and maintaining all BABAA documentation (particularly manufacturers' certifications) during construction, which shall be transferred to the recipient upon substantial completion of the project.
- The architect or engineer will need to certify to this action at the project's end.

Resident project representative (RPR) / Resident inspector (RI)

- As part of their duties, RPR/RI will be instructed to verify items delivered to the site and installed are accompanied by documentation of compliance with BABAA.
 - They will photograph items as appropriate.
 - RPR/RI daily logs and photographs will become part of the construction record and can be used as supporting information during audits, providing evidence for items that are buried or otherwise inaccessible.

Contractors

- The construction contract(s) will include a requirement to procure and install only items that comply with BABAA or are subject to a waiver approved by the Secretary of Agriculture or designee.
- The contractors are to provide manufacturers' certifications for all BABAA compliant items to the architect/engineer no later than with applications for payment.
- At substantial completion, the contractor will be required to certify that all items used on the contract complied with BABAA and that all manufacturers' certifications were provided to the architect/engineer.

Financial Reports

Within 60 days following the end of the fiscal year in which any grant funds were expended, financial statements consisting of a verification of the organization's balance sheet and statement of income and expenses must be provided to Rural Development.

The requirements for submitting an audit report are based upon the total amount of Federal financial assistance expended during a borrower's fiscal year from all Federal sources. An annual audit under the Single Audit Act is required if you expend \$750,000 or more in Federal financial assistance per fiscal year. A borrower is considered to have "expended" Federal financial assistance when: (a) Federal funds have been disbursed, either directly or as a subrecipient from a pass-thru entity; or, (b) when the organization has incurred expenditures that will be reimbursed with Federal funds; or (c) when interim financing is used.

System for Award Management (SAM) and Universal Identifier Requirements and Registration

In order for USDA RD to obligate funds, your SAM registration must be current. You, as the recipient, must ensure your registration and information are current in SAM (SAM.gov) until you submit the final financial report required under this award and all grants funds under this award have been disbursed or de-obligated, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term. Your current registration will expire on 11/13/2024. Please ensure it is renewed timely as failure to be current may prevent fund disbursements.

Suspension and Debarment Screening – You will be asked to provide information on the principals of your organization. Agency staff must conduct screening for suspension and debarment of the entity, as well as its principals through the Do Not Pay Portal.

- a. Principal –
 - i. An officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or
 - ii. A consultant or other person, whether or not employed by the participant or paid with federal funds, who –
 1. Is in a position to handle federal funds;
 2. Is in a position to influence or control the use of those funds; or,

Occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction. (2 CFR §180.995)

Press Release and Public Events

As this letter is not a commitment of Rural Development funds, no public announcement can be made until your formal letter of approval is received from the Rural Development State Director. If you plan to issue a press release, please let us know as RD may be planning to issue one and the effort should be coordinated. Our Public Information Officer, Kevin Lambert, may contact you for local feedback or quotes. If you plan to hold any events around groundbreaking or project completion, please contact Kevin at (802) 828-6080 or kevin.lambert@usda.gov, when you begin your planning to insure an RD representative can be present. Kevin may also be available to assist with planning your event.

Please complete and return the enclosed Form RD 1942-46, "Letter of Intent to Meet Conditions," and Form RD 1940-1, "Request for Obligation of Funds," if you desire that further consideration be given to your application. In signing Form RD 1942-46, you are agreeing to comply with the conditions outlined in this letter as soon as possible.

If the conditions set forth in this letter are not met or substantial progress achieved within forty-five (45) days from the date hereof, the Rural Development reserves the right to discontinue the processing of your application.

If you have questions please do not hesitate to contact me at Dianne.drown@usda.gov or 802-424-3159.

Sincerely,

Dianne H. Drown

Dianne H. Drown, Rural Development – VT/NH
United States Department of Agriculture
Office: (802) 424-3159 | Fax: (855) 794-3675
481 Summer Street, Suite 203
St Johnsbury VT 05819

Enclosures - Forms:

RD 1942-46, Letter of Intent to Meet Conditions
RD 1940-1, Request for Obligation of Funds
RD 3570-3, Community Facilities Grant Agreement
Notice of Federal Interest
SF 424

7 CFR Part 3015
7 CFR Part 3017
7 CFR Part 3019

(LOC Version 10/30/2020)

(Rev. 9/21/21; 11/17/21; 08/22/2022)

08/15/2024

Regina Lyon, Board Chair
Village of Barton
17 Village Square
Barton, VT 05822

Dear Ms. Lyon:

As part of the review of your preapplication for Rural Development assistance, we have reviewed your existing accounting system and find that it complies with the requirements of Rural Development.

As explained in the Letter of Conditions, a copy of your year-end financial report should be forwarded to this office each year during the life of grant.

If you have any questions, please call me at (802) 424-3159.

Sincerely,

Dianna H. Drown

Dianne H. Drown
Rural Development Specialist VT/NH
St Johnsbury Area Office, Rural Development
United States Department of Agriculture
481 Summer Street | Suite 203 | St. Johnsbury VT 05819
Phone: 802.424.3159 | Fax: 855.794.3675

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CERTIFICATION OF COMPLIANCE WITH FEDERAL REQUIREMENTS/LAWS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certifications included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the United States of America determines to award the covered transaction, grant, or cooperative agreement.

ELIGIBILITY CERTIFICATION

I hereby certify that the below signed applicant is unable to finance the proposed project from its own resources or through commercial credit at reasonable rates and terms.

No outstanding judgment has been obtained and recorded by the United States of America in a Federal Court (other than in the United States Tax Court).

(d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

DRUG-FREE WORKPLACE REQUIREMENTS (Form AD-1049)

As required by the Drug-Free Workplace Act of 1988, and implemented at 7 CFR Part 3017, Subpart F, Section 3017.600 for grantees.

A. The grantee certifies that it will provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing a drug-free awareness program to inform employees about-

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

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(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the terms of the statement; and

(2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a),(b),(c),(d),(e) and (f).

