

**Town of Ferrisburgh
Selectboard Minutes
August 19, 2014**

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

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

Visitors present: David Ambrose, Carl Cole, Jane Lazorchak, Bernie Loven, Bob McNary, Mike Muir, Charlie Paolantonio, Bessie Sessions, Bill Sullivan

1. 6:30 p.m.

(a) Loretta Lawrence called the meeting to order at 6:30 p.m.

(b) The board was asked to amend the agenda for the meeting, adding, under "3. New business":

(c) Letter from Champlain Oil Co. Inc. (COCO) re: moving speed limit signs

Sally Torrey made a motion to amend the agenda to include the item about COCO. Jim Benoit seconded. All voted in favor. MOTION PASSED.

2. Approve minutes

(a) Sally Torrey made a motion to approve the minutes of August 5, 2014, with one correction: The list of visitors should include Rejean LaFleche Sr., rather than Regina LaFleche. Jim Warden seconded. All voted in favor. MOTION PASSED.

3. New business

(a) **Appoint a committee for maintenance plan/checklist for the town hall.** It had been suggested at the August 5 meeting that a committee be appointed to create an annual maintenance plan and checklist for the town hall. Board members suggested that residents Carl Cole, Bob Jenkins, Mike Muir and Silas Towler be named to the committee. Jim Warden made a motion to appoint the four residents to the committee. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(b) **Deputy health officer appointment.** Robert Peisch, whose term as town health officer is ending, has offered to serve as deputy health officer while the town searches for his successor. Sally Torrey made a motion to appoint Robert Peisch to a three-year term as deputy health officer. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(c) **Letter from Champlain Oil Co. Inc. (COCO) re: moving speed limit signs.** The town has received a letter from COCO, saying that the company would like the Vermont Agency of Transportation to move speed limit signs on Route 7 in Ferrisburgh, which reduce the speed limit from 50 mph to 40 mph. According to the letter, as currently placed, the speed limit changes to 40 mph just 90 feet from the entrance to the Jiffy Mart-McDonalds now under construction on the east side of Route 7. Because of the number of cars that will be turning into the entrance, COCO believes that both that sign, and the sign warning motorists about the

reduction in speed limit ahead, should be moved 1,000 feet south, so that the change to 40 mph begins at the bridge over Little Otter Creek, where the first warning sign is now. Because the official request for this change has to come from the town, COCO is asking the town to make the request to the AOT. Sally Torrey made a motion to write a letter requesting that the signs be moved. Jim Benoit seconded. All voted in favor. MOTION PASSED.

4. Old business

(a) Jane Lazorchak — Vermont Fish & Wildlife — potential acquisition of property. Jane Lazorchak from the Fish & Wildlife Department (FWD) was on hand to discuss a letter she had sent to the town on August 12, following up on 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). At the meeting on August 5, board members had asked Lazorchak to check into how the state might better control access to the WMA, where illegal dumping has taken place in the past, and explain FWD's intention to harvest timber in a section of the WMA. Lazorchak said that FWD has found that putting up gates on access roads is not typically effective in stopping dumping; people tend to dump trash at the gate. She said that the state would try dropping a couple of trees across the access road, and would look into further work, possibly putting boulders across the road, when the tree work takes place, in the next year or two. She said the plan for the timber harvest was to convert a pine plantation into a stand with a mix of hardwood, mast-producing trees and a small softwood component, leaving an existing hemlock swamp as a deer wintering area. The goal is to improve wildlife habitat. Sally Torrey made a motion that the town write a letter in support of the land purchase by FWD. Jim Warden seconded. All voted in favor. MOTION PASSED.

(b) Charlie Paolantonio — Union Meeting Hall rental. Charlie Paolantonio attended the meeting representing Crossroads Chapel. The board voted at its meeting on June 17, 2014, to pursue a rental agreement with the church for the town's Union Meeting Hall. Paolantonio said the church would like the lease agreement to begin on October 1, 2014, and would like to have the keys to the building on September 1 to get the interior of the building ready. The board had no objection, and suggested that Crossroads Chapel have its attorney draft a lease agreement which can then be shared with the town's attorney. Once both attorneys sign off, the agreement can be presented to the selectboard for approval.

