

**Town of Ferrisburgh
Selectboard Minutes
June 2, 2015**

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

Town officials present: Garrit Smits, town treasurer.

Visitors present: Glenn Deruchie, Susan Duke, Deb Healy, Reene Fontaine, Bob McNary, Robert Peisch, Charles Piasecki, Walter E. Reed II, Bessie Sessions, Mike Wood.

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

Steve Gutowski, chair, called the meeting to order at 6:30 p.m. He asked for a motion to amend the agenda, adding:

7. Other business

(a) Sally Torrey, delinquent tax collector – letter on possible change to tax policy.

(b) John Bull, road foreman – request to carry over vacation time.

8. Correspondence

(c) Letter sent to Aegis Renewable Energy regarding the solar array proposed for the Dollar General property.

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

2. Approve minutes — May 19 and May 22, 2015.

Loretta Lawrence made a motion to approve the minutes of May 19, 2015, with two corrections:

Item 3. (d) is corrected to read as follows: **3. (d) Sheriff's summer schedule.** Loretta Lawrence made a motion to maintain the Addison County Sheriff's Department patrol schedule on town roads at the current level. Jim Warden seconded. All voted in favor. MOTION PASSED.

Item 10 is corrected to read as follows: **10. Mile Point – cannon noise issue -- probable executive session.** Red Muir made a motion at 8:40 p.m. to go into executive session to discuss confidential attorney-client communications on the Mile Point noise issue. Jim Warden seconded. All voted in favor. MOTION PASSED.

Jim Warden seconded. Steve Gutowski, Loretta Lawrence, Red Muir and Jim Warden voted in favor. Jim Benoit abstained. MOTION PASSED.

Jim Benoit made a motion to approve the minutes of May 22, 2015, as submitted. Loretta Lawrence seconded. Jim Benoit, Steve Gutowski, Loretta Lawrence and Jim Warden voted in favor. Red Muir abstained. MOTION PASSED.

3. Selectboard new business

(a) Deb Healy – Green Up Day – 2015’s numbers. Deb Healy reported that Ferrisburgh had again led the way in the county for collecting tires on Green Up Day, but that this was not something to celebrate. She said more than 400 tires – five tons of them – had been dumped at the Green Up collection site across from the highway garage. She said that some people had apparently decided to treat Green Up Day, designed to help clean up Vermont roadsides after the winter, as “garbage amnesty day,” leaving tires and other items at the drop-off that had clearly not been found along the road. She said the town would need to look into how it runs the Green Up Day project. Healy and board members agreed that one option is to have the drop-off site monitored, and Red Muir suggested that someone from the town’s road crew be assigned to the task. Further discussions will take place with John Bull, road foreman. The board thanked Healy for her Green Up Day efforts.

(b) Paul Posenjak – Northeast Farm Sales & Service – Hawkins property on Route 7. Reene Fontaine appeared on behalf of Paul Posenjak and Northeast Farm Sales & Service, which is based in Irasburg, Vt. The farm and garden equipment company is expanding, and wrote to the town expressing interest in the Paul Hawkins property on Route 7 as its new Addison County location. But the firm wanted to know first whether the town would be interested in such a business locating in town, and how the legal proceedings now under way involving that property might affect the firm’s plans. Board members said the town would welcome a new business locating on the site, and would be pleased if a deal between the current owner and NFSS could help end the dispute over a what the town believes is a continuing zoning violation. Steve Gutowski said the town would welcome the new business with open arms, but would want to see a purchase and sales agreement for the property before making any decision involving the legal dispute.

(c) Charles Piasecki – May 19 minutes, No. 10. Mile Point cannon noise issue, executive session. Charles Piasecki, a Sunset Lane resident, said he believes the board’s decision to go into executive session at its May 19, 2015, meeting to discuss confidential attorney-client communications on the Mile Point noise issue violated the state’s Open Meeting Law. In a letter submitted to the board at the June 2 meeting, he said the minutes of the May 19 meeting did not mention a specific discussion or explanation, as required by state law, of why the confidential information from the town attorney warranted an executive session. He asked the board to share his complaint with the town’s attorney. Also at the meeting, Piasecki submitted a letter asking the board to reconsider its decision not to pursue a town ordinance to head off problems like the one experienced by residents in the Mile Point section of town last summer. He suggested that the town require a conditional use permit for air cannons or similar devices capable of producing noise in excess of 70 decibels. That way, he said, an objective third party could review the use of air cannons, hearing from farmers and neighbors, taking each case individually, allowing the use of air cannons where appropriate and denying their use in other instances.

