

**Town of Ferrisburgh  
Selectboard Minutes  
September 2, 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:** Mike Coyle, George Gardner, Bernie Loven, Bob McNary, Mike Muir, Charles Paolantonio, Robert Peisch, Bessie Sessions, Monica Tupper

**1. 6:30 p.m.**

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

**2. Approve minutes**

(a) Sally Torrey made a motion to approve the minutes of August 19, 2014, as submitted. Jim Benoit, Loretta Lawrence, Sally Torrey and Jim Warden voted in favor. Steve Gutowski abstained. MOTION PASSED.

**3. New business**

**(a) Mike Coyle, Ferrisburgh Fire Department — Fire Warden — Open Burning Ordinance.**

Mike Coyle, town fire warden, wants the town to consider adopting an ordinance to regulate the disposal of solid waste through open burning and incineration. He believes that the town fire warden needs to have additional authority to enforce regulations on open burning, and assess fines for violations. He said that he had received 15 complaints from residents this summer about outdoor fires, including some that had involved tires, TVs and other potentially hazardous materials. Coyle shared with the the board a model open burning ordinance drafted by the Vermont League of Cities & Towns. Board members said they would look over the model ordinance and see if they had changes or additions to suggest. Coyle thanked the board and said he hoped the town could move forward on this issue in the near future.

Coyle also reported that the Shelburne Communications Center, which currently handles requests for outdoor burn permits for Ferrisburgh and other towns, will begin charging towns \$1 per request, to be billed quarterly. Requests had been handled for free, but the volume of requests has risen steadily, to more than 70 per month. Coyle said that Ferrisburgh residents had made 338 requests in the past year.

**(b) George Gardner — front doors of Grange Hall.** George Gardner, a Ferrisburgh locksmith, told the board he believed the front doors on the main floor of the town hall are not working properly and should be inspected and alterations made. Board members and town officials said that a recent safety inspection of the building had not identified a problem with the doors, but thanked Gardner for pointing out the issue and said the town would address it right away.

**(c) Appoint voting delegate for Vermont League of Cities & Towns annual meeting — October 9, 2014.** Jim Warden made a motion to appoint Loretta Lawrence as the voting delegate for Ferrisburgh at the VLCT annual meeting. Sally Torrey seconded. Jim Benoit, Steve Gutowski, Sally Torrey and Jim Warden voted in favor. Loretta Lawrence abstained. MOTION PASSED.

#### 4. Old business

**(a) Crossroads Chapel board — Charles Paolantonio — Union Meeting Hall.** Charles Paolantonio told the board that Crossroads Chapel hoped to get a key to the Union Meeting Hall to begin repair work that will be necessary to make the building useable for his organization. Crossroads Chapel and the town are in the process of negotiating a lease agreement for the town-owned building. The Crossroads Chapel attorney is expected to draft a lease agreement and share it with the town's attorney. Once the attorneys have agreed on a draft, it will be presented to the board for approval. Steve Gutowski made a motion to provide Crossroads Chapel with a key to the building, as soon as Crossroads Chapel provides the town with proof of insurance, which Paolantonio said could happen quickly. Jim Warden seconded. All voted in favor. MOTION PASSED.

**(b) Carl Cole — lister — Velco.** Carl Cole was not able to attend the meeting, but town clerk Gloria Warden said that he had reported there was nothing new concerning the Vermont Electric Power Co. and its apparent error in assigning taxable property in Ferrisburgh and several other towns. (His description of the issue can be found in the public comment section of the selectboard minutes from August 19.)

#### 5. Public comment

Bob McNary said that it was time to cut the weeds on the town-owned parcel at the junction of Routes 7 and 22A. He also asked when the board expected to hear more from Bread Loaf Corp. on issues with the town hall. Steve Gutowski said that the board had received an e-mail from Bread Loaf earlier in the day, and that he would know by the next day when the board and Bread Loaf would get back together. McNary also asked Mike Coyle whether an outdoor furnace would be a violation under a town open burning ordinance, and Coyle said it would not.

Town clerk Gloria Warden said that Liz Markowski had visited the town office to ask what the town was doing about the burned-out Hawkins building on Route 7. Steve Gutowski reported that the town had discussions with the Addison County Solid Waste Management District about a possible break on tipping fees for debris from the building, and with state officials about possible "brown fields" funding for the clean-up, but that neither possibility had worked out. Board members said the issue has been referred to the town's zoning administrator, since the site's owner appears to be in violation of town bylaws.

In answer to a question at the August 19 meeting, Loretta Lawrence said the insured replacement cost of the Union Meeting Hall building is \$603,326. There had been concern that the insurer might have reduced the insured replacement cost during the two years that the building was unoccupied and awaiting restoration work.

#### 6. Selectboard to approve or sign

**(a) Carl Cole — corrections to the Grand List.** Town clerk Gloria Warden reported for Carl Cole on four corrections to the town's Grand List submitted by town listers for board approval:

Sally Torrey made a motion to approve a correction to the listed value of property owned by Elizabeth Patton and John Silas Towler on Four Winds Road, from \$367,000 to \$356,600, due to a new survey, which decreased the acreage on the property from 8+/- acres to 2.95+/- acres. Jim Benoit seconded. Jim Benoit, Loretta Lawrence, Sally Torrey and Jim Warden voted in favor. Steve Gutowski abstained. MOTION PASSED.

