

**Town of Ferrisburgh
Selectboard Minutes
August 18, 2015**

Members present: Steve Gutowski, Loretta Lawrence, Red Muir, Jim Warden. **Absent:** Jim Benoit.

Town officials present: John Bull, road foreman; Gloria Warden, town clerk.

Visitors present: Dennis Armell, Carl Cole, Harry Curth, Rich Dow, Bob McNary, Charles Paolantonio, Robert Peisch, Bessie Sessions, Nadia Smith, Monica Tupper.

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

Steve Gutowski, chair, called the meeting to order at 6:30 p.m.

Steve Gutowski asked for a motion to amend to agenda to add:

10. Discussion of the Hinsdale property purchase (possible executive session).

Adjournment would become item No. 11.

Jim Warden made a motion to amend the agenda as described above. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.

2. Approve minutes — August 4, 2015.

Red Muir made a motion to approve the minutes of August 4, 2015, as submitted. Loretta Lawrence seconded. Steve Gutowski, Loretta Lawrence and Red Muir voted in favor. Jim Warden abstained. MOTION PASSED.

3. Selectboard new business

(a) John Bull – highway report. John Bull said the highway department is about 65 percent moved into its new building. He said there is just one payment outstanding to a contractor, and that the project remains in good shape, budget-wise, and that there is money in the budget to cover demolition of the old garage and tipping fees for its disposal. Bull reported that projects are under way on Fuller Mountain Road, involving culvert repairs, and on Walker Road.

The department looked into adding a bagger to its new John Deere mower, Bull said, but thought the price was too high. They are trying out a used John Deere tractor from Yandow Sales & Service in North Ferrisburgh, which could be fitted with a new bagger and purchased for about \$4,000, less than the price of the bagger for the other mower. Before approving the purchase, board members said they would like to see prices on a few different options. Bull said he would bring quotes to the next meeting.

Jim Warden mentioned some washouts on Monkton Road near the junction with Middlebrook Road and Bull said he would look into it. Warden also wondered about mowing the strip in front of the town's parcel at the junction of Routes 7 and 22A. Bull said they would put it on the list, probably after wrapping up roadside mowing elsewhere in town.

Bob McNary suggested the highway department study the rules on gravel roads, ditches, etc., that the EPA and the state will be enforcing as part of an effort to clean up the state's waterways. Bull said the town had been implementing these practices over the past 10 years, and that ditches and roads are being built to the specs the EPA will be requiring. He said the amount of paperwork involved in the future will be the main challenge for the town.

(b) Charlie Paolantonio – Union Meeting Hall lease. Paolantonio is pastor of CrossRoads Chapel, which currently leases the Union Meeting Hall from the town. He said he is getting ready to retire, and that the congregation is seeking his successor, a search that has taken longer than expected. He suggested that if the congregation is unable to find a new pastor, CrossRoads Chapel might not want to continue leasing the UMH. Given that possibility, he said that the group would likely invoke the clause in the contract that allows either party to end the lease agreement by giving the other party one-year's notice during a termination window, open each year between September 21 and October 10. That would mean the lease agreement with the town would end on September 30, 2016, three years before the end of the five-year lease agreement signed last year. Board members thanked Paolantonio for giving them the heads-up on the congregation's plans.

(c) Harry Curth – solar array application – Cushman parcel at 2538 Middlebrook Road. Harry Curth told the board that a solar array going up across the street from his home would ruin the view from his property and decrease its value. He said it did not seem there was any effective way that individuals could fight decisions on siting solar arrays, and wondered what the town could do. Board members said they had been working to make changes to the rules that govern solar siting, but that the decisions are currently up to the state's Public Service Board, with little to no role for the town. Curth suggested the town would suffer because the value of his property, and his tax bill, would have to be reduced. Board members said his words were not falling on deaf ears, and that they hoped changes in the rules would be considered during the next legislative session.

4. Selectboard old business

There were no items on the agenda in this category.

