

**Town of Ferrisburgh
Selectboard Minutes**

October 17, 2017

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

Town officials present: Deb Healey, town treasurer; Gloria Warden, town clerk.

Visitors present: Steve Huffaker, Reilly LaBerge, Bessie Sessions, Wayne Stearns, Jr.

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 — October 3, 2017, regular meeting and October 10, 2017, special meeting.

Rick Ebel made a motion to approve the minutes of the October 3, 2017, regular meeting, as submitted. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

Rick Ebel made a motion to approve the minutes of the October 3, 2017, special meeting, as submitted. Jim Benoit seconded. All voted in favor. MOTION PASSED.

3. Selectboard new business

(a) John Bull — highway operations report. John Bull was unable to attend; Reilly LaBerge, a member of the road crew, gave the report. He said the crew finished up roadside mowing and will follow up with chainsaws and a chipper this winter. Reilly described several other projects including installing a six-foot culvert on Middlebrook Road, installing waste blocks to stop the erosion on the north shoulder of the slang, and temporary paving projects.

(b) Green Up Day — May 5, 2018 — selection of town coordinator. Steve Gutowski made a motion to nominate Deb Healey as the Green Up Day coordinator for 2018 for the town of Ferrisburgh. Jim Benoit seconded. All voted in favor. MOTION PASSED. Steve thanked Deb for all of her years of efforts as coordinator, saying she has done a fabulous job. The board thanked Deb for continuing in this position.

(c) Steve Huffaker — request appointment as a representative to Addison County Regional Planning Commission. Steve Gutowski made a motion to appointment Steve Huffaker as the town representative to the Addison County Regional Planning Commission. Jim Benoit seconded. All voted in favor. MOTION PASSED.

4. Selectboard old business

(a) Update on board site visit — culvert issue — Wayne Stearns. Jim Benoit and Steve Gutowski visited Wayne Stearns’ farm to assess how a culvert located halfway between Kimball Dock and Kellogg’s Bay plays a role in the flooding of a portion of Wayne’s field. Wayne hired Larry Miner to shoot transits to show how low the culvert would need to be dropped to alleviate the problem. Wayne said the culvert would need to drop approximately eight to 10 inches. Discussion ensued regarding possible solutions. Jim Benoit expressed concern that lowering the culvert would set a precedent so that other farmers would expect the town to fix culverts. Jim commented that John Bull, road foreman, is following the procedure set by the town. Jim Benoit also commented that he certainly understood the dilemma that Wayne is having to deal with each year, and it was his hope that a “happy medium” could be reached between the town and Wayne. Jim was going to call John Bull or meet with him the next day. Rick Ebel stated that he wanted to make sure that the full board would have a discussion on this matter. John will be invited to attend the next regular board meeting on November 7, 2017.

5. Selectboard general business

(a) Vermont Green Line (VGL) Committee update. Rick Ebel, a member of the VGL Committee, stated that conversations continue between the lawyers for the town and Vermont Green Line, Devco, LLC regarding the latest versions of the draft HTA and the draft Section 1111 Town Roads

Right-of-Way Use permit. The full VGL committee will meet in November for an update.

Rick 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 Civil Engineering Associates in the amount of \$66 from the VGL escrow account. Jim Benoit seconded. Jim Benoit, Rick Ebel, Loretta Lawrence, and Red Muir voted in favor. Steve Gutowski abstained. MOTION PASSED. Jim Benoit 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 \$532 from the VGL escrow account. Rick Ebel seconded. Jim Benoit, Rick Ebel, Loretta Lawrence, and Red Muir voted in favor. Steve Gutowski abstained. MOTION PASSED. The VGL escrow account, which funds continuing expenses such as legal bills, is fully funded by Vermont Green Line Devco, LLC, not by the town. Since the end of the year is coming, Loretta Lawrence asked Rick to find out the current balance of the escrow account; she also asked Rick to review the legal language regarding the escrow account which expires at the end of December 2017. The town needs to find out if additional funding needs to be added to the escrow account. The funding for this account will be provided by Vermont Green Line, Devco, LLC.

(b) Set date for first budget work session. The first budget work session will be October 24, 2017, at 6:00 p.m.

(c) Review Vermont League of Cities & Towns (VLCT) Property and Casualty Inter-Municipal Fund property valuations. Discussion ensued regarding the appropriate amount of insurance to be purchased. Loretta Lawrence asked Gloria Warden to contact VLCT to obtain rates for \$100,000 and \$150,000 levels of insurance coverage. Steve Gutowski asked Gloria to find out the definition of "personal property." This agenda item will be added to the regular board meeting on November 7, 2017.

