

Town of Ferrisburgh
Selectboard Minutes / Approved
April 17, 2018

Members present: Jim Benoit, Rick Ebel, Steve Gutowski, Jessica James. Michael Red+Muir participated electronically.

Town officials present: Deb Healey, town treasurer; Jaimeelyn Gaboriault, health officer; Gloria Warden, town clerk.

Visitors present: Gail Blasius, Mike Bombard, Christina Brace, Deb Brace, Kaitlyn Brace, Lisa Brace, Mallory Brace, Scott Brace, Brian Callanan, Jim Carroll, Anna Charland, Carl Cole, Ziggy Comeau, Robin Curler, Kim Cynewski, Russ Cynewski, Lesley Deppman, Jerry Fisher, June Fisher, Lauren Fisher, Rick Fisher, Ricky Fisher, Tracy Fisher, Whittaney Fisher, Scott Hawkins, Kevin Kite, Sheila McGregor, Susan Oliveira, Matt Sartelle, Bessie Sessions, Norm Smith, Silas Towler, Pete Tucker, Jeff Warden, Jim Warden, Shannon Warden.

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

Rick Ebel, chair, called the meeting to order at 6:31 p.m.

2. Convene as Ferrisburgh Board of Health — emergency health order — McGregor, 2512 Sand Road. Steve Gutowski made a motion to convene as the Ferrisburgh Board of Health. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Rick Ebel addressed those present stating the Ferrisburgh Board of Health was convening to hear the town health officer's report regarding an emergency health order, dated April 10, 2018, served to Sheila McGregor, resident at 2512 Sand Road in Ferrisburgh, and James McGregor, owner of 2512 Sand Road. Rick said the board would receive evidence and testimony from Jaimeelyn Gaboriault, town health officer, regarding specific items outlined in the emergency health order as well as evidence and testimony from Sheila McGregor. Rick asked that anyone wishing to give testimony be sworn in by Ferrisburgh Justice of the Peace Silas Towler. Silas read the oath as those who wished stood or raised their right hand to take the oath to be truthful in any testimony given. Rick finished his opening remarks by saying that after hearing testimony and receiving evidence from concerned parties, the board would go into deliberative session.

Rick asked Jaimeelyn for testimony addressing the emergency health order, starting with the inspection she and Jeff Warden, town constable, and Mike Coyle, senior branch manager at Orkin, made of Sheila's property on March 28, 2018. Jaimeelyn described the conditions, which included evidence of a rat infestation. They also inspected 2494 Sand Road, the neighboring home of Ricky and Lauren Fisher. There was a dead rat in a basement window well and damage to the home and a shed. Jaimeelyn said this led her to issue the emergency health order. Jim Carroll, the town's attorney from the law firm of Carroll, Boe & Pell, commented that he has been assisting Jaimeelyn; this included preparing a packet containing several documents pertinent to the emergency health order, including health complaints, communication from Orkin, and the Vermont Rental Housing Health Code. Lesley Deppman, attorney representing Sheila McGregor, addressed the board citing a letter she had emailed to Rick late in the day. The other board members were seeing the letter for the first time. The letter asserts that the emergency health order be terminated because the town failed to issue a health order in February 2018. Lesley further stated that the emergency health order is based on erroneous findings and that, in all material respects, Sheila has complied with the reasonable directives of the order. She has cleaned up the garage and property, repaired the dry wall, removed food sources, cleared all

animal feces from the yard, signed a contract (which included an interior inspection) with Ehrlich Pest Control, and applied bait boxes. In addition, although not admitting the rats came from her home, Sheila offered bait boxes and a \$100.00 Lowe's gift card to the owners of 2494 Sand Road to repair damage to the home and shed. Lesley asked for a continuance until April 30, 2018, as this is the date Ehrlich will work on Sheila's property.

Discussion ensued between Jaimeelyn and Lesley/Sheila regarding inconsistencies in various reports and statements. Jaimeelyn suggested a follow-up inspection of Sheila's home and property on May 4, 2018, along with a written report from Ehrlich. Lesley invited Jaimeelyn and the other members of the Ferrisburgh Board of Health to come to Sheila's home on April 30, 2018, between 9 and 10:30 a.m. to witness work performed by Ehrlich. Jim Carroll stated Kristin DeBellis, deputy health officer, and Jeff Warden, town constable, would attend.

Rick asked those present for questions or comments. Jim Carroll asked Sheila how many animals she has. She replied 22 dogs and 10 cats. Lauren Fisher asked to see a copy of Sheila's receipt from the dump because Sheila said she brings dog feces to the dump in old dog food bags. Rick asked Lauren if she would accept Sheila's offer of a \$100.00 Lowe's gift card and bait stations; Lauren replied that she has more than \$100.00 of damage and wants to be sure the bait stations will work before accepting them. Robin Curler asked why the dogs are allowed to stay and is there a number of dogs allowed. Scott Brace said that two weeks ago Sheila McGregor said she has 22 dogs, so if she is fostering them out, as she says, how can she still have 22. Debbie Brace asked if Sheila's dogs have been registered, and if not, why are they not being removed. Debbie also asked when Sheila walks the dogs does she do it herself or how does she transport them. After Lesley declared that these questions are not related to the emergency health order, Rick announced that the board of health would go into deliberative session for 10. 15 minutes. After returning from deliberation, Rick said the board of health's decision is to uphold the emergency health order as it stands because an imminent and substantial public health hazard continues to exist. Jim Benoit made a motion to convene a special meeting on May 8, 2018, at 6:30 p.m. at the town offices to follow-up on this matter. Jessica James seconded. All voted in favor. MOTION PASSED. Red Muir was not a participant in the deliberative session. During the deliberative session, the board members present were not able to maintain the electronic connection with board member Red Muir. This will be addressed and corrected prior to the next regular selectboard meeting on May 1, 2018.

