

**Town of Ferrisburgh  
Selectboard Minutes  
March 17, 2015**

**Members present:** Steve Gutowski, Loretta Lawrence, Michael “Red” Muir, Jim Warden. **Absent:** Jim Benoit.

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

**Visitors present:** Jim Carroll, Carl Cole, Tim Davis, Bob McNary, Robert Peisch, Bessie Sessions, Sally Torrey.

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

**2. Call to order and reorganization of selectboard.**

**(a)** Gloria Warden, town clerk, called the meeting to order at 6:30 p.m. She asked to have the agenda amended to include the appointment of the town service officer under 5. (a) Appointments.

**(b) Motion to elect chairperson.** Loretta Lawrence made a motion to elect Steve Gutowski as chairperson. Jim Warden seconded. Loretta Lawrence, Red Muir and Jim Warden voted in favor. Steve Gutowski abstained. MOTION PASSED.

**(c) Motion to elect vice chairperson.** Steve Gutowski made a motion to elect Loretta Lawrence as vice chairperson, but was reminded that the selectboard chairperson does not typically make motions. Loretta Lawrence made a motion to elect Jim Warden as vice chairperson. Red Muir seconded. Steve Gutowski, Loretta Lawrence and Red Muir voted in favor. Jim Warden abstained. MOTION PASSED.

**(d) Motion to elect board clerk.** Jim Warden made a motion to elect Loretta Lawrence as board clerk. Red Muir seconded. Steve Gutowski, Red Muir and Jim Warden voted in favor. Loretta Lawrence abstained. MOTION PASSED.

**(e) Appointment of minute taker.** Loretta Lawrence made a motion to appoint Tim Etchells as selectboard minute taker. Jim Warden seconded. All voted in favor. MOTION PASSED.

**(f) Motion to adopt Robert’s Rules of Order.** Jim Warden made a motion to adopt Robert’s Rules of Order. Red Muir seconded. All voted in favor. MOTION PASSED.

**(g) Motion to set the first and third Tuesdays of each month as the meeting schedule.** Red Muir made a motion to set the first and third Tuesdays as the meeting schedule. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.

**(h) Motion to designate the Addison Independent as the official newspaper.** Loretta Lawrence made a motion to designate the Addison Independent as the official newspaper. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

**3. Approve minutes — March 3, 2015**

Loretta Lawrence asked that section 6. Selectboard to approve or sign, (a) RFP for auditor, reflect her request during the meeting that the RFP be sent to the town’s current auditors. Jim Warden made a

motion to approve the minutes of the selectboard meeting on March 3, 2015, with Lawrence's addition. Loretta Lawrence seconded. Steve Gutowski, Loretta Lawrence and Jim Warden voted in favor. Red Muir abstained. MOTION PASSED.

#### 4. Selectboard old business

**(a) Jim Carroll — town attorney discussion.** Jim Carroll, whose law firm English, Carroll & Boe represents the town, attended the meeting to discuss the role of the town attorney with board members. At its March 3 meeting, the board, after reviewing quotes from other law firms and agreeing to remain with English, Carroll & Boe, had asked Carroll to attend a future meeting, to discuss his work with the town and specifically complaints from some town officials that it sometimes takes too long to get answers to legal questions. Carroll said about 95 percent of his practice now involves municipal related work, including some work for the Vermont League of Cities and Towns. He said he recognized that there were times when it took longer than he would like to resolve questions, and understood the board's frustrations. He also said he felt there were times when he had contributed to the issue by not communicating well enough with the town about issues that were causing delays. He said his bias against litigation and in favor of resolving issues without going to court sometimes meant it took more time to facilitate a good result. Steve Gutowski said that it was difficult not to be able to answer questions from residents because board members didn't know where legal issues stood. Carroll said he would do his best to be more responsive to and communicative with the board in the future. Board members said they greatly appreciated the work Carroll has done for the town over the years, and recognized how important it is to be able to work with Carroll and his longtime paralegal, Michelle Cyr.

Steve Gutowski introduced and welcomed the selectboard's newest member, Red Muir, elected during the Australian balloting on March 3. He succeeds Sally Torrey, who stepped down after 10 years on the board.

**(b) John Bull — road foreman report.** As part of his preparation for applying for grants, John Bull presented a financial plan for town highways for the 2015-16 fiscal year, which calls for expenditure of \$835,479, with \$674,883 of that coming from town funds and the rest from the state. Jim Warden made a motion to approve the plan. Loretta Lawrence seconded. All voted in favor. MOTION PASSED. Bull noted that the town's highway department budget had been within \$5,000 of the current level for the past five years, which he felt represented "running a pretty tight ship" over that period of time, especially considering increases in material and fuel costs.

