

**Town of Ferrisburgh**  
**Selectboard Minutes / APPROVED**  
April 3, 2018

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

**Town officials present:** Bonnie Barnes, zoning administrator; Gloria Warden, town clerk.

**Visitors present:** Gail Blasius, Mike Bombard, Christina Brace, Deb Brace, Lisa Brace, Scott Brace, Anna Chariand, Carl Cole, Roderick Cole, Ziggy Comeau, Robin Curler, Kim Cynewski, Russ Cynewski, Jerry Fisher, Lauren Fisher, Rick Fisher, Ricky Fisher, Tracy Fisher, Whittaney Fisher, Bob Griswold, Andy Kirkaldy, James McGregor, Jenn McGregor, Ralph McGregor, Sheila McGregor, Matt Sartelle, Bessie Sessions, Gloria Stokes, John Stokes, Jeff Warden, Jim Warden.

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

Rick Ebel, chair, called the meeting to order at 6:30 p.m.

**2. Approve minutes — March 20, 2018, regular meeting.**

Jim Benoit made a motion to approve the minutes of the March 20, 2018, regular meeting, as submitted. Jessica James seconded. All voted in favor. MOTION PASSED. Steve Gutowski commented that in 6. Public Comment, third paragraph, John Eisenhardt's comment that the Vorstevelds circumvented the permitting process was inaccurate. Steve said it was not a permitting process; the Vorstevelds should have had a public hearing with the tree warden.

**3. Selectboard new business**

**(a) Homeward Bound — 2018–2019 contract.** Steve Gutowski made a motion to approve the 2018. 2019 contract with Homeward Bound for option 2, paying a flat rate of \$600 with no charge per stray dog and no limit as to the number of stray dogs the town may bring to Homeward Bound. Jim Benoit seconded. All voted in favor. MOTION PASSED.

**(b) Bob Griswold — Union Meeting Hall repair/renovations.** Bob Griswold reviewed with the board his proposal to remove and replace existing trim and clapboards on the Union Meeting Hall tower; the proposal includes a construction budget, a request for pricing, and a bid packet. He detailed the scope of the work and the material specifications. Bob asked to keep the cost confidential when going out for bids. Discussion ensued between Bob and the board regarding several aspects of the project. After discussion, Steve Gutowski made a motion to approve exterior inspection of the tower using equipment from Brown's Welding and compensating Bob Griswold at \$40.00 per hour. Jim Benoit seconded. All voted in favor. MOTION PASSED.

**(c) Regional Planning Commission — 2018 Draft Local Emergency Operations Plan.** Rick Ebel asked Steve Gutowski if he had the necessary training to be the point person for the town's emergency operations plan. He replied yes. Jessica James made a motion to appoint Steve as the Emergency Operations Plan point person. Jim Benoit seconded. All voted in favor. MOTION PASSED.

**(d) Carl Cole — glebe land — Sidney E. Clafin, III property.** Carl Cole explained to the board that the glebe land is the portion of the Clafin property know as Lot No. 5, also known as the Ministers' or

Priest Lot.+ After discussion, Red Muir made a motion to sign the quit claim deed releasing any claim by the town to this property. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

**(e) Jean Silveira — America Red Cross blood drive — hall rental agreement — May 9, 2018, from 1:00 to 6:00 p.m.** Jessica James made a motion to rent the upstairs community hall to the American Red Cross for a blood drive on May 9, 2018, waiving the rental fee but requiring a \$500 deposit and proof of insurance. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

**(f) Brett Danyow — Little Chicago Road/Walker Road Water Users Association — hall rental agreement — April 10, 2018, from 6:45 to 8:15 p.m.** Jessica James made a motion to rent the upstairs community hall to the Little Chicago Road/Walker Road Water Users Association on April 10, 2018, waiving the rental fee but requiring a \$500 deposit and proof of insurance. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

#### 4. Selectboard old business

**(a) Dog Ordinance — discussion of existing and potential amendments to include: dog kennels, dog and other animal rescues (Article 1, section 2.2), risks to public health including excessive odors, presence of vermin, pests and/or other parasites.** Rick Ebel asked each board member to give input for possible changes/additions to the Dog Ordinance. Jim Benoit suggested adding rescue operations and non-profits to the description of owner; Jessica James agreed with him. Red Muir said he thinks the selectboard has the authority to empower the town constable to enforce the dog ordinance. Steve Gutowski said that is covered in the ordinance. He read Article 1, section 2.5 Town Enforcement Officer, which states, "Dog Enforcement officer shall mean any constable" +He also said that rescues could be covered under Section 2.4 Pound, which reads, "Pound shall mean any kennel, pound, or other facility holding or housing dogs" +He continued by saying that zoning by-laws would cover excessive odors and presence of vermin.

