

**Town of Ferrisburgh  
Selectboard Minutes  
August 5, 2014**

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

**Town officials present:** Gloria Warden, town clerk; Garrit Smits, town treasurer; Ken Wheeling, zoning administrator

**Visitors present:** Sarah Beers, Mike Capra, Susan Carter, Carl Cole, Patricia Connelly, Rena Diana, Betsy Etchells, Ted Ferris, Virginia Ferris, Suzanne Germain, Patty Gibson, Toby Goldsmith, Chris Hindes, Brian Huber, Martha Huber, Arlene Jackman, Don Johnston, Ron Kampner, Patricia Jackman Kellogg, Cathie Keenan, Clarke Keenan, Andrea Kerin, Paul Kerin, Rejean LaFleche Sr., Jane Lazorchak, Bill Mazeine, Marcia Mazeine, Bob McNary, Mike Muir, Chris O'Donnell, Charles Piasecki, Jeanne Peters, Peter Prezzano, Mildred Reardon, Tim Ryan, Bill Scott, Bessie Sessions, Paul Stanilonis, Peggy Stanilonis, Wayne Stearns Jr., Bill Sullivan, Peter Tomasi, Christine Turner, Preston Turner, Jeff Tweedy, Bonnie Weiss, Tom Weiss, Lee Weisman, Peter Weld, Malcolm Willard, Roger Williams, Vicki Williams, Lynn Zinke

**1. 6 p.m. special meeting**

Loretta Lawrence called the special meeting to order at 6 p.m. The board then spent half an hour talking and touring the town hall, inside and out, with Chris Huston and John Johnston from Bread Loaf Corporation, the contractor for the town hall reconstruction. Steve Gutowski started the discussion by listing issues that have arisen with the building, including rusty and damaged roof slates, a rusting chimney cap, buckling of stone walls north and south of the front entrance, corner joints on the front porch, warped and bucking siding and pilasters on the first floor exterior walls, window weatherstripping, and HVAC issues. After a brief discussion and a walking tour, the Bread Loaf representatives said they were already working on some of the issues and would be looking into all of them. The board thanked them for visiting and Steve Gutowski said he would follow up with Bread Loaf in a week.

**2. 6:30 p.m. regular meeting**

Loretta Lawrence called the regular meeting to order at 6:30 p.m. She reminded visitors to save any comments they might have until the public comment section of the meeting.

**3. Approve minutes**

Jim Warden made a motion to approve the minutes of July 15, 2014, as submitted. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

**4. New business** [Note that item (b) under "New business" was handled first.]

**(b) Andrea Kerin — Mile Point — air cannon noise from crop protection.** More than 40 residents of the Mile Point, Kimball Dock and Sunset Lane areas of town appeared at the meeting to bring to the board's attention a dispute that has arisen between a large group of property owners and local farmer Wayne Stearns Jr. Andrea Kerin read a one-page statement on behalf of the concerned residents, and presented paperwork she had compiled in regard to the situation. Stearns has been using a propane cannon in an effort to keep birds out of his sweet corn. Residents said they understood the need for Stearns to protect his crop, but felt that the frequency and the volume of the cannon shots created a nuisance that was affecting the lives, and threatening the health, of his neighbors. Residents have suggested other ways to keep the birds at bay, and Stearns said at the meeting that he has tried different methods, but has decided that the cannon remains the best way to protect his corn. Residents and board members discussed the issue for more than an hour, at which point Jim Warden, citing his mediation training and experience, volunteered to help mediate the dispute, hoping that residents working together can come up with an agreement that satisfies all

parties. The recommendation of the board, for the short term, was to have the concerned residents and Stearns take part in some type of mediation session, of their choice. Stearns said at the meeting that there were only two to three weeks left for corn protection. For the long term, the board agreed with residents who said the town needs to have rules on noise that can deal effectively with this kind of situation (the existing bylaws on noise specifically exempt agricultural operations). Steve Gutowski said he would get the ball rolling, probably beginning with a look at how other towns handle similar situations.

