

Town of Ferrisburgh
Selectboard Minutes / APPROVED
March 20, 2018

Members present: Jim Benoit, Rick Ebel, Steve Gutowski, Jessica Husk.
Michael Red+Muir participated electronically.

Town officials present: Bonnie Barnes, zoning administrator; John Bull, road foreman; Deb Healey, town treasurer; Gloria Warden, town clerk.

Visitors present: Sam Alger, Christina Brace, Debra Brace, Kaitlyn Brace, Lexi Brace, Lisa Brace, Scott Brace, Anna Chariand, Carl Cole, Hunter Coyle, Delanie Cynewski, Kim Cynewski, Ziggy Comeau, Justus DeVries, John Eisenhardt, Brittaney Fisher, Jerry Fisher, Lauren Fisher, Rick Fisher, Ricky Fisher, Tracy Fisher, Whittaney Fisher, Jaimeelyn Gaboriault, Kristin Haas, Duncan Harris, Scott Hawkins, Steve Huffaker, Jeanne Kelly, Andy Kirkaldy, Donald Maglienti, Julien Martindale, Sheila McGregor, Henry Prange, Sam Punchar, Matt Sartelle, Bessie Sessions, Bill Wager, Shannon Warden.

1. 6:30 p.m. Call to order and reorganization of selectboard.

(a) Town clerk — call the meeting to order. Gloria Warden, town clerk, called the meeting to order at 6:30 p.m.

(b) Motion to elect chairperson. Steve Gutowski made a motion to elect Rick Ebel as chairperson of the board. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Rick Ebel asked for a motion to amend the agenda, moving **1. (i) Welcome and introduce newly elected selectboard member** to **1. (c)**. Jim Benoit made a motion to amend the agenda as described. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

(c) Motion to elect vice chairperson. Steve Gutowski made a motion to elect Red Muir as vice chairperson of the board. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(d) Motion to elect clerk of the board. Steve Gutowski made a motion to elect Jessica Husk as clerk of the board. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(e) Motion to designate the official newspaper. Steve Gutowski made a motion to designate *The Addison Independent* as the official newspaper. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(f) Motion to set the first and third Tuesdays as the meeting schedule. Steve Gutowski made a motion to set the first and third Tuesdays of every month as the meeting schedule. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(g) Motion to designate the official posting of agendas/meetings/warnings. Steve Gutowski made a motion to designate the town clerk's office, Ferrisburgh post office, North Ferrisburgh post office, West Ferrisburgh (at the intersection of Basin Harbor Road and Jersey Street), and the town website as the official posting locations for agendas/meetings/warnings. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(h) Motion to authorize the chair or his/her designee to sign payroll warrant. Steve Gutowski made a motion to authorize the chair or his/her designee to sign the payroll warrant. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(i) Welcome and introduce newly elected selectboard member. After introducing Jessica Husk, Rick Ebel welcomed and congratulated her.

[Note: This agenda item followed **1(b) Motion to elect chairperson.**]

2. Approve minutes — March 6, 2018, regular meeting.

Steve Gutowski made a motion to approve the minutes of the March 6, 2018, regular meeting, as submitted. Jim Benoit seconded. Jim Benoit, Rick Ebel, Steve Gutowski, and Jessica Husk voted in favor. Red Muir abstained. MOTION PASSED.

3. Selectboard new business

(a) John Bull — highway operations report. John Bull discussed the details of the bids he received to purchase a new loader. The John Deere 524K, the one rented in February, is still available for purchase; the rental fee of \$4,500.00 would be deducted from the purchase price. John continued by stating that this purchase would be under budget by \$13,792.00. After further discussion, Steve Gutowski made a motion to authorize John Bull to purchase the John Deere 524K loader for \$101,208.00. Jim Benoit seconded. All voted in favor. MOTION PASSED.

John commented that he felt assured that the town will receive a state grant to repair Old Hollow Road. The final decision will be made by July 1, 2018. The project would begin after the grant is received. He also informed the board that the final grant he applied for is a Property and Casualty Intermunicipal Fund grant through the Vermont League of Cities & Towns. The grant offers a 50% match, up to \$5,000.00, for the purchase of safety equipment by the town. John will submit a grant to purchase a trench box, which would be used when changing culverts. The deadline for the application is April 1, 2018.

Steve Gutowski asked if 40 mph speed limit signs have been installed on Plank Road. John replied yes and said that the posted speed limit will become legally enforceable when the results of the required traffic study are recorded in the Ordinance to Regulate Motor Vehicle Speed.