He also asked the board to approve a document saying that the town's standards for maintaining its roads meet the most recent standards set by the state. Loretta Lawrence made a motion to approve the document. Jim Warden seconded. All voted in favor. MOTION PASSED. Bull said that he would be applying for grants for projects in town, including repairs to the Little Chicago Road bridge, and work on Old Hollow Road, probably starting with the stretch from Route 7 to the cemetery. He said the Little Chicago bridge was not in danger of failing, but would need work in the near future. He is hoping grants will come through in the next year or two to help with these projects.

He also presented numbers to the board for equipment purchases that would be necessary to do maintenance work on town property, including mowers, a trimmer, a leaf blower and a trailer to transport it all. And he shared with the board revised job descriptions for highway department workers.

Bull reported that one member of the highway crew, Tim Warner, was stepping down from his job as of March 19 due to health issues.

**(c) Sally Torrey — delinquent tax collector.** Sally Torrey, former selectboard member and recently-elected delinquent tax collector, asked board members for their support of a written policy she had

drafted covering collection of delinquent property taxes, which she said was designed to establish clear guidelines so that all delinquent taxpayers will be treated fairly and know what to expect. Board members thanked her for her work on the policy and expressed their support.

**(d) Tim Davis — USDA grant application.** Tim Davis, who represents the town on the Addison County Regional Planning Commission, shared information with the board about a possible use for the town property at the junction of Routes 7 and 22A. He has investigated the possibility of applying for a U.S. Department of Agriculture grant to study the feasibility of establishing an agricultural incubator space, also known as a food hub, at the site. In a proposal Davis presented to the board, he said the hub might include rental space for vegetable processing — cooking, refrigerating, freezing, vacuum sealing — as well as a conference room and office space. Vegetables might also be grown on the property. He pointed to similar hubs elsewhere in the state, including Waitsfield and Shelburne. Davis was asking the board to support the grant request, but board members said they could not commit to anything specific until after a meeting scheduled for the following day (March 18) with state officials about possible uses of the property.

## 5. Selectboard general business

### (a) Appointments

- **Zoning board — Rayne Herzog — 3-year term expires 2018.** Jim Warden made a motion to approve Rayne Herzog's appointment. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.
- **Fence viewer — Ronald Kampner — 1-year term expires 2016.** Loretta Lawrence made a motion to approve Ronald Kampner's appointment. Red Muir seconded. All voted in favor. MOTION PASSED.
- **Fence viewer — Bob McNary — 1-year term expires 2016.** Jim Warden made a motion to approve Bob McNary's appointment. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.
- **Fence viewer — Michael Muir — 1-year term expires 2016.** Loretta Lawrence made a motion to approve Michael "Red" Muir's appointment. Jim Warden seconded. Steve Gutowski, Loretta Lawrence and Jim Warden voted in favor. Red Muir abstained. MOTION PASSED.
- **TAC — Bob McNary — 1-year term expires 2016.** Loretta Lawrence made a motion to approve Bob McNary's appointment. Jim Warden seconded. All voted in favor. MOTION PASSED.
- **Energy Committee (advisory) — Bob McNary — 1-year term expires 2016.** Red Muir made a motion to approve Bob McNary's appointment. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.
- **Energy Committee (advisory) — Roger Holzapfel — 1-year term expires 2016.** Jim Warden made a motion to approve Roger Holzapfel's appointment. Red Muir seconded. All voted in favor. MOTION PASSED.
- **Town Service Officer.** Loretta Lawrence made a motion to appoint Jim Warden as town service officer for a term expiring in 2016. Red Muir seconded. Steve Gutowski, Loretta Lawrence and Red Muir voted in favor. Jim Warden abstained. MOTION PASSED.

**(b) Extend terms that expire March 2015 for the Zoning Board, Planning Commission and Conservation Commission to May 2015.** Red Muir made a motion to extend all terms expiring in March 2015 to May 2015. Jim Warden seconded. All voted in favor. MOTION PASSED.

## 5. Public comment

Sally Torrey said she had been named, as a selectboard member, to a joint school board-selectboard committee to discuss a swap of land from the school to the town. She said she was happy to continue

erving, but wondered if the board wanted to appoint someone else to represent the selectboard. Steve Gutowski asked Red Muir to serve on the committee, and Muir agreed.

Bob McNary said he thought any swap with the school should include buildings as well as land.