B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance: (Street address, city, county, State, zip code):

LOBBYING (Exhibit A-1 to Instruction 1940-Q)

As required by 7 CFR Part 3018 for persons entering into a grant, cooperative agreement or contract over \$100,000, or loan or loan guarantee over \$150,000, as defined at 7 CFR Part 3018, the undersigned certifies that to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, or Federal loan, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant or loan.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant or loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including contracts, subcontracts and subgrants, and loans) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

EQUAL OPPORTUNITY AGREEMENT (Form 400-1, Rev. 8/2022)

In consideration of financial assistance (whether by a loan, grant, loan guaranty, or other form of financial assistance) made or to be made by the USDA to Recipient, Recipient hereby agrees, if the cash cost of construction work performed by Recipient or a construction contract financed with such financial assistance exceeds \$10,000 - unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965.

1. To incorporate or cause to be incorporated into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

During the performance of this contract, the contractor agrees as follows:

- (a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available

to employees and applicants for employment, notices to be provided by the USDA setting forth the provisions of this nondiscrimination clause.

(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the USDA, advising the said labor union or workers' representative of the contractor's commitments under this agreement and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of all rules, regulations and relevant orders of the Secretary of Labor.

(e) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, rules, regulations, and orders, or pursuant thereto, and will permit access to his books, records, and accounts by the USDA Civil Rights Office, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by Law.

(g) The contractor will include the provisions of paragraph 1 and paragraph (a) through (g) in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the USDA may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the USDA, the contractor may request the United States to enter into such litigation to protect the interest of the United States

2. To be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the organization so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

3. To notify all prospective contractors to file the required 'Compliance Statement', Form RD 400-6, with their bids.

4. Form AD-425, Instructions to Contractors, will accompany the notice of award of the contract. Bid conditions for all nonexempt federal and federally assisted construction contracts require

inclusion of the appropriate "Hometown" or "Imposed" plan affirmative action and equal employment opportunity requirements. All bidders must comply with the bid conditions contained in the invitation to be considered responsible bidders and hence eligible for the award.

5. To assist and cooperate actively with USDA and the Secretary in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary, that will furnish USDA and the Secretary such information such as , but not limited to, Form AD-560, Certification of Nonsegregated Facilities, to submit the Monthly Employment Utilization Report, Form CC-257, as they may require for the supervision of such compliance, and that it will otherwise assist USDA in the discharge of USDA's primary responsibility for securing compliance.

6. To refrain from entering into any contract or contract modification subject to such Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by USDA or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order.

7. That if the recipient fails or refuses to comply with these undertakings, the USDA may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the organization under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such organization; and refer the case to the Department of Justice for appropriate legal proceedings.

ASSURANCE AGREEMENT (Form RD 400-4, Rev. 11-17)

As a condition of receipt of Federal financial assistance, you acknowledge and agree that you must comply (and require any subgrantees, subrecipients, contractors, successors, transferees, and assignees to comply) with applicable provisions of national laws and policies prohibiting discrimination, including but not limited to:

1. Title VI of the Civil Rights Act of 1964, as amended, which prohibits you from discriminating on the basis of race, color, or national origin (42 U.S.C. 2000d et seq.), and 7 CFR Part 15, 7 CFR 1901, Subpart E.

As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service) guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs [in accordance with USDA RD LEP Guidance for RD Funded (Assisted) Programs]. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. You are encouraged to consider the need for language services for LEP persons served or encountered both in developing your budgets and in conducting your programs and activities. For assistance and information regarding your LEP obligations, go to <http://www.lep.gov>;

2. Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating on the basis of sex in education programs or activities (20 U.S.C. 1681 et seq.)[as implemented by 7 CFR Part 15, 7 CFR 1901,Subpart E];

3. The Age Discrimination Act of 1975, as amended, which prohibits you from discriminating on the basis of age (42 U.S.C. 6101 et seq.) [as implemented by 7 CFR Part 15, 7 CFR 1901, Subpart E];

4. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits you from discriminating on the basis of disability (29 U.S.C. 794) [as implemented by 7 CFR Part 15, 7 CFR Part 15b, 7 CFR 1901, Subpart E];

5. Title VIII of the Civil Rights Act, which prohibits you from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 CFR part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units, i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators) be designed and constructed with certain accessible features, see 24 CFR Part 100.201; and

6. Titles II and III of the Americans with Disabilities Act, which prohibit you from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and 7 CFR Part 15, 7 CFR Part 15b, 7 CFR 1901, Subpart E.

You also acknowledge and agree that you must comply (and require any subgrantees, subrecipients, contractors, successors, transferees, and assignees to comply) with applicable provisions governing USDA Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service) access to records, accounts, documents, information, facilities, and staff:

1. You must cooperate with any compliance review or complaint investigation conducted by USDA Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service).

2. You must give USDA Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service) access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by Title VI, Title IX, Age, and Section 504 implementing regulations and other applicable laws or program guidance.

3. You must keep such records and submit to the responsible Department official or designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to ascertain whether you have complied or are complying with relevant obligations.

4. You must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

5. Make available to users, participants, beneficiaries and other interested persons such information regarding the provisions of this agreement and the regulations, and in such manner as the Rural Development or the U.S. Department of Agriculture finds necessary to inform such persons of the protection assured them against discrimination.

6. If, during the past three years, you (the recipient) have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, you must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements.

7. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against you, or you settle a case or matter alleging such discrimination, you must forward a copy of the complaint and findings to USDA Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service), Office of Civil Rights.

The United States has the right to seek judicial enforcement of these obligations.

