

**Town of Ferrisburgh
Selectboard Minutes
September 1, 2015**

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

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

Visitors present: Ed Amirault, Lisa Bove, Tom Bove, Brett Danyow, Jim Foley, Galen Guerrero-Murphy, Craig Heindel, Kyle Martel, Paula Mathewson, Tim Mathewson, Roxanne McGuire, Bob McNary, April Mentzer, Dave Mentzer, Mike Mullin, Charles Paolantonio, Robert Peisch, Jacki Rivers, Bryan Sanderson, Bessie Sessions, Nick Sherman, Dennis Steady, Monica Tupper, Matt Vogel.

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

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

2. Approve minutes — August 18, 2015.

Red Muir made a motion to approve the minutes of August 18, 2015, as submitted. Loretta Lawrence seconded. Steve Gutowski, Loretta Lawrence, Red Muir and Jim Warden voted in favor. Jim Benoit abstained. MOTION PASSED.

3. Selectboard new business

(a) John Bull – highway.

1. Pavement bids – bid opening at 6:35 p.m. The board opened three bids for paving work, including town roads and the skating rink at the town recreation site. The low bid, of \$62.25 per ton, was from D&F Excavating & Paving in Middlebury. The bid includes an estimated total of 3,632 tons of paving material for road projects plus 133 tons for the skating rink. Jim Benoit made a motion to accept the bid from D&F for this year's paving projects. Jim Warden seconded. All voted in favor. MOTION PASSED.

2. Equipment quotes – for lawn-mowing equipment. John Bull said he had gotten prices from two additional vendors on a John Deere mower with bagger for work on mowing projects. He believes that the proposal from Yandow Sales & Service in North Ferrisburgh that he brought to the previous board meeting is still the best, at \$4,000 for a used mower with a new bagger. Jim Warden made a motion to buy the mower from Yandow for \$4,000. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.

(b) Roxanne McGuire – bikes on Ferrisburgh roads. Roxanne McGuire wrote a letter to the board about a close call with a cyclist who was taking part in a race on Ferrisburgh roads, as part of the Vermont Senior Games on August 22. She said the cyclist didn't stop at a stop sign. She said she raised the issue with two race volunteers. She feels cyclists generally do not obey the law, and worried that someone was going to be badly hurt as a result. She also felt that there should be a way to identify bicycle riders, with a registration plate on bikes. Another resident agreed. Steve Gutowski said the board would bring this up with groups when they appear before the board to request use of Ferrisburgh's roads for biking events.

(c) Anbaric and National Grid – underwater and underground 60-mile electric transmission line.

Representatives of Anbaric Transmission described a project, called the Vermont Green Line, which would run a 400-megawatt power transmission line from Plattsburgh, N.Y., to New Haven, Vt. The high-voltage direct current (HVDC) line would run under Lake Champlain from Plattsburgh to Ferrisburgh, where it would come ashore in the area of Kingsland Bay State Park. Then it would run along Ferrisburgh roads (Sand, Little Chicago, etc.) to Route 7 and eventually to a sub-station in New Haven. Bryan Sanderson of Anbaric said his company is working on the project with National Grid, which manages energy projects in the U.K. and northeastern U.S. He said the goal of the project is to bring renewable energy – wind energy from upstate New York and hydro from Canada – to New England. Sanderson gave a 15-minute presentation about the \$600-million project, on which they hope to start construction in 2017 or 2018, and complete work in 2019 or 2020.

He then took questions from board members and visitors. He said that they were already in consultation with the Lake Champlain Maritime Museum about underwater archaeological sites, and with Vermont Fish & Wildlife about sensitive habitat, and that the Army Corps of Engineers would be involved in signing off on the underwater and near shore work involved in running cables under the lake. Craig Heindel, chair of the Ferrisburgh Conservation Commission, suggested that the developers would need to essentially buy a certificate of public good from the Vermont Public Service Board. They would do so, he said, by guaranteeing Vermont a lot of money to help clean up Lake Champlain, in the same way that TDI New England has promised money for the state as part of its 1,000-megawatt New England Clean Power Link, another HVDC line that will run nearly the length of the lake and across Vermont to Ludlow. Heindel thanked the developers in advance for that, and said it would behoove Ferrisburgh to get help from the developers, if they are running cables under or along town roads, on dealing with road improvements that will be required to meet the agreed-upon limits to phosphorus pollution included in the recent agreement between the state and the EPA.

