

**Town of Ferrisburgh  
Selectboard Minutes / Approved  
July 10, 2018**

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

**Town officials present:** Gloria Warden and Deb Healey.

**Visitors present:** Julie Adams, Kim Cysenski, Kristen DeBellis, James Finn, Julie Fisher, Lauren Fisher, Ricky Fisher, Whitaney Fisher, Andy Kirkaldy and Bessie Sessions

**1. 5:30 p.m. —Employee reviews** (probable executive session).

Members present: Jim Benoit, Rick Ebel, Steve Gutowski, Jessica James, Michael Muir via telephone  
Rick Ebel called the meeting to order at 5:30 p.m.

Steve Gutowski made the motion to go into executive session, at 5:30 pm, for the purpose of discussing employee evaluations and that premature general public disclosure of discussion would put the town/employees at a substantial disadvantage. Motion seconded by Jim Benoit. All voted in favor.  
MOTION PASSED.

Steve Gutowski made the motion to go into executive session, inviting Gloria Warden, Town Clerk and Deb Healey, Treasurer, to discuss department evaluations. Motion seconded by Jim Benoit. All voted in favor. MOTION PASSED

Jim Benoit made the motion to come out of executive session at 6:23 pm. Motion seconded by Jessica James. All voted in favor. MOTION PASSED

Action taken:

At 6:30 pm Rick Ebel stated the selectboard will be tabling the discussion until we have more information from the clerk and treasurer.

Respectfully submitted,  
Jessica James, Clerk

**2. 6:30 p.m. Regular Meeting — Call to order.**

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

**3. Approve minutes** — June 19, 2018, regular meeting and June 19, 2018, Board of Health Meeting. Jim Benoit made a motion to approve the minutes of the June 19, 2018, regular meeting and Board of Health Meeting, as submitted. Jessica James seconded. All voted in favor. MOTION PASSED.

**4. Selectboard New Business**

**(a) Set 2018-2019 Tax Rate** — Projected Rate on Calculations. After review by the board of the materials submitted prepared by Pam Cousino, for the breakdown of the numbers used to calculate the tax rate. Steve Gutowski made a motion at 6:42pm to set the 2018-2019 Total Residential Rate to 1.8959 and Total Non-Residential Rate to 1.8296. Jessica James seconded. Rick Ebel, Steve Gutowski, Jessica James and Red Muir voted in favor. Jim Benoit opposed. MOTION PASSED.

**(b) Dog Ordinance Review** . Rick Ebel read Article 2, section 2.2 Owner, which now includes the wording "... including a rescue operation, ..." . Rick Ebel also discussed future consideration of amending the ordinance revising the definition of owner, establishing or boarding 6 or more dogs being deemed as a kennel, as in the Zoning Bylaws. After brief discussion the topic was tabled until the next regularly scheduled meeting.

**(c) JSCL, LLC — update on Zoning Board of Adjustment Decision.** The selectboard was asked by the Vermont Supreme Court Environmental Division if the selectboard would like to be involved with any action at the current time. Rick Ebel stated after conversations with the zoning officials and the attorney

that the recommendation is no involvement and the town is in good hands surrounding this matter. After discussion, Steve Gutowski made a motion at 6:47pm to consider the request from Supreme Court that the selectboard has been invited to the hearing process. Jim Benoit seconded. All opposed. MOTION DENIED.

#### **4. Selectboard Old Business**

**(a) Building Maintenance Updates – Mountain Air.** Red looked at the leaks and traced the joints back to the mains and no shut offs. The whole heating system would have to be drained. He looked at the unions that were leaking and they were rusted up, not clean and need pipe sealing. The estimate from Mountain Air for repairs was \$1,857.00. Red Muir is in communication with Mountain Air and will follow up with his own findings.

Red Muir stated in other maintenance updates that we had to follow up with, Murphy's Metals, regarding the Old schoolhouse/Historical Society building roof.

Red Muir also stated that the condition of the town hall slate roof and the yellow tape around the building. Rick Ebel stated that Carl Cole was not in attendance however he may have an update from when he viewed the roof earlier this year and we could possibly look into an insurance claim as well. Following discussion, Steve Gutowski made a motion at 6:57pm to authorize Mountain Air to repair the pipes found during their last PM Inspection. Jim Benoit seconded. All voted in favor. MOTION PASSED. Rick Ebel stated that he thanks Red Muir for his knowledge and willingness to help with the building and maintenance issues.

