

Barton Village, Inc.
Regular Trustees Meeting

Monday, October 14, 2024

6:00 PM

Barton Village Memorial Hall

Attendance: Gina Lyon (Chair), Marilyn Prue (Trustee), Ellis Merchant (Trustee), Vera LaPorte (Business Manager), Patrick Hurley (Memphremagog Watershed Association), Mark Bannon (Bannon Engineering), Cindy Delano (Barton Community Giving Garden), Pam Kennedy (Barton Community Giving Garden)

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 November 11, 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 Special Informational Meeting September 19, 2024** – After review, Gina Lyon made a motion to approve the Minutes from the Special Informational Meeting September 19, 2024 as presented. Ellis Merchant seconded. All approved and the motion carried.
- E. **Minutes from the Regular Board of Trustees Meeting September 23, 2024** – After review, Gina Lyon made a motion to approve the Minutes from the Regular Board of Trustees Meeting September 23, 2024 as presented. Ellis Merchant seconded. All approved and the motion carried.
- F. **Bills and Warrants** – Gina Lyon made a motion to continue reviewing the bills and warrants throughout the meeting and approve at the end. Marilyn Prue seconded. All approved and the motion carried.
- G. **[The Memphremagog Watershed Association](#)** – Patrick Hurley from the Memphremagog Watershed Association (MWA) and Mark Bannon from Bannon Engineering presented to the Board of Trustees the final designs, draft operations and management plan, draft easement from

Solid Rock Assembly of God, site access agreement/license, and letter of support regarding the clean water project in Barton Village.

The plan is to tap into an existing catch basin at the corner of School Street and Church Street, install an underground hydrodynamic separating unit behind the Solid Rock Assembly of God church, and level spreader infiltration trench near the community garden to remove debris and allow for the treatment of stormwater runoff from approximately 7 acres within the Village before it reaches the Barton River and eventually Lake Memphremagog. The MWA will be responsible for all maintenance and cleaning of the project's appurtenances and paid for through grants, at no cost to the Village.

Construction for this project likely won't begin until summer of 2025.

After discussion, Gina Lyon made a motion to approve the letter of support for the MWA clean water project as presented. Ellis Merchant seconded. All approved and the motion carried.

- H. **Driveway Access Permit Application** – After discussion, Marilyn Prue made a motion to approve the driveway access permit application for access to 83 Redfield Road via Eastern Avenue. Ellis Merchant seconded. All approved and the motion carried.
- I. **Financial Reports for Period Ending 09/30/2024** – After review, Marilyn Prue made a motion to approve the Financial Reports for Period Ending 09/30/2024 as presented. Gina Lyon seconded. All approved and the motion carried.
- J. **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 Barton Village available to ATV travel 365 days a year. Whether an ordinance is adopted, amended, or repealed, the same statutorily prescribed process (24 V.S.A. § 1971) must be followed. According to this process, Gina Lyon entered the amendment into the meeting minutes by reading it aloud:

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) and Section IV (B) 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:

- (A) 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.

(B) All-terrain vehicles may operate from 7:00am to 9:00pm, 365 days a year.

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

The full text of the ordinance will be published in the Chronicle on 10/23/2024 and posted at the Barton Village Office, Post Office, Barton Public Library, C&C Supermarket, Community National Bank, and on bartonvt.com. Voters have 44 days to submit a petition to protest the amendment. If no petition is submitted, the amendment will take effect on 12/13/2024.

After review, Gina Lyon made a motion to approve the amendment to the Ordinance Establishing Transit Zones for All-Terrain Vehicles on Certain Village Roads as presented. Ellis Merchant seconded. All approved and the motion carried.

- K. **Truck Sander Purchase** – Due to concerns about how the salt will affect the utility bed of the 2024 GMC, this item has been tabled until 10/28/2024 when DPW Foreman Andy Sicard will be available to answer questions.

DISCUSSION ITEMS:

- L. **Barton Community Giving Garden** – Cindy Delano provided the Board with a brief update on the Barton Community Giving Garden’s activities for 2024. Some projects have been put on hold pending the start of the MWA project. They also reported that they had several new volunteers and requested guidance on whether it would be better to pay a local teen for mowing as a contractor or as a Village employee. Business Manager Vera LaPorte or Crystal Currier will look into it.

M. Flood Update

- 09/24/2024 – Received RIVER project recommendation from Stantec Engineering and NVDA. The only recommendation made was buying/elevating homes on Glover Road. FEMA is already aiding interested homeowners in this regard.
- 10/03/2024 – “Kickoff” call with VEM consultant.
- 10/09/2024 – Exploratory call with VEM/FEMA to go over Disaster Inventory. Recovery Scoping Meeting will be held approximately two weeks after.
- Aqueduct – Initial research by VT State Rail & Aviation Bureau indicates that it is not owned by the railroad. Stantec Engineering to send information on their findings/suggestions soon.
- Ball Field – More backfilling needed. Will involve the softball association about how they would like everything laid out.
- High Street – Currently accepting bids on guard rail replacement. None received at the time of the meeting. Will consider jersey barriers as temporary solution.
- Pageant Park Road – Currently accepting bids on culvert installation and will inform residents when work will take place.

