

**Town of Ferrisburgh  
Selectboard Minutes  
November 18, 2014**

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

**Town officials present:** Garrit Smits, town treasurer; Gloria Warden, town clerk; John Bull, road foreman; Pam Cousino, assistant town clerk and assistant treasurer.

**Visitors present:** Bill Clark, Maxine Davis, Norton Davis, Tim Davis, Sue Duke, Bernie Loven, Bob McNary, Bessie Sessions, Bill Sullivan.

**1. 6:00 p.m. Personnel**

**Garrit Smits — treasurer's position review (probable executive session).**

Loretta Lawrence called the meeting to order at 6:00 p.m. Steve Gutowski made a motion to enter executive session, inviting Garrit Smits to discuss personnel. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Steve Gutowski made a motion to leave executive session at 6:29 p.m. Jim Benoit seconded. All voted in favor. MOTION PASSED.

No action taken.

Respectfully submitted,

Sally Torrey, board clerk

**2. 6:30 p.m. Regular meeting — call to order**

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

Jim Warden made a motion to amend the agenda to delete item 7. (b) MS annual bike ride — August 1 & 2, 2015, because the event organizer was not able to attend the meeting. Sally Torrey seconded. All voted in favor. MOTION PASSED.

**3. Approve minutes — October 28, 2014; November 4, 2014; November 11, 2014.**

Sally Torrey made a motion to approve the minutes of a joint meeting of the selectboard and the planning commission on October 28, 2014, as submitted. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

Steve Gutowski made a motion to approve the minutes of the selectboard meeting of November 4, 2014, as submitted. Jim Benoit seconded. Jim Benoit, Steve Gutowski, Loretta Lawrence and Sally Torrey voted in favor. Jim Warden abstained. MOTION PASSED.

Steve Gutowski voted to approve the minutes of a special selectboard meeting on November 11, 2014, as submitted. Jim Benoit seconded. Jim Benoit, Steve Gutowski, Loretta Lawrence and Sally Torrey voted in favor. Jim Warden abstained. MOTION PASSED.

#### 4. New business

**(a) John Bull — road foreman's report.** John Bull reported that concrete work for the new highway garage had been completed, with the exception of aprons that will be finished next spring. He expects Cameron Construction to begin putting up the building during the second week of December, and said Cameron has told him the job will take six weeks, meaning the building could be ready in late February or early March. He said the road crew was getting equipment ready for winter, and had just about completed its preparations.

He mentioned that the curb cut on the Sisters property, land next to the town hall purchased several years ago by the town, might be helpful in dealing with traffic in and out of the town hall parking lot during events like elections, providing another entrance or exit for that lot. The election on November 4 saw long traffic backups on Route 7, in part because there is just one entrance/exit for the town hall lot.

In response to a question from Bob McNary about using compressed natural gas (CNG) to run town vehicles and road equipment, Bull said he had never looked at it. Jim Benoit said that in his experience CNG was not an option because most vehicles are not designed to run on the fuel, and conversions are unreliable and can void vehicle warranties.

**(b) Ron Smith — auditor's report.** Ron Smith of RHR Smith & Co. told the board that his firm's audit of the town's FY 2014 financial statements had found a few concerns, but that generally the town had done a good job, especially considering the transition to new management in the town offices. The audit is on file at the town offices. Smith did suggest the town consider, during discussions of the FY 2016 budget, how it plans to deal with a balloon payment of about \$120,000 coming due from the purchase of the Sisters property next door to the town hall. He also suggested the town consider refinancing that note, given current low interest rates.

**(c) Maxine Davis — bulletin board in town hall for local (Ferrisburgh only) businesses.** Maxine Davis was not in attendance when this item came up during the meeting. She spoke to the board during the "Public comment" section; see below.

**(d) 22A & Route 7 parcel/Denecker — update.** Loretta Lawrence reported that the town had received a letter from Tom Denecker saying that Denecker Real Estate Investments wanted to terminate the purchase and sale agreement for town property at the junction of Routes 7 and 22A, where Denecker had wanted to consolidate its GM dealership, and was requesting the deposit be returned, as per a clause in the purchase agreement. Selectboard members said it was their understanding that Denecker believed the development planned for the site was likely to be challenged, and so had decided not to pursue the project.