You also acknowledge and agree that you must comply (and require any subgrantees, subrecipients, contractors, successors, transferees, and assignees to comply) with applicable provisions of program-specific nondiscrimination policy requirements found at CFR Part 15, 7 CFR Part 15 b, 12 CFR Part 202, 7 CFR 1901, Subpart E., DR4300-003, DR4330-0300, DR4330-005

Period of Obligation

In the case of any service, financial aid, covered employment, equipment, property, or structure provided, leased, or improved with federal assistance extended to the Recipient by Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service), this assurance obligates the Recipient for the period during which federal assistance is extended. In the case of any transfer of such service, financial aid, equipment, property, or structure, this assurance obligates the transferee for the period during which federal assistance is extended. If any personal property is so provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Recipient for the period during which the federal assistance is extended to the Recipient by Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service).

Employment Practices

Where a primary objective of the federal assistance is to provide employment or where the Recipient's employment practices affect the delivery of services in programs or activities resulting from federal assistance extended by Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service), the Recipient agrees not to discriminate on the grounds of race, color, national origin, sex, age, or disability, in its employment practices. Such employment practices may include, but are not limited to, recruitment, advertising, hiring, layoff or termination, promotion, demotion, transfer, rates of pay, training and participation in upward mobility programs; or other forms of compensation and use of facilities.

Data Collection

The Recipient agrees to compile and maintain information pertaining to programs or activities developed as a result of the Recipient's receipt of federal assistance from Rural Development

(Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service). Such information shall include, but is not limited to the following: (1) the manner in which services are or will be provided and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination; (2) the population eligible to be served by race, color, national origin, sex, age, and disability; (3) data regarding covered employment including use or planned use of bilingual public contact employees serving beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English; (4) the location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any person on the basis of prohibited discrimination; (5) the present or proposed membership by race, color, national origin, sex, age and disability in any planning or advisory body which is an integral part of the program; and (6) any additional written data determined by Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service) to be relevant to the obligation to assure compliance by recipients with laws cited in this assurance agreement.

Under penalty of perjury, the undersigned officials certify that they have read and understand their obligations as herein described, that the information submitted in conjunction with this Document is accurate and complete, and that the recipient is in compliance with the nondiscrimination requirements set out above.

Rights and remedies provided for under this agreement shall be cumulative.

FEDERAL COLLECTION POLICIES FOR CONSUMER OR COMMERCIAL DEBTS
(Form 1910-11)

The Federal Government is authorized by law to take any or all of the following actions in the event your loan payments become delinquent or you default on your loan:

Report your name and account information to a credit reporting agency.

Assess interest and penalty charges for the period of time that payment is not made.

Assess charges to cover additional administrative costs incurred by the government to service your account.

Offset amounts to be paid to you under other Federal Programs.

Refer your account to a private collection agency to collect the amount due.

Foreclosure on any security you have given for the loan.

Pursue legal action to collect through the courts.

Report any written off debt to the Internal Revenue Service as taxable income.

If you are a current or retired Federal employee, take action to offset your salary, or civil service retirement benefits.

Debar or suspend you from doing business with the Federal Government either as a participant or principal throughout the executive branch of the Federal Government for the period of debarment or suspension.

Any or all of these actions may be used to recover any debts owed when it is determined to be in the interest of the Government to do so.

CERTIFICATION: As the duly authorized representative of the applicant, I hereby certify the applicant will comply with the above applicable certification(s) and the project is consistent with area wide comprehensive development plans.

(Seal)

Village of Barton

(Name of Applicant)

Regina L. Lyon

(Signature of Authorized Entity Official)

Board Chair

(Title of Authorized Entity Official)

ATTEST:

Crystal Currier

(Signature of Attesting Official)

17 Village Square

(Address)

VPPSA Member Support Advisor

(Title of Attesting Official)

Barton, VT 05822

(City, State and Zip Code)

(Date)

(Rev. 8/23/17)

(Rev. 9/20/21)

LETTER OF INTENT TO MEET CONDITIONS

Date 08-15-2024

TO: United States Department of Agriculture

Rural Development

(Name of USDA Agency)

87 State Street, PO Box 249
Montpelier, VT 05601

(USDA Agency Office Address)

We have reviewed and understand the conditions set forth in your letter dated 08-15-2024 . It is our intent to meet all of them not later than 08-15-2025 .

Village of Barton

(Name of Association)

BY

Regina Lyon

Regina Lyon, Board Chair

(Title)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a persons is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015 and 0570-0062. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data. needed, and completing and reviewing the collection of information.

NOTICE OF FEDERAL INTEREST
UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Community Facilities

On 8/15/2024, the Rural Housing Service, an agency in the United States Department of Agriculture (Agency) awarded Grant No. _____ (Grant) in the amount of \$138,900.00 to Village of Barton Grantee). The Grant was awarded under the Community Facilities Grant Program (USC 1926(a)(19) and 7 CFR 3570 Subpart B) and provides funds for FY 24 Salt & Sand Shed Cost Overrun, which is located on the land described in Attachment A (Grant Property).

The Grant Program and applicable laws, regulations, Executive Orders and other generally applicable requirements, including but not limited to those set out in 7 CFR 3570 Subpart B, the applicable general provisions of 2 CFR 200, 2 CFR 400, 2 CFR 417, 7 CFR 3015, 3016 and 3019, 7 CFR 5001, and 7 CFR 1942 Subparts A and C, include conditions on use of the Grant Property and provides for a continuing, perpetual Federal interest in the Grant Property that is real property (including fixtures). Specifically, the Grant Property may not be:

- (1) used for any purpose inconsistent with applicable Program statutes and regulations governing the Grant under which the Grant Property was acquired;
- (2) mortgaged or otherwise used as collateral without the written permission of the Agency;
or
- (3) sold or transferred to another party without the written permission of the Agency.

These laws and regulations affect the use and disposition of the Grant Property.

These Grant conditions and requirements cannot be subordinated, diminished, nullified or voided through encumbrance of the property, a transfer of ownership or other violation of Grant requirements. In accordance with Program and Departmental Regulations, Agency approval is required, among other things, for any proposed change in usage, ownership, or use of the Grant Property for third-party collateral.