- N. **Department Operations Update (Highlights)** – Full memo with additional details can be found at <https://bartonvt.com/agenda-minutes/>

- Electric Department
 - After-hours on-call service will be changed to New England Call Center.
 - Tariff rider is pending review with the PUC.
 - VPPSA General Manager Ken Nolan will attend the Regular Trustees Meeting on 11/11/2024 to continue discussion on AMI.
- Wastewater Department
 - Operating well and all reporting deadlines are being met.
- Water Department
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- Highway Department
 - Paving continues between flood recovery projects.
 - DPW Utility Worker Garrett Heath has been accepted to linemen school and will attend in May 2025.
- Village Department
 - Still shopping for school crossing signs.
 - Working on easement and final report in the Washington Terrace matter.
 - Municipal tickets have been received from the VT Judiciary and ordinance enforcement may continue.
 - Interviews for Lead Finance/HR position have concluded, and a decision on an offer is expected to be made after discussion.

OTHER ITEMS:

O. Other Business

- Gina Lyon asked about the status of the salt/sand shed project. Vera LaPorte informed her that it may be time to apply for the remaining funding required and send out requests for proposals (RFPs). Salt and sand deliveries have already been scheduled and will occur more frequently than they had in the past because the Village is now responsible for maintaining all its roads. The temporary salt/sand shed built by the Highway Department will have to be removed so the new permanent structure can be built. This likely won't take place until 2025.
- Gina Lyon stated that the sinking culvert on Eastern Avenue is rapidly getting worse. She expressed concern that ditching done on private property in the area may be contributing to its decline. Vera LaPorte will have DPW Foreman Andy Sicard investigate further.
- Gina Lyon asked about the repair status of Bethany Ford's property (damage resulting from water main leak/repair on Lincoln Avenue). Andy Sicard was supposed to have already cleaned and seeded the area. Vera LaPorte will confirm with him that the work was done.
- Gina Lyon reminded the Board that Representative Katherine Sims organized a tour of Barton with various state officials for the purpose of identifying areas/projects in need of funding. The tour is scheduled to begin at 9:00am on 10/18/2024. The full agenda for the tour can be found at <https://bartonvt.com/agenda-minutes/>.

- Gina Lyon asked the Board to consider possible dates for a simple public celebration acknowledging the 150th anniversary of the Village's incorporation. 11/16/2024 and 11/23/2024 were suggested as possibilities.

Gina Lyon made a motion to enter executive session for the purpose of discussing Legan Action – 1 V.S.A. § 313 (a)(1)(E) and Personnel – 1 V.S.A. § 313 (a)(3) at 8:05pm. Ellis Merchant seconded. All approved and the motion carried.

The Board came out of executive session at 9:43pm with the following action taken:

EXECUTIVE SESSION ITEMS:

- P. **Executive Session - Legal Action: 1 V.S.A. § 313 (a)(1)(E)** – In the matter of *Paul Sicard and Marsha Sicard, as Trustees of the Family Trust v. Dennis Hendy, Diana Davis, Dennis Hayden, Nathan Sicard, Nicholas Lussier, Stephanie Lussier, Craig Fowler, Betty Jane Fowler, Ramona Lisa McCarthy, Ian Waters, Deborah Waters, David Snedeker, Johanna Snedeker, Duane Prue, Marilyn Prue and Village of Barton, Inc.*, Vermont Superior Court, Orleans Unit, Case No. 23-CV-03070.

On September 30, 2024, a Mediation Settlement Agreement was reached by the parties in the above-referenced matter. The Mediation Settlement Agreement was signed by all parties on September 30, 2024 and was signed on behalf of the Village of Barton by Regina Lyon, subject to the condition that the said Mediation Settlement Agreement be ratified by this Board. The Board hereby ratifies the Mediation Settlement Agreement, executed by Regina Lyon on September 30, 2024.

Gina Lyon noted that Marilyn Prue recused herself in the ratification process as a trustee as she was also named as a defendant in this case.

Gina Lyon made a motion to approve the Ratification of the Mediation Settlement Agreement as presented. Ellis Merchant seconded. All approved and the motion carried.

- Q. **Executive Session - Personnel: 1 V.S.A. § 313 (a)(3)** – Gina Lyon made a motion to direct Vera LaPorte to extend an offer of employment to the preferred candidate for the Lead Finance/HR position. Ellis Merchant seconded. All approved and the motion carried.
- R. **Adjourn** – Gina Lyon made a motion to adjourn. Ellis Merchant seconded. All approved and the motion carried.

The meeting adjourned at 9:45pm.

Upcoming Meetings:

Regular Board Meeting: 10/28/2024

Regular Board Meeting: 11/11/2024