Sanderson said that this was just the first of what he expected would be many meetings about the project in Ferrisburgh. Steve Gutowski said he hoped those meetings would expand beyond the selectboard setting and include larger numbers of residents. Sanderson said he expected more meetings would be coming up later in the fall. Bob McNary, head of the town's Energy Committee, said he believed there had to be continued dialogue between developers and the community about how the project can benefit Ferrisburgh.

(d) Alyth Hescoock – resignation from Zoning Board of Adjustment. Alyth Hescoock wrote a letter to the board to resign from his position on the zoning board, saying that he and his family had recently moved to Middlebury. He thanked the board for appointing him in December 2012. Jim Warden made a motion to accept Hescoock's resignation with regret and thank him for his work on the board. Loretta Lawrence seconded. All voted in favor. MOTION PASSED. The town will advertise the open position on the zoning board.

(e) Tim Etchells – resignation as selectboard minute taker. In an e-mail to the board and the town clerk, Tim Etchells thanked the board for hiring him as minute-taker a year and a half ago, but said he was unable to continue in the job because of other commitments. He said he would continue to serve as minute-taker until a replacement could be found. Loretta Lawrence made a motion to accept Etchells' resignation with regret and thank him for his work with the board. Jim Warden seconded. All voted in favor. MOTION PASSED. The town has already begun looking for a new minute-taker.

4. Selectboard old business

(a) Charles Paolantonio – Union Meeting Hall lease. At the August 18 meeting, Charles Paolantonio, who is retiring as pastor of CrossRoads Chapel, said that uncertainty about finding a new pastor meant that CrossRoads would have to invoke the clause in the UMH lease agreement with the town that allows either party to cancel the lease with one year's notice. The window for invoking that clause is only open each year between September 21 and October 10. He said at the September 1 meeting that it appeared the congregation would be able to sign up a new pastor, but that it might not happen until the window closed for this year. Jim Benoit made a motion to extend the deadline for a decision on invoking the escape clause for 30 days. Red Muir seconded. Jim Benoit, Steve Gutowski, Red Muir and Jim Warden voted in favor. Loretta Lawrence abstained. MOTION PASSED.

5. Selectboard general business

There were no items on the agenda in this category.

6. Public comment

Steve Gutowski said he knew many of the visitors to the meeting were there to discuss a manure pit under construction on Middlebrook Road. He said notice of their intent had not arrived in time to make it on the agenda for the meeting, which was posted in advance. While he welcomed thoughts on the issue during the public comment section of the meeting, he felt all points of view on the issue would be better represented if it could be included on the agenda for a future selectboard meeting.

A discussion among board members and visitors ensued. Among the opinions expressed by visitors were that the zoning application for the project was not filled out correctly; that there had been insufficient notice to the public, particularly to adjacent landowners; that not talking to those adjacent property owners didn't seem very neighborly; that the pit would reduce property values; and that the town should warn neighborhoods when projects like this are first proposed. Craig Heindel said resident Matt Vogel had contacted him, and that the issue would be discussed at the next Conservation Commission meeting. He added that the commission was an advisory panel with no regulatory authority over this kind of project. And he said the project did not seem to be in a mapped flood plain or wetland.

Steve Gutowski asked that the issue be put on the agenda, under "new business," for the selectboard meeting on September 15.

Bob McNary asked whether the discovery that the town might be subject to the rules of a homeowners' association in developing the new parcel it is purchasing would preclude building a parking lot. Steve Gutowski said the town's attorney and the attorney for current owner Clark Hinsdale III had reviewed the homeowners' association bylaws and covenants and did not feel this would be a problem for the town, which has made its plans for the property clear on several occasions, including a parking lot with access to Little Chicago Road.

