

DRAFT

Ferrisburgh Selectboard
Regular Selectboard Meeting
Tuesday November 19, 2019 6:30 p.m

Members present: Jim Benoit, Rick Ebel, Clark Hinsdale, and Jessica James. Michael "Red" Muir absent.

Town Officials and Visitors Present: Alex Arroyo, Sheri Arroyo, Kevin Brennan, Carl Cole, Justus Devries Jr., Brian Goodyear, Doug Fletcher, Craig Heindel, Brent Jerger, Andy Kirkaldy, Peter Newton, Jack Poirier II, Jean Richardson, and Bessie Sessions

1) Rick opened the meeting at 6:30 pm

2) Jim Benoit made the motion to amend the agenda to include Personnel Changes to Agenda Item 6c. Clark Hinsdale seconded. All voted in favor. Motion passed.

3) Approve minutes

Jim Benoit made the motion to approve the minutes of Special Meeting November 8, 2019, Clark Hinsdale seconded. All voted in favor. Motion passed.

Clark Hinsdale made the motion to approve the Special Meeting November 12, 2019 meeting minutes. Jessica James seconded. All voted in favor. Jim Benoit abstained. Motion passed.

Rick Ebel stated that the regular meeting minutes for November 5, 2019, have been tabled until Red Muir is back from his vacation. Red Muir attended the meeting and there are not enough selectboard members present who attended that meeting to make a quorum.

4) New Business

a. John Bull - highway operations report

John Bull was not present to give the report.

b. Sheri Arroyo, 1411 Fuller Mountain Road – request to deny expanded access.

Sheri Arroyo started the discussion regarding an existing 48 year old curb cut and stating that she noticed the Town marking the curb cut, she did not make the request and said that Brent Jerger did and met with John Bull and discussed it. Sheri Arroyo stated right now in negotiations with attorneys regarding the right of way to enlarge the right of way from 20 feet to 40 feet. Brent Jerger stated that he never represented himself as homeowner and John Bull is aware that he is not the homeowner and that John Bull called Ms. Arroyo.

Rick Ebel asked Sheri Arroyo if the work encroaching your property, and is there anyway to de-mark where the property lines are? Sheri Arroyo replied they would replace a smaller drain pipe with a new 40' one, a new culvert pipe, which is in the town right of way. Kevin Brennan, Brent's Jerger's attorney stated that the Jergers have had

an easement for 48 plus years, unrestricted and undefined and that he and Ms. Arroyo's attorney, Mr. Bonanni, are disagreeing and discussing is the width of it. Brent Jerger stated that Ms. Arroyo has constructed hoop houses, and gave additional basic background of the easement, that was used for farming practices. Kevin Brennan stated that the proposal that the curb cut, meaning to add to the culvert was in the town's right of way. Kevin Brennan stated that no application has been submitted, nothing really to appeal here. Sheri Arroyo added that her hoop houses are permitted. Clark Hinsdale stated green houses are permitted, and if Sheri Arroyo disclosed the existence of the right of way during that permitted process. Brent Jerger stated that Bonnie Barnes was not informed of the right of way. Sheri Arroyo stated she had a letter confirming the right of way. Clark Hinsdale stated that he was part of the Vermont Farm Bureau, and one agricultural exemption is bumping into another exemption, and the Town doesn't have regulatory control over greenhouses and over the right of way, we would only have regulatory control in the Town of the right of way, and when only proposals would be submitted for a change in the use, a municipal process. Rick Ebel stated that at this juncture, the selectboard has no authority if that is true, and concerned that if we got to this point, he would really would like to have a conversation with John Bull. Rick Ebel stated that the next step is to speak with our highway foreman about this and understand what he is looking at now. Alexander Arroyo stated that the approval of the culvert is being contested, it only has to do with access. Kevin Brennan stated that we take into consideration of the private right of way and is a separate right of way, and asked the selectboard if an application comes in to not consider the background. Sheri Arroyo stated that Mr. Jerger is still going back and forth from the property. Rick Ebel stated that the equipment in many of the farm operations are larger than it used to be. Brent Jerger stated that his father deceased, that he wishes to move the existing farm in the future and remain active and needs to do his farming in less time. Clark Hinsdale stated we have Vermont Agricultural Mediation Program, no cost, mediation not arbitration, skilled attorneys, has personally used them, and his friends have used them as it is a great resource for farmers, and gave the contact information to Sheri Arroyo and Brent Jerger. Rick Ebel thanked Clark Hinsdale for sharing his resources and that the next steps for the Town will be that Rick will have a conversation with John Bull and he will be in contact with Sheri Arroyo and Brent Jerger. Sheri Arroyo stated that as the homeowner she should have been in part of the conversation, she just happened to see spray painting marking pre-existing curb cut, and the process of confirming of confirming changes to curb cuts should include notifying the property owner, and felt that she should have been part of the process and should be addressed.