5. Selectboard general business

(a) Fish & Wildlife Services – water supply survey for town property – regarding sea lamprey control treatment in Lewis Creek. Board members said the lamprey control effort in Lewis Creek does not threaten any of the town's water supplies. Town officials planned to fill out the required forms and return them to Fish & Wildlife.

6. Public comment

Nadia Smith asked that the town consider the historic character of the Union Meeting Hall, which is on the National Register of Historic Places, when doing maintenance work on the building. She suggested that if changes are made to the building, it could jeopardize the ability of the town to apply for future historic preservation grants. Board members said they were aware of the historic importance of the building and would make sure that was considered in preparing to do work recommended by a recent energy audit.

Robert Peisch, deputy health officer, told board members that a state employee had approached him and health officer Jaimeelyn Gaboriault about possible issues with demolition work in Ferrisburgh, involving unsafe handling of asbestos and lead paint. The state worker had suggested the town make sure demolition work was done properly. One project in question was the recent demolition of the

burned-out Hawkins building on Route 7. Steve Gutowski said property owners were responsible and that if the state had issues with what the town was doing, the state employee in question should attend a selectboard meeting to bring up the issue.

Bob Peisch also asked about whether cash bars were allowed at events such as farm dinners, which have become increasingly popular. Town Clerk Gloria Warden said those putting on events with cash bars submit permit applications that are signed by the town and sent to the Department of Liquor Control. DLC then issues the permit, sending a copy to the town.

With recent questions on Front Porch Forum and elsewhere in mind, Bob McNary passed out a document on Agency of Transportation plans for highway projects, which specifically includes the stoplight at the intersection of Route 7 and Middlebrook Road and Little Chicago Road. Carl Cole suggested the town keep the pressure on the AOT to include, as part of that project, a turning lane on Route 7 north at the town hall entrance.

7. Other business

There were no items discussed in this category.

8. Correspondence

(a) ANWSU – estimated tax rate discrepancy. The town received a letter from JoAn Canning, superintendent of the Addison Northwest Supervisory Union, apologizing and taking responsibility for incorrect information on school tax rates that appeared in the Addison Independent. ANWSU expenditures for the Patricia Hannaford Career Center were supposed to be included in the tax rate calculation, but were not, Canning's letter explained, meaning that tax rates were understated in published reports.

(b) Chris Bray memo – energy questions. State Sen. Chris Bray, D-Addison County, passed along a memo from the Legislative Council with answers to questions about current law regarding the siting of alternative energy projects, especially solar arrays. During a discussion, Bob McNary said the memo and wording in recent Public Service Board decisions on solar arrays suggest that the town needs to include specific language about solar arrays in the town plan if the town's wishes are going to be considered by the PSB. Board members agreed. Steve Gutowski said that the town plan spells out Ferrisburgh's support for alternative energy, "but no one saw this bus coming down the road, and it's out of control. It's supposed to be about green energy, but now it's become about putting green in people's pockets." He said he would be in touch with Bob Beach, chair of the planning commission, which is currently wrapping up work on a new town plan.

(c) Vermont Public Service Board – HVT Solar, LLC – clarification request. The Public Service board asked for clarification of information in an application for a net-metered solar array in Ferrisburgh.

(d) Public Service Board Certificate of Public Good issued to Ferrisburgh Community Solar NM, LLC. The PSB issued a certificate of public good (CPG) for the 494-kilowatt Ferrisburgh Community Solar project that will be built just south of the current 1-megawatt Ferrisburgh Solar Farm on the west side of Route 7.

(e) SunCommon solar array application – Steady parcel, 2465 Monkton Road. The town received notice of a CPG application for a 150-kW solar array on Monkton Road.

9. Selectboard to approve or sign

(a) Ferrisburgh Conservation Commission – Dennis Armell – upstairs hall rental, October 21, environmental education event. Jim Warden made a motion to approve rental of the upstairs community room to the Ferrisburgh Conservation Commission for an environmental education program on October 21, from 5:30-9 p.m., waiving the fees. Red Muir seconded. All voted in favor. MOTION PASSED.

