

**Town of Ferrisburgh
Selectboard Minutes
January 19, 2021**

Members present: Chris Campbell, Jessica James, Jim Benoit, Clark Hinsdale, Michael “Red” Muir

Town officials present: Pam Cousino, Town Clerk, Laurie Curler, Assistant Town Clerk, John Bull, Highway Department Foreman, Deb Healey, Treasurer. All town officials participated electronically using Zoom.

Visitors present: Jean Richardson, Ashley LaFlam, Greg Bisbee, Larry Colvin, Maja Zimmerman, Mary Lou Ivey, Mary Alice Mavihill, Bruce Werner, Bettee Flood, Alison Parker, Peter Ross, Audrey Spellman, Ed Wilkins, Matt Chandler, Hans Vorsteveld, Susan Lackey, Jill Wilkens, Nancy Zaliniser, Phil Mozeika, Sandy Pearson, Michael Savak, Kathy Savak, Lucie Lafranchise, William Kipp, Peter Vorhees, Virginia Booth, Don Zeiter, Joan Zeiter, Cassy Saltus, Joan Gilmore, Janet Gibbs, Victor Vella, Gordon Glover, Jeff Sherwin, Karen Pettersen, Stuart Patterson, Don Zinn, Linda Zinn, John Mazzuchi, Amy Turchon, Susan Rossman, Brian High, Peg Brakely, Robert Bergman, Linda Patterson, Rob North, Elaine North, Sally Vella, Deborah Olson, Katy Nunn, Walter Reed II, Mady Schihor, Carol & Bunky, Debbi Smith, Dottie Waller, Gary Gray, Daniel Owen, Don Zinn, Amy Stagg, Jeff W, Diane, Edwards iPad, Steve’s iPad, George, Ashton Ivey, and Bill Wager

1. 6:30p.m. Call regular meeting to order

Jessica James called the meeting to order at 6:34 p.m.

2. Approve Minutes – Regular meeting, January 5, 2021

Jessica James asked for approval of the minutes. Jim Benoit moved to approve the regular meeting minutes of January 5, 2021 as submitted. Red Muir seconded the motion. All voted in favor.
MOTION PASSED.

3. Selectboard New Business

(a) Community Beach at Long Point discussion

Jessica James visited the area this afternoon and there have been more changes. Jessica asked Mary Lou Ivey to begin the discussion. Mary Lou thanked the Selectboard for giving them time to discuss the work done on December 28th and then asked Matt Chandler and Maja Zimmerman to speak. Maja asked Matt Chandler to share some pictures of how it looked before, after the December 28th work, and the work done today, which she feels unfortunately was done without collaboration and communication. The work done today changed the width of the shoulder from about 8’ to 3’ to 4’. There is still a steep edge into the lake on the east end and material around the culvert Clark Hinsdale asked that the Long Point directors, stockholders and John Bull discuss where it’s going from here. Matt Chandler agreed with Clark’s suggestion and said the Long Point organization would like to partner with the town as much as possible. Matt asked that John Bull describe the reason for the remediation. Clark noted that when Mary Lou made the formal request it was to remove the material prior to the snow melt and it appears the road commissioner is moving to accomplish this. John Bull said he reviewed Long Point’s views and concerns and felt they had some legitimate concerns. The crew went down today and made some changes that they hope to keep at a 3’ shoulder on the edge of the pavement. This gives them room to safely remove snow, have the fire department be there to work, and protect the pavement. During his time, they’ve rebuilt the section more than once and this was an attempt to get ahead of that. The culvert was fully covered with rocks as it is

every year when the water comes up. The top of the culvert is rotten and they wrapped it in fabric and covered it in stone until they can work on it in the spring. This will keep it from washing out over the winter and filter some of the stuff coming from the back lot. Smaller stones are part of the fill and it should pack over the winter. John indicated that he needs a place to dump the snow when plowing.