c. Addison County Sheriff's Department - Speed limits and Survey

Addison County Sheriff's Dept - Peter Newton initiated the discussion on traffic study on Old Hollow Road, and stated there's a lot of traffic that goes through Old Hollow Road, dip in road 30 miles per hour, the criminal offense is driving 30 mph over the speed limit, the data showed a speeding problem in the morning, and during rush hour traffic. Peter Newton stated that this data has been shared with the Selectboard and it will indicate to the Sheriff's Department when to be at Old Hollow Road for speeders. Peter Newton stated that 802 vehicles would of been stopped during this study and a lot of them

would of been ticketed. Peter Newton stated that looking at this information, what are the wishes of the Selectboard, and where to spend our time? Brent Jerger stated that the Sheriff's Department should be doing traffic patrolling on Shellhouse Mountain Road heading towards Old Hollow. Jim Benoit stated that the Sheriff's Department should concentrate on the Old Hollow Road, has been seeing lots of stops not a lot of tickets. Peter Newton asked if we received our money from the judicial bureau and Rick Ebel stated that he will check with treasurer. Peter Newton stated they could go to a 10 mph and over practice to write a ticket. Jim Benoit said agreed with Peter Newton on the 10 mph and over ticket writing practice. Rick Ebel said that the speed limit is a to go to limit. Peter Newton said speeding 14-15 mph over to write a ticket is practice. Rick Ebel stated that the Sheriff's Department should work on the Hollow and expand out and bring it from there and we will learn from areas. Jim Benoit stated there has multiple reports from that area. Craig Heindel stated that report a public document to take to the neighbors and Jessica James will forward a copy of the report to him. Rick Ebel stated that October 4-10 was the report time period.

D. Jack Poirier – VAST use of town forest

Jack Poirier started the discussion on the VAST trail through the town forest. Craig Heindel stated that the November Commission meeting had already occurred, however he informally went to check out the town forest, and could informally say that we would not have an objection to use this during the winter season when the ground is frozen, and if our opinion changes he can get back to Jack. Jack Poirier stated our impact in minimal. Jim Benoit made the motion to give VAST permission to use the property once the town forest is frozen. Jessica James seconded. Once the ground is frozen, all in favor. Motion passed.

5) Selectboard Old Business

a. ANWSD - re: possible Ferrisburgh Central School closure discussion

Rick Ebel started the discussion asking if anyone had attended the school board meeting the previous night. Clark Hinsdale stated that he has listened to some of it but has not finished.

Rick Ebel stated that he and Jessica James met with chair and vice chair of the school board in an informal meeting. Rick Ebel stated that we would like to have someone to attend the school board meetings and come to the selectboard meetings to apprise and ensure the communication is ongoing and open. Clark Hinsdale discussed meeting with a core group of parents and with some of the folks who took membership in defeating the vote, new energy, and not active in civic affairs. Clark Hinsdale stated that November 5, 2019 may live in history as a point where we went one way or another, that a 884 to 160 vote was carried by the overwhelming support of those who do not have kids in school, and to quote Rick that we have to get out of our silos, and this selectboard has the challenge to give it structure and shape that. Clark Hinsdale said we have a lot of new people who want to help, need to learn how to participate in municipal functions and issues. Clark Hinsdale has been communicating with the LURUC with Arabella as chair, at this point as working on the regulations, do we take a step back and look at this in the town planning and zoning, and what is right-sizing

