

Town of Ferrisburgh
Selectboard Minutes / DRAFT
April 19, 2016

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

Town officials present: Gloria Warden, town clerk.

Visitors present: Michael Coyle, Deb Healy, Craig Heindel, Alex MacLean, Bob McNary, Susan Oliveira, Joe Rossignoli, Bessie Sessions, Bill Sullivan.

1. 5:30 p.m. Special meeting — call to order. (See Special Meeting Minutes)

Loretta Lawrence, chair, called the meeting to order at 5:30 p.m.

2. Vermont Green Line/Anbaric – Memorandum of Understanding (probable executive session).

3. 6:30 p.m. Regular meeting — call to order.

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

4. Approve minutes — April 5, 2016.

Red Muir made a motion to approve the minutes of April 5, 2016, as presented. Jim Warden seconded. All voted in favor. MOTION PASSED.

5. Selectboard new business

(a) John Bull — highway department. Road foreman John Bull was unable to attend due to a death in his family.

(b) Resignation — Planning Commission minute taker. On April 1, 2016, Chet Hawkins sent a letter to the board resigning as minute taker for the Planning Commission, effective March 15, 2016. Jim Warden made a motion to accept Chet Hawkins’ resignation. Jim Benoit seconded. All voted in favor. MOTION PASSED. After discussion, the board was unanimous in expressing the opinion that a member of the Planning Commission should take the meeting minutes until a new minute taker is hired.

Red Muir made a motion to advertise for letters of interest to fill the position of minute taker for the Planning Commission. Jim Benoit seconded. All voted in favor. MOTION PASSED.

6. Selectboard old business

(a) Open Burning and Incineration Ordinance — possible adoption. The board and Michael Coyle, fire warden, reviewed the third draft of the ordinance with edits suggested by Jim Carroll, the town’s attorney from the firm of English, Carroll & Boe. Michael disagreed with the expanded definition of “Enforcement Officer” in section 3 (d), which stated “...or (ii) any combination of the following persons as designated by the Selectboard: members of the Selectboard, the Town Health Officer, the Town Attorney, the Town Constable (s) and any other official with law enforcement authority under Vermont law...” Concerned about town liability, Michael questioned what experience any of the persons listed has to be able to make decisions. After discussion, Steve Gutowski made a motion to accept draft three as the final draft with the except of section 3 (d) where all the highlighted in yellow wording is deleted, and section 5 (a) 1 and section 5 (a) 2, with the addition of the word “and” between “up to” and “not more than.” Jim Benoit seconded. All voted in favor. MOTION PASSED. The final draft will be ready for adoption at the next selectboard meeting on May 3, 2016.

Michael Coyle has denied all open burning and incineration permits until the town has significant rainfall. He will inform the town clerk when permits will be accepted.

7. Selectboard general business

(a) Designate places to post agendas and warnings. According to the Vermont Open Meeting Law, meeting agendas and warnings must be “posted in or near the municipal office and in at least two other designated public places in the municipality.” After discussion, Jim Warden made a motion to designate the North Ferrisburgh post office, Ferrisburgh post office, West Ferrisburgh bulletin board, and the Ferrisburgh website as places to post agendas and warnings. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(b) Authorize selectboard member to sign payroll warrant. Steve Gutowski made a motion to authorize Loretta Lawrence to sign the weekly payroll warrant. Jim Benoit seconded. Jim Benoit, Steve Gutowski, Red Muir, and Jim Warden voted in favor. Loretta Lawrence abstained. MOTION PASSED.

(c) Appointments.

Auditor — Susan Oliveira — 1-year term expires 2017. Susan Oliveira addressed the board expressing interest in the auditor position. After having phone conversations with Deb Healy and Wally Reed, Susan said she feels confident that this position is something she is interested in doing. Jim Warden made a motion to appoint Susan Oliveira as auditor for one year of the three-year term. Steve Gutowski seconded. All voted in favor. MOTION PASSED. Susan will need to run and be elected at Town Meeting in 2017 to serve the remaining two terms.