Jim Benoit made a motion to approve a correction to the listed value of property owned by the

Arlene Jackman Trust on Sunset Lane, from \$59,100 to \$57,500, due to an error discovered by tax mappers, which reduced the acreage on the property from 12.06+/- acres to 10.8+/- acres. Sally Torrey seconded. All voted in favor. MOTION PASSED.

Jim Benoit made a motion to table consideration of a change to Current Land Use values on farmland owned by Allandale Farm LTD Partnership on Jersey Street until the board could get more information. Sally Torrey seconded. All voted in favor. MOTION PASSED.

Sally Torrey made a motion to approve a correction to the listed value of land owned by American Legion Post #14 on Route 7 in Ferrisburgh, because the land is tax exempt. The listed value of \$35,700 would be corrected to \$0. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

**(b) Notice of terms of proposed real estate conveyance.** The board was asked to approve a boundary adjustment involving town land that is the site of the Union Meeting Hall and land owned by two abutting property owners. Notice of the boundary adjustment will be published in the paper and documents, including a copy of the survey used, will be available at the town office. Because the agreement negotiated between the town and the abutting property owners involves conveyance of town-owned land, it is subject to challenge by petition, signed by five percent of the legal voters and submitted to the town clerk within 30 days of the posting and publication of the terms. Should a valid petition be presented, a vote on the conveyance would be scheduled at a special or annual town meeting. Steve Gutowski made a motion to accept the terms of the proposed real estate conveyance. Sally Torrey seconded. Jim Benoit, Steve Gutowski, Loretta Lawrence and Sally Torrey voted in favor. Jim Warden voted against. MOTION PASSED.

**(c) Selectboard warrant.** Sally Torrey made a motion that the board approve the warrant, which details town expenditures, for a total of \$131,767.93. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

## 7. Other business

Monica Tupper asked whether the town had a dog ordinance that governs how many dogs people can keep, particularly if they are rescuing dogs, or serving as foster homes for dogs. Board members said the town does have an ordinance, and added that state registration is required for dog rescue operations. Tupper also wanted to know who to contact about dogs that get loose and bite people. Board members said that the town's animal control officer should be contacted about dogs on the loose, and the health officer about dogs that represented a threat to public health. Town clerk Gloria Warden provided Tupper with a copy of the town's dog ordinance.

Bernie Loven, who is appealing a citation for violating town bylaws by operating a junkyard, asked the board whether it had been able to get an opinion from the town's attorney about Loven's contention that the town vote in 2004 against a junkyard ordinance was germane to the current dispute. Loretta Lawrence said that the board had determined it was not able to get involved in the issue. If Loven's zoning appeal was unsuccessful and he decided to pursue the issue further, it is possible that the selectboard would be involved on behalf of the town. Loven's appeal was on the agenda for the zoning board meeting to be held on September 3, 2014.

Sally Torrey reported that Silas Towler had agreed to serve on the committee appointed to develop an annual maintenance survey/checklist for the town hall.

Mike Muir said that while the amount of property conveyed in the Union Meeting Hall boundary resolution was small — the town's lot went from 1.38 acres to 1.28 acres — he did not believe the town wanted to set a precedent of giving away land without a vote by the town. Board members said that the agreement, negotiated by the three parties, settled a long-running boundary dispute that could have cost thousands of dollars to resolve if the matter had gone to court. And they said that if townspeople did object, they could challenge the conveyance by petition, which would result in a vote by the town.

Steve Gutowski said that he and Jim Benoit had met with road foreman John Bull to go over his employee evaluations. Gutowski suggested the board set up a time to discuss the evaluations with Bull, and also complete Bull's evaluation. The board agreed to schedule a special meeting for that purpose on September 9 at 6 p.m.

Loretta Lawrence said the planning commission wants to meet with the selectboard. The board agreed to suggest a meeting on September 23 at 6 p.m.

## **8. Correspondence**

**(a) Vermont Agency of Transportation — Speed limit request Route 7 — response to request.** The board received a letter from the Agency of Transportation in reply to the town's request to have speed limit signs moved south on Route 7, because of the construction of the McDonald's-Jiffy Mart. (See minutes of the August 19, 2014, meeting.) The signs, as currently placed, reduce the speed limit from 50 mph to 40 mph just a few feet south of the entrance to the project, which is now under construction. Bruce Nyquist of the AOT said that the Traffic Operations Section would conduct a traffic engineering study and forward a recommendation to the Vermont Traffic Committee. The town will be notified of the recommendation two or three weeks before the traffic committee meeting at which the issue will be discussed.

**(b) AllEarth Renewables — update certificate of public good application for Beach Properties Inc. — revised location.** The company has filed an updated application for a certificate of public good for the solar array proposed at the Basin Harbor Club. The interconnection will now be entirely within the Basin Harbor property, and the solar array has been shifted slightly to the north and east to maintain a distance greater than 250 feet from all neighboring homes, and to make better use of an existing hedgerow for esthetic screening.

**(c) Vermont League of Cities & Towns — Municipal Budget Workshop — Tuesday, September 30, 2014.** The town received notice of this VLCT workshop, open to board members and town officials.

## **10. Adjournment**

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Tim Etchells