Bob McNary asked about board members' attendance at a recent school board meeting to discuss a possible property swap, with the town taking ownership of Ferrisburgh Central School property. He is concerned that if there is a consolidation involving the Ferrisburgh school, the land and buildings could end up in state hands. Red Muir and Loretta Lawrence, who attended the most recent school board and supervisory union meetings, said it was their understanding that ownership of the property would have to be considered in any agreement on consolidation, and that such an agreement would have to be approved by the school and the town. Steve Gutowski said he would invite the school board chair to attend the next selectboard meeting.

Bob McNary said he had read that the town would have to deal with a reduction in payments in lieu of taxes from the state. Board members said they were aware of the issue and would address it in discussions of next year's budget.

7. Other business

(a) Elizabeth Cowap Price – objection for not accepting postmarks as proof of timely tax payments. The board received a letter from Elizabeth Cowap Price asking that it reconsider its decision to stop accepting postmarks as a means of determining whether property taxes had been paid on time. She said this was a hardship for property owners who did not live in the area. Board members said they had never formally approved accepting postmarks, though it had been the practice in some cases, and that the town's delinquent tax collector had recommended against using postmarks in the future. The town began sending notices with this year's tax bills that postmarks would not be accepted as proof of on-time payment. Steve Gutowski said he would respond to Ms. Price's letter.

8. Correspondence

(a) Vermont Department of Taxes – guidance on treatment of submerged pipelines for purposes of taxation. The message from the state is that towns do not have the authority under state law to tax underwater transmission lines in Lake Champlain, like those proposed by TDI New England. And the line would not be subject to the statewide property tax.

(b) Vermont League of Cities & Towns – workshop on Municipal Budgeting & Borrowing: Preparing for Town Meeting. The workshop will be held in Montpelier on September 30, 2015.

(c) Vermont Department of Children and Families – Act 60 mandated reporting procedures. The town received a memo from DCF outlining new reporting procedures, and some new definitions, for state and local officials and health care providers when it comes to child abuse and neglect. The new procedures and definitions are included in Act 60, passed by the Legislature during the 2015 session.

(d) Wetland permit public comment period – Ferrisburgh Community Solar, 90 Monkton Road. The public comment for this wetland permit ran from August 20 to September 2, 2015.

(e) Citizens for Property Rights – GIS mapping areas by the Agency of Natural Resources and regional planning commissions.

9. Selectboard to approve or sign

(a) Listers' corrections. The Board of Listers sent a request to the selectboard to approve corrections to the Grand List for 74 parcels. Based on last summer's use of a propane cannon by farmer Wayne Stearns, these property owners were granted reductions in the assessed value of their parcels. But listers said that if the cannon was not used as of August 15, 2015, the values would revert to pre-grievance levels. Listers determined that the cannon has not been used, and so are requesting a correction to the Grand List for the parcels. The total taxable value of the properties in question will go from \$50,944,100 to \$52,480,200. Loretta Lawrence made a motion to accept the listers' recommendations for the properties in question, as detailed on the spreadsheet submitted. Jim Warden seconded. All voted in favor. MOTION PASSED.

(b) Little Chicago Road-Walker Road Water Users Association – upstairs rental, September 29, 2015. Loretta Lawrence made a motion to approve rental of the upstairs community room, waiving the

rental fee but requiring a damage deposit and proof of insurance. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(c) Loretta Lawrence – Ferrisburgh Day. Loretta Lawrence noted that this year's Ferrisburgh Day celebration takes place September 12 at the new highway garage. While nearly everything needed for the day's events is being covered by donations, she asked the board to approve spending up to \$800 to cover some costs, including portalet rentals. Jim Benoit made a motion to approve spending up to \$800 for Ferrisburgh Day expenses. Red Muir seconded. Jim Benoit, Steve Gutowski, Red Muir and Jim Warden voted in favor. Loretta Lawrence abstained. MOTION PASSED.

(d) Selectboard warrant. Jim Warden made a motion to approve the selectboard warrant, which details town expenses, for a total of \$16,290.66. Loretta Lawrence seconded. All voted in favor. MOTION PASSED.

10. Adjourn

Loretta Lawrence made a motion to adjourn the meeting at 9:15 p.m. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Tim Etchells