

Town of Ferrisburgh Selectboard Minutes July 15, 2014

Members present: Jim Benoit, Steve Gutowski, Loretta Lawrence, Sally Torrey, Jim Warden

Town officials present: Gloria Warden, town clerk; Garrit Smits, town treasurer

Visitors present: Tim Bicknell, Carl Cole, Tim Davis, Tom Denecker, Andy Kirkaldy, Bernie Loven, Bob McNary, Mike Muir, Janet Oosterman, Karen Pettersen, Bessie Sessions

1. Call to order

Loretta Lawrence called the meeting to order at 6:00 p.m.

Steve Gutowski made a motion for the board to go into executive session to meet with Jim Carroll, town attorney, and John Bull, road foreman, regarding litigation. Seconded by Jim Benoit. All voted in favor. MOTION PASSED.

Jim Warden made a motion to leave executive session at 6:26 p.m. Steve Gutowski seconded. All voted in favor. MOTION PASSED. No action taken.

The board was asked to amend its agenda for July 15 by adding an item to 7. Other business: Letter from Agency of Natural Resources re: posting of stormwater discharge permit. Jim Warden made a motion to amend the agenda. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Loretta Lawrence reminded visitors that they should save any comments they might have until the public comment section of the meeting.

2. Approve minutes

Steve Gutowski made a motion to approve the minutes of July 1, 2014, with the following changes: adding John Bull to the list of visitors; and amending the description of Steve Gutowski's motion on the parking ordinance to include the correction of a typo in Section 5 ("singage" to "signage") of the ordinance, and the addition of the selectboard as the authority for appeals in Section 8. Sally Torrey seconded. All voted in favor. MOTION PASSED.

Steve Gutowski made a motion to approve the minutes of a special meeting on July 8, 2014, as submitted. Jim Benoit seconded. Jim Benoit, Steve Gutowski, Loretta Lawrence and Sally Torrey voted in favor. Jim Warden abstained. MOTION PASSED.

3. New business

(a) Martha Davis — discussion of recreational facility project on school property. Martha Davis and Tim Bicknell, representing the group planning to construct a combination basketball court/skating rink on school property across from the highway garage, said that they had scaled down their project somewhat because of the cost of materials, and had decided to put down an asphalt surface, rather than concrete, because of the nature of the soil at the chosen site. They plan to put the project out to bid in the next few weeks, and begin work at the site in September. In response to board member questions, they said that a standing committee would be working to raise money every year for maintenance, and hoped that by building the surface correctly the first time, future maintenance would be minimized; that they expect it will be easier to raise

money for maintenance once the facility is in place; that the supervisory union's insurance would cover the facility; and that the only structure at the site would be a small shed/warming hut, 20 feet by 10 feet.

(b) Set tax rate 2015 fiscal year. The board received the proposed education and municipal tax rates for the 2015 fiscal year. Loretta Lawrence read the proposed rates for FY15 and the actual rates for FY14:

	FY15	FY14
Residential Education Tax Rate	\$1.5557	\$1.2947
Municipal Tax Rate	\$0.2336	\$0.2527
Residential Tax Rate	\$1.7893	\$1.5474
Non-residential Education Tax Rate	\$1.4851	\$1.3154
Municipal Tax Rate	\$0.2336	\$0.2527
Non-residential Tax Rate	\$1.7187	\$1.5681

Steve Gutowski made a motion to set the residential and non-residential tax rates for the 2015 fiscal year at the proposed levels. Sally Torrey seconded. All voted in favor. MOTION PASSED.

(c) Tom Denecker — Act 250 permit — Route 22A and Route 7 town property. Tom Denecker appeared to update the board on his efforts to build a General Motors dealership on land at the junction of Route 7 and Route 22A. Denecker and the town, which owns the land, signed a purchase and sales agreement in October 2013. He said he submitted an Act 250 permit application on May 20, 2014, and that he had received a letter from the state on May 27 listing a number of objections to the application. He said he had used the time since then to develop responses to those objections, and had sent a letter that day (July 15, 2014) with what he hoped would be enough information “to make (the project) plausible to the State of Vermont so we can continue our journey.” Loretta Lawrence thanked Denecker for the update and urged him to keep the board informed as discussions with the state proceed.

