

**Town of Ferrisburgh
Selectboard Minutes
December 2, 2014**

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

Town officials present: Garrit Smits, town treasurer; Gloria Warden, town clerk.

Visitors present: Patti Coburn, Carl Cole, Ian Degutis, Adele Forbes, Diane Lanpher, Bernie Loven, Bob McNary, Red Muir, Robin Paterson, Bessie Sessions, Bill Sullivan.

1. 6:30 p.m. Regular meeting — call to order

Loretta Lawrence called the meeting to order at 6:30 p.m.

2. Approve minutes — November 18, 2014; November 25, 2014

Steve Gutowski made a motion to approve the minutes of November 18, 2014, as submitted. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Sally Torrey made a motion to approve the minutes of November 25, 2014, with one change: in 3. (a), concerning the denial of a rental request for the upstairs hall from the Little City Players, in addition to the issue of noise levels, the board also discussed a safety issue posed by a broken metal floor grate. Jim Warden seconded. All voted in favor. MOTION PASSED. Red Muir, a member of the town's Building Maintenance Committee, said that the committee would pursue repair work on the grate in question.

3. New business

(a) Patti Coburn, VTrans — turning lanes — town hall/community center. Patti Coburn and Ian Degutis from VTrans were on hand to report on the state's decision on a request from the town to include a north-bound left turn lane off Route 7 into the town hall parking lot. Coburn reported that the state had done a one-day traffic survey last winter and found that a maximum of four cars per hour had turned left into the town office lot; the state considers 15 turns an hour the threshold for considering a separate left-turn lane. The state had also looked at accident data going back five years and found no accidents at the location that would have been correctable with the addition of a turn lane. Based on the turn and accident data, the state has decided not to invest in a left turn lane as an extension of the Route 7 signal project, which will involve a traffic light at the intersection of Route 7, Little Chicago Road and Middlebrook Road. That project, Coburn reported, is on track to go out to bid late in 2015 and be completed during the 2016 construction season. She said the state had determined that it would be too expensive to extend the paving work for that job another 360 feet north to the town hall entrance. Coburn said it might be possible to include the addition of a left turn lane in the next re-paving of this section of Route 7. She was unsure when that would be happening, but promised to get back to the town with the information.

Townspeople and board members questioned the state's decision, pointing out the traffic problems encountered during election day in November, and worrying that the new stop light, when installed, might actually exacerbate the problem at the town office entrance, since people would be stopped at the light and then would accelerate heading north. Residents also questioned whether a one-day traffic survey, only during working hours, provided an accurate picture of the traffic issues that take place at the town hall, particularly when there are many evening meetings at the facility.

Coburn said the state would be willing to consider any additional information the town could provide about traffic patterns at the site. While she said the money for the repaving was an issue, she said the criteria on turn movements and accident data were the most important factors. She said that the decision was based on those criteria, and that the state had to prioritize projects at locations where safety was a bigger issue.

(b) Redstone — renew market listing agreement. The board discussed whether to give the Redstone Commercial Group, a real estate broker based in Burlington, the exclusive right to market the town property at the junction of Routes 7 and 22A. Given the factors that led to Tom Denecker's decision to withdraw from the purchase and sale agreement on the property, Jim Warden said he worried that the town might be wasting its

time trying to sell the property, and that the parcel might not be marketable. Others suggested the town needed to continue its efforts. Jim Benoit made a motion to approve the exclusive listing agreement with Redstone. Sally Torrey seconded. All voted in favor. MOTION PASSED.

(c) Security update — new key system. The board was asked to approve an expenditure of \$1,575 to have George's Locks & Security of North Ferrisburgh install a new lock and key system in the town hall. Board members and town officials said that replacing the keys and locks in the building is called for after a number of years, in part because the town does not have a comprehensive list of those who have keys to the building. Jim Warden made a motion to spend \$1,575 out of the miscellaneous contingency fund to pay for the new key system. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

4. Public Comment

Rep. Diane Lanpher, one of the town's representatives to the Vermont House, was on hand, saying that it was one of her last chances to touch base with the board before heading to Montpelier for the 2015 legislative session in January. She said the collapse of the town's deal with Tom Denecker for the Routes 7 and 22A property concerned her, because she feels state and county environmental officials may be overzealously enforcing the new Act 250 anti-sprawl, anti-strip development criterion, known as 9L. She said she had heard of other communities that have had similar issues crop up, and said the new rule was not intended to stop all development outside town centers.

Carl Cole said that it was disappointing to attend a hearing on the project, considering all the money and time that Tom Denecker had spent, and hear state officials who, in his view, were clearly trying to derail the project. He said that the land appears to be unmarketable until something happens in Montpelier. He said this is not the way the state should act if it truly is interested in creating jobs and encouraging businesses.

Steve Gutowski said it was difficult to swallow when solar projects are approved at the state level, without any input from the towns, and then have the state turn around and tell the town it cannot develop its own property.

Bob McNary wondered when Denecker would be removing the stakes and sightline posts from the town's property. He said it made it appear the property was already being developed, which might deter possible buyers.

Red Muir and Carl Cole suggested that the town make sure it had copies of all the paperwork submitted by all the parties to the Denecker Act 250 hearing.

Bessie Sessions asked if the person hired for the road crew on October 7 was a full-time, permanent employee. Jim Benoit and Steve Gutowski said that the person would be full-time for now, since the town is concerned about the ability of another employee to perform all his duties, especially this winter when long shifts are often required. The town will take another look at the situation in the spring.