[Note: See the attachments following the minutes to read the Town of Ferrisburgh's Health Officer's Exhibit List and the Letter of Appeal for Termination of the Emergency Health Order.]

3. Reconvene as selectboard — regular meeting. Jim Benoit made a motion to reconvene the regular selectboard meeting. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

4. Approve minutes — April 3, 2018, regular meeting.

Jim Benoit made a motion to approve the minutes of the April 3, 2018, regular meeting, as submitted. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

5. Selectboard new business

(a) Gail Blasius — Ferrisburgh Historical Society — use of Union Meeting Hall — May 12, 2018. Gail Blasius asked that Silas Towler address the board. He explained that despite no running water or furniture in the hall, a tour was still possible. Rick Ebel asked about safety concerns for those entering the hall. Silas replied that people could enter safely on the north side of the building. Jim Benoit made a motion to approve use of the Union Meeting Hall by the Ferrisburgh Historical Society on May 12, 2018. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

(b) Brian Callanan — Annual Champ Challenge for Cystic Fibrosis — July 15, 2018. Brian Callanan discussed with the board the details of the event. When questioned about traffic control, he said the event is on a Sunday morning, so the traffic should be light. He also said each intersection would be marked with 4' X 4' traffic caution signs and chalk lines. After further discussion, Steve Gutowski made a motion to approve the use of town roads for the Annual Champ Challenge for Cystic Fibrosis. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(c) Basin Harbor Road — littering problem. Katy Huling sent an email to the board stating she cleaned up three garage bags of trash on Basin Harbor Road, next to Donovan's bridge and across from Rivers Edge Campground. As part of a discussion, Deb Healey asked if the Addison County Sheriff's Department, contracted to patrol the town, could have more of a presence in that area during the weekend.

6. Selectboard old business

(a) Vorsteveld tree cutting — update, legal expenses. Rick Ebel said the arbitration date is April 27, 2018. Steve Gutowski stated that he was the board member who asked for an accounting of funds spent. To date, payments to the law firm of Carroll, Boe & Pell for legal expenses total \$8,240.22. Payments to Distinctive Landscaping for remediation total \$1,950.00. Red Muir asked if all of the funds came from the legal expense line item in the budget. Deb Healey said that line item is already over budget. The board concluded that there needs to be a discussion about where the funds will come from for future legal expenses.

(b) Ferrisburgh Ordinance Regulating Dogs — amendment/adoption for board approval. Rick Ebel read Article 2, section 2.2 Owner, which now includes the wording "including a rescue operation," +Steve Gutowski made a motion to approve the updated wording. Jessica James seconded. All voted in favor. MOTION PASSED. Jim Benoit made a motion to adopt the entire Ordinance Regulating Dogs. Jessica James seconded. All voted in favor. MOTION PASSED. Rick stated that the ordinance would be warned in the *Addison Independent* on April 23, 2018. [Note: See the attachments following the minutes to read the adopted ordinance.]

(c) Update re: 2512 Sand Road status of zoning application. Rick Ebel stated that Sheila McGregor had until April 11, 2018, to apply for a zoning permit for a home occupancy. She has stated many times that she is no longer going to rescue dogs at her home. He said he is in the process of getting this in writing from her. Kim Cynewski asked if Sheila's rescue is not being considered a rescue, what is it being considered. Rick answered saying when the board receives her notice of closing she will be in violation and begin being fined. He explained that the board is looking at this in a broader view for the whole community, including the number of dogs, the size of each dog, the space available for each dog, and other factors. Norman Smith, chair of the zoning board of adjustment, stated that it is not a function of how many dogs you have; it is whether or not a person is running a business.

7. Selectboard general business

(a) Appointment requests — boards/commissions, representatives. Rick Ebel read aloud all appointments.

Conservation Commission — 4-year term

Jen Cirillo

Amy Dohner

Zoning Board of Adjustment — 3-year term

Rayne Herzog

Norm Smith

Planning Commission— 4-year term

Anne Cohn

Arabella Holzafel

Tree Warden — 1-year term

Cliff Mix

Addison County Regional Planning Commission representative — 1-year term

Tim Davis

Arabella Holzafel

Steve Huffaker

Town Agent — 1-year term

Bessie Sessions

Fence Viewers — 1-year term

Steve Alexander

Ron Kampner

Addison County Solid Waste Management District representative — 1-year term

Steve Huffaker

Town Grand Juror — 1-year term

Betsy Etchells

TAC (Addison County Transportation Advisory Committee) — 1-