Jessica said she thought this was a good compromise and would not want to neglect safety for the fire department and snow plowing. Red Muir indicated he thought that the work done today made the beach accessible. Matt Chandler asked if there was a way for the Long Point Corporation and the town to work on this together if there needs to be revisions. John said that it would be possible along with a representative from the Selectboard. He cannot uncover that culvert right now because someone could get hurt. Jessica said it could possibly be a public meeting since this is a Ferrisburgh beach. Maja Zimmerman stated that she doesn't believe this is a town beach. John Bull indicated the town right of way goes down to the water. Maja said it depends on the level of the water. Jessica James said that could be discussed later. She felt there had been a compromise, there's been good discussion, she could see a beach, and it is safe. Further discussion could be done via a public meeting with many agenda items and work on the communication with the town and Long Point. Lucie Lafranchise asked how creating more beach would impact the safety of removing snow. Jessica James responded that she wants a safe space for the fire department, whose trucks are much larger now, and the snow plow drivers. John Bull added that in the past there were fewer homes and/or camps and the number of year round homes has increased over time and encroach on their ability to get in there with equipment. Also rules and regulations have changed. John stated Long Point has done things on the other side of the road that effect that culvert and thinks we can work on the culvert safely once the water goes down next summer, and we can discuss it and come to some solution.

Red asked if the grade from the tree back was acceptable. Maja Zimmerman indicated she does not think it is. She added that when the fire department has been there in the past they have blocked one lane and that's not a problem. There is some beach but it depends on where the water is. Clark Hinsdale asked if we could move to next steps by having Long Point appoint someone to work with the Selectboard and John Bull. Then have Long Point members funnel their feedback through their representative.

Fire Chief Bill Wager indicated his department was down there a few weeks ago and was able to use the extension and it does provide them safe access to the point. This area is difficult for them as it's a narrow road. The shoulder provides them safe passage around the vehicles which has always been an issue for them.

The town and the Long Point Corporation will have members meet to continue the conversation.

(b) John Bull – highway operations report

John Bull reported that there had been some tough storms that are hard on his crew because the ground is not frozen. This type of weather is how they lost a truck last year so they have changed some policies which have helped. This has caused some road and lawn damage that they will repair in the spring. He has received prices on trucks and they were given more for the

trade bringing the price down by about \$5,500. They have purchased the extended warranties so it will be 2025 before they will have to pay for any unexpected costs. John worked with Cliff Mix on Shellhouse Mountain Road to remove some trees that were hanging over the road. They are going to push back some banks before the next snow storm. He just finished the pavement survey and has started planning projects for 2021. Red Muir asked if South Middlebrook Road was on the list and John said that is going to be an issue. It sees a lot of traffic and last spring the road started falling apart. It will be an expensive project to get it ready for paving costing approximately \$100,000 to prepare it. Currently there is no new pavement in the plan.

(c) Petition regarding Vorsteveld Farm fines

Jessica James presented information regarding a petition that was received in the afternoon on January 12th at the Town Office. Town Clerk Pam Cousino checked to see if the 5% of eligible voters had signed as per state procedure. At that time Pam shared the petition with the Selectboard. Pam and Jessica decided to seek counsel on the petition, and retained an unbiased attorney to give a legal opinion. We received a legal opinion on this matter and it analyzed whether the Selectboard is obligated to include the petitioned language in the Town Meeting Warning, either as a binding article or a nonbinding, advisory article.

The legal opinion from Benjamin Putnam stated that based on the analysis the Selectboard is not obligated to include the petitioned question on the Town Meeting warning as a binding article, because the law does not give the voters the right to direct that the budget be "decomposed" into multiple separate articles. The Selectboard is free to include the petitioned language as an advisory question if it feels this would be helpful, but again, it has no obligation to do so.

Jessica also reviewed the State of Vermont Selectboard Handbook, and reviewed the state statute 17 VSA Section 2642(a). Keeping in mind that if a petition is denied, we have respectfully asked for a legal opinion from an unbiased attorney and if the voters wish to do something contrary to this opinion Jessica urges them to speak during our regular Selectboard meetings to discuss our town meeting articles and procedure.

