

Barton Village, Inc.
Regular Trustees Meeting

Monday, September 9, 2024

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

Attendance:

Gina Lyon (Chair), Marilyn Prue (Trustee), Ellis Merchant (Trustee), Vera LaPorte (Business Manager),
Jacqueline Laurion (Clerk), Matthew Wilson (The Chronicle)

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 23rd, 2024 at
<https://bartonvt.com/agenda-minutes/>

- A. **Call to Order:** Gina Lyon called the regular Trustee meeting to order at 7:38PM.
- B. **Changes to the Agenda/Additions or Deletions:** NONE.
- C. **Privilege of the Floor:** Jacqueline Laurion advised that there seems to be a misunderstanding with the Pageant Park Caretakers regarding that Pageant Park is still open for folks to use after Labor Day and they can't stop folks from entering the park. Vera LaPorte advised she had already addressed this with the Caretakers, and they understood the process after discussing it with them.

ACTION ITEMS:

- D. **Minutes from the Regular Board of Trustees Meeting August 26, 2024:** Gina Lyon made a motion to approve. Ellis Merchant seconded. Motion carried.
- E. **Bills and Warrants:** Will be reviewed as the meeting goes on to be approved and signed by the end of the meeting. Gina Lyon made a motion to approve the Bills and Warrants by the end of the meeting. Ellis Merchant seconded the motion. Motion carried.
- F. **Board Resolution – Ratification of USDA Grant Documents** - 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 to receive approval, the Board Chair was required to sign several 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 (Gina Lyon) is attached for the Board's review and approval.

Members of the public can view this in its entirety [here](#).

Gina Lyon made a motion to approve the resolution – Ratification of USDA Grant Documents, as presented. Ellis Merchant seconded; motion carried.

- G. **Ordinance Enforcement:** 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.

Gina Lyon made a 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. Ellis Merchant seconded the motion. Motion Carried.

DISCUSSION ITEMS:

- H. **General Ordinance Discussion:**

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 of whether 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.

Marilyn Prue stated concerns that by removing one water service this may open a can of worms with other properties that have more than one connection. A conversation took place that perhaps there could still be two-line items on the billing, and one is noted as the primary and the other is secondary with a minimum fee for primary and minimum fee for secondary nonuse line.

This will be moved to an action item for a future date.

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.

This will also be moved to an action item at a future date.

- I. **Flood Update:** 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 seasonal campers have vacated.

J. **Hydro Project Update:**

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 Barton Memorial Hall downstairs.

- K. **Department Operations Updates:** Full agenda with additional details on department operations can be found [here](#).

OTHER ITEMS:

- L. **Other Business:** Water Street being used for child pick up from Barton Graded. A few tweaks need to be made and hopefully this will only go on until Mid-October. This has taken place due to Glover grades K through 1st & second going to Barton Graded while repairs are being made to the Glover school.

Gina Lyon will draft a letter to the editor for the Hydro Plant improvements that are needed.

EXECUTIVE SESSION ITEMS:

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

Gina Lyon made a motion to go into executive session at 8:38pm pertaining to Legal Action. The board came out of Executive session at 9:05pm. Gina Lyon made a motion to approve the Client Authorization Form from VHB regarding the previous highway department garage site on Hight Street. Ellis Merchant Seconded. Motion carried.

- N. **Executive Session - Personnel: 1 V.S.A. § 313 (a)(3) – None.**

O. **Adjourn**- Gina Lyon made a motion to adjourn at 9:05pm Ellis Merchant seconded. Motion carried.

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