(c) Town hall upstairs air conditioning update. Town clerk Gloria Warden and town treasurer Garrit Smits reported that the new system had been installed and successfully tested, but that some work still needed to be done before the town signed off on the job and paid the invoice.

(d) Sound system. The board was asked whether it wants to pursue a fundraising campaign to add a sound system to the town hall. The estimated cost of the system is \$10,122 and the Friends of the Grange Hall has \$2,300 earmarked for the project, leaving a balance of \$7,822. The board will ask Nadia Smith from the Friends of the Grange Hall to attend the board's next meeting on September 2 for a discussion of ways to fund the project.

(e) Carl Cole — Hinsdale lot. Carl Cole reported on behalf of the town's facilities committee on the status of the effort to pursue the purchase of a 2.2-acre lot that abuts town and school property and is currently owned by Clark Hinsdale III. The board voted at its meeting on May 6, 2014, to pursue the purchase of the lot. According to a draft "option to purchase" agreement negotiated between Hinsdale and the committee, the asking price for the property is \$40,000, with a closing date of March 15, 2015. Hinsdale had previously expressed interest in considering a lower price if the town agreed to put a plaque on the property recognizing his grandfather, Earl Collins, part of an old Ferrisburgh family. But Cole reported that Hinsdale has since become involved in another project, with the Middlebury Area Land Trust, which is raising money to preserve a piece of property that would be dedicated to Hinsdale's uncle, Bob Collins.

Hinsdale plans to contribute to that effort and has decided against reducing the price on the Ferrisburgh lot. Discussion ensued, during which board members and facilities committee members supported the purchase in principle. Board members emphasized that they did not want to borrow money for the purchase, preferring to use part of the expected proceeds from the pending sale of town land to Denecker Real Estate Investments LLC, for construction of a GM dealership at the junction of Routes 7 and 22A. Jim Warden made a motion saying that the board agrees, in principle, to pursue an “option to purchase” agreement on the lot, which would be contingent on approval by Ferrisburgh voters. Sally Torrey seconded. All voted in favor. MOTION PASSED.

(f) Employee evaluations. Jim Benoit said that he had talked with road foreman John Bull, who has asked to meet with Benoit and Steve Gutowski to go over Bull’s evaluations of his employees. Benoit and Gutowski will then bring the evaluations to the selectboard. Loretta Lawrence said that board members met with town clerk Gloria Warden and town treasurer Garrit Smits. The board will also need to meet with the road foreman and the zoning administrator. Jim Warden noted that he had not been part of the board’s meeting with the town office workers.

5. Selectboard general business

(a) Hazard Mitigation Committee — status. The town received a letter from Tim Bouton with the Addison County Regional Planning Commission saying that decisions about state and federal funding for mitigation planning efforts have been delayed. But he scheduled a meeting with Ferrisburgh’s committee for August 21, so that the group can begin identifying possible hazards and thinking about potential projects.

6. Public comment

David Ambrose, who has an orchard on Plank Road in Ferrisburgh, asked the board to advise him on the use of traffic cones at his location to help slow down traffic during the six weeks each year when the orchard is open to the public. The town had approved this last year, but he wanted to make sure that he would not be violating the town’s new parking ordinance. Board members said they did not see a problem with his continued use of traffic cones. He also asked whether the road crew could remove a dead pine tree from the roadside ditch across from his property. Town officials said they would need to check to see whether the area in question was maintained by the Ferrisburgh road crew, since it is on the border with Waltham.

Bob McNary asked the board to check into the insurance policy covering the Union Meeting Hall to be sure that it covers the full value of the recently-renovated building, and whether the insurance policy would be affected by any lease agreement for the building. Loretta Lawrence said she would check on both matters and have answers at the next board meeting.

Mike Muir asked about the status of the boundary question involving the Union Meeting Hall property. Loretta Lawrence said a negotiated resolution of the matter was due to come up for approval at the planning commission meeting on August 20.

Mike Muir also asked about the question of a land swap involving town and school property. Loretta Lawrence said that representatives of the selectboard and the school board would be meeting on September 2 at 5 p.m. to discuss the issue.