Steve Gutowski made a motion to accept Denecker Chevrolet and Denecker Real Estate Investment's request to terminate the purchase and sale agreement and to authorize the town attorney to release the deposit and return it to Denecker Chevrolet and Denecker Real Estate Investments. Jim Benoit seconded. All voted in favor. MOTION PASSED. Loretta Lawrence noted that the town terminated the agreement with regret.

**(e) Budget meetings — set dates.** Board members decided to hold their first FY 2016 budget meeting on November 25 at 5:30 p.m.

## 5. Selectboard general business

**(a) Charlie Paolantonio — CrossRoads Chapel — historical grants for Union Meeting Hall.** Charlie Paolantonio did not attend the meeting, but board members heard that CrossRoads Chapel had decided to hold off on seeking any grants until spring of 2015.

**(b) Sheriff patrols in town.** Jim Warden recommended that the town drop back in the number of hours that it paid the Addison County Sheriff's Office to patrol roads in Ferrisburgh. He made a motion to reduce patrol hours in Ferrisburgh by the Addison County Sheriff's Office from 60 hours to 12 hours per month until further notice, starting on December 1, 2014. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

## 6. Public comment

Bill Clark, chair of the Ferrisburgh Central School board, asked the selectboard to advance \$200,000 in tax revenues to the school, because the school had not borrowed enough as part of a tax-anticipation loan. He said the school board recognized that it had asked the town for advances frequently in recent years, and that the board now understood this should not be the way it does business on a regular basis. He said this would be the last time he came to the selectboard for an advance. But he said that if the town was not able to provide an advance, the school would have to borrow the money. Town treasurer Garrit Smits said that would create additional cost for taxpayers. He also said the town did have some money in its accounts, but that it might have to put off paying some town bills or dip into investment accounts if it advanced money to the school. Selectboard member Steve Gutowski said he had to recuse himself from any discussion of school business because his wife serves on the school board. Jim Benoit said that he was having a hard time understanding how the school had gotten itself into this situation, and had not heard anything from Bill Clark about what had changed to ensure this didn't happen in the future. Benoit and other board members said they would not be comfortable having the town put off paying some of its bills so that the school could pay theirs. Clark said he was sorry to be putting the selectboard on the spot by asking the board to bail out the school. He also said the supervisory union now had a new superintendent and business officer, and that he did not think the school board realized the town had been asked repeatedly for advances. Garrit Smits said he had added a \$200,000 payment to the school to the selectboard warrant to be considered later in the meeting, and the board put off a decision until that warrant came up for approval. [See 7. (d) below.]

Bob McNary suggested that the town consider adding lights for the back (west end) of the parking lot at the town offices. John Bull, road foreman, said that could be done and suggested the selectboard consider putting the work in the town budget for next year. McNary also suggested that the town fix a broken metal floor grate upstairs in the town hall, and said he would be willing to contact a local welder. The broken grate was identified by the town's Building Maintenance Committee during a recent inspection of the building, and board members said they believed the repair work would be arranged by the committee.

Maxine Davis [see item 4. (c), above] suggested that the town add a page to its website where townspeople could find local artists, crafts people and businesses, so that residents would know what services were available in town and would not have to go elsewhere. Board members agreed that this sounded like a good idea and said they would bring it up with the town's website coordinator. Road foreman John Bull said he was aware of other towns doing this and would ask those towns about it.

Tim Davis, one of the town's representatives to the Addison County Regional Planning Commission (ACRPC), wrote a letter to the commission requesting that it reconsider its vote on November 12, 2014, "concerning testimony to be filed under criteria 9L before the district environmental commission in the matter of Denecker's Act 250 application, for the proposed new site of the Denecker dealership." This refers to the project at the junction of Routes 7 and 22A, which Denecker has since decided not to pursue; see the selectboard's vote

under item 4. (d), above. Davis believes the ACRPC did not understand the history of the project and so voted without sufficient information. He also pointed out that neither he nor the other Ferrisburgh ACRPC representative, Arabella Holzapfel, was invited to a meeting on the project, and so were not prepared to vote on the project at the November 12 meeting, when they abstained. Given the time and money expended on the project by the town and by Denecker, Davis felt it still made sense to send the letter to the ACRPC. Sally Torrey made a motion to authorize Davis to send the letter. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

## 7. Selectboard to approve or sign

**(a) Authorize chair to sign deeds for Union Meeting Hall conveyances.** Jim Benoit made a motion to authorize Loretta Lawrence, selectboard chair, to sign, as the Town of Ferrisburgh's Duly Authorized Agent, any and all conveyancing documents necessary to complete the exchange of quitclaim deeds with Thomas G. McClay and Celina and Diane Ellison to establish common boundaries involving the Union Meeting Hall lands. Sally Torrey seconded. Jim Benoit, Steve Gutowski and Sally Torrey voted in favor. Jim Warden voted against. Loretta Lawrence abstained. MOTION PASSED.

