

Town of Ferrisburgh  
Selectboard Minutes – Approved  
May 19, 2020

**Members present:** Jim Benoit, Chris Campbell, Clark Hinsdale, Jessica James, Michael “Red” Muir. All members participated electronically using Zoom.

**Town officials present:** John Bull, road foreman; Pam Cousino, town clerk; Deb Healey, treasurer; Jean Silveira, selectboard minute taker, assistant town clerk, office clerk. All town officials participated electronically using Zoom.

**Visitors present: See roll call**

**1. 6:30 p.m. Call regular meeting to order.** Jessica James called the meeting to order at 6:33 p.m. by requesting a **roll call** attendance of all participants in the meeting: Jessica James, Chris Campbell, Clark Hinsdale, Red Muir, Jim Benoit, Pam Cousino, Deb Healey, Walter Reed, Andy Kirkaldy, John Bull, Suzele Atkins, Jean Silveira, Ashley LaFlam.

**2. Approve minutes — May 5, 2020, regular meeting.**

Clark Hinsdale made a motion to approve the minutes of the April 21, 2020, regular meeting, as submitted. Jim Benoit seconded. All voted in favor. MOTION PASSED.

**3. Selectboard new business**

**(a) John Bull — highway operations report.** John Bull began his report by saying the road crew has been ditching Robinson Road to bring it back up to standard. When it is complete, he will use part of a \$15,000 grant connected with storm water management on Satterly Road. He listed paving projects that would be complete before the 2021 fiscal year, including Greenbush Road from Route 7 south back to Long Point Road, Long Point Road to the railroad tracks, and a stretch of Stage Road.

Discussion ensued when John asked the board how it would like him to respond to farmers calling to ask if they can cut brush on their fence lines that may be in the town right-of-way (ROW). The board decided John could give verbal approval after first reaching out to Cliff Mix, tree warden, to see if he is OK with this. This led to a discussion about the appointment of an assistant to the tree warden on the highway staff, the need for education about applying for a state permit to work in the ROW, and the possibility of creating a town ROW ordinance. Clark Hinsdale suggested adding a mailer about the rules for working in the ROW in the envelopes with the outgoing tax bills; Jessica James asked the board to work on a draft. Pam Cousino said the mailer would not add any more postage.

**(b) Community Bank — highway equipment loan.** Referring to an Excel spreadsheet, Deb Healey, treasurer, described for the board three scenarios for financing the purchase of a 2020 Mack Granite truck with Community Bank. She explained that a loan from the Municipal Equity Loan Program would require two exceptions and the money would not be available until October. She said the rate for a loan from Community Bank would be slightly higher. Following discussion about the three scenarios and future equipment needs, Jim Benoit made a motion to accept scenario 2: a loan for the 2020 Mack Granite from Community Bank for the total amount of \$220,500.00 at 2.30% interest over 5 years. Clark Hinsdale seconded. All voted in favor. MOTION PASSED.

**4. Selectboard old business**

**(a) Vergennes–Ferrisburgh Study Committee update.** Jessica James said she and Clark Hinsdale met with Jeff Fritz, Richard Morin, Matt Birong, and Mark Koenig to get together as a think tank. Jessica said she was on the agenda for the Vergennes City Council meeting last week, and it overwhelmingly supports the study committee and working together to create a mission statement for the group. She said the committee is in the process of getting officially recognized and create a social capital community. She said the group can team together, as it has with the pandemic, to thoughtfully and carefully help to drive our community, economy, and social blended demographic. Clark Hinsdale said the committee would work together to look at the most logical place for the economic development corridor, be it in part of Vergennes or in part of Ferrisburgh, to create new opportunities.

**(b) Tree cutting in ROW on Button Bay Road.** Discussion ensued after John Bull, road foreman, said he would do a site visit tomorrow then send a letter to Bernie Dam about obtaining a permit prior to doing any work. The discussion centered on the board consensus that if there is a violation then the owner of the property will be fined, noting that Cliff Mix, the tree warden, had recommended a \$500 fine. Following further discussion, Red Muir made a motion to send a certified letter to Bernie Dam referring to the tree cutting in the ROW complaint received March 13, 2020, with a fine recommended by the tree warden in the amount of \$500. Chris Campbell seconded. All voted in favor. MOTION PASSED.

**(c) Vorstevelds tree cutting in ROW update.**

Jessica James said she had spoken to Kevin Kite, the town's attorney in this matter, regarding the town receiving a motion for summary judgment from the plaintiff (the Vorstevelds). She explained that a motion for summary judgment is a motion that normally will occur when there are clear material facts, or when the plaintiff would like to dispose of all or a large portion of the case, or as a way to take up more time and money. The motion had addressed two specific areas. The first is the description of every tree; there are 2,173 trees that need to be identified and this information is not on the record. The second is the size of the right-of-way being either a 6-rod or 3-rod road. She said the board has 30 days to respond to the motion for summary judgment, which was filed on April 24. She said once the board has responded the Vorstevelds have two weeks after that to respond to the motion. She said right now the town has no discovery requests and no proposed discovery schedule for when evidence can be introduced to the case. She added the town had already made a motion for a discovery schedule, and this has not been resolved; there is also an outstanding status memo. She concluded by saying we are waiting to hear back as this scheduling was extended due to the reduced court operations.

## **5. Selectboard general business**

**(a) COVID-19 updates.** Jessica James mentioned a food distribution on May 20, 2020, by the National Guard to families in need; she relayed the message that people should expect long lines.

Jessica announced the school has changed the end-of-year date to June 10, 2020, adding the meals delivered by bus will end that day. On June 21, Kathy Alexander will give information about the summer program.

Jessica said Governor Scott's Executive Order now states municipalities can make their own decisions about whether or not to require masks for people entering town clerk offices.

Pam Cousino, town clerk, said the door in the parking lot was unlocked for the first time yesterday. She described new changes in the office for promoting social distancing: a plexiglass screen is in front of

the counter, the door next to her desk (used to enter the inner offices) is closed, and title searches will be allowed by appointment all day on Mondays and Fridays and from 8:00 a.m. to 1:00 p.m. Tuesdays through Thursdays.

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

There was no public comment.

#### **7. Other business**

Jessica James said she was asked to promote the 2020 Census, saying you may fill out a paper copy or go online to 2020Census.gov.

#### **8. Correspondence**

There was no correspondence.

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

**(a) Village Café and Tavern — (3) Liquor License renewal applications.** Red Muir made a motion to renew three liquor licenses for Village Café and Tavern. Jim Benoit seconded. All voted in favor. MOTION PASSED.

**(b) Selectboard warrant.** Jim Benoit made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$753,852.56. Red Muir seconded. All voted in favor. MOTION PASSED.

#### **10. Adjourn**

Jim Benoit made a motion to adjourn the meeting at 7:33 p.m. Red Muir seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Jean Silveira