Lauren Fisher asked if there would be anything in the ordinance about the number of dogs someone could have. Steve Gutowski replied that the zoning by-laws cover that; six or more dogs is designated as a kennel. Rick Ebel added that there may also be some zoning by-laws about the number of dogs based on square footage, such as a small ranch home versus a farm.

Jim Warden commented that he has brought up an issue to the board many times before: instead of paying Jim Carroll, the town's attorney, the town should use the bank of attorneys at the Vermont League of Cities & Towns, as the town is already a member of the league.

Rick Ebel asked that constable duties and enforcement be added to the agenda for the next regular selectboard meeting on April 17, 2018.

Steve Gutowski made a motion to add the wording "including a rescue operation" to Article 1, section 2.2 Owner of the current dog ordinance. Jim Benoit seconded. All voted in favor. MOTION PASSED. Rick Ebel remarked that this change will now be warned.

**(b) Security cameras information update.** The board discussed the need for remote access to the security system, which is not currently allowed by the firewall. After discussion, Steve Gutowski made a motion to accept Top Floor's upgrade proposal to access the security cameras remotely. Jim Benoit seconded. All voted against. MOTION FAILED.

**(c) Building Maintenance Committee Report.**

**i) J&A Pump and Motor Service, Inc. — service calls update.** Jim Benoit informed the board that the sewer alarm was going off because the tank was syphoning. J&A Pump and Motor Service, Inc. drilled an air hole in the outlet pipe to stop the syphoning. John Bull, road foreman, is monitoring the system.

**(d) McGregor property, 2512 Sand Road — update on rat infestation and zoning application.** Rick Ebel asked Sheila McGregor, owner of Heidi's Haven Rescue, to update the board regarding what she has done to comply with the February 27, 2018, correspondence seeking removal of the rat infestation by March 27, 2018. Sheila replied that she sealed the garage and bought bait boxes as she said she would. She also said she did not file a zoning permit application because she is no longer going to save lives and rescue dogs.

An extremely divisive exchange ensued which ended after Ricky Fisher approached Sheila McGregor with a clear, plastic zip-top bag containing a dead rat he alleged he found on Sheila's fence line while playing with his daughter. Rick Ebel called for a recess. He warned those present that if a reasonable and thoughtful conversation about this matter could not happen then he would table it to another meeting. When the meeting resumed, Sheila said she was home when Jaimeelyn Gaboriault, health officer and animal control officer, came to her home along with Jeff Warden, town constable, and an employee of Orkin Pest Control to evaluate the rat infestation. She stated that Orkin did not find rat feces or urine and agreed with her that using traditional poison would be dangerous to dogs; he recommended smoke bombs, which she purchased at Tractor Supply but has not yet used. Sheila added that she hired a contractor to seal up the front of the garage.

Rick Ebel asked Jeff Warden, town constable, to give his assessment of Sheila McGregor's home. He described some of the conditions: dogs in crates, open bags of dog food, and rat holes in plywood. Jeff said the back shed also has signs of rats entering and exiting. He said he walked around the Fisher's property, located next door to Sheila's home and found a dead rat in the cellar window well.

Ralph McGregor, Sheila McGregor's father, read a prepared statement to the board, which included the history of Sheila's commitment over many decades to rescuing animals. He said Sheila sometimes has dogs for a long time before finding the right fit. Rick Ebel stressed that Sheila is not being faulted for her good works but for the negative impact on her neighbors.

Jenn McGregor, Sheila McGregor's niece, also spoke on her behalf citing the numerous things Sheila has done to get dogs placed. Jenn expressed concern that Sheila is being treated unfairly now that the state laws have changed.