**(b) MS annual bike ride — August 1 & 2, 2015.** Removed from the agenda for this meeting. [See 2., above.]

**(c) Approve lister correction — 80 Old Hollow Road.** Sally Torrey made a motion to approve a correction in the 2014 listed value for property owned by Jack Ploof/Shayne Thompson at 80 Old Hollow Road, from \$209,400 to \$201,400, because of an error on the listers card involving site improvements. Secondary water and septic systems, each valued at \$4,000, had been listed on the card, but there is only one water system and one septic system on the property. Jim Benoit seconded. All voted in favor. MOTION PASSED.

**(d) Selectboard warrant.** Jim Benoit made a motion to decline to advance \$200,000 to the school board. Sally Torrey seconded. Jim Benoit, Sally Torrey and Jim Warden voted in favor. Steve Gutowski and Loretta Lawrence abstained. MOTION PASSED.

Sally Torrey made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$885,666.41. That amount does not include the \$200,000 advance for the school. Jim Benoit seconded. All voted in favor. MOTION PASSED.

## 8. Correspondence

**(a) ACSWMD report and proposed budget.** The Addison County Solid Waste Management District sent the town a copy of its annual report and proposed budget, in advance of a public hearing on the budget November 20, 2014.

**(b) ACRWC — 2014 River Watch activities, receipt and thank-you for contribution.** The Addison County River Watch Cooperative sent the town a report on its activities and included thanks for the \$500 that the town voted to contribute in support of the organization's work.

**(c) VT Dept. of Taxes — in receipt of Button Bay-Z, LLC, appeal to Director of Property Valuation.** The town was copied on a letter from the Vermont Department of Taxes, Property Valuation and Review Division, to Button Bay-Z, LLC, care of William Benton, acknowledging receipt of a property tax appeal.

**(d) Agency of Natural Resources — Draft Indirect Discharge Permit ID-9-0255, for Agri-Mark Inc.** The town received a notice from the Vermont Department of Environmental Conservation concerning renewal of a permit for Agri-Mark Inc. to discharge dairy processing wastewater (non-sewage whey and spoiled milk) to

manure pits in Ferrisburgh and several other local towns. The notice has been posted in the town offices and the public comment period runs through December 16, 2014.

**(e) Selectboard letter with October resolution to Reps. Lanpher and Van Wyck and Gov. Shumlin.** The board wrote to Diane Lanpher and Warren Van Wyck, recently re-elected as state representatives, and enclosed copies of the resolution on sustainable education funding in Vermont, approved by the selectboard in October. The board also sent a letter and the resolution to Gov. Peter Shumlin.

## 9. Other business

Gloria Warden, town clerk, said the town offices still needed an additional desk. Sally Torrey made a motion to authorize the town to spend up to \$2,000 for purchase, delivery and installation of a desk for the town offices. Jim Warden seconded. Loretta Lawrence, Sally Torrey and Jim Warden voted in favor. Jim Benoit and Steve Gutowski voted against. MOTION PASSED.

**(a) B. Dam culvert litigation (probable executive session).** At 8:25 p.m., Steve Gutowski made a motion to go into executive session to discuss litigation. Jim Benoit seconded. All voted in favor. MOTION PASSED.

— End of minutes for open session; minutes from and following executive session below. —

Respectfully submitted,

Tim Etchells

At 8:32 p.m., Jim Warden made a motion to leave executive session. Steve Gutowski seconded. All voted in favor. No action taken.

**(b) Personnel — John Bull — reviews (probable executive session).** Steve Gutowski made a motion to enter executive session at 8:33 p.m., inviting John Bull to discuss personnel. Jim Benoit seconded. All voted in favor. MOTION PASSED.

At 8:49 p.m., Jim Warden made a motion to leave executive session. Jim Benoit seconded. All voted in favor. MOTION PASSED. No action taken.

## 10. Adjourn

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Sally Torrey, board clerk