(b) Don Maglienti — Addison County Solid Waste Management District (ACSWMD) — residential household hazardous waste collection. Don Maglienti, program director of ACSWMD, addressed the board regarding new convenience standards set by the Vermont Department of Environmental Conservation. All towns not within 15 miles of the District HazWaste Center in Middlebury, Vermont, must be offered at least one free mobile collection event per year. The proposed date is May 19, 2018, from 8:00 a.m. to noon at the Ferrisburgh town garage. After discussion, Steve Gutowski made a motion to approve this event. Jessica Husk seconded. All voted in favor. MOTION PASSED. As requested, the board will write a signed document stating its approval of the event as proposed.

(c) Listers — 2018 status update. Real estate appraiser Justus DeVries stated that recordings are up to date as of February 26, 2018, noting that the listers are on schedule to finish grievances by the end of June 2018. He restated two statistics previously reported to the board: the common level of appraisal is 102.97; the coefficient dispersion is 12.59. He said that Addison County inventory is about as low as it has ever been in the last seven or eight years. He finished his update by saying the listersqdeadline is April 1, 2018.

(d) Duncan Harris — Kingsland Company — re: listing contract. Duncan Harris talked about the circumstances that led to the withdrawal of the purchase and sales agreement with Andrew Peterson, the potential buyer of the town-owned parcel at the intersection of US Route 7 and Route 22 A. He stressed his commitment to continue to market the property to find a buyer who may be interested in purchasing it for agricultural use. Steve Gutowski made a motion to renew the purchase and sales agreement with Kingsland Company for the sale of the Route 22A and Route 7 property. Jessica Husk seconded. All voted in favor. MOTION PASSED.

4. Selectboard old business

(a) Lauren Fisher — dog issues. Rick Ebel made an opening remark that this agenda item is a follow up to the March 6, 2018, regular selectboard meeting. A lengthy discussion ensued beginning with an update from Lauren Fisher. She said that although Sheila McGregor had agreed at the March 6 meeting to pay for Terminix to come to Lauren's home on March 10, 2018, for an evaluation of a rat infestation, the company only went to Sheila's home. Lauren said since Sheila was not at home she spoke to Sheila's husband who had no idea about the arrangement. Sheila responded that she wasn't home because she had an event to go to that was scheduled months in advance and had texted her husband to tell Terminix to go to Lauren's home. He didn't tell Terminix because he didn't know it was prearranged. Rick remarked to Sheila that although he appreciates that she wasn't there and made an effort, her efforts fell short given the gravity of the situation.

Rick Ebel said that over the past two weeks work has been done at the clerk's office and with town officers to support everyone in the community and address this matter on a town-wide basis. He said he met earlier in the day with Bonnie Barnes, zoning administrator, and Jaimeelyn Gaboriaux, health officer and animal control officer. Bonnie said that she, Jaimeelyn, and Rick talked about the town's responsibility in the wake of the state no longer overseeing licensure and certification of dog rescues. She addressed Sheila McGregor saying that since her rescue operation meets the definition of a home occupation she needs to apply for a home occupation permit. Bonnie further explained that this may require some documentation from Sheila, and in all likelihood she would go before the zoning board of adjustment - which meets once a month on the first Wednesday - to apply for a conditional use. This means the board will consider the pros and cons of the operation and grant or deny a permit. The zoning board would give notice to all adjoining landowners, who will have a say in whether there should be conditions based on the landowners' concerns. Bonnie finished her remarks by telling Sheila that she will need to file her application by mid-April to be on the May agenda. Sheila responded that she would like to meet with Bonnie. Red Muir asked if the permit application requires a site inspection. Bonnie replied that it would be up to the zoning board of adjustment to decide if that is deemed appropriate.