(b) City of Vergennes – FY2016 Fire Protection Agreement. Red Muir made a motion to approve the terms of the 2016 Fire Protection Agreement with Vergennes, which includes paying a flat fee of \$51,059 per year, in four installments of \$12,764.75 each, and also paying \$8 per hour for Vergennes firefighters who respond to calls in town. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.

(c) City of Vergennes – FY2016 Recycling Contract. Loretta Lawrence made a motion to approve the terms of the 2016 Recycling Contract with Vergennes, which includes paying an annual fee of \$13,600, in four installments of \$3,400 each, for Ferrisburgh residents' use of the Vergennes Recycling Center. Jim Warden seconded. All voted in favor. MOTION PASSED.

Board members then signed both agreements with Vergennes.

(d) Town listers' corrections – 2015 Grand List. Loretta Lawrence made a motion to approve a correction to the listed value for property owned by Jon and Lorie Soter at 151 Piney Woods Road, from \$0 to \$105,600. Listers had mistakenly assumed that sale of a house and 5.07 acres of land in December 2014 had also included an adjacent 5.04-acre parcel, which the Soters still own. Red Muir seconded. All voted in favor. MOTION PASSED.

Loretta Lawrence made a motion to approve a correction to the listed value for property owned by Alan McKibben at 838 Old Hollow Road, from \$295,000 to \$371,000. An incorrect figure was included on the tax bill for reasons that are still unclear to the listers. Jim Warden seconded. All voted in favor. MOTION PASSED.

(e) American Red Cross – upstairs hall – blood drive – September 2, 2015. Loretta Lawrence made a motion to approve renting the upstairs hall to the American Red Cross for a blood drive from 10 a.m. to 3 p.m. on September 2, waiving the fee. Jim Warden seconded. All voted in favor. MOTION PASSED. Rich Dow of the Red Cross said they are still hoping to find a local coordinator for the blood drive. Interested people can contact Gloria Warden, town clerk.

(f) Select contractor for Union Meeting Hall energy study recommended improvements. The board received recommendations for three possible contractors to do the work needed on the Union Meeting Hall, which is primarily installing a vapor barrier in the crawlspace and restoring three vents in the crawlspace wall. Steve Gutowski will be in touch with the firms about the work required and will hope to receive bids in time for the next meeting.

(g) Selectboard warrant. Jim Warden made a motion to approve the selectboard warrant, which details town expenses, for a total of \$65,265.20. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.

10. Discussion of the Hinsdale property purchase (possible executive session). The board wanted to discuss issues affecting the purchase of the Hinsdale property that came to light during the title search, following the board's approval of a purchase and sales agreement at a previous meeting. Loretta Lawrence made a motion to discuss the issues in executive session because the discussion

might touch on confidential contractual issues having to do with the homeowners' association. Jim Warden seconded. A discussion followed, in which Carl Cole and board members said they felt it would be best to have the discussion in open session, since the homeowners' association rules were in the public record. Jim Warden, Red Muir and Loretta Lawrence voted against going into executive session. Steve Gutowski voted in favor. MOTION FAILED. In the discussion that followed, Carl Cole said the title search had revealed that the town, as owner of a piece of land in the Atkins Farm development, would be subject to the rules set up for property owners in the association. He said he believed the only rules that would affect the town involved road maintenance, in so far as the town used the road, and responsibility for replacing trees along the road on the town's parcel if the trees were damaged. Board members said they felt the issue was not a deal-breaker. Loretta Lawrence made a motion to have Steve Gutowski continue discussions with the town attorney and the attorney for Clark Hinsdale III to resolve any issues and see that the purchase of the property, approved by voters at town meeting, goes forward. Jim Warden seconded. All voted in favor. MOTION PASSED.

11. Adjourn

Jim Warden made a motion to adjourn at 9:30 p.m. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Loretta Lawrence, board clerk