4. Selectboard old business

(a) Addison County Sheriff’s Department coverage. Board members confirmed that they had decided at their May 19, 2015, meeting not to increase the number of patrol hours in Ferrisburgh by the sheriff’s department. Steve Gutowski said he would make sure the sheriff’s department knew the board had approved continuing coverage at 12 hours per month.

(b) Auditing firm selection for 2015-17. The town’s three elected auditors, Susan Duke, Deb Healey and Walter Reed, told the board they had reviewed the five proposals the town received to provide auditing services for the next few years. The auditors felt bids from two of the firms were too high. Of the remaining proposals, which included one from the town’s current auditing firm, the auditors felt that

any of the three could do a good job for the town. They said that there was value in continuity, and noted that the current firm, RHR Smith, had helped improve Ferrisburgh's accountability, transparency and internal controls over the last four years. RHR Smith was also the low bidder at \$6,000 per year. Duke pointed out that the \$6,000 flat fee was for the annual audit, and that the town would be charged separately for other services, if needed. Loretta Lawrence made a motion to hire RHR Smith as the town's auditing firm at \$6,000 per year for the next four years. Red Muir seconded. All voted in favor. MOTION PASSED.

5. Selectboard general business

There were no items under general business for this meeting.

6. Public comment

Mike Wood, a resident of Long Point and vice president of the Long Point Corporation board of directors, submitted a letter to the board, requesting a traffic study on Bay Road. Wood said residents are concerned that the speed limit on Bay Road, 25 mph, is too high, given the sharp curves as well as recent increases in bicycle traffic. Long Point residents hope that new signage and a lower 15 mph speed limit would calm down traffic and make the road safer, and Wood said that John Bull, Ferrisburgh's road foreman, had suggested they bring the matter to the attention of the selectboard. Board members said they would ask to have the issue on the agenda for their next meeting, at which John Bull is scheduled to give his monthly report.

Bob McNary asked about an alarm that went off at the town hall that resulted in the fire department responding. Board members said that the issue involved a malfunctioning float in the septic system, and indicated they would contact Clark-Wright Septic Service and have them correct the problem.

Bob McNary asked whether there was an update on the planning effort for the former Weeks School property, now home to Northland Job Corps, and the connection to Ferrisburgh that was mentioned during the May 19 meeting. Steve Gutowski said he had attended a meeting about the project, designed to determine the potential for public and/or private development in the area, part of a larger effort that also covers the Vergennes waterfront and downtown areas. The property borders agricultural land in Ferrisburgh. Gutowski said he had sent an update on the project to Bob Beach and the town's planning commission.

7. Other business

(a) Sally Torrey, delinquent tax collector – letter on possible change to tax policy. Sally Torrey sent a note to the board asking it to consider discontinuing the use of the postmark exception for property tax payments, which allows people's tax payments to arrive after the due date as long as the payments are postmarked on that date. She said this would help eliminate a gray area concerning when taxes are treated as late and interest is charged. Jim Warden made a motion to eliminate the postmark exemption. Loretta Lawrence seconded. In the ensuing discussion, Steve Gutowski said he was reluctant to eliminate the postmark rule, since it was helpful in handling tax payments from property owners who don't live in town. Jim Benoit said he also opposed removing the postmark rule, and if there are people who are not paying interest even though their taxes are late, the town should deal with those issues directly. He said he would want to see specific information about the taxpayers in question, and then decide on a course of action. All voted against. MOTION DEFEATED.

