

**Town of Ferrisburgh
Selectboard Minutes
November 4, 2014**

Members present: Jim Benoit, Steve Gutowski, Loretta Lawrence, Sally Torrey; absent, Jim Warden.

Town officials present: Garrit Smits, town treasurer.

Visitors present: Jeff Jerger, Bob McNary, Jack Poirier II, Bessie Sessions, Monica Tupper.

1. 6:00 p.m. regular meeting — call to order

Loretta Lawrence called the meeting to order at 6:00 p.m.

2. Approve minutes

In the minutes for the meeting of October 21, 2014, a statement by Jim Benoit was incorrectly attributed to Steve Gutowski. The fourth paragraph under “4. Public comment,” should read as follows:

“Bob McNary said weeds still need to be mowed on town property at the junction of Route 7 and Route 22A. Jim Benoit said he had mentioned this to John Bull, who plans to have the work done soon.”

Steve Gutowski made a motion to approve the minutes for October 21, 2014, with that correction. Sally Torrey seconded. All voted in favor. MOTION PASSED.

3. New business

(a) Garrit Smits — delinquent tax sales — should selectboard select an agent. Garrit Smits, town treasurer, asked that the board authorize an agent to bid on behalf of the town at the tax sale scheduled for November 29, 2014. The sale, a public auction, is held for the purpose of collecting delinquent taxes, interest, fees and other related costs, and under some circumstances it makes sense for the town to purchase properties. Jim Benoit made a motion to authorize selectboard member Sally Torrey to bid on behalf of the town at the tax sale. Steve Gutowski seconded. Benoit, Gutowski and Loretta Lawrence voted in favor. Torrey abstained. MOTION PASSED.

4. Selectboard old business

(a) Steve Gutowski — Hazard Mitigation Committee update. Steve Gutowski said that reporting to the selectboard is part of the process for developing a hazard mitigation plan and having it accepted by the Federal Emergency Management Agency (FEMA). A plan identifies and evaluates hazards that may affect the town, and seeks to identify and implement specific actions to avoid or lessen those hazards. Gutowski said the Ferrisburgh committee had held two meetings with Tim Bouton from the Addison County Regional Planning Commission. The meetings have covered risk assessment and risk rating. Gutowski said the committee would be getting back together in about a month, and Bouton hopes at that point to have a draft for the committee to consider, which would then go to the selectboard and finally to FEMA. He said that having an approved plan puts the town “in the queue,” so that if an incident occurs and the town needs help, that help could arrive more quickly than it would for a town without a plan.

5. Public comment

Jack Poirier II appeared on behalf of Shellhouse Mountain Jumpers, a snowmobile club, to request permission from the town to use trails on town land on Shellhouse Mountain for the season. Sally Torrey made a motion to allow the Shellhouse Mountain Jumpers to use the town forest for the 2014-15 season for snowmobiling. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Bob McNary asked why the board's vote at its October 21 meeting to appoint Town Clerk Gloria Warden as mail clerk was not taken before the board went into executive session. Loretta Lawrence said that a discussion of the issue and the vote had taken place in a public session that followed the executive session.

McNary also said the motion to appoint a mail clerk referred to the clerk "opening all mail received by the town and distributing it to the proper officials." McNary said that according to a state official he had consulted, mail sent to town officials and committees should be delivered unopened. Board members said that was the intent of their motion, that the mail clerk would collect the mail and distribute it, opening only the mail addressed to the town clerk or the selectboard.

McNary also said that board members had cited litigation as a reason that they could not discuss various issues with townspeople who brought up those issues at board meetings. He felt that the board might be using too broad a definition of the word "litigation." A brief discussion ensued, with board members and members of the public saying that the dictionary definition may not match the definition used in state law governing open meetings. The discussion also touched on e-mails to and between town officials, which are all public records. Board members said that every e-mail they send includes a reminder about that fact.

6. Selectboard to approve or sign

(a) Village Cafe & Tavern — outside consumption permit. Jim Benoit made a motion to approve an outside consumption permit from the Department of Liquor Control for the Village Cafe & Tavern on Route 7 in North Ferrisburgh, for a 12x30-foot space outside the front of the building, from noon to midnight. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

(b) Selectboard warrant. Sally Torrey made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$42,098.95. Jim Benoit seconded. All voted in favor. MOTION PASSED.

7. Other business

Steve Gutowski suggested that the board receive an update from John Bull, road foreman, at one of its meetings each month. He suggested that it could be included as the first item under "New Business" at the designated meeting. Board members agreed to include the update from the road foreman at the second meeting of each month, held on the third Tuesday.

8. Correspondence

(a) Hospice Volunteer Services — letter of thanks for support. The organization sent a letter thanking the town for \$250 in town funds approved at the 2014 town meeting.

(b) McGuire and other letters to Vermont Public Service Board, in response to Basin Harbor Club rebuttal comments for solar project. The board was copied on a letter from

Mary McGuire, supported by Don Johnston, Marcy and Tom Wisnowski, Candy Davidson, and Suzanne Fay, to the Vermont Public Service Board (PSB), as well as separate correspondence to the PSB from Don Johnston, Stewart and Rena Diana, and Douglas Grover. All are property owners on Mile Point Road, and were responding to Basin Harbor Club's rebuttal comments, dated October 15, 2014, concerning BHC's application for a certificate of public good for a 150kW solar array on BHC property. The property owners are requesting that the PSB hold a "public/technical evidentiary hearing."

8. Adjourn

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Tim Etchells