Inquiries regarding the Agency's interest in the Grant Property should be directed to:

Administrator
Rural Housing Service
1400 Independence Avenue, SW, Room 5014-S
Washington, DC 20250

This Notice of Federal Interest is acknowledged and agreed to by the undersigned Grantee on behalf of the Grantee and its successors in interest. All references to the Agency will include its successors in interest.

Grantee: Village of Barton

Signature: Regina Lyon

Typed Name: Regina Lyon

Title: Board of Trustees
Selectboard Chair

Date: 8/26/2024

(EXAMPLE OF NOTARIZED AFFIRMATION. THIS SHOULD BE CONFORMED AS NEEDED TO THE SITUATION OR STATE LAW.)

STATE OF VERMONT COUNTY OF ORLEANS On this 26th day of August, 2024, before me, the undersigned, a Notary Public for the County of Lamoille, (State), personally appeared before me and is known to be the person who executed this instrument on behalf of said Grantee, Regina Lyon, and acknowledged to me that he/she executed the same as their free act and deed in either their individual or other capacity described above.

Witness my hand and official seal.

Notary Public in and for the County of Lamoille, State of Vermont.

Crystal Currier
Expires 01/31/2025
Credential # 157.0006652


ATTACHMENT A

108 Municipal Lane, Barton VT

PUBLIC BODY CERTIFICATE OF ORGANIZATION

This is to Certify that Barton Village, Inc. was duly incorporated on November 21, 1874, in Act 168 (1874), pages 302-211, and has been in continuous existence since that date.

Dated this 26th day of August, 2024.



Elijah D. Emerson, Esq.

Primmer Piper Eggleston & Cramer PC
Attorney for Barton Village, Inc.

ACH VENDOR/MISCELLANEOUS PAYMENT ENROLLMENT FORM

OMB No. 1530-0069

This form is used for Automated Clearing House (ACH) payments with an addendum record that contains payment-related information processed through the Vendor Express Program. Recipients of these payments should bring this information to the attention of their financial institution when presenting this form for completion. See reverse for additional instructions

PRIVACY ACT STATEMENT

The following information is provided to comply with the Privacy Act of 1974 (P.L. 93-579). All information collected on this form is required under the provisions of 31 U.S.C. 3322 and 31 CFR 210. This information will be used by the Treasury Department to transmit payment data, by electronic means to vendor's financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Automated Clearing House Payment System.

AGENCY INFORMATION

FEDERAL PROGRAM AGENCY USDA - Rural Development		
AGENCY IDENTIFIER: USDA	AGENCY LOCATION CODE (ALC):	ACH FORMAT: <input type="checkbox"/> CCD+ <input type="checkbox"/> CTX
ADDRESS: 87 State Street		
PO Box 249 , Montpelier VT 05601		
CONTACT PERSON NAME: Barbara Petrie		TELEPHONE NUMBER: (802 828 6036
ADDITIONAL INFORMATION:		

PAYEE/COMPANY INFORMATION

NAME: Barton, Village of	SSN NO. OR TAXPAYER ID NO. 03-600363
ADDRESS: P.O. Box 519 17 Village Square	
Barton, Vermont 05822	
CONTACT PERSON NAME: Vera LaPorte	TELEPHONE NUMBER: (802) 525 4747

FINANCIAL INSTITUTION INFORMATION

NAME: Community National Bank	
ADDRESS: 103 Church Street A	
Barton, Vermont 05822	
ACH COORDINATOR NAME:	TELEPHONE NUMBER: (802) 525-3524
NINE-DIGIT ROUTING TRANSIT NUMBER: 011601029	
DEPOSITOR ACCOUNT TITLE: Barton Village Inc. Village Acct	
DEPOSITOR ACCOUNT NUMBER: 0509964113	LOCKBOX NUMBER:
TYPE OF ACCOUNT: <input checked="" type="checkbox"/> CHECKING <input type="checkbox"/> SAVINGS <input type="checkbox"/> LOCKBOX	
SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL: (Could be the same as ACH Coordinator) Julie Nelson	TELEPHONE NUMBER: (802) 525 4747

Barton Village, Inc.
PO Box 519
Barton, Vermont 05822
(802) 525-4747

Memorandum

To: Barton Village Board of Trustees
From: Vera LaPorte
Date: September 9, 2024
Subject: Ordinance Enforcement
Agenda: Agenda Item "G"

As the Board is aware, there has been a question regarding ordinance enforcement and escalation. According to 24 V.S.A. § 1974a and Section 1977 et seq., two officials must be appointed in the Vermont Judicial Bureau:

1. Custodial Official – Serves as the point of contact for all matters having to do with the Judicial Bureau. They will be responsible for keeping records, notifying issuing officials of court activities and receiving all communications having to do with municipal tickets.
2. Enforcement Official – Has ticket writing authority and collects/documents evidence of ordinance violations, such as proof of warning, photographs, detailed notes/reports, and witnesses. The Enforcement Official is the prosecutor when it comes to Judicial Bureau hearings and must attend when requested.

The Custodial Official and the Enforcement Official can be the same person, and there can be more than one Enforcement Official.

After appointing the Custodial Official and Enforcement Official(s), a letter must be sent to the Judicial Bureau containing the name(s) of the appointed official(s) and their date(s) of birth. The Judicial Bureau will then send a ticket book and envelopes to be used in the process of ordinance enforcement.

Proposed Motion: Motion to appoint Vera LaPorte as the Custodial Official and Enforcement Official to the Vermont Judicial Bureau for the purpose of enforcing Barton Village ordinances.