Ferrisburgh, what are the demographics and what do we need, such as senior housing, public assets like the land outside of Vergennes, address our thriving population. Clark Hinsdale also stated how do we deal with the state education funding formula which makes it harder for the smaller towns and villages. Clark Hinsdale would like to keep this item on the agenda under Old Business, and will be making a recommendation in the future to set up some level of formal interaction with our communities the fact of the matter is that the potential to have enough children to support the school system. Clark Hinsdale stated that there is a desire to change, and we are going to have to figure out how to right-size Ferrisburgh or how to gracefully work with the school board closing down our schools. Rick Ebel stated that the harsh reality of enrollment of our school at 50% and a belief that it is how it is happening, that the short term outlook is that it is a tough nut to crack. Rick stated it is critical to have our communication with our town, and activism with our town, eye opener for his time on the selectboard and what it takes to get the town to be engaged and what it takes to get involved. Discussion ensued on right-sizing our town, Vermont Land Trust, public lands and conserved lands, personal goals of conserved lands and rest to work on, and how land can't be wasted. Clark Hinsdale stated that Arabella will discuss this on December 4th whether the impact of the vote informs our vote and make sure we are doing all that we reasonably can and what we can support in that effort.

b. Building maintenance updates

Carl Cole started the discussion with wishing to appoint Jean Richardson to the building committee and that she would be a big addition to that committee. Carl Cole stated that Jean Richardson put together a nice spreadsheet of synopsis of what the committee needs to do. Carl Cole stated that he spoke with Paul from Breadloaf on the roofing construction and will follow up with that, and that Silas sent pictures of the Town Hall foundation and how it was constructed. Carl Cole stated that perhaps instead of digging up all around, to just look at the areas it is leaking first. Jean Richardson stated that she finished the grant for the Union Meeting Hall and we should know by 12/9. Carl Cole stated that the Union Meeting Hall shoring up is in the works. Carl Cole stated that he has received an estimate on restoring windows bid and the contractor is well respected and has had many well known projects. Jean Richardson received a proposal for the repair of the rotted trusses and \$4,000 for additional structural designs. Jean Richardson stated that the prepared spreadsheet shows where we are at in terms of what is available now and suggested that the selectboard should think of what we can do to increase the amount of the building maintenance fund. Carl Cole stated that the Listers took out \$10,000 of their fund and it could be used towards the building maintenance fund. Clark Hinsdale stated that there is an insurance issue due to the leak on the Town Hall roof and Carl stated that the northeastern storm event made water come in from the roof and a recent rainstorm did not. Carl Cole stated that Red Muir forwarded a letter from the insurance adjuster, and we are waiting to get final word from our adjuster.

c. Appointment - Jean Richardson to the Building Maintenance Committee

Jim Benoit made the motion to appoint Jean Richardson to the Town of Ferrisburgh Building Maintenance Committee. Clark Hinsdale seconded. All voted in favor. Motion passed.

d. Vorsteveld tree cutting in ROW update

Rick Ebel stated the time to submit the Motion to Dismiss has expired and finished with that phase of the process and next steps will mean more waiting, possible trial and the back and forth and details indicated that the final effort to dismiss this from going into the court system was denied. Rick Ebel stated that this is still an active matter. Rick Ebel stated that our attorneys will keep us updated in the process.

6) Selectboard General Business

a. Justus Devries – listers corrections 2019

-Parcel ID 14/01/02 - Billings, 240 Sand Road -Parcel ID 10/01/15 – Giusto, 4263 Route 7 -Parcel ID 21/20/03 – Boswell/Rutledge, 551 Mile Point Road -Parcel ID 13/01/29 - Dam, 796 Webster Road

Justus Devries submitted corrections and stated that the first one was due to a change in bedrooms, and the other 3 were changes made due to a user error. Justus Devries stated that there are different ways to save the information. Brian Goodyear stated that the issue was identified and there should be an audit on systems and potential of that type of error be on other parcels and not identified. Brian Goodyear stated they will be able to identify how many other square footage errors were made. Carl Cole said there are only 2 more meetings for Lister changes. Brian Goodyear stated that any changes made are recordable and if they are legit those changes go to the board of listers to approve or not. Clark Hinsdale stated that in the case where it went up \$299,900 does it trigger reappraisal? Carl Cole stated that the time that the errors were changed were done during a time when no assessments were made or a grand list changes were made. Rick Ebel thanked them for catching this. Jessica James made the motion to approve the recommended changes from the listers for the 4 properties listed in Parcel ID 14/01/02 - Billings, 240 Sand Road -Parcel ID 10/01/15 – Giusto, 4263 Route 7 - Parcel ID 21/20/03 – Boswell/Rutledge, 551 Mile Point Road -Parcel ID 13/01/29 - Dam, 796 Webster Road. Jim Benoit seconded. All in favor. Motion passed.