Red Muir stated that the town needs to see a signed contract from Terminix or Orkin Pest Control to exterminating the rats at Sheila McGregor's rescue, as this issue will come before the board again in two weeks.

Mike Bombard, Sheila McGregor's husband, said that Terminix or Orkin Pest Control would seal up holes inside and outside of the back room with a foam containing metal shavings. He said the ideal thing is to either tear down the back room and rebuild it or when the weather is warmer pour a slab to cover all the holes. He explained that he and Sheila are doing their best to solve the rat problem.

Lauren Fisher said she wanted to make it clear, on record, that she has never once asked Sheila McGregor to stop rescuing. Lauren said she used to work at a kennel and loves dogs, but 30 plus animals in her home are too many. She said the fact is that rats have damaged her home and shed. She asked Sheila what she is going to do now, given that Sheila did not bring Terminix to her home or buy bait stations. Lauren asked what the town is going to do to solve the problem. Rick Ebel replied that he does not know the answer to who will help her with the problem.

Jerry Fisher spoke saying the problem cannot be solved by Sheila; it needs to be done professionally.

Rick Ebel announced that the town is moving forward to solve the rat problem; he has been communicating with the town's attorney about the next legal steps.

Carl Cole suggested that the town enter into a written agreement with Sheila McGregor stating that she is not going to accept dogs anymore and will phase out over a period of time.

Jim Benoit asked Sheila McGregor how many dogs she has now. She replied 22. He asserted that the problem can be solved easily: find a place for the dogs for a couple of weeks, get the rats exterminated, and phase out of the business. He said he respects the work Sheila does but she is continuing to disrupt her neighbors. He stated that it is hard to watch Lauren Fisher crying in the front row since she has been here for the last three meetings asking for the same thing.

Rick Ebel closed the discussion by stating that this matter will be on the agenda of the next regular selectboard meeting on April 17, 2018, for an update.

## **5. Selectboard general business**

**(a) Discussion to adopt Robert's Rules of Order or a Selectboard Rules of Procedure.** Rick Ebel said that he recently attended a workshop hosted by the Vermont League of Cities & Towns regarding this topic. He said that the town is not required by state statute to use Robert's Rules of Order. After discussion, the board decided to afford three minutes for open public comment after each agenda item. Red Muir made a motion to adopt the Selectboard Rules of Order. Jessica James seconded. All voted in favor. MOTION PASSED.

**(b) Set dates for employee reviews.** After discussion, Rick Ebel announced that employee reviews for the road crew would be on May 1 and reviews for the remaining town employees would be May 15, 2018. Both meetings would be special meetings beginning at 5:30 p.m. and probable executive session.

**(c) Discuss job descriptions for appointed town clerk and appointed town treasurer. Options and process for appointments.** Rick Ebel said that as of July 1, 2018, the town charter changes the positions of town clerk and town treasurer from elected to appointed by the selectboard. He listed the options available: appoint for the remainder of the elected three-year term (March 2017. 2020), appoint annually each year, appoint, or open jobs up and advertise for applicants. Red Muir stated his opinion that the town clerk and town treasurer were elected and should serve for the duration of the elected term. Jim Benoit asked for this agenda item to be tabled until the next regular selectboard meeting on April 17, 2018. Steve Gutowski made a motion to take no action on this agenda item. Jessica James seconded. Jim Benoit, Rick Ebel, Steve Gutowski, and Jessica James voted in favor. Red Muir voted against. MOTION PASSED.

## **6. Public comment**

Rod Cole asked when the town was going to enforce the parking ban on the slang bridge. He said that on the past Sunday, the road was almost impassable due to cars/trucks parking along the sides of the road instead of the nearby parking lot, which has 40 spaces. Discussion ensued regarding empowering the constable or the Addison County Sheriff's Department, which is already contracted to patrol the town, to enforce the parking ban by issuing tickets with fines.

Kim Cynewski said she wanted to state for the record that the town has known since last November about rats at Heidi's Haven Rescue. She asked if Orkin Pest Control provided a quote or written report to the town. Rick Ebel said that Jaimeelyn Gaboriault was not able to attend the meeting and he would have to ask her.