Barton Village, Inc.
PO Box 519
Barton, VT 05822
(802) 525-4747

09/09/2024

Vermont Judicial Bureau
PO Box 607
White River Junction, VT 05001

RE: Appointment of Custodial Officer and Enforcement Officer for municipal ordinances in Barton Village, VT

To Whom it May Concern,

The Barton Village Board of Trustees has appointed Vera LaPorte as the Custodial Officer and Enforcement Officer for the purpose of writing municipal tickets and enforcing ordinances in Barton Village, Vermont. Her contact information is as follows:

Name: Vera LaPorte
Address: 17 Village Square, PO Box 519, Barton, VT 05822
Phone: 802-525-4747
Email: businessmanager@bartonvt.com
DOB: 09/02/1978

Sincerely,

Regina Lyon
Chair, Barton Village Board of Trustees

Barton Village, Inc.
PO Box 519
Barton, Vermont 05822
(802) 525-4747

Memorandum

To: Barton Village Board of Trustees
From: Vera LaPorte
Date: September 9, 2024
Subject: General Ordinance Discussion
Agenda: Agenda Item "H"

ATV Ordinance

At the Regular Meeting on 07/08/2024, the Trustees expressed a desire to amend the Ordinance Establishing Transit Zones for All-Terrain Vehicles on Certain Village Roads to make all public highways within the village available to ATV travel. The draft amendment is included in this memo for BOT review. It is also currently undergoing review by the Vermont League of Cities and Towns (VLCT).

Water Ordinance

As the Board is aware, a question arose regarding whether Lawrence and Donna Cincotta should be paying for two water services at 37 Lincoln Avenue. At some point in the past two separate properties were assembled to create what is currently known as 37 Lincoln Avenue, hence the second water service. The water ordinance has this to say about services: "The water facilities were constructed from bond money approved by the voters. The payment for these bonds is based on all properties to which the service is provided regardless whether or not the services are utilized by the property. Accordingly, if a customer chooses to have the service shut off, the minimum monthly fee, as approved by the Board, will be charged by and is due to BVI." Since 37 Lincoln Avenue is now one property according to the land records and grand list, it may be reasonable to presume that it only requires one water service.

Noise Ordinance

Barton Village does not currently have an ordinance regulating noise and the Board of Trustees has been approached by a resident with the request to adopt one. According to 13 V.S.A. § 1022, "A person who, between sunset and sunrise, disturbs and breaks the public peace by firing guns, blowing horns, or other unnecessary and offensive noise shall be fined not more than \$50.00. However, this section shall not prevent a person employing workers, for the purpose of giving notice to his or her employees, from ringing bells or using whistles or gongs of such size and weight, in such manner, and at such hours

as the selectboard members of the town, the aldermen of the city, or the trustees of the village may prescribe in writing.” After some initial research, it appears that most noise ordinances in VT are largely subjective and should be carefully written. If the Board wishes to pursue this request it may be wise to involve an attorney with experience in the subject.

General Information

Whether an ordinance is adopted, amended, or repealed, the same statutorily prescribed process (24 V.S.A. § 1971) must be followed:

1. The Board of Trustees must adopt an ordinance in open session at a duly warned meeting.
2. The adopted ordinance must be entered into the meeting minutes and posted in at least 5 conspicuous places in the village.
3. Within 14 days of adoption, the full text of the ordinance (or a concise summary) must be published in the Chronicle. The publication in the Chronicle must include:
 - a. Village name
 - b. Village website address
 - c. Title or subject of the ordinance
 - d. Name, telephone number, and mailing address of a village officer who can answer questions and receive comments about the ordinance
 - e. Where the full text can be examined
 - f. Explanation of citizens’ rights to petition for a vote to disapprove the ordinance
4. Voters have 44 days to submit a petition signed by 5% of the qualified voters of the village for a village meeting (special or annual) to vote “to determine whether the voters will disapprove the ordinance or rule.” If a petition is received, the Board of Trustees must call a special meeting within 60 days from the date of its receipt. Voting will be from the floor unless voting by Australian ballot has already been decided. If the ordinance is not disapproved, it will take effect at the conclusion of the meeting or at a later date specified in the ordinance. If no petition is received, the ordinance will become effective 60 days after the date of its adoption, or at such time following the expiration of the 60 days as determined by the Board of Trustees.
5. The ordinance must be recorded by the village clerk in the village records.

Proposed Motion: None.

VILLAGE OF BARTON

AMENDMENT TO THE ORDINANCE ESTABLISHING TRANSIT ZONES FOR ALL-TERRAIN VEHICLES ON CERTAIN VILLAGE ROADS

Under the authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. § 2291 (4), and 23 V.S.A. § 3506 and § 3510, the Trustees of Barton Village hereby amend Section IV (A) of the Ordinance Establishing Transit Zones for All-Terrain Vehicles on Certain Village Roads by striking the same in its entirety, and replacing the same with the following:

All-terrain vehicles fully conforming to the requirements of 23 V.S.A. Chapter 31 may, in accordance with the provisions of 23 V.S.A. § 3506 (b)(1) of the Vermont Statutes Annotated, be operated on all public highways within the Village of Barton, in accordance with the requirements of 23 V.S.A. Chapter 31 of the Vermont Statutes Annotated as well as the requirements set forth in subparagraph (c) of this Section.

In all other respects, said Ordinance is hereby ratified and confirmed.

Date (Original)

Date (Amendment)

Board of Trustees

Village of Barton

Ordinance Establishing Transit Zones For All Terrain Vehicles On Certain Village Roads

Section I. Authority: Under authority granted in 24 V.S.A Chapter 59, 24 V.S.A. § ~~section~~ 2291 (4) and 23 V.S.A. ~~section~~ § 3506 and §3510, The Trustees of Barton Village hereby adopts the following ordinance regulating the manner and location of operation of all-terrain vehicles in approved transit zones within the Village.

Section II. Purpose: The purpose of this ordinance is to protect the health and safety of operators of all-terrain vehicles and of the residents of the Village and to protect the animals, property and environment of the Village.

Section III. Definitions:

- A. "all-terrain vehicle" or "ATV" means any non-highway recreational vehicle, except snowmobiles, when used for cross-country travel on trails or on any of the following or a combination thereof: water, snow, ice, marsh, swampland and natural terrain.
- B. "Operate" shall include any attempt to operate and shall be construed to cover all matters and things connected with the presence and use of all-terrain vehicles whether they be in motion or at rest.