(d) Janet Oosterman — upstairs hall rental issue. Janet Oosterman, former town clerk, wrote a letter to the board about her recent experience renting the upstairs hall for two hours for a baby shower for her daughter. Ms. Oosterman appeared at the meeting to discuss the letter. She said it was her feeling that paying \$100 per hour, a total of \$200, to rent the hall was excessive, particularly given the lack of air conditioning on a hot day. Board members expressed sympathy, but were not willing to waive or discount the fee, saying that the hall had been rented at that rate for several years, and that no other discounts had been granted. They also pointed out that they would be deciding at that night's meeting on a vendor for installing air conditioning in the upstairs hall.

(e) Roberto Barbier, Middlebury College — tick surveillance in Municipal Forest. The town received a letter from Roberto Barbier, a student at Middlebury College, about collecting ticks from the Municipal Forest to be tested for Lyme Disease, as part of a larger project designed to establish what percentage of ticks in Addison County are carrying the disease. Crag Heindel of the conservation commission is getting in touch with the student about how and when he can access the town forest, and the town will seek a “hold harmless” agreement from Middlebury College.

(f) Robert Peisch, health officer — resignation. The town received a letter from Robert Peisch, health officer, saying that his three-year term expires in August 2014 and informing the board that he would not be seeking appointment to another three-year term. Steve Gutowski made a motion to acknowledge Robert Peisch's work as health officer and his decision not to seek another term. Jim Benoit seconded. All voted in favor. MOTION PASSED. A letter thanking

Mr. Peisch for his six years of service as health officer will be drafted, and the town will advertise for his successor.

4. Selectboard old business

(a) Finalize list for meeting with Bread Loaf. The board will meet with Bread Loaf Corporation, general contractor for the town hall reconstruction, on August 5, 2014, about issues with the building. The list includes: damaged roof slates; a rusting chimney cap; siding that is warped or buckling; window weather-stripping; stone retaining walls underneath the front entrance; corner joints on the front porch; and some heating and air conditioning glitches. The schedule calls for a walk-around and discussion starting at 6 p.m., before the regularly scheduled selectboard meeting.

(b) Carl Cole — Union Meeting Hall update. Carl Cole reported the electrical work on the Union Meeting Hall is under way, and should be completed by early next week.

(c) Grange/Town Hall — roof update. Carl Cole reported that he was continuing to communicate with Camara Slate Products from Fair Haven, Vt., about repair work on the town hall roof. He also said Camara recommended he contact Alpine Snow Guards, a firm in Morrisville, Vt., about the possibility of installing a short fence along the eaves of the building that could collect any slates that were dislodged. He hoped to have more information from both firms to share with the board before it meets with Bread Loaf in August.

5. Public comment

Mike Muir suggested that the town allow the school to keep the land on which the new recreational facility will be built, since it appears the supervisory union is going to cover insurance for the facility. The town and the school formed a committee to discuss transferring land from the school to the town. He also suggested that \$100 per hour was a lot to charge for rental of the upstairs hall, particularly if it's not air conditioned.

Bob McNary said the town's Energy Committee would like to rent a booth at the Vergennes Day event. He has been given a special rate of \$25 for the booth (the price is usually \$50) and asked the town to cover the cost. He agreed to write a check and the town agreed to reimburse him.

Bob McNary asked when the recreational facility will be open, and who would be policing it. Board members expected to know more once the facility is closer to completion.

Bob McNary suggested the town check its insurance policy for the Union Meeting Hall to make sure it covers the full value of the recently renovated building.

6. Selectboard to approve or sign

(a) Parking ordinance — vote to adopt and sign. Jim Warden made a motion to approve the town's new parking ordinance. Jim Benoit seconded. All voted in favor. MOTION PASSED. All board members signed the new ordinance.

1. Approval to have citations printed. Steve Gutowski made a motion to order ticket books to be used in enforcing the parking ordinance, up to five books of tickets for a total of \$221.40. Sally Torrey seconded. All voted in favor. MOTION PASSED.