Bob McNary also asked whether Red Muir, who has been heading up a maintenance committee for town buildings, had numbers for the proposed repair and maintenance work. Muir said he had come up with some numbers for floor refinishing in the town hall and for work on the parking lot outside the town hall. Steve Gutowski suggested that parking lot repair wait until the town had resolved the possible purchase of the adjacent lot, which might mean redesigning the parking area. Bob McNary said that he thought it would be a good idea to start assigning dollar figures to the repair work needed, so that the town could develop an action plan for the future.

Bob McNary also asked whether it would still be possible to have further public comment during the “Other business” portion of the agenda, which had been the custom in the past. He said he had understood Steve Gutowski to rule this out at the March 3 meeting. Gutowski said that he could not recall saying that, and that it would be fine to hear further comments during “Other business.”

Carl Cole asked whether the town still had unfinished business with Bread Loaf Corporation regarding work on the town hall. Steve Gutowski said there were ongoing issues, including Bread Loaf’s promise to monitor the condition of the stone walls on either side of the building’s front porch.

## 6. Selectboard to approve or sign

**(a) Jiffy Mart — liquor license renewal application.** Jim Warden made a motion to approve the liquor license renewal for the Jiffy Mart. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.

**(b) Vermont Energy Co. — liquor license renewal application.** Loretta Lawrence made a motion to approve the liquor license renewal for Vermont Energy. Red Muir seconded. All voted in favor. MOTION PASSED.

**(c) Basin Harbor Club — liquor license outside consumption permit.** Loretta Lawrence made a motion to approve the outside consumption permit for Basin Harbor Club. Jim Warden seconded. All voted in favor. MOTION PASSED.

**(d) Little Chicago-Walker Road Water Association — upstairs hall rental — April 14.** Loretta Lawrence made a motion to approve the rental of the upstairs hall to the Little Chicago-Walker Road Water Association for April 14 from 6:30-8:30 p.m., waiving the rental fee, while requiring a security deposit. Jim Warden seconded. All voted in favor. MOTION PASSED.

**(e) Rogers & Hazard Relief Society — downstairs meeting room rental — March 31.** Loretta Lawrence made a motion to approve the rental of the the downstairs meeting room to the Rogers & Hazard Relief Society for March 31 from 6:30-8:30 p.m, waiving the rental fee and security deposit. Red Muir seconded. All voted in favor. MOTION PASSED.

**(f) Selectboard warrant.** Loretta Lawrence made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$1,541,857.85. Jim Warden seconded. All voted in favor. MOTION PASSED.

## 8. Other business

Carl Cole asked about the visit on March 18 by Noelle McKay of the state's Department of Housing and Community Development, specifically whether there would be a representative of the Agency of Natural Resources on hand. Steve Gutowski said that McKay told him she had spoken on this topic with ANR.

Carl Cole was on a town committee that investigated purchasing a 2.1-acre parcel abutting town hall and school property. The town approved the purchase, for up to \$40,000, at town meeting. He said some issues had arisen about construction on another lot in the vicinity, which might have taken place on, or too close to, the property line of the parcel the town wants to buy. Cole said he hoped Clark Hinsdale III would be at the next selectboard meeting to speak to the issue.

Bob McNary said that since three of the four issues raised in the selectboard's "Correspondence" section dealt with the siting of solar arrays, he wanted to remind the board that he would be attending a regional planning commission meeting about solar siting issues, and wanted to offer himself and the town's Energy Committee as a resource in dealing with these projects. Steve Gutowski read a resolution from Rutland, asking state legislators to work on new rules for siting renewable energy sources, giving towns more say in the process. Other towns are being asked to sign on, and board members said they would consider doing so at a future meeting.

## 9. Correspondence

**(a) English, Carroll & Boe — general release signed by Bernard Dam.** The town received from its attorney a general release signed by Bernard Dam, which grew out of a legal dispute, Town of Ferrisburgh v. Bernard Dam, involving roadside ditch and culvert work.

**(b) Encore Redevelopment — notice of proposed solar array west of Route 7, north of railroad tracks.** The company sent a notice to the town and adjoining property owners about its proposal to construct a 500-kilowatt solar array on a 4-acre site in Ferrisburgh.

**(c) McGuire to Public Service Board, re: Beach Properties — solar glare analysis for solar installation.** The town received a copy of a letter from property owner Mary McGuire to the Vermont PSB about about a solar array constructed at Basin Harbor Club.

**(d) Town of Rutland — resolution addressing solar siting.** See "Other business," above.

**10. Adjourn.** Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Tim Etchells