**(b) Vorsteveld Tree Cutting – Update.** Rick Ebel stated no updates. The ditching will be done in the Arnold Bay Road area sometime in July or August. GPS work will be done to determine tile location in fall. Communication received from Julie Adams of Spencer Farm Road. She stated it was unclear with reading through the minutes what the status was. She stated that she lives on the end of the road where it is fully wooded and asked if the selectboard has seen photographs of the trees. She also stated drainage issues and filtration. Rick Ebel and Julie Adams ensued in conversation regarding that the Vorsteveld Tree Cutting will continue to be on the agenda until the issue has been resolved.

**(c) 2512 Sand Road — Health Order Update** Kristin DeBellis, deputy health officer, presented her report of the site visit on June 22, 2018. Kristin DeBellis stated that there was no evidence of activity and the Ehrlich professional had changed the bait in the trap to a nonpoisonous and more palatable material. As far as the health order's recommendation of the removal of dog feces, it had been done prior to the visit. There is a large pile of feces and leaf litter in a fenced in wooded area behind the home. The pile of feces was not covered. Kristin DeBellis noted that the health concern issue referencing the Department of Health as to potable water may be better addressed and could receive more information from the Department of Natural Resources or the State Environmental Conservation. Kristin DeBellis said the property now contains 2 pigs that are located in the space between the garage and the house. Kristin DeBellis stated that there are 25 dogs on the property and she was told by Sheila McGregor that 4 of those dogs were in transition and she was watching 3 dogs. Red Muir stated the last number we had for dogs on the property was 21. Steve Gutowski asked if there were any houses the area that had used a well and had been tested for e-coli and if they had their water tested as well. Jessica James said she believed there is municipal water as well as wells in that area. Sheila McGregor had stated that she was not a shelter yet she is still collecting dogs for placement. Kristin DeBellis stated that it was hard to say if any new dogs were there because she has not been able to identify all of them from previous visits. Red Muir asked about the smell from the compost pile. Kristin DeBellis stated that the smell on that particular day was not as bad as before. The neighbors attending the meeting, Lauren Fisher responded that the smell is not better, the wind and humidity make it smell worse. Lauren Fisher stated that there are pigs on the property and that she and her family have been not staying in their home for 2 weeks. Kim Cynewski addressed that pigs will grow to 600-800 pounds and they have feces to add to that and

concern respecting the diseases it attracts. Green water runoff is visible on their property coming from the pile in the wooded area behind Sheila McGregor's property. Rick Ebel read Item 3 from the Health Order which states reasonable notice shall be held before conducting any visits in a timely matter. Kristin DeBellis said that she was informed from Sheila McGregor that Sheila was not willing to cooperate any longer and that communication only done with lawyers. Lauren Fisher, Kristin DeBellis, Kim Cynewski, and Rick Ebel discussed the number of dogs on the property until September 30, 2018 and in the order any increase of dogs would have to be approved by the Town Health Officer. Steve Gutowski stated that compost is not just feces. Kristin DeBellis replied that the compost pile for feces must be enclosed and contain other organic material to decompose citing USDA information, and it may have contained other material other than feces, she did not inspect the pile. Kristin DeBellis said the issue is outside the Deputy Health Officer's opinion and suggested to contact Natural Resources and Environmental Conservation Agencies.

Rick Ebel stated that that another visit must be scheduled and Sheila would be contacted directly from the town and revisit around another pile of feces in back and clarify what it is. Rick Ebel stated that the selectboard understood the concerns given by the neighbors and has empathy.

**5. Selectboard General Business – None.**

**6. Public Comment – None.**

**7. Other Business**

Steve Gutowski addressed the insurance payment had not been received by Bill and Denise Kipp for the damage to the Kipp's stone wall and that he would follow up on it. Jessica James announced that she would not be attending the July 17, 2018, regular selectboard meeting.

**8. Correspondence**

(a) Addison County Regional Planning Commission — Proposed amendments to and re-adoption of the Addison County Regional Plan. Second Hearing is set. Steve Huffaker will be attending.

(b) Zoning Board of Adjustment Notice of Hearing — application #18-058 (T. Aldrich/C. Schultz) conditional use review. Notification given to town regarding the town's right of way to the municipal forest area.

(c) SmartLink, LLC – request for a certificate of public good. Notice regarding cell phone tower.

**9. Selectboard to Approve or Sign**

(a) Treasurer Deb Healey – Hall Rental Agreement. August 8, 2018, information about tax bills. Steve Gutowski made a motion at 7:33 pm to approve the rental agreement. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(b) Selectboard Warrant. After review, Jim Benoit made a motion at 7:41pm to approve the selectboard warrant, which details town expenditures, for a total of \$104,604.80. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

**10. Adjourn**

Steve Gutowski made a motion to adjourn the meeting at 7:42 p.m. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,  
Jessica James