b. Town Meeting – discussion of location, FCS or Town Hall

Rick Ebel started the discussion on the Town Meeting designation spot, either being held in the Town Hall building, upstairs or at the Ferrisburgh Central School gym. Rick Ebel stated they could practice to set up or template of 120 chairs upstairs or so. Jean Richardson stated that this topic should go through the Board of Civil Authority (BCA) for a decision and not the selectboard. Jean Richardson also stated that the BCA can be polled and comments that Jim made are valid. Jim Benoit stated that with the rush to change the location and where we know it will be could be larger. Jean Richardson said she could send an email of where Town meeting could be held with information on the complexities. Carl Cole stated that the meeting here can be more problematic, with

parking and accessibilities. Rick - Chair of BCA - would you communicate with the other BCA members on this matter? Jean responded that she will.

6c- Personnel Changes in the Town Office

Rick Ebel stated that during the Special Meeting on November 12, 2019, Town Clerk Gloria Warden announced retirement and resignation. Rick Ebel stated that we will all miss Gloria and wish her the best during her retirement. Rick Ebel stated that Gloria Warden will be working in the office through the first week of December to ensure coverage during the tax installment payment time. Rick Ebel stated that he asked Town Clerk Assistant Pam Cousino if she would be interested in becoming our next Town Clerk and Pam Cousino said yes. Rick Ebel stated that the day after he and Pam Cousino spoke and Pam asked when we were going to start to look for the assistants that we will need. Rick Ebel stated that Gloria Warden and Pam Cousino are to give input on functions on the town clerk and assistant roles, and to consider the opportunity to think about how we have been utilizing the space, and in hearing about the lister's adjustment on their work, he asked Pam in particular about the support needed. Rick Ebel stated that Pam Cousino is taking time to write up ideas. Rick Ebel stated that he would bring that message to the meeting tonight and to think about along with Town Clerk, Treasurer and Listers and in the interconnectedness and Pam is a good person to understand to find someone to work and assist her. Rick Ebel stated that an advertisement will be created will work on it together to post. Clark Hinsdale started the discussion on part time or full time positions. Rick Ebel stated that how things have worked in the past may not work as well this time and we may have other opportunities to distribute that work. Clark Hinsdale stated that if there is a full time position that he would like to have the selectboard spend time reviewing the benefit package. Jim Benoit stated it would be an opportunity to look at a total compensation package. Clark Hinsdale stated that part time selectboard clerk could be beneficial, due to the critical nature of what we do and the communication that we have to deliver as timely as possible, could benefit the town as much as they can. Discussion ensued on what would the position look like, attending meetings, and overall unsure of what the position would completely entail. Clark Hinsdale stated that it is a good thought as we have moved from statutory positions to appointed, additional expenditures with elections, running into overtime, that there are communities where the person does the selectboard work and they are the minute taker and then the chairman can flag the items for them, and it is more efficient than paying overtime. Rick Ebel stated that we have a void and we have to fill it and we should be thoughtful with it. Rick Ebel will work on job descriptions and functions and what makes most sense on supporting the town.

7) Public Comment

Jean Richardson stated that she is concerned that a member of the selectboard is taking minutes of the meetings. A clerk to the selectboard work is more complicated and think having a permanent staff person would make a big difference.

8) Other business

None.

9) Correspondence

a. University of Vermont - Town Officers Education Conference – April 15, 2020.

Meeting information provided.

b. Internet Essentials from Comcast – expansion of eligibility for qualified low-income households. Discussion on posting on Front Porch Forum

c. Powhatan, LLC – Satterly Road 2019 quarry blasting. Discussion on concern for the neighbors getting enough notice.

d. VT Dept of Environmental Conservation-Site Management Activity Complete, JA DeVos & Sons. Discussion on the correspondence with DeVos cleanup. Bessie Sessions stated she was curious where location was taken place. Clark Hinsdale responded that the location of the clean up was at the farm, south of the farm where they had the fuel/oil tanks and that the Letter is recorded.

10) Selectboard to approve or sign

a. Selectboard warrant

Jessica James made the motion to approve and sign off on the warrants in the amount of \$862,486.40. Seconded by Jim Benoit. All voted in favor. Motion passed.

11. Adjourn

Jim Benoit made the motion to adjourn at 8:32 pm. Clark Hinsdale seconded. All voted in favor. Motion passed.

*The next regular selectboard meeting will be Tuesday, December 3, 2019, at 6:30 p.m.**

Budget work session December 10, 2019