(d) Approve to advertise for vacant offices. Gloria Warden, town clerk, read a list of vacant offices, which included a representative and alternate for the Addison County Solid Waste Management District, a representative and three alternates for the Addison County Regional Planning Committee, and three advisory members for the Energy Committee. Jim Benoit made a motion to advertise for vacant offices. Jim Warden seconded. All voted in favor. MOTION PASSED.

8. Public comment

There was general discussion about the readability of items posted at the West Ferrisburgh bulletin board since it is not a gathering spot, has no parking spaces, and you need to get out of your car and walk up to it to read it.

Bob McNary asked Loretta Lawrence why Jim Carroll put in the extra language in the Open Burning and Incineration Ordinance. She replied that it is common practice for those types of ordinances and that the language was just a suggestion. Steve Gutowski commented that the original document used as a template was a draft ordinance obtained from the Vermont League of Cities & Towns, which had already been reviewed by the league’s attorney.

Bob McNary stated that a few meetings ago an interim zoning administrator was appointed. He questioned why he saw advertising for the position again. Loretta Lawrence replied that Tom Mansfield, the interim zoning administrator, is no longer available to wait for Ken Wheeling’s return. Tom had made it clear when he accepted the position that he was only available until May 1, 2016.

9. Other business

Steve Gutowski asked Loretta Lawrence when Ron Smith would be attending a selectboard meeting to discuss the audit his company prepared. Loretta Lawrence replied he would be at the May 17, 2016, meeting. She informed the town auditors and the town treasurer about the meeting.

Steve Gutowski commented that the personnel policies still needed to be finalized. After discussion, Loretta Lawrence agreed to make the final edits and email a draft to the rest of the board for review.

10. Correspondence

(a) Ferrisburgh Diagnostic *draft* meeting minutes (railroad grade crossings). Steve Gutowski discussed the highlights of the evaluation meeting, adding that he wants to make sure that John Bull is in agreement with the culvert changes on the west side of Plank Road and also reviews the grading and drainage issues on Town Line Road.

(b) Stark — Locust Lane — Act 250 Land Use Permit application. The town was copied on a letter from Clifford W. Stark, attorney from the firm of Barnard & Gervais, LLC, regarding an Act 250 land use permit application from David A. Hunt and Charlene M. Collins, relative to a 10.21 +/- acre parcel located at 70 Locust Lane.

(c) Vermont Public Service Board (PSB) — SunEdison Origination 1, LLC — net-metered application north of Walker Road. The town was copied on a letter from Jeannie Oliver, special counsel for the PSB, updating the process of SunEdison Origination 1, LLC's 500 kW group net-metered application. The letter asked for additional information regarding system stability and reliability [30 VSA section 248(b)(3)] and aesthetics [30 VSA section 248(b)(5)].

(d) Vermont Superior Court — notice of Oosterman hearing, boundary line adjustment. Jim Carroll, the town's attorney from the firm of English, Carroll & Boe, was copied on a letter from James C. Foley, Jr., attorney for Terry and Donna Oosterman, asking the Vermont Superior Court Environmental Division to grant the relief requested in the complaint and the motion for summary judgment.

(e) Homeward Bound – 2015 report. The three dogs brought to the shelter were held for the full 10-day holding period before being readied for adoption.

11. Selectboard to approve or sign

(a) Selectboard warrant. After review, Jim Benoit made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$15,424.48. Jim Warden seconded. All voted in favor. MOTION PASSED.

12. Personnel — town clerk's office (probable executive session). After discussion, Loretta Lawrence tabled this agenda item for a future meeting. It was the consensus of the board to finalize the proposed changes/updates to the current personnel policy before holding the meeting.

13. Adjourn

Jim Benoit made a motion to adjourn the meeting at 7:25 p.m. Red Muir seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,
Jean Silveira