

**Town of Ferrisburgh
Selectboard Minutes
February 3, 2015**

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

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

Visitors present: Bob McNary, Red Muir, Bessie Sessions, Bill Sullivan.

1. 6:30 p.m. Regular meeting — call to order

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

2. Approve minutes — January 20, January 26, January 28

Sally Torrey made a motion to approve the minutes of the selectboard meeting on January 20, 2015, as submitted. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Steve Gutowski made a motion to approve the minutes of the special selectboard meeting on January 26, 2015, as submitted. Jim Benoit seconded. Jim Benoit, Steve Gutowski, Loretta Lawrence and Sally Torrey voted in favor. Jim Warden abstained. MOTION PASSED.

Steve Gutowski made a motion to approve the minutes of the special selectboard meeting on January 28, 2015, as submitted. Jim Warden seconded. Jim Benoit, Steve Gutowski, Loretta Lawrence Jim Warden voted in favor. Sally Torrey abstained. MOTION PASSED.

3. New business

(a) Steve Gutowski — discuss scheduling meeting with Commissioner of Housing and Community Development. Steve Gutowski reported on attending a Senate hearing in Montpelier on issues raised by the new criterion 9L of Act 250, the state's development control law. He said a lot of the people who spoke at the meeting were not in favor of the new criterion. He said other towns, including Rutland and North Hero, have run into issues with the law similar to those encountered by Ferrisburgh. The 9L criterion was cited by Tom Denecker in his decision to abandon plans to consolidate his GM dealership on land owned by the town at the junction of Routes 7 and 22A. The impact of 9L and possible changes to the new rule are being discussed by legislators.

Gutowski said that local Rep. Warren Van Wyck had connected the town with Noelle McKay, commissioner of the state Department of Housing and Community Development. McKay has agreed to meet with town officials and representatives of the Agency of Natural Resources to discuss the possibilities for developing the town's parcel, whether or not changes are made to 9L, or to the way the regulation is enforced. The board said it would work on finding a time for the meeting, which would probably include a visit to the site.

(b) Steve Gutowski — report on Municipal Solid Waste Management Workshop. Steve Gutowski also reported on attending a workshop on solid waste management. He said that Ferrisburgh, the transfer station in Vergennes and the Addison County Solid Waste Management District seem to be

well positioned to comply with current rules and those coming down the road, such as requirements that will eventually ban all recyclables, leaf and yard debris, and food scraps from landfills. The point is to reduce the amount of waste making it to Vermont landfills, which are filling up quickly, and more broadly to meet a goal, set during the administration of Gov. Madeleine Kunin, to recycle 50 percent of Vermont's waste stream.

4. Public comment

Red Muir asked about progress on the proposed swap of land between the town and the school district. Loretta Lawrence said now that the board had gotten through the budget process in advance of town meeting, they hoped to have another meeting soon with the school board. Sally Torrey said it had been determined there were no restrictions on the deed that would prevent the swap, and the board was looking into whether the move would require a vote by the town.

Bob McNary suggested the town come up with a long-range plan to make the town hall work better as a municipal office. He suggested the town look at various possible configurations for the space in the building, including space on the basement level.

Bob McNary also noted that the 2x4 posts on the town property at the junction of Routes 7 and 22A had been taken down, but that smaller stakes remained. He was told that the smaller stakes were frozen in the ground and would be removed in the spring. He objected to having town employees, and taxpayer dollars, used to clean up after Denecker Real Estate Investments, which recently decided not to pursue its purchase of the property.

5. Selectboard to approve or sign

(a) Vermont Department of Public Safety — Lt. Manley — designate person to attend Community Advisory Board meeting. Jim Warden volunteered to attend the Community Advisory Board meeting that is scheduled for March 19, 2015, at the Vermont State Police barracks in New Haven.

(b) Short Stop #311 — 2015 Liquor License Renewal application. Jim Warden made a motion to approve the liquor license renewal application for Jolley Associates' Short Stop market in North Ferrisburgh. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(c) Starry Night Cafe — 2015 Liquor License Renewal application (two licenses). Steve Gutowski made a motion to approve a liquor license renewal for the indoor space at the Starry Night Cafe on Route 7. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Jim Warden made a motion to approve a liquor license renewal for the rear patio at the Starry Night Cafe. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

(d) English, Carroll & Boe, P.C. — schedule of billing rates commencing April 1, 2015. The town received a notice that the hourly rates will be increasing as of April 1 for English, Carroll and Boe, the firm that currently provides Ferrisburgh with legal services. Attorneys' fees will go from \$175 to \$190 per hour, an 8.5 percent increase, and paralegal fees from \$80 to \$90 per hour, a 12.5 percent increase. Jim Warden made a motion to have the town clerk send a letter to other local law offices to ask about their fees and availability. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(e) Selectboard warrant. Sally Torrey made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$94,552.37. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

6. Other business

Jim Warden said Jaimeelyn Gaboriault, the town's health officer and animal control officer, will attend the selectboard meeting on February 17, 2015, to give the board an update on her work.

