

**Town of Ferrisburgh  
Selectboard Minutes / DRAFT  
February 21, 2017**

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

**Town officials present:** John Bull, road foreman

**Visitors present:** John Eisenhardt Jr, Judy Elson, Craig Heindel, Jeanne Kelly, Nick Patch, Bessie Sessions, Sophia Shems, Monica Tupper.

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

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

**2. Approve minutes — February 7, 2017.**

Steve Gutowski made a motion to approve the minutes of the February 7, 2017, as presented. Red Muir seconded. Steve Gutowski, Loretta Lawrence, Red Muir, and Jim Warden voted in favor. Jim Benoit abstained. MOTION PASSED.

**3. Selectboard new business**

**(a) John Bull — highway operations report.** John Bull discussed the plowing, salting, and sanding of town roads during the recent snowstorms.

Steve Gutowski asked John to complete a Tier II Report, an Environmental Protection Agency form that lists such things as the maximum amount of hazardous chemicals at a facility during the preceding year, an estimate of the average daily amount of hazardous chemicals at the facility, and the general location.

John relayed information to the board regarding a state grant available to rebuild the culvert on Plank Road. The town would be able to receive the grant if the work conforms to the specifications. He stated that meeting these standards would cost the town thousands of dollars. He suggested a significantly less costly option that would yield the same result. After discussion, it was decided that John’s suggestion would be implemented.

John’s final comment was that the 2001 Chevrolet Silverado HD 2500 truck is for sale. It has 121,600 miles, an 8.1-liter engine, and an Allison automatic 8 Fisher plow. Interested parties may email him at [ferrisburghroad@comcast.net](mailto:ferrisburghroad@comcast.net).

**(b) Lund Family Center — 9<sup>th</sup> Annual Ride and Walk for Children — May 14, 2017.** Sophia Shems, event coordinator, explained the details of this fundraising event. Loretta Lawrence stressed the importance of all riders stopping at every intersection in Ferrisburgh along the route. After further discussion, Steve Gutowski made a motion to approve the use of town roads for the Lund Family Center Ride and Walk for Children on May 14, 2017. Jim Warden seconded. All voted in favor. MOTION PASSED.

**(c) Nick Patch — request for Ferrisburgh Central School students to tap maple trees on town green.** Nick Patch informed the board that he and Addison County Forester Chris Olsen had evaluated the general health of the maple trees. Chris advised that except for one tree that has lost a large branch, the remaining trees are healthy enough for one tap per tree. Nick continued by saying that as in the past,

Judy Elson will lead children from Ferrisburgh Elementary School to mulch the trees to protect against further damage by mowing. Jim Benoit made a motion to approve the tapping of the maple trees on the town green by Ferrisburgh Elementary School children. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

#### **4. Selectboard old business**

**(a) Town Charter — insert date for expiration of current terms for the town clerk and town treasurer.** Discussion ensued regarding the timeline of events that need to occur prior to a vote on the proposed charter. Red Muir made a motion to set September 5, 2017, as the termination date of the elected town clerk and town treasurer. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

**(b) Discuss dates for warned hearings and vote regarding Town Charter.** Steve Gutowski suggested that the dates of the two public hearings and special meeting to vote on the proposed Town Charter be discussed at Town Meeting Day on March 4, 2017.

#### **5. Selectboard general business**

**(a) Vermont Green Line (VGL) Committee update.** Craig Heindel, chair of the town's VGL Committee, submitted an invoice approved by the VGL Committee to the selectboard. After discussion, Red Muir made a motion to approve payment of the invoice from Jim Carroll, the town's attorney from the firm of Carroll, Boe & Pell, in the amount of \$776 from the VGL escrow account. This account, which funds continuing expenses such as legal bills, is fully funded by Vermont Green Line Devco (VGLD), not by the town. Jim Warden seconded. Jim Benoit, Loretta Lawrence, Red Muir, and Jim Warden voted in favor. Steve Gutowski abstained. MOTION PASSED.

Craig commented that the 2016 VGL escrow account has approximately \$11,000; the \$20,000 for 2017 has still not been added to the escrow account. No further progress has been made on the Host Town Agreement or the Road Access Permit. The next six months will be a discovery phase with mandatory public hearings in late fall.

**(b) Bill and Anne Vincent — regarding zoning complaints/procedures.** Loretta Lawrence stated that the Vincents have withdrawn their request to be on the agenda.

#### **6. Public comment**

A lengthy discussion ensued regarding the procedure and system for paying bills in the treasurer's office. Loretta Lawrence explained that since the board has learned of unpaid bills, it had previously been adding the warrant as an agenda item for the bimonthly budget work sessions, instead of waiting for the next regular selectboard meeting or calling a special meeting. Road Foreman John Bull said that it has been difficult to know about outstanding invoices, as it is not until a creditor calls him or the town offices seeking payment that the board learns about unpaid bills. Steve Gutowski cited an example of a late payment: The lease payment on the new fire truck was paid two months late.