Gail Blasius asked if it was possible to add a tour of the Union Meeting Hall to a Ferrisburgh Historical Society event on May 12, 2018.

## 7. Other business

Steve Gutowski asked for a full accounting of expenses related to the Vorsteveld situation, including fees paid to Jim Carroll, the town's attorney from the firm of Carroll, Boe & Pell, and the cost of remediation by Distinctive Landscaping (Cliff Mix, tree warden, will have this information.). Rick Ebel stated that this would be an agenda item at the next regular selectboard meeting on April 17, 2018.

## 8. Correspondence

**(a) Carol Price — Heidi's Haven Rescue.** Carol Price sent a letter to the town describing her January 2018 experience trying to adopt a dog from Heidi's Haven Rescue after she read the March 15, 2018, article in the *Addison Independent* describing the conditions at the rescue. Carol's letter stated that she emailed a completed application on January 13 to Sheila McGregor, the rescue owner, and a second follow-up email on January 20 asking for an update on her application. Carol stated in the letter that she was not contacted again and her references were never contacted. Carol described not only her frustration and disappointment but also her concern for the dogs.

**(b) Bonnie Barnes, zoning administrator — letter to Sheila McGregor re: zoning application.** The town received a copy of a follow-up letter addressed to Sheila McGregor, owner of Heidi's Haven Rescue, which reiterated that any resident of Ferrisburgh who engages in a home occupation must apply for a zoning permit. The letter detailed the process for filing a zoning permit application and stated that a completed zoning permit application and the \$110.00 fee must be submitted by April 11, 2018, to place the application on the May 2, 2018, zoning board of adjustment meeting agenda.

**(c) Zoning Board of Adjustment — notice of hearing for conditional use review — 1908 US Route 7.** By letter, the town was notified that on April 4, 2018, at 7:00 p.m. the zoning board of adjustment would hold a public hearing at the town offices regarding application #18-015 (Town & Country Homes, Inc. and Paulette McNary) for a modular and mobile home sales lot; property ID #15/01/06.1; 1908 US Route 7; conditional use permit.

## 9. Selectboard to approve or sign

**(a) Beach Properties — 2018 Liquor License renewals.** Steve Gutowski made a motion to approve the 2018 Liquor License renewals for all eight locations on Beach Properties. Jim Benoit seconded. All voted in favor. MOTION PASSED. The eight locations are described as all areas within a bounded section, defined as Lake Champlain to the north, Harbor Drive to the east and south and 262 Harbor Drive to the west; all areas behind 129 Red Mill Road bordered by the Basin Harbor airstrip to the east; outside deck referred to as %Sundeck+located off the %Sunporch,+Allen Penfield Pool area bounded to the south by the Ranger Room/Town Hall complex and surrounded on all other sides by fencing; outside deck %aundeck+located off sunporch, Allen Penfield Pool area bounded to the south by the Town Hall, surrounded on all other sides by fencing, 18-hole golf course bounded by Lake Champlain to the west/south and by Harbor Road to the northeast; second-class store located on the property on the Basin Harbor Club, situated at the marina consisting of a stand alone wooden structure designated

as the marina store, located at the Basin Harbor Club, 4800 Basin Harbor Road in the town of Ferrisburgh, Vermont; a hotel located at 232 Harbor Drive, including all guest rooms and separate guest cottages; restaurant in a two-story wood frame building known as the Ranger Room, located at 253 Harbor Drive in the town of Ferrisburgh, Vermont; a restaurant known as Red Mill, located in a wood frame building on the east side of Red Mill Road, in the town of Ferrisburgh, Vermont.

**(b) Selectboard warrant.** After review, Steve Gutowski made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$10,649.75. Jessica James seconded. Jim Benoit, Rick Ebel, Steve Gutowski, and Jessica James voted in favor. Red Muir abstained. MOTION PASSED.

## **10. Adjourn**

Jim Benoit made a motion to adjourn the meeting at 9:11 p.m. Steve Gutowski seconded. Jim Benoit, Rick Ebel, Steve Gutowski, and Jessica James voted in favor. Red Muir was no longer on the call. MOTION PASSED.

Respectfully submitted,

Jean Silveira