

Town of Ferrisburgh
Selectboard Minutes – APPROVED
January 21, 2020

Members present: Jim Benoit, Rick Ebel, Jessica James. **Members absent:** Clark Hinsdale, Michael “Red” Muir. **Town officials present:** Pam Cousino, town clerk; Laurie Curler, assistant town clerk and treasurer; Deb Healey, town treasurer.

Visitors present: Jaskia Atkins, Andrew Billings, Tim Davis, Bernie Dam, Don Dewees, Doug Fletcher, Vanessa Hampton, Cliff Mix, Joe Nelson, Karen Pettersen, Jean Richardson, Bessie Sessions, Jeff Sherwin, Kate Yarbrough.

1. 6:30 p.m. Regular meeting — call to order. Rick Ebel called the meeting to order at 6:31 p.m.

2. Approve minutes — January 7, 2020, regular meeting. Jim Benoit made a motion to approve the minutes of the January 7, 2020, regular meeting, as submitted. Jessica James seconded. All voted in favor. MOTION PASSED.

3. Selectboard new business

(a) John Bull – highway operations report. John Bull provided the board with three bids on replacing a town truck that was totaled recently in a snowplowing accident on Robinson Road. He told the board he had received an opinion from the Vermont League of Cities & Towns saying the purchase did not need to appear on the warning for town meeting, since the town was replacing, with the help of an insurance payment, a truck damaged in an accident, rather than purchasing a new truck to update its equipment. He said the accident was a serious one, and that the driver had fortunately escaped with only some bruises. He said proceeding now rather than waiting for a town meeting vote would allow the town to expedite replacement. He also said the town would be able to salvage some parts from the totaled truck and sell others to help defray the cost, and that the insurance settlement was \$61,000.

After board members had reviewed the bids, Jim Benoit made a motion to approve the replacement of the damaged 2006 truck with a 2021 Mack Granite with Viking body, plow and wing. The cost to the town will be about \$156,000, when the insurance settlement is subtracted from the total cost of \$217,000. Jessica James seconded. All voted in favor. MOTION PASSED.

(b) Bay Road – right-of-way discussion. Jeffrey Sherwin attended the meeting to discuss damage to his property on Bay Road on Long Point during snow removal by the town. Long Point Corporation President Gary Gray and Vice President Mary Lou Ivey also attended this portion of the meeting via conference call. Sherwin said a five-foot swath of his front yard was torn up when a town truck was plowing Bay Road. He said when he complained, he was told his yard, and perhaps even portions of his house, were in the town’s right-of-way. John Bull, the highway foreman, explained to the board and the Long Point residents that Bay Road is a Class 3 road, and that the town is responsible for keeping it open 365 days a year. He said the maintenance work ensures fire and rescue access, and state and some federal money is conditioned on keeping such roads open. Bull said the road is a traditional “three-rod road,” meaning the right-of-way is about 49 feet wide. He said the paved surface of Bay Road probably matched the width of the original gravel road, and is likely about 20 feet wide. Some Class 3 roads, particularly those used by agricultural vehicles, are somewhat wider.

John Bull said he planned to repair the damage done to the right-of-way in the spring, adding gravel and planting grass. He said there had been a Vermont Supreme Court decision limiting a town’s liability for damage done to property in the town’s right-of-way. But Bull and the board members agreed that it

made sense for the town to fix the damage and work with the homeowner to prevent problems in the future. Bull said he would meet with Jeffrey Sherwin in the spring to come up with a plan to resolve the issues. Mary Lou Ivey asked if she could also be included in any meeting. She also wondered if it would make sense to include Ferrisburgh Fire Chief Bill Wager. Rick Ebel thought that was a good idea, and John Bull said he would be in touch with all the parties to arrange a meeting. Ivey said she was sure it would be possible to reach an agreement on how to proceed in this case and, more broadly, look at the way the town and homeowners deal with all of the roads on Long Point.

(c) Billings/Atkins – hall rental agreement – April 25, 2020. Andrew Billings and Jaskia Atkins submitted a rental agreement form to rent the upstairs community hall in the town hall for their wedding on April 25, 2020. They provided the rental fee of \$62.50, a damage deposit of \$500 and a certificate of insurance. Jessica James made a motion to approve the rental agreement, waiving the \$62.50 rental fee for the Ferrisburgh residents. Jim Benoit seconded. All voted in favor. MOTION APPROVED.