Jessica James asked for a motion. Jim Benoit moved that the Vorsteveld Farm fines petition for Town Meeting day be approved. Chris Campbell seconded the motion. Clark Hinsdale expressed concerns about inaccurate language in the petition and he only wants to present voters with accurate information. Chris Campbell asked Clark to elaborate on what is inaccurate. Clark responded that the petition states they cut trees mostly on their land adding that the road right of way is not their land. Hans Vorsteveld said that they do own to the middle of the road.

Red Muir moved to call the question. Jim Benoit voted in favor. Chris Campbell, Red Muir, Clark Hinsdale, and Jessica James opposed the motion. The motion failed and the petition will not be on the town meeting agenda.

4. Selectboard Old Business

a) Vorsteveld tree cutting in ROW update

Jessica James provided that mediation is scheduled for February 25, 2021 at 11am on Zoom.

b) Building Committee update – general discussion

Red Muir, Joe Blasius and Craig Bunten removed siding from the building by the entrance near the drop box. The sheathing was soaked and rotting and went all the way to the first pilaster. They removed a section off the pilaster and where it mounts to the building it is also soaked and rotten. There is a significant amount of damage. On the far west side, there is a pilaster on the corner coming apart, that is soaking wet and rotted. It appears the water might be coming from the roof. Pam Cousino added that the siding being referred to was the lower portion and Red clarified it's the 6" Spanish cedar that runs horizontally up to the clapboard. Chris Campbell asked the age of the building and Pam Cousino said they moved in to the building in 2008.

The Sisters property – Red Muir brought a fire extinguisher over. After February 1, 2021 RCI will check the GFI's and the power to the garage.

5. Selectboard General Business

a) COVID-19 updates

Jessica James reported that there were 4 new cases in Ferrisburgh in the past week. This is down from the week before. Governor Scott will announce on Friday that vaccinations for age 75 and older will begin. The members of the fire department are working on getting their vaccinations.

6. Public Comment

No public comment.

7. Other Business

No other business.

8. Correspondence

a) Janet Gibbs re: Bay Road repairs

Jessica James reported that the Selectboard received a letter from Janet Gibbs regarding Bay Road repairs.

9. Selectboard to approve or Sign

a) Warning for Town Meeting Annual Report and information meeting February 27, 2021

Red Muir moved that the Warning for Town Meeting Annual Report and information meeting be approved. Chris Campbell seconded the motion. All voted in favor. MOTION Passed
Pam asked that everyone come into the office to sign the document before the end of day Thursday as it has to go to the printer on Friday. Jessica is working on the Selectboard report.

b) CLA Acceptance Letter for State

The CLA letter has not yet been received. Pam Cousino said she is not sure if it has to be signed if the town is not appealing and she will check into this.

c) Letter to Breadloaf re: site visit to Town Hall & Community Center

Reviewed the letter drafted to Mike McLaughlin President of Breadloaf Construction. Red Muir proposed changing the site visit date from January 23, a Saturday, to a weekday. It was decided to change the date to January 29, 2021 at 3pm. Clark Hinsdale asked if this needed to be warned if 3 or more Selectboard members attended and Jessica responded yes.

Red Muir moved to approve the letter to Bread Loaf as amended with the date change. Chris Campbell seconded the motion. All voted in favor. MOTION PASSED

d) Selectboard warrant

Jessica James asked for a motion to approve the warrant. Jim Benoit asked if this was the final payment to the Addison County Regional Planning. Deb Healey responded she is not sure how many payments were planned and that there is a grant to repay the payments. Jessica James has completed the sign up to approve grant applications. Jim was recalling a previous instance where the billing went beyond the total number of payments due and requested they keep an eye on future billings.

Clark Hinsdale moved to approve the warrant in the amount of \$118,859.92. Jim Benoit seconded the motion. All voted in favor. MOTION PASSED

10. Adjourn

Jessica James asked for a motion to adjourn. Red Muir moved to adjourn the meeting at 8:14. Jim Benoit seconded the motion. All voted in favor. MOTION PASSED

Respectfully submitted,

Carol Allen