Carl Cole reported that officials from several local towns had met to discuss a discrepancy in the assignment of taxable property by the Vermont Electric Power Co., also known as Velco. Apparently, about five years ago the utility erroneously assigned \$15 million in taxable property to the town of Shelburne, when the property was actually in Shelburne and several other towns,

including Ferrisburgh. About \$4.9 million of the property is in Ferrisburgh, Cole said, meaning that the town has probably missed out on collecting between \$50,000 and \$60,000 in municipal tax revenues over the last few years. The town is looking at options for getting reimbursed by Velco for the unpaid taxes, including the possibility of hiring an attorney to pursue the case on behalf of the towns of Ferrisburgh, Charlotte, South Burlington, Vergennes and New Haven.

Carl Cole and town treasurer Garrit Smits spoke briefly about continuing efforts by general contractor Bread Loaf Corporation, the roofing contractor and the slate supplier to effect repairs to the town hall roof.

Bernie Loven, who is contesting a zoning decision finding him in violation of the town's bylaws, brought to the board's attention a 2004 vote at a special town meeting that he feels is germane to his dispute. He believes the town's voters decided to reject a junkyard ordinance and, given that, wonders how he can be cited for running a junkyard. Questions were raised about the differences between ordinances and the town bylaws, which are also approved by voters. Loretta Lawrence said she would contact the town's attorney to seek a clarification.

7. Selectboard to approve or sign

(a) Little Garden Market — catering permit — Button Bay State Park — August 23 wedding. Jim Warden made a motion to approve the catering permit for Little Garden Market. Sally Torrey seconded. All voted in favor. MOTION PASSED.

(b) Selectboard warrant. Sally Torrey made a motion that the board approve the warrant, which details town expenditures, for a total of \$27,735.61. Jim Benoit seconded. All voted in favor. MOTION PASSED.

8. Other business

Jim Warden said he had been approached by George Merkel, Vergennes chief of police, about setting up a meeting. He said that he would report back to the board if their discussion involved Ferrisburgh issues.

Loretta Lawrence reported some good news on the issue of the propane cannon being used by farmer Wayne Stearns Jr. to protect his sweet corn from birds. Noise from the cannon had been judged a nuisance by residents in the Mile Point-Kimball Dock-Sunset Lane section of town. But Stearns' adoption of a suggestion at the August 5 board meeting from local farmer Bill Scott, that the barrel of the cannon could be shortened to reduce the noise level, had, according to residents, resulted in an immediate improvement. Lawrence thanked those who had attended the board meeting to voice their concerns and seek solutions.

9. Correspondence

(a) SunCommon — amend location of facility sited at 1906 Route 7. The town received a letter from solar-power equipment supplier/operator SunCommon saying that a solar array on land owned by Bob and Paulette McNary at 1906 Route 7 would be moved about 200 feet further from the road, to lessen the visibility of the project from the road and neighboring properties.

(b) Town Fair, Thursday, October 9. The Vermont League of Cities & Towns will hold its Town Fair 2014, a conference for municipal officials, employees and volunteers, on October 9 at the Champlain Valley Fairgrounds in Essex Junction.

(c) Vermont Highway Division, ROW, Utilities and Permits Unit — access to a state highway. The town received a reminder that any site plan proposals that involve access to a state highway must include a letter from the Agency of Transportation confirming that the agency has reviewed the proposal and is ready to issue an access permit.

(d) Vermont Agency of Transportation, Municipal Assistance Bureau — VTrans Transportation Alternatives Program. VTrans wrote to say that it is accepting applications for funding for projects that involve construction, planning and design of bike paths and other on- and off-road facilities for pedestrians and bicyclists, in addition to turnouts, overlooks and viewing areas.

(e) Green Mountain Power — Nea-Tocht Farm metering application, Botsford Road. A letter from Green Mountain Power referred to a net-metering application for a 100kw wind turbine at Nea-Tocht Farm, which would be constructed next to existing farm storage structures on the west side of Botsford Road.

(f) Vermont Public Service Board — Beach Properties application for photovoltaic system on the north side of Basin Harbor Road and the west side of Schoolhouse Road. A letter from the Public Service Board referred to an application for a certificate of public good for a 150kw photovoltaic system, involving an AllSun Tracker solar array to be installed at Basin Harbor.

10. Adjournment

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Tim Etchells