There was a special concern regarding a second late payment penalty from the IRS. Loretta Lawrence stated that Pam Cousino, assistant treasurer, is working with an agent at the IRS. At the time of this meeting, the late fee penalty had not yet been determined.

After concerns were expressed that continued late payment of bills costs the taxpayers more money, Loretta Lawrence stated that the board is handling the situation and has been in contact with numerous parties including the Secretary of State's office, the Vermont League of Cities & Towns, and the town's

attorney. She emphasized that the town treasurer is an elected official, and no statute exists to remove an elected official. The only recourse is to elect a new town treasurer, or create or amend the town charter to change the position to an appointed one. Jim Benoit said it is frustrating to have your hands tied and know that until any of those things happen, there is absolutely nothing the board can say or do to change anything.

John Bull, road foreman, asked to go on the record stating that having working in the town for 25 years, he feels strongly that the selectboard has done everything in its ability to rectify the situation with the town treasurer, who has chosen not to follow any of its advice.

## **7. Other business**

Steve Gutowski mentioned that a new Ferrisburgh delegate and alternate are needed to serve on the Addison County Solid Waste Management District board of supervisors. Loretta Lawrence said there is at least one person who is interested. She stated that the selectboard will appoint people to these positions at the regular selectboard meeting on March 21, 2017.

## **8. Correspondence**

**(a) State of Vermont Environmental Conservation Department regarding #WW-9-0127-4.** By letter, the town was notified that the department believes Vermont Livestock Slaughter and Processing Company, LLC is in violation of the conditions of the Wastewater System and Potable Water Supply Permit #WW-9-0127-4

**(b) Reply from VTRANS Highway Safety and Design regarding traffic study at intersection of US Route 7, Old Hollow Road, and Stage Road.** Chad Allen, director of the Asset Management & Performance Bureau, replied to an email from Loretta Lawrence stating that the Office of Safety Team is evaluating the safety of the intersection and would report its findings and present recommendations to the selectboard within eight weeks.

**(c) Vermont League of Cities & Towns Local Leadership in Economic Development workshop — March 22, 2017.** The workshop will be held at the Capitol Plaza Hotel and Conference Center on 100 State Street in Montpelier, Vermont, from 8:30 a.m. to 4:00 p.m.

**(d) State of Vermont Environmental Conservation Department regarding #WW-9-1539.** By letter, the town was notified that Dockview, LLC (dba The Dock Doctors, LLC) must comply with additional corrective actions.

## **9. Selectboard to approve or sign**

**(a) Sally Torrey — Gage Cemetery Annual Meeting — hall rental agreement — May 7, 2017, from 1:45 to 3:30 p.m.** Steve Gutowski made a motion to rent the upstairs community hall to the Gage Cemetery Association, waiving the rental fee but requiring the \$500 deposit and proof of insurance. Jim Warden seconded. All voted in favor. MOTION PASSED.

**(b) Ferrisburgh Historical Society — hall rental agreement — February 28, 2017, from 7:00 to 9:00 p.m.** Steve Gutowski made a motion to rent the upstairs community hall to the Ferrisburgh Historical Society, waiving the rental fee but requiring the \$500 deposit and proof of insurance. Jim Benoit seconded. All voted in favor. MOTION PASSED.

**(c) Jiffy Mart — 2017 liquor license renewal application.** After review, Jim Benoit made a motion to renew the liquor license for a second class license in a single story building located at 2822 US Route 7. Jim Warden seconded. All voted in favor. MOTION PASSED.

**(d) Selectboard warrant.** After review, Steve Gutowski made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$35,772.45. Jim Benoit seconded. All voted in favor. MOTION PASSED.

7:36 p.m. – Steve Gutowski made the motion to go into executive session, stating that the selectboard finds that premature general public disclosure of highway department personnel issues would put the town and its employees at a substantial disadvantage. Motion was seconded by Jim Benoit. All voted in favor. MOTION PASSED.

7:37 p.m. – Jim Warden made the motion to go into executive session, inviting John Bull, road foreman, to confer with the selectboard regarding a highway department personnel issue. Motion was seconded by Jim Benoit. All voted in favor. MOTION PASSED.

— *End of minutes from open session.* —

Respectfully submitted,

Jean Silveira

— *Minutes from executive session* —

7:55 pm – Steve Gutowski made the motion to come out of executive session. Motion seconded by Jim Benoit. All voted in favor. MOTION PASSED.

Action taken – The selectboard gave John Bull advice on how to proceed with the highway department personnel issue.

Jim Warden made the motion to adjourn at 8:05 p.m. Motion seconded by Red Muir. All voted in favor. MOTION PASSED.

Respectfully submitted,  
Loretta Lawrence, Chair