6. Public comment

Bessie Sessions asked for an update on the excessive tree cutting on Arnold Bay Road by the Vorstevelds. Loretta Lawrence stated that she did not have an update for the evening. Bessie commented that she was frustrated by the length of time that this issue seems to be taking without some movement. Loretta stated that the town attorney is actively working on this issue and that there will be an update at the next regular board meeting on November 7, 2017.

Bessie Sessions asked if the part-time clerical person had been hired. Loretta Lawrence replied that Jean Silveira was hired. Loretta said three candidates were interviewed; Jean was offered the position and accepted. She would be working up to 20 hours per week for this budget year.

Deb Healey commented that she saw on Front Porch Forum a request for donations to the company. She stated that although it is a for-profit corporation, she would like the board to consider a \$100 annual donation. She stressed that the town posts regularly on the site and it is a valuable service to our townspeople. Since the service is free, a donation will show support and goodwill.

7. Other business

Loretta Lawrence welcomed back Red Muir who has been out of state for the past several weeks due to his job. Red announced that he will be out of state for a few more weeks.

Loretta Lawrence said the draft of the computer use policy had been approved at the last board meeting. The final copy will be ready for board approval at the next regular board meeting on November 7, 2017.

Steve Gutowski asked if the tree warden ever gave permission, according to state statutes, to maintain the trees and shrubs along the roadside by knocking them down with a backhoe or excavator and pushing them into the woods. Steve continued by saying he does not understand

why the road crew was out for two days hosting a tree felling training to safely use the chainsaws and chipper owned by the town when this equipment does not seem to be getting used. Steve enumerated several town roads where this practice has happened with no apparent follow up. He thinks the trees will fall into the road instead of in the hedgerow or woods because of the method used by the road crew. Steve's main concern, which was echoed by other board members, is that the town is trying to pursue the Vorstevelds for excessively cutting down trees on Arnold Bay Road while it appears that the road crew is not following state statutes. Loretta Lawrence will email Cliff Mix, the town tree warden, and John Bull, road foreman, inviting them to attend the next regular board meeting on November 7, 2017.

8. Correspondence

(a) State of Vermont — Notice of Appeal of Zoning Board of Adjustment decision JSCL, LLC.

The board received notice that through their attorney, appellants David Pierce, Jane Melrose, Aubrey Choquette, and Kenneth Villeneuve have appealed to the Vermont Superior Court, Environmental Division, the town Zoning Board of Adjustment's decision to grant JSCL, LLC's application for a fuel trucking terminal on Tupper's Crossing Road.

(b) Josh Donabedian, transportation planner at Addison County Regional Planning — pending traffic studies.

By email, Josh Donabedian informed Loretta Lawrence that he will set up traffic counts on Shellhouse Mountain Road on October 20 and pick them up on October 30, 2017. He will send summary reports to Loretta by November 3, 2017. Discussion ensued among board members regarding the authority of the selectboard to change speed limits on town roads. Loretta Lawrence asked Gloria Warden to contact Josh regarding this matter.

9. Selectboard to approve or sign

(a) Round Barn Farm Homeowners' Association — hall rental agreement — November 12, 2017, from 4:00 to 6:00 p.m. for an annual meeting. After discussion, Jim Benoit made a motion to rent the upstairs community hall to Round Barn Farm Homeowners' Association, waiving the rental fee, but requiring a \$500 deposit and proof of insurance. Rick Ebel seconded. All voted in favor. MOTION PASSED.

(b) Pattison and Vant — hall rental agreement — October 13, 2018, from 9:00 a.m. to 5:00 p.m. for a brunch wedding reception. After discussion, Jim Benoit made a motion to rent the upstairs community hall to Elizabeth Pattison, for the rental fee of \$400, a \$500 deposit, and proof of insurance. Rick Ebel seconded. All voted in favor. MOTION PASSED.

(c) Green Mountain Higher Education Consortium (GMHEC) — hall rental agreement — November 13, 2017, from 1:00 to 6:00 p.m. for a meeting. After discussion, Jim Benoit made a motion to rent the upstairs community hall to GMHEC for the rental fee of \$250, a \$500 deposit, and proof of insurance, pending receipt of the rental fee and deposit. Rick Ebel seconded. All voted in favor. MOTION PASSED.

(d) Selectboard warrant. After review, Jim Benoit made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$33,960.92. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

10. Adjourn

Steve Gutowski made a motion to adjourn the meeting at 7:45 p.m. Rick Ebel seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,
Jean Silveira