(b) Mechanical systems bid for highway garage — approve bid. Jim Warden made a motion to approve a bid from Vermont Mechanical of \$156,902 for the mechanical systems at the new town highway garage, which was the lowest of three bids received. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

(c) Electrical bids for highway garage — approve bid. Steve Gutowski made a motion to approve a bid from Sherwin Electric of \$86,837 for the electrical work on the highway garage project, which was the lowest of three bids received. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(d) Second floor town hall air conditioning — select and approve proposal. Jim Warden made a motion to approve the bid of \$10,570 from Mountain Air Systems to complete the installation of an air conditioning system on the second floor of the town hall. This was the lower of two bids received. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

(e) Second floor town hall air conditioning electric hook-up — select and approve proposal. Steve Gutowski made a motion to accept option two of RCI's bid, for a total of \$1,500, on the electrical connections needed for the air-conditioning system. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(f) Town Hall — preventative maintenance contract — select and approve PM contract. Steve Gutowski made a motion to approve a preventative maintenance contract for heating and air conditioning with Mountain Air Systems, calling for biannual service visits for a total of \$1,458 each year. This was the lower of two bids received. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(g) Lake Champlain Maritime Museum — malt and vinous permit for July 19. The board received a request for a malt and/or vinous serving permit from the Lake Champlain Maritime Museum for an event on July 19, 2014, at the museum's Owen Gallery. Sally Torrey made a motion to approve the permit. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(h) Eastern Tandem Rally cycling event — Thursday, July 17, through Sunday, July 20, 2014. The town sent its cycling event form letter to the organizers of the Eastern Tandem Rally.

(i) Selectboard warrant. Jim Benoit made a motion that the board approve warrants for a total of \$35,589.89. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

7. Other business

(a) VT DEC-Watershed Management — Shoreland development: When do you need a permit? Local residents Tim Davis, who has worked with the Addison County Regional Planning Commission, and Karen Pettersen, who is on the Ferrisburgh Conservation Commission, attended a meeting about the state's new Shoreland Protection Act, which took effect July 1, 2014, and requires permits for many projects within 250 feet of the mean water level of lakes and ponds in Vermont of more than 10 acres in size. They reported that under the act, municipalities can apply for "delegation" to administer permits for construction and clearing in the protected lakeshore zone; under the law, the state is required to enter into delegation agreements with municipalities whose bylaws or ordinances are deemed to be "functionally equivalent" to the state standards.

(b) Planning Commission notice to abutters — subdivision on west side of the town hall property — Hinsdale. The town has been notified, as an abutting property owner, of the intention of Clark Hinsdale III to subdivide a parcel that borders on both town and school land. This subdivision, if approved, would include a 2.2-acre piece of property adjacent to town land; Hinsdale has offered to sell the parcel to the town, and the board voted at its May 6 meeting to pursue negotiations with Hinsdale.

(c) Stitzel Page & Fletcher PC — open meeting law changes effective July 1, 2014. The town received a letter from this law firm outlining recent changes to the state's open meeting law.

(d) Letter from Agency of Natural Resources re: posting of stormwater discharge permit. The town received a notice from the Agency of Natural Resources about an authorization to discharge stormwater runoff from a Vermont Agency of Transportation maintenance facility in North Ferrisburgh. The permit notice is to be posted in the town offices from July 14-23.

Loretta Lawrence reported on further discussions about a Ferrisburgh Day celebration later this year, including a meeting on July 14, 2014. She asked the board to authorize \$600 for expenses related to holding the celebration, to come from the town's contingency fund. Sally Torrey made a motion that the town be allowed to use up to \$600 from the contingency fund for Ferrisburgh Day. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

Bernie Loven presented the board with a petition that he said included more than 150 signatures, requesting that the town not change its rules on junkyards without a town-wide vote.

8. Correspondence

(a) Delinquent dog licenses — 23 second notices were mailed to owners.

(b) Elections workshop — July 24, 2014.

(c) VT Dept. of Public Safety Advisory Board meeting — July 23, 2014, 6 p.m. at State Police barracks.

(d) VT Public Service Board— memorandum of revisions to its Amended Standards and Procedures order.

(e) Counseling Service of Addison County — thank you for funding for 2014.

(f) VT Dept. of Environmental Conservation — VT's Universal Recycling Law (Act 148).

(g) VT Program of Development Div-205 Municipal Park & Ride Grant Program.

(h) VT Public Service Board — new comment period for application of Sun CSA 3, LLC.

9. Adjournment

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Tim Etchells