Rick Ebel asked Jaimeelyn Gaboriaux to speak about both health and animal control issues, stressing that the town is continuing to investigate its role in resolving this matter. Jaimeelyn clarified that the zoning application would need to be filed by April 12, 2018. She confirmed that Terminix went to Sheila McGregor's home only, commenting that Sheila has put into motion remedies suggested for the rat infestation. Jaimeelyn has asked Sheila to send her photographs of what is being done and the official report from Terminix's now that the issue has escalated. Sheila had expressed wanting to use a less toxic bait that she found on Terminix's website. Jaimeelyn told Sheila to go back to Terminix to be sure this is a good substitute. Sheila cited steps Terminix recommended: close off the back room of the garage and remove any food or nesting materials, use foam and wire around the outside of the back room, block the floor drain in the main garage [already done per Sheila], and buy a new garage door or a new bottom so the door fits snugly to the ground. Sheila said this plus her cats and bait stations will solve the problem. Rick said he hadn't heard Sheila follow up regarding Lauren Fisher's property. Sheila replied that she is happy to buy more bait stations and put them along the inside of her fence so

the rats do not go to Lauren's seeking food. Lauren stated she appreciates Sheila's offer but doesn't feel that a few bait stations will solve the issue. Lauren asked how long Sheila has to seal off the garage and the back room. Jaimeelyn replied that the rat resolution health order has to be done by March 27, 2018, as stated in the letter sent on February 27, 2018, to James McGregor (the owner of the home where Sheila operates her rescue), including professional treatment.

Jim Benoit strongly expressed his outrage at Sheila McGregor, saying she agreed at the last meeting to have the rats exterminated but is still offering bait stations to Lauren Fisher. He asserted that cats and bait stations will not stop the rats from breeding. He said this is disrupting her neighbors and it is time she does the right thing and get the rats exterminated.

Ziggy Comeau asked if the zoning permit would have guidelines. Rick Ebel replied yes. She followed up by asking if the guidelines are violated can the permit be pulled. Again, Rick replied yes.

Scott Brace stated that he was at the March 6 meeting and what Jim Benoit said is correct. Cats and baits are not going to solve the problem. Scott wanted to know a date by when the problem would be resolved and what would be done if nothing happened. Jaimeelyn Gaboriault said if the rate resolution health order is not completed by March 27 the town will go to the state level.

Red Muir suggested that an inspection of Heidi's Haven by a fence viewer be part of Sheila McGregor's zoning permit application.

Debra Brace said her main concern is that Sheila McGregor is blaming the issue on the past homeowners when it is her problem that she has caused. She told Sheila she needs to get rid of her garbage completely and that fences will not stop rats.

(b) Dog Ordinance — discussion of existing and potential amendments to include: dog kennels, dog and other animal rescues, risks to public health including excessive odors, presence of vermin, pests and/or other parasites. Rick Ebel discussed the process by which an ordinance is created or amended. After an ordinance is drafted, the board has to warn it and hold a meeting to solicit comments from townspeople. Then after a certain amount of time has passed, it is warned again and another meeting is held to solicit input. He said the purpose of the dog ordinance is to keep people safe and dogs healthy.

Jaimeelyn Gaboriault said that according to the town of Ferrisburgh Ordinance Regulating Dogs [See Article 1, Purpose, section 2.2 for the definition of "Owner."], Sheila McGregor is the owner of all animals at Heidi's Haven, her home-based animal rescue business located at 2512 Sand Road; all of her dogs must be registered with the town by April, 1, 2018.

Jessica Danyow, executive director of the Addison County Humane Society, sent to the town the Vermont League of Cities & Towns' 80-page booklet called *The Big Book of Woof*; it is a handbook on Vermont municipal dog law. Rick said the board will go through the booklet for guidelines and suggestions.

Kristin Haas, the state veterinarian with the agency of agriculture, stated that some ordinances have changed since 2016, when the state no longer handled licensing and registration requirements for rescues. She said Jessica Danyow knows the current regulations.

(c) Review data regarding recording backlog. Gloria Warden said that on March 15, 2018, there were 180 pages of backlog, which consisted of 86 documents. She said that as of today, there are five more documents consisting of 15 pages from February to be recorded, then the office will be recording

March documents. She confirmed for Steve Gutowski that the recording is only three weeks behind. Steve asked what efforts are required to keep it at that rate. Gloria said she feels they need time when they are caught up to see what is required. She explained that other things were also backlogged: listers work, tax map work, permit entering. Carl Cole, a lister, remarked that the listers feel very strongly about keeping recording up to date, adding that if it is not maintained then Justus DeVries will be paid for things he should not have to do. The board asked to continue to receive backlog updates every two weeks. Rick said that by May 2018 the board may be able to make a decision whether or not to continue the part-time clerical position.