(b) John Bull, road foreman – request to carry over vacation time. John Bull asked the board to grant an exception to the town's personnel policy and allow him to carry over all of his unused vacation

hours from the 2015 fiscal year (which ends June 30) to the 2016 fiscal year. He said it had been difficult to schedule time off this year because of the highway garage building project, now scheduled for completion on June 14. And he said a new hire comes on board June 8, which will require him to be at work most of the time between now and June 30. Bull said he felt that overseeing the building project himself and not hiring a clerk of the works had saved the town money. As of June 2, he said, he still had 152 hours of unused vacation. Town policy allows workers to carry over no more than 40 hours of vacation time, unless approved by the selectboard. Jim Benoit made a motion to grant an exception and allow John Bull to carry over all of his unused vacation hours to the 2016 fiscal year. Jim Warden seconded. Loretta Lawrence wanted to make it clear that this was a unique situation and the board would not be setting a precedent for other town employees by approving the exception. All voted in favor. MOTION PASSED.

8. Correspondence

(a) Vermont League of Cities & Towns – Governmental Accounting & Auditing Symposium – June 16, 2015. Garrit Smits, town treasurer, said he hopes to attend this symposium in Montpelier.

(b) VLCT – 2016 proposed health care exchange rate for Blue Cross/Blue Shield of Vermont and MVP Healthcare. The town received a letter from VLCT about proposed rate increases for BCBSVT and MVP. BCBSVT has proposed an average increase of 8.4 percent for its plans, and MVP has proposed a 3 percent average increase. The Green Mountain Care Board will hold public hearings on the rate increases and expects to act on the proposals in mid-August.

(c) Letter sent from the selectboard to Aegis Renewable Energy regarding the solar array proposed for the Dollar General property. Steve Gutowski read a letter that the town is sending to Aegis Renewable Energy, which has proposed a 480-kilowatt solar project for the Dollar General property on the south side of Monkton Road. The letter says the town does not support the project, primarily because of the large number of acres already devoted to existing or previously proposed solar projects in this part of town. In addition, the letter points out that this development is taking place largely without any input from the town. While supportive of solar and other renewable energy projects, the letter says, Ferrisburgh has joined an effort to provide municipalities with more control over projects within their boundaries. The town expects the letter to be shared with the Public Service Board, which is being asked to approve a certificate of public good for the project.

9. Selectboard to approve or sign

(a) Lake Champlain Maritime Museum – application for liquor permit – June 18, 2015. Jim Warden made a motion to approve a permit for an event at the museum. Red Muir seconded. All voted in favor. MOTION PASSED.

(b) Union Meeting Hall energy audit application. Bob McNary asked the board to approve an energy audit of the Union Meeting Hall before pursuing any work on the building; ventilation issues with the building's crawl space were mentioned at the May 19 board meeting. He said that a firm called NeighborWorks had agreed to do the audit for \$300, and that the audit might make it possible for the town to receive a rebate on necessary work, up to a total of \$5,000. Loretta Lawrence made a motion to approve paying NeighborWorks up to \$300 for an energy audit of the Union Meeting Hall. Jim Warden seconded. All voted in favor. MOTION PASSED.

(c) On hiring sheriff's department for traffic control during the Vergennes Union High School budget vote – June 9, 2015. Red Muir made a motion to hire a sheriff's deputy to direct traffic on Route 7 in front of the town hall while the polls are open for the Vergennes Union High School budget

revote on June 9, 2015, from 7 a.m. to 7 p.m., billing the school for the cost. Jim Warden seconded. All voted in favor.

(d) CAMA letter of agreement for license renewal to June 30, 2016. Loretta Lawrence made a motion to renew the town's state-required license for Computer Assisted Mass Appraisal (CAMA) cost tables, for \$238.81. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(e) Juvenile Diabetes Research Foundation Ride to Cure Diabetes – July 25, 2015. Glenn Deruchie attended the meeting to request permission to use town roads for this year's Ride to Cure Diabetes on July 25. The 100-mile route that takes riders from Burlington to Middlebury and back passes through Ferrisburgh both directions, and a rest stop will be set up at the Ferrisburgh Central School. Jim Benoit made a motion to approve use of town roads for the ride. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.

(f) Listers' request for 30-day extension for completing grand list. The Board of Listers has requested a 30-day extension on preparing the town's grand list due to the large number of grievances in West Ferrisburgh, most due to the air cannon noise issue. Jim Warden made a motion to grant the 30-day extension. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(g) Selectboard warrant. Jim Warden made a motion to approve the selectboard warrant, which details town expenses, for a total of \$70,877.40. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.

10. Adjourn

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Tim Etchells