Carl Cole suggested the town add a door to the listers office, so that town office workers could have a place for private discussions. He also said that, despite the collapse of the Denecker deal, the town should not forget the discussions with Clark Hinsdale III about the possible purchase of the parcel he owns abutting town and school property. Board members said that they had approved pursuing this purchase, and that it was not dependent on the Denecker purchase.

Bob McNary asked about the refinancing of the Sisters property next to town hall, which was suggested by the town's auditing firm at a previous meeting. Board members said that they had not pursued it yet but intended to do so.

Gloria Warden, town clerk, reported the approval of a \$25,000 state grant that Ferrisburgh and Middlebury had pursued to help a local business. The grant is designed to help Carl Cushing of Vermont Livestock Slaughter & Processing in Ferrisburgh improve waste water issues at his current location. Vermont Livestock is hoping to move to Middlebury. This improvement will benefit Ferrisburgh by making the site more attractive to the next occupant and will help Cushing keep the business operating in its current location.

5. Selectboard to approve or sign

(a) MS annual bike ride — August 1 & 2, 2015. Adele Forbes appeared on behalf of the National Multiple Sclerosis Society, Greater New England Chapter, to request permission for the organization to use roads in town for its annual Green Mountain Getaway MS Bike Ride, on August 1 and 2, 2015. Jim Warden made a motion to approve the request, and send along the town's form letter for organizers of bike rides. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

(b) COCO Mart Inc. — liquor and tobacco permit. The town received a request from COCO Mart Inc. to approve liquor and tobacco licenses for the new Jiffy Mart store on Route 7. Steve Gutowski made a motion to approve the licenses. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(c) Warrant. Sally Torrey made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$93,742.25, and to have \$999.95 for a fire-proof storage cabinet come out of the listers budget rather than the restoration fund, since the restoration fund is designed to pay for work on the building, not for its contents. Jim Warden seconded. All voted in favor. MOTION PASSED.

6. Correspondence

(a) Assistant judges of Addison County — meeting to discuss 2015-2016 budget on Dec. 18 at 9 a.m. The assistant judges sent an invitation to the town clerk and board chair to attend a meeting in Middlebury about the proposed county budget.

(b) Denecker Act 250 withdrawal, Act 250 notice of withdrawal, letters re: criterion 9L of Act 250. The board received several pieces of correspondence concerning Tom Denecker's decision to withdraw his application for a land use permit for town-owned land at the junction of Routes 7 and 22A. Letters and e-mails came from Denecker; from the District Environmental Commission; from Arabella Holzapfel, one of the town's representatives to the Addison County Regional Planning Commission; from Warren Van Wyck, one of the town's state representatives; and from Planning Commission members Walter Reed, Bob Beach and Keith Wagner.

(c) Zoning Administrator Wheeling to Loven — response to September 5 letter of town operation complaint. The board received a copy of a letter from Ken Wheeling to Bernard Loven, who had complained that the town was running an illegal junkyard at the town garage. Wheeling ruled that the operation did not constitute a junkyard operation or a business, and so was not a violation of the town's zoning ordinance.

(d) Conservation Commission to Mary McGuire — Basin Harbor solar array project. The board received a copy of a letter from the Conservation Commission to resident Mary McGuire, saying that since the public comment period for the solar project was closed, the board did not see "an opportunity to request a late involvement in this proceeding." A request for a Certificate of Public Good for the project is currently being reviewed by the Public Service Board.

(e) Selectboard letter to Sheriff Keeler — patrol hours. Board members, in a letter signed by Loretta Lawrence, selectboard chair, informed Sheriff Don Keeler Jr. that they had voted to reduce the patrol hours by the sheriff's office to 12 hours a month, beginning December 1, 2014, until further notice.

(f) Agency of Transportation speed limit request, U.S. 7. The state Agency of Transportation responded to a request from the town to move speed limit signs on Route 7 south of the new McDonalds/Jiffy Mart. The current signage has the speed limit dropping from 50 mph to 40 mph close to the entrance to the new business. Because of construction work, the state said it was not able to conduct any traffic studies in the area. The state decided not to move the 40 mph sign further south, but said it would increase the size and prominence of that sign, and would move the advance warning sign for the speed limit change south of the bridge over Little Otter Creek. The state also recommended removal of a no-parking zone across from the new store, since the zone is no longer needed in front of the former farm stand, "and the signage conflicts with the newly installed lane assignment signage." AOT is forwarding its recommendations to the Vermont Traffic Committee, which makes the final decisions. The topics are on the agenda for a VTC meeting on December 10.

7. Other business

(a) B. Dam culvert litigation (probable executive session). At 7:48 p.m., Steve Gutowski made a motion to go into executive session to discuss the Bernie Dam culvert issue. Jim Benoit seconded. All voted in favor. MOTION PASSED.

— End of minutes for open session; minutes from and following executive session below. —

Respectfully submitted,

Tim Etchells

Steve Gutowski made a motion to leave executive session at 7:54 p.m. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Steve Gutowski made a motion to authorize Loretta Lawrence to sign and submit the paperwork to Jim Carroll, the town's attorney, on behalf of the town concerning the settlement of the culvert issue. Bernie Dam has agreed to pay the town \$1,750, and both parties have agreed to settle out of court. Jim Benoit seconded. All voted in favor. MOTION PASSED.

10. Adjourn

Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Sally Torrey, board clerk