**(a) Jane Lazorchak — Vermont Fish & Wildlife — potential acquisition of property.** Jane Lazorchak from the Fish & Wildlife Department (FWD) was on hand to follow up on a letter she sent to the town about the state's intention to purchase a 75-acre parcel off the east side of Sand Road in Ferrisburgh, owned by the Ringer family, and add it to FWD's Lower Otter Creek Wildlife Management Area (WMA). The purchase is being coordinated with The Nature Conservancy. The south end of the parcel shares a boundary with an existing section of the WMA. Lazorchak described the parcel as sand-over-clay clayplain forest, and said the parcel appears to be undevelopable, because it is nearly all protected wetlands. She said that Fish & Wildlife would like the board to sign a letter of support for the purchase. State-owned land is tax exempt, but the state makes payments in lieu of taxes equal to 1 percent of the assessed value of the land. Board members asked the state to make a commitment to control access to portions of the Lower Otter Creek WMA that have been used for illegal dumping in the past, and suggested including that request in any letter supporting the FWD purchase. Further consideration of the issue was tabled until the August 19 meeting.

## **5. Selectboard old business**

**(a) Carl Cole — town hall roof — Alpine SnowGuards.** Carl Cole discussed an estimate the town had received for installation of Alpine SnowGuards on the south-facing roof of the town hall. Alpine SnowGuards are built by a company of the same name in Morrisville, Vt. The device is basically a short fence along the bottom edge of the roof, designed to control snow and ice, but which would also be able to catch falling slates. The estimate for materials is \$3,348.57, and Cole said he guessed it would cost another \$1,500 for installation, which he said could take place during repair work on damaged slates. Board members deferred any action on this until they knew more about Bread Loaf Corporation's intentions on repairing the roof.

**(b) Carl Cole — Union Meeting Hall.** Carl Cole reported that the electrical work on the Union Meeting Hall was complete, and described the process of moving an electrical panel from a bathroom to the hallway. He said the work had been inspected that day (August 5).

**(c) Town hall upstairs air conditioning update.** Town clerk Gloria Warden and town treasurer Garrit Smits reported that the work on the air conditioning system for the upper level of the town hall was mostly complete. Some work remains on the controls for the system, which they expected would be done in the next few days.

**(d) Unlicensed dogs — letter sent.** Town clerk Gloria Warden reported that 103 letters had been sent in July to residents concerning possible unlicensed dogs. She reported receiving about 25 responses to date, many saying that they did not own a dog, and some that their dog was licensed under another resident's name. Loretta Lawrence thanked Warden for her work on the issue and asked her to keep the board posted.

## **6. Selectboard general business**

### **(a) Bike events in town:**

- **Noise (shouting) from bikers.** The town received an e-mail from a resident complaining about noise associated with bicycle riders going past houses on the Sand Road/Hawkins Road/Little

Chicago Road circuit. The resident described bikers shouting to one another, and said that signs put up on either side of the property along the road had been effective, but had also prompted some cyclists to yell at the house. The board said that it would add a section about courtesy and respecting the privacy of local residents to the form letter that it sends to organizations planning bike events in town.

- **Events without approval.** The town heard a report about a cycling event on July 26, the Vermont Senior Games 2014 Cycling State Championships, for which organizers had not requested or received approval from the town. The event took place on the same day as an approved cycling event, the Juvenile Diabetes Research Foundation 2014 Ride to Cure. Town clerk Gloria Warden sent an e-mail to the Senior Games organizers, reminding them that they need approval to use town roads. The board will follow up with a letter.

**(b) Amendments to the speed ordinance for Old Hollow Road effective August 3, 2014.** It was pointed out that while the new speed limit on Old Hollow Road officially took effect on August 3, the signs associated with the change were not yet installed, because of a miscommunication about the effective date of the change. The board asked that the signs be installed as soon as possible. An e-mail string from residents concerning the lack of new signage, which was forwarded to the town offices, referred to the possibility of closing off Old Hollow Road for a “block party” later this summer. Loretta Lawrence noted that this road is a public highway and, like any other public highway in town, cannot be closed for a private party.

## **7. Public comment**

Mike Muir said that it was worth remembering, when thinking about cyclists and their impact on the town, that they also visit local businesses and spend a considerable amount of money. He also said the speed limit on any road is whatever is posted, whether or not a new ordinance has taken effect.