Section IV. Operation:

- A. All-terrain vehicles may be operated only on the following Village roads:
 - 1. ~~Roaring Brook Road Bridge~~. Roaring Brook Rd. (Village Highway (VH) #4).
 - 2. Part of Glover Road (VH#2) ~~Route 16~~ from Roaring Brook Road Bridge, north to the #290 Glover Road property. ~~One Stop Market~~.
 - 3. Main. St. (VH #1/U.S. Route 5) from Northern Village Line southerly to Duck Pond Rd (VH #424).
 - 4. Church St. (part of VH#2) from Elm St. to Main St.
 - 5. Elm St. (VH#5) in its entirety.
 - 6. Eastern Avenue (VH#3) in its entirety.
 - 7. Pageant Park Road (VH#414) in its entirety.
- B. Vehicles may operate from 7 9am-9pm from 2nd 3rd-Saturday in May to October 1st
- C. All ATV's must be registered and operated according to the requirements of 23 V.S.A Chapter 31
- D. All vehicles must be insured at State minimum liability ratings.
- E. No one under 16 years of age may operate on Village Highways. a vehicle unless accompanied by a licensed adult driver.
- F. The speed limit while operating in these transit zones will be at posted regulatory speeds 20 mph and all ATV's must be in a single file, follow all traffic rules and control devices that apply to the Village highway.

G. DOT approved helmets are required while vehicles are in motion.

Section V. Penalties:

First offense..... \$100.00 ~~\$50.00~~ waiver fee \$50.00 ~~\$25.00~~
Second offense..... \$200.00 ~~\$100.00~~ waiver fee \$100.00 ~~\$50.00~~
Third and subsequent offense.....\$500.00 ~~\$200.00~~ waiver fee \$250.00 ~~\$100.00~~

Section VI. Enforcement:

This is a civil ordinance and shall be enforced by law enforcement officials through the Judicial Bureau.

Section VII. Severability:

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such findings shall not invalidate any other part of this ordinance.

Section VIII. Effective Date:

This ordinance shall become effective 60 days after its adoption by the Barton Village Trustees. If a petition is filed under 24 V.S.A Section 1973, that statute shall govern the taking effect of this ordinance.

8 / 25 / 2008

Date (original)

May 28, 2018

Date (revision)

/S/ Justin Barton-Caplan

/S/ Cathy Swain

/S/ Nathan Sicard

Barton Village Trustees

Adoption History:

1. Agenda item at regular Trustees Meeting held on 8/11/2008
2. Read and Approved at regular Trustees meeting on 8/25/2008 and entered in the minutes which were approved on 8/25/2008
3. Posted in public places on 8/26/2008
4. Notice of adoption published in the Chronicle newspaper on 8/27/2008 with notice of right to petition
5. other actions (petition,etc.)

Revision:

1. Revision made to Section IV, subsection "A" to include additional Roads to be open to ATV travel within the Village of Barton
2. Revision made to Section IV, subsection "B" to change the operating hours from 7am to 9 pm also the season date changed to 2nd Saturday in May to October 1st

Revised on

June 13, 1995

BARTON VILLAGE INC. (BVI)
WATER ORDINANCE

1. Purpose: The principal objective of this ordinance is to assure the provision to the inhabitants of Barton Village a supply of treated water in accordance with federal and state standards for domestic, sanitary, agricultural, commercial and industrial purposes, fire fighting, for supplying the Village with water for all lawful municipal purposes, to set up a system whereby present water users do not sacrifice any standard of service for the benefit of new users connecting to the system and to make certain that no one can take advantage of the system to the detriment of any other user.

2. Definitions: The terms "municipal", "Village" and "BVI" are used for Barton Village Inc. The term "Superintendent" is used for the Superintendent of the Water Department of BVI. The term "Board" is used for "Board of Trustees of BVI". Authorized agents include the Board, the Superintendent, BVI employees and any contractor hired to work on the water system.

3. Responsibility of Existing Users: The existing users are responsible for the funding of the required system maintenance and operation including general purpose local capital improvements or improvements required by federal or state laws and regulations. All other expansions, additions or proposed improvements that are required for or requested by new users will be the financial responsibility of those new users. After construction, testing and acceptance by the Village, these new expansions, additions, or proposed improvements shall become the property of the Village to the curb stop.

✓ The water facilities were constructed from bond money approved by the voters. The payment for these bonds is based on all properties to which the service is provided regardless whether or not the services are utilized by the property. Accordingly, if a customer chooses to have the service shut off, the minimum monthly fee, as approved by the Board, will be charged by and is due to BVI. The Board shall not authorize an individual well for any property to avoid this charge or for any purpose.

4. Commissioners of the Water Dept.: The commissioners of the Water Department shall be the Board who shall have the responsibility for setting the water rates and for the operation, control, maintenance, improvement and repair of the municipal water works, its appurtenances and all municipal property pertaining thereto.

5. Board's Plans and Records: The Superintendent, for the Board, shall keep on file in the Village Clerk's office, subject at all office hours to inspection by any person, such maps, plans and records as are available relating to the location of all reservoirs, mains, service pipes, valves and other fixtures in use by the Water Dept.

The Vermont Statutes Online

The Vermont Statutes Online does not include the actions of the 2024 session of the General Assembly. We expect them to be updated by November 1st.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 13 : Crimes and Criminal Procedure

Chapter 019 : Breach of the Peace; Disturbances

Subchapter 004 : Other Disturbances of the Peace

(Cite as: 13 V.S.A. § 1022)

§ 1022. Noise in the nighttime

A person who, between sunset and sunrise, disturbs and breaks the public peace by firing guns, blowing horns, or other unnecessary and offensive noise shall be fined not more than \$50.00. However, this section shall not prevent a person employing workers, for the purpose of giving notice to his or her employees, from ringing bells or using whistles or gongs of such size and weight, in such manner, and at such hours as the selectboard members of the town, the aldermen of the city, or the trustees of the village may prescribe in writing.