(d) Building Maintenance Committee Report.

i. Firehouse roof. Red Muir, chair of the Building Maintenance Committee, led the discussion regarding bids to replace the roof at the firehouse. Committee member Carl Cole said the materials that would be used by both Clover State Window & Siding, Inc. and Kevin's Roofing & Carpentry for a standing seam roof are comparable. After discussion, Jim Benoit made a motion to accept the bid from Clover State Window & Siding, Inc. to install a standing seam roof on the firehouse for the cost of \$35,000.00. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

ii. Old schoolhouse/Historical Society building roof. A discussion ensued regarding the pros and cons of using the three companies that submitted bids: Clover State Window & Siding, Inc., Murphy's Metal, and Perfect Pitch. Following the discussion, Steve Gutowski made a motion to accept the bid from Murphy's Metals for \$12,000.00 upon receiving a written quote specifying a 24-gauge standing seam. Jessica Husk seconded. All voted in favor. MOTION PASSED.

iii. J&A Pump and Motor Service, Inc. — service calls update. Rick Ebel read an email sent by Jim Raab of J&A Pump and Motor Service, Inc. describing why the sewer alarm keeps going off and his attempts to fix the problem by repairing the panel and replacing floats. After a lengthy discussion, Jim Benoit said he would be meeting with Jim Raab on another matter on March 23, 2018, and would address the issue with him at that time.

5. Selectboard general business

(a) Discussion to adopt Robert's Rules of Order or a Selectboard Rules of Procedure. Rick Ebel tabled this agenda item until the next regular selectboard meeting on April 3, 2018. He asked the board members to review the materials for a discussion at that meeting.

6. Public comment

Bessie Sessions asked for an update regarding the tree cutting by the Vorstevelds on Arnold Bay Road. Rick Ebel stated that he spoke today with Jim Carroll, the town's attorney from the firm of Carroll, Boe & Pell. He is waiting to hear the agreed upon date for mediation from the Vorstevelds' attorney. The suggested dates are April 18, 19, or 27, 2018.

Deb Healey asked the board to consider her request to include a \$500.00 donation to Front Porch Forum (FPF) on the next warrant. She added that if \$500.00 does not seem appropriate than a certain sum. The board agreed that FPF provides a valuable service to the townspeople and will consider her request.

John Eisenhardt reminded the board that the Vorstevelds circumvented the permitting process and polarized the community. He said that in all their interviews they have done nothing but create ill will in the community. John said he came to the meeting to find out the responsibilities of the animal control officer. He recounted the details of a recent feral cat attack on his wife Jeanne Kelly. When he

contacted the animal control officer, she said immediately that the town does not deal with cats. He added that they got very minimal guidance from her. She said to call the Vergennes Animal Hospital, who then suggested another place to call. This continued until they were finally helped by Vermont State Game Warden Dale Whitlock; he gave them guidance and handled it very professionally. John stated that is how it should have been handled right from the start. He said he has feral cats in his barn and wants guidance from the town on how to handle the situation. Rick Ebel said he would look at what the expectations are of the animal control officer position and the needs of the community.

7. Other business

Jim Benoit informed the board that Wayne Stearns approached him to talk about his desire to switch from top dressing manure on his field to injecting it with a drag hose system. This method would require a culvert being installed. Jim asked Wayne to arrange to come before the selectboard at the next regular meeting to further discuss the matter.

8. Correspondence

(a) Spring Selectboard Institute — March 24, 2018. The town was notified by the Vermont League of Cities & Towns that it will hold a workshop for selectboard members on March 24, 2018, at the Lake Morey Resort in Fairlee, Vermont. Rick Ebel stated he would attend.

(b) Ferrisburgh Conservation Commission — Talking Turkey — March 29, 2018. The town was notified by the Ferrisburgh Conservation Commission that it will host a talk about turkeys by Vermont Fish & Wildlife turkey biologist Chris Bernier on March 29, 2018, from 6:00 to 7:30 p.m. at the Ferrisburgh Community Center and Town Offices.

(c) Vermont League of Cities & Towns (VLCT) — Health Officer Training Series — April 2018. The town was notified by VLCT that it will hold health officer trainings on April 17 in Randolph and April 20 in Burlington.

9. Selectboard to approve or sign

(a) Selectboard warrant. After review, Steve Gutowski made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$2,564,149.42. Jessica Husk seconded. Rick Ebel, Steve Gutowski, and Jennifer Husk voted in favor. Jim Benoit and Red Muir abstained. MOTION PASSED.

10. Adjourn

Jim Benoit made a motion to adjourn the meeting at 8:52 p.m. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Jean Silveira