Steve Gutowski said Champlain Oil Co., owners of the new Jiffy Mart/McDonald's on Route 7, would like the state to reconsider its decision not to move the speed limit sign on Route 7 northbound that now has the speed limit changing from 50 mph to 40 mph a few feet south of the entry to the new business. The state's decision followed a request from the town to move the sign farther south, given the increase in turning traffic at the site. The state did agree to move the warning sign about the reduced speed limit farther south, and to make the 40 mph limit sign more prominent. Any request for a reconsideration would need to come from the town. Board members did not express interest in pursuing the matter further.

7. Correspondence

(a) Vermont Department of Environmental Conservation — information on general permit for Vermont Flood Hazard Area & River Corridor Rule — public meeting on February 27. A public information meeting on the permitting process under these rules will be held on February 27, 2015, from 6-8 p.m. at the National Life Building in Montpelier. Information on the meeting will be posted in the town offices.

(b) Public notice of filing — New England Clean Power Link Project underwater in Lake Champlain, Alburgh to Ludlow, Vt. A firm called TDI New England has petitioned the Vermont Public Service Board for a certificate of public good for a high-voltage direct current electric transmission line that will run under Lake Champlain from Alburgh to Benson and then underground from Benson to Ludlow. The line will be capable of transmitting up to 1,000 megawatts of electricity. More info on the project: <http://necplink.com>.

(c) 2015 Vermont League of Cities & Towns Property and Casualty Intermunicipal Fund coverage documents. The town received a letter outlining changes to the VLCT's 2015 Property & Casualty and Workers' Compensation coverage documents.

8. Personnel — Garrit Smits (probable executive session)

The board remained in public session for a discussion with Garrit Smits, town treasurer. He voiced concern about the board's decision at its special meeting on January 26, 2015, to change his position to a salaried position for the amount of \$540 per week, equivalent to 30 hours per week at \$18 per hour, effective February 2, 2015. He said he had been working 40 hours and offered examples of ways he saves the town money and improves the efficiency of the town offices, and noted that the town's auditor had recently praised his work. He said he feels he is being singled out, since others working for the town are not facing cutbacks, and that he is being asked to work 40 hours but be paid for 30.

Board members said they had to make difficult decisions in an effort to control the town's spending as they prepared for a new budget year. They said they had also reduced the hours of Pam Cousino, assistant clerk/treasurer, from 40 hours to 30 hours, though she will be paid from the town's listers' budget for up to 10 additional hours each week. Board members said that they wanted to keep Smits working at least at 30 hours per week to be eligible for the insurance/benefit package. The board also stated that they did not have to offer any insurance/benefit package to elected officials. Board members said they had anticipated having Smits work up to 40 hours per week during the transition from one

treasurer to the next, as systems were set up and he learned the ropes, and that he would then work fewer hours. Smits agreed that this was discussed, but thought that 30 hours was not sufficient. Board members said they were not expecting him to work 40 hours while only being paid for 30.

Smits also said he had started at \$18 per hour with the expectation that his hourly rate would be increased, and mentioned increases given recently to other town employees. Loretta Lawrence said there is a contingency fund in the proposed budget for next year for raises, and that this would be addressed once Smits completed his first year on the job. Jim Benoit said Ferrisburgh should not give across-the-board, automatic increases to town employees, and that any salary adjustments should be based on job evaluations.

Smits asked that he be compensated for 55 hours in overtime that he had worked since his election in 2014 as treasurer. Board members said any documented overtime would be paid.

On another matter, Bob McNary asked who would be clearing the snow from the front sidewalk and entrance of the town hall. Red Muir suggested that someone from the town road crew do the work after each snow storm, once their work on the town's roads is complete.

The board discussed an e-mail they received earlier in the day from Carl Cole on behalf of the town's listers suggesting that one response to the bird cannon issue from last summer in West Ferrisburgh would be to have farmer Wayne Stearns purchase crop insurance for the acres devoted to sweet corn. Cole's e-mail included the draft of a letter for the selectboard to send to property owners outlining the plan. Board members said this was the first they had heard of the idea and that they had not been involved in drafting the letter.

9. Adjourn

Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Tim Etchells