Barton Village, Inc.
PO Box 519
Barton, Vermont 05822
(802) 525-4747

Memorandum

To: Barton Village Board of Trustees
From: Vera LaPorte
Date: September 9, 2024
Subject: Flood Update
Agenda: Item "I"

FEMA DR-4810 declared on 08/20/2024. Vera LaPorte attended a virtual public assistance applicant briefing with Vermont Emergency Management (VEM) on 08/23/2024. No further action since.

Bruce Melendy with Northeastern Vermont Development Association (NVDA) and two members of STANTEC Engineering staff inspected various sites in the Village on 08/27/2024 with Business Manager Vera LaPorte and DPW Utility Worker Garrett Heath. Special attention was given to the concrete aqueduct along Lincoln Avenue. The STANTEC staff will issue a report on their findings and possible solutions in the coming weeks.

- **Lincoln Avenue**
 - Currently looking into provenance of the aqueduct. It may have been installed as a response to a storm in 1883, but so far no records have been found.
- **Ball Field**
 - The ball field needs significant repair. DPW Utility Worker Garrett Heath has begun backfilling the washed out area and general cleanup.
- **High Street/St. Paul's Cemetery Access Road**
 - Eric Pope from VTrans inspected the High Street culvert and determined that it was undersized compared to the width of the stream. This will be addressed by FEMA Hazard Mitigation now that the disaster has been declared.
- **Pageant Park Road Culvert**
 - The culvert can undergo replacement now that the campers have vacated.

No other updates at this time.

Proposed Motion: None.

Barton Village, Inc.
PO Box 519
Barton, Vermont 05822
(802) 525-4747

Memorandum

To: Barton Village Board of Trustees
From: Vera LaPorte
Date: September 9, 2024
Subject: Hydro Project Update
Agenda: Agenda Item "J"

Updated schedule of events:

- 08/30/2024 – Absentee ballot available at Town Clerk's Office
- 09/09/2024 – Hydro facility informational meeting (before the Regular Board of Trustees Meeting)
- 09/10/2024 – Federal Energy Regulatory Commission (FERC) inspection of hydro facility with project engineers Dubois & King
- 09/14/2024 – Second hydro facility open house at 250 Great Falls Road, West Charleston from 9:00am to 11:00am
- 09/19/2024 – Additional informational meeting at 6:00pm if some questions can't be answered at the 09/09/2024 meeting
- 09/20/2024 – Bond vote via Australian ballot from 10:00am to 7:00pm in the BMB Hall

Proposed Motion: None.

Football Falcons have rough season opener

by Matthew Wilson

NEWPORT — The Falcons met stiff competition on August 28 as they began their defense of last year's Division 2 football championship. The U-32 Raiders showed up with something to prove, and demonstrated that to North Country Union High School's new lineup and new coach. At evening's end, the Raiders prevailed by a score of 40 to 8.

North Country has seen a good bit of change since the 2023 season. Coach Lonnie Wade stepped down and his successor, John Guebara, has some big shoes to fill. Senior Hayden Boivin, has taken over as quarterback.

His patience and sportsmanship were put to the test on Thursday night when the Falcons faced U-32's Raiders.

From the start, the Raiders came out hitting hard. They chose to kick the ball after winning the coin toss and senior Jason Pelletier returned to just above the 35 yard line. The Falcons couldn't find much ground though, and the Raiders eventually found themselves on the offense when they intercepted a pass.

U-32's linebacker, Ayden Boyd, was a force for the Falcons to reckon with all through the night, plowing forward on offense and charging down opponents when playing defense. On offense and defense U-32 often piled in and pushed a player, forward with a horde Raiders at his back, shoving an opposing player trying to gain ground on offense.

The Raiders gained the end zone twice in the first quarter, but were able to make the extra point just once, leaving the score 0-13.

Boivin provided a ray of hope for the Falcons when he intercepted a pass in the Raiders' end zone, but North Country faced an aggressive **(Continued on page 23.)**



Senior Jason Pelletier dashes away for a touchdown after receiving the game's last kickoff. He allowed North Country to make sure it left the field with at least a few points on the scoreboard.

Photo by Matthew Wilson

STATE OF VERMONT
SUPERIOR COURT PROBATE DIVISION
ORLEANS UNIT DOCKET NO.: #24-PR-03842
IN RE: THE ESTATE OF: DUANE COLBURN

NOTICE TO CREDITORS

To the creditors of the estate of DUANE COLBURN, late of NEWPORT, VT.

I have been appointed to administer this estate. All creditors having claims against the decedent or the estate must present their claims in writing within four (4) months of the publication of this notice. **The claim must be presented to me at the address listed below with a copy sent to the court. The claim may be barred forever if it is not presented within the four (4) month period.**

Dated: 8/28/2024
Name of Publication: *the Chronicle*
Publication Date: 9/4/2024
Address of Court:
Vermont Superior Court Probate Division
Orleans Unit, 247 Main Street
Newport, VT 05855

Executor/Administrator:
Kassidy Colburn
390 Quaker Road
East Montpelier, VT 05651
802-371-7667
tmmymfrtn@yahoo.com

WARNING

The Orleans Snowstormers snowmobile club will hold its Annual Meeting election of officers and directors on **Tuesday, September 24, at 7 p.m.**, at the residence of Raymond Rodrigue, 48 Natural Hill, in Coventry.

Please call (802) 334-6179 for more info or directions.

All members are welcome.

NOTICE

BARTON VILLAGE, INC.

Due to unforeseen circumstances, we must re-warn the informational meeting and vote for the Hydroelectric Facility Project. The new schedule is as follows:

1. Open house with tour at the Hydroelectric Facility on August 24th from 9:00 a.m. to 11:00 a.m. We encourage all to attend to see the current state of the facility, what and why things must be done.
2. Absentee ballots will be available starting August 30th. Please contact the Barton Town Clerk's Office for these.
3. The informational meeting will now be held on September 9th at 6:00 p.m. in the downstairs hall of the Barton Memorial Building.
4. Voting will now be held on September 20th from 10:00am to 7:00pm in the downstairs hall of the Barton Memorial Building.