(d) Ferrisburgh Conservation Commission – input re: Vergennes Economic Corridor. Craig Heindel, chair of the town’s Conservation Commission, discussed a letter from Howard Hall, chair of the Panton selectboard, expressing that town’s support for a Planning and Environmental Linkage Study (PELS) of the impact on the region of the proposed Vergennes Economic Corridor (VEC) project. The VEC is essentially an alternate truck route for Route 22A bypassing downtown Vergennes. The Ferrisburgh selectboard had received the letter in November 2019. Heindel said the PELS process is typically detailed and thorough, and the town’s Conservation Commission would be happy to play whatever part the town wanted or needed as that process went forward.

(e) Ferrisburgh Conservation Commission – Ferrisburgh ash tree inventory. Craig Heindel also reported the Conservation Commission had helped facilitate an ash tree inventory in Ferrisburgh, part of a statewide inventory overseen by the Vermont Urban & Community Forestry Program. Ash trees throughout the region are threatened by the emerald ash borer, an invasive beetle whose larvae burrow under the bark of ash trees, effectively girdling the trees and killing them over a short period of time. The beetle, native to Asia, was first found in the U.S. in Michigan in 2002 and has now been found throughout the Midwest and Northeast, including several towns in Vermont. It’s expected that the beetles will be found before long in Ferrisburgh, if they are not already here.

The beetles kill all of the common ash trees, including white, green and black; ashes make up about 5 percent of the hardwood trees found in Vermont. Because of the way the trees are damaged—the wood basically turns to something like styrofoam—they become difficult to remove once they’re dead. Most arborists will not climb diseased ash trees and will remove them only by crane, making the process quite expensive. Because large limbs can fall off the dead trees, they are particularly problematic along roads and near power lines.

Some towns in Vermont have decided to take down all ash trees on roadways and in parks, while others are adopting a wait-and-see attitude.

Heindel said the roadside ash tree inventory undertaken last fall by Ferrisburgh volunteers had identified a total of 1,923 ash trees at 1,233 locations along the town’s roads, from east to west and north to south. He said 1,480 trees are between 4 and 12 inches in diameter at chest height, 401 trees are between 12 and 24 inches, and 42 are above 24 inches. The inventory involved only trees along public roads.

Heindel said the inventory project was designed to keep townspeople informed and to help the town come up with a management plan. He said he hoped information could be posted at the town’s website about the inventory and resources available for property owners who have ash trees and/or believe

some of their trees may be affected. He noted that while the infestation will kill most ash trees, it is possible to treat individual trees to make them resistant. He said injections of insecticides, repeated every couple of years, are expensive but effective and can be used to save, for example, a prized shade tree.

Rick Ebel said it would make sense to get this information out to townspeople, via the town's website, Front Porch Forum and/or the Addison County Independent, and that he thought it would be interesting for people to see the results of the inventory, and how many ash trees were in their neighborhoods.

Craig Heindel said it would probably make sense to come up with plan by the time the highway department has to develop its next budget, providing the selectboard with some options. Pam Cousino, town clerk, said she would look into having the ash tree information added to the highway department section on the Ferrisburgh website.

(f) Webster Creek pollution. Vanessa Hampton, a Ferrisburgh resident, has been corresponding with the town about pollution problems she has identified in Webster Creek, which flows into Button Bay. The creek flows west under Button Bay Road just north of the intersection with Button Bay Lane. Hampton, who has sent photos of debris in the water and tree-cutting nearby, blames pollution in this and other nearby streams, at least in part, for poor water quality and cyanobacteria blooms in Button Bay. She believes some of the problems are originating on a neighboring farm owned by Bernie Dam. Dam also attended the meeting, at the invitation of selectboard chair Rick Ebel, who lives in the neighborhood. Ebel asked Dam to work with neighbors to clean up the area, to which Dam replied that he keeps his farm clean. Ebel said it would not hurt to get together with neighbors to check out the stream and the surrounding farmland see what can be done. He asked Dam if he would be willing to take part in such an effort, and Dam agreed. Ebel said he would follow up on this.

4. Selectboard old business

(a) VTrans – US 7 intersection with Old Hollow Road and Stage Road. Rick Ebel said town officials met last week with Vermont Transportation Department representatives and learned the planning for the traffic light at the Route 7 intersection in North Ferrisburgh is moving forward, and that 2021 was probably the year when work would begin in earnest. He described this as good news, saying projects of this type often take a lot longer.

(b) ANWSD – re: possible Ferrisburgh Central School closure discussion. Kate Yarbrough, a Ferrisburgh resident and member of the Rural School Alliance, said she believed selectboard member Clark Hinsdale, out of town for this meeting, had been the person discussing whether a petition on amended Articles of Agreement, which would allow the town to have input into school closures and reconfiguration decisions, might be put on the agenda for the board, and whether that would be an alternate path to a vote on the matter at town meeting. She said she wasn't sure whether board members would want to discuss this possibility or bring it up with the town clerk. Board members said they would want to wait for a meeting when all five selectboard members were available for a discussion of this issue.