Bessie Sessions asked about the zoning violation referred to in the “Correspondence” section of the agenda, and was told that the two families mentioned, Prezzano and Tweedy, are alleging zoning violations by neighboring property owners. She was also told that the correspondence from the two families was available for public view at the town offices.

Bob McNary said that money to fix problems with the town hall, discussed earlier in the meeting with Bread Loaf Corporation, should not come out of taxpayers’ pockets.

Mike Muir suggested the town come up with a yearly maintenance plan/checklist for the town hall and board members and other residents agreed. Sally Torrey thought it would be a good idea to enlist the help of knowledgeable townspeople in developing a plan, and Steve Gutowski suggested establishing a committee to help with the job.

## **8. Selectboard to approve or sign**

**a) Roland’s Place — catering permit — Button Bay — August 15, 2014.** The town received a request to approve a catering license for Roland’s Place/Old Lantern for a company party at Button Bay State Park on August 15, 2014, from 11 a.m. to 4 p.m. Sally Torrey made a motion to approve the request. Jim Warden seconded. All voted in favor. MOTION PASSED.

**(b) E9-1-1 road name — off Mt. Philo Road — County Crossing.** The town received a request to assign a name to a right-of-way that begins in Ferrisburgh and runs into Charlotte, off Mt. Philo Road. The right-of-way serves three dwellings, so according to the state’s Enhanced 9-1-1 rules it needs a name of its own. The name County Crossing has been suggested by residents. Sally Torrey made a motion to assign the name County Crossing to the right-of-way in question. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

**(c) Denecker — extension.** The town received a request to amend the purchase and sale agreement with Denecker Real Estate Investments LLC, for land at the corner of Route 7 and Route 22A where Denecker wants to consolidate its General Motors dealership. Denecker says it needs additional time to get the state, local and GM approvals for the project. The amendment would extend a date for “Phase II Closing Conditions” from August 15, 2014, to February 15, 2015, and move the closing date from September 15, 2014, to March 15, 2015. Jim Warden made a motion to approve the amendment. Sally Torrey seconded. All voted in favor. MOTION PASSED. The amendment was then signed by Mike Capra on behalf of Denecker and Loretta Lawrence for the town.

**(d) Selectboard warrant.** Sally Torrey made a motion that the board approve the warrant, which details town expenditures, for a total of \$69,553.84. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

## **9. Other business**

Jim Warden said he had questions about the proposed boundary adjustment involving the site of the town-owned Union Meeting Hall. Zoning administrator Ken Wheeling said the adjustment would be on the agenda for the planning commission's next meeting on August 20, 2014.

Steve Gutowski said that Craig Heindel of the town's conservation commission had gotten back to him regarding the possible use of state funding for restoration of brownfields in cleaning up the burned-out Hawkins property on the west side of Route 7. Heindel reported that he was told there was no money available now, and that he had gotten the impression this would be a low priority for the state in the future. Loretta Lawrence suggested it was time to bounce this issue back to the zoning board for resolution.

## **10. Correspondence**

**(a) Vermont Fish & Wildlife-Hawkins Road — public boat access ramp improvement.** The town received a notice from Fish & Wildlife that it would be undertaking improvements to the South Slang public boat access off Hawkins Road. The project is expected to take about 14 days and will be completed by October 1, 2014. It will involve removal of the old ramp, excavation of lake bottom sediment, and installation of pre-cast concrete slabs on a gravel base. Detailed descriptions of the work, along with maps and diagrams, are available for inspection at the town offices.

**(b) Prezzano/Tweedy — zoning violations.** The board received a letter from Susan and Peter Prezzano and Jeff and Wendy Tweedy concerning alleged zoning violations at neighboring properties in West Ferrisburgh, and their frustration with the lack of action by the town. Zoning administrator Ken Wheeling said that the issues were being addressed by the zoning board, and promised to keep the selectboard up to date.

**(c) Vermont League of Cities & Towns workshop — Vermont public records act and open meeting law — September 10.** The town received notice of this workshop for town officials that will take place in Montpelier.

## **11. Adjournment**

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Tim Etchells