We apologize for the change of dates and thank you for your understanding. We are available for any questions or concerns at our regularly scheduled monthly meetings, which take place every second and fourth Monday starting at 6:00 p.m. in the downstairs Hall of the Barton Memorial Building. We encourage and welcome all to attend.

Thank you,
/S/ Regina Lyon, Trustee Board Chair
/S/ Marilyn Prue, Trustee
/S/ Ellis Merchant, Trustee

The **Town of Albany** is requesting bids for **Summer Roadside Mowing** to the following specifications:

- 1 pass (both ways) on all Class 2 Highways, approx. -16.04 miles.
- 1 pass (both ways) on all Class 3 Highways, approx. - 30.56 miles.
- Double Pass at intersections including all Class 4 intersections.
- Intersections mowed back to tree line where possible.
- All mowing to be a minimum of 5' width.
- Mowing to be completed: between July 15th - August 15th

Please submit bids based upon:
1-year contracted rate: _____
3-year contracted rate: _____
Brush/Small Tree removal on roadsides at hourly rate: _____

All Bids to include equipment description.
Proof of current insurance coverage required prior to contract award. The Albany Selectboard reserves the right to refuse any/all bids.

Please Submit bids to:
Town of Albany PO Box 284 or in person at the Town Clerk's Office 827 Main Street Albany, VT 05820 or by email at albanytct@gmail.com

Deadline to receive bids:
September 17, 2024 before 7pm at Town Clerk's Office

NOTICE

The Westmore Town Clerk's Office will have new hours effective the week of September 9, 2024. We will be open Monday, Tuesday, and Thursday from 9 a.m. to 4 p.m.

BARTON VILLAGE, INC.
HYDROELECTRIC FACILITY
OPEN HOUSE

Barton Village invites all Barton Electric ratepayers to an open house tour of its Hydroelectric Facility in West Charleston:

DATE: Saturday, September 14, 2024
TIME: 9:00 a.m. – 11:00 a.m.
PLACE: 250 Great Falls Road, West Charleston, VT

The Barton Village Hydroelectric Facility, FERC Project No. 7725-000, is located on the Clyde River in the Northeast Kingdom of Vermont. It has been providing clean, renewable energy for the customers of Barton Electric for more than 100 years. Both turbines at the generating plant can produce a combined maximum output of 1.25MW under ideal river flow conditions, amounting to roughly half of Barton's peak load.

Please join us for the opportunity to learn more about this historic and essential part of Barton Village's facilities.

Barton Village, Inc.
PO Box 519
Barton, Vermont 05822
(802) 525-4747

Memorandum

To: Barton Village Board of Trustees
From: Vera LaPorte
Date: September 9, 2024
Subject: Department Operations Updates
Agenda: Agenda Item "K"

Electric Department

- After-hours on-call answering service – May switch to Specialty Answering Service pending results of meeting on 09/11/2024 with Orleans Village and Lyndonville Electric.
- Tariff rider draft has been reviewed by both the Board of Trustees and the OCFA Board. Steve Farman from VPPSA is currently drafting supporting testimony and will submit to the Public Utility Commission (PUC) once done.
- Hydro plant informational meeting is rescheduled to 09/09/2024 with the Australian ballot vote on 09/20/2024.
- Vera LaPorte to attend meeting on 09/11/2024 with fellow VPPSA members John Morley of Orleans Village and Jonathan Elwell of Lyndonville Electric to address some issues that all three utilities share, including tree-trimming, on-call service, and radio communications.

Wastewater Department

- Mike Mainer with Aldritch & Elliott is digging more deeply into the Glover agreement. He will compile a list of thoughts and questions and attend a future meeting.
- Wastewater Facility Operator Nate Therrien is reviewing the new sewer ordinance and will provide his feedback at the regular Board meeting on 09/23/2024.
- Business Manager Vera LaPorte, Wastewater Facility Operator Nate Therrien, DPW Foreman Andy Sicard, and DPW Utility Workers Jeremiah Borsoi and Garrett Heath attended a meeting on 09/05/2024 with John Merrifield from ANR to conduct a collection system performance survey. This survey is designed as an "inventory" of the wastewater/stormwater collection system and highlight areas of improvement and process changes.
- The wastewater treatment facility continues to operate well and all reporting deadlines are being met.

Water Department

- The Vermont Bond Bank/ARPA Funds tier 1 applications for flood damage are currently being accepted. Tier 2 applications for age related defects will be accepted sometime in the fall.
- The water treatment facility continues to operate well and all reporting deadlines are being met.

Highway Department

- Paving continues between flood recovery projects.
- Salt/sand shed – Barton Village has been awarded an additional \$138,900 in grant funding from the USDA Community Facility REAP Grant, bringing the total to \$231,900. An additional \$77,300 needs to be funded to complete the project.
- The Village has received \$97,542.54 in FEMA reimbursement for road repairs stemming from the July 2023 flood.
- See Flood update for additional information.

Village Department

- School crossing signs – Additional parts have been ordered to install the signs.
- The Village received \$20,000 of the promised \$80,000 flood recovery funds from the FY24 Budget Adjustment Act. No news on when the rest can be expected.
- The BOT inspected Washington Terrace (TH422) on 08/21/2024 as part of the process of discontinuing the road. A report will be issued on their findings.
- The VT-ALERT contact survey was included in the 08/13/2024 water/sewer billing. The Office has received a handful of completed surveys every day since. Vera LaPorte and Gina Lyon will update the system weekly.
- Vera LaPorte attended an ordinance drafting class on 08/29/2024.
- Junky Yard Ordinance Violation – The follow-up letters sent will not be sufficient to track the violations with the Judicial Bureau and the enrollment in their ticketing system will be necessary.
- UCONN-TAB presentation confirmed for 09/23/2024 meeting.
- See Flood update for additional information.

Proposed Motion: None.