Yarbrough also asked if board members had questions or thoughts she should share with the Rural School Alliance, which has a meeting coming up. She also said the petition and the legal issues involved would come up at the next ANWSD school board meeting.

There was a brief discussion of how and whether to consider the possibility of Ferrisburgh being an independent district, which she and board members agreed would be a contentious issue that raised a lot of questions, financial and otherwise. Rick Ebel said having more information is always a good thing, and that it would be helpful if the RSA could help determine the ramifications of different possibilities.

(c) Building maintenance updates

i. Union Meeting Hall update. With Red Muir not able to attend this meeting, Jean Richardson gave a brief report on behalf of the building maintenance committee. She said a meeting was taking place January 22 with potential funders for the Union Meeting Hall renovations. She asked if any selectboard members could be there, and Jessica James said she would be able to attend. Richardson said the committee hopes to get the green light to apply for significant grant funding and would be able to talk about next steps for the Union Meeting Hall at the next selectboard meeting on February 4.

ii. Town offices building – roof. Rick Ebel said he had heard from Carl Cole, who had been in touch with Bread Loaf Construction. Cole said Bread Loaf was offering more encouraging news about the leaking roof on the town hall, and that a dialogue had started about possible corrective action.

(d) Vorsteveld tree cutting in ROW update. Rick Ebel said the process continues, with the town working with its attorneys and the Vorstevelds working with theirs. He said motions to dismiss from the Vorstevelds had been denied by the court, and hearings could be the next step. The town's position hasn't changed, he said, citing the need to maintain and protect the town's right-of-way. He said this item will remain on the selectboard's agenda for every meeting until the issue is settled.

Bernie Dam asked how much the town has spent on this over the years. Deb Healey, town treasurer, said that since April 2017 the cost had been about \$27,000. Ebel said the town had made an effort to mediate an agreement with the Vorstevelds, basically having them pay to replant trees in the right-of-way, to get shade trees coming back over time. The Vorstevelds said no, which he said is why the matter is still in court. He said residents of Arnold Bay Road felt the difference since the trees were cut down is dramatic. He said it illustrated the importance of farmers, their neighbors and the town all working together, and that it's been shown that tiling systems for fields and tree planting can work together.

Bernie Dam said it was crazy that this court battle was still going on. Doug Fletcher, an Arnold Bay Road resident, said he supports what the town is doing.

Jessica James pointed out that the town's attorneys are continuing to work on alternative dispute resolution, and still hope mediation can resolve the issue.

Bernie Dam asked what it is that neighbors don't like about what the Vorstevelds did when they removed the trees along the road. Rick Ebel and Jessica James suggested he talk to his neighbors to discover how they feel about it.

Jean Richardson suggested a possibility for the town would be contacting the Vermont Agricultural Mediation Program, which has had success across the state working on disputes between farmers and their neighbors. Jessica James said she would pass the information along.

5. Selectboard general business

There was no general business on the agenda for this meeting.

6. Public comment

There was no public comment.

7. Other business

There was no other business.

8. Correspondence

(a) State of Vermont Department of Taxes — corrected 2019 Equalization Study. The town received a correction to the state's 2019 Equalization Study Results. Pam Cousino, town clerk, and Deb Healey, treasurer, said the changes were minor and did not change the Common Level of Appraisal for 2019, which remains at 99.52 percent.

9. Selectboard to approve or sign

(a) Approve and sign Town Meeting Day warrant. Rick Ebel read the warrant, which will be voted on by the town during Town Meeting, February 29, 2020, at 10 a.m. at the Ferrisburgh Central School. The major items to be considered include:

- A \$20,000 increase in the annual amount for the Town Building Maintenance Fund, from \$30,000 per year to a total of \$50,000 per year.
- Total general fund expenditures of \$2,116,148, of which \$1,697,923 shall be raised by taxes and \$418,225 by non-tax revenue for the 2020-21 selectboard budget.
- And a total of \$32,195 to be donated to local charities and social service agencies; the number is unchanged from last year.

Jim Benoit made a motion to approve the warrant. Jessica James seconded. All voted in favor. Red Muir, not present for the meeting, had sent his vote in favor of the warrant via e-mail. Board members said they would reach out to Clark Hinsdale, who was out of town, to get his approval, as well.

(b) Selectboard warrant. After review, Jim Benoit made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$20,371.86. Jessica James seconded. All voted in favor. MOTION PASSED.

10. Adjourn: Jim Benoit made a motion to adjourn the meeting at 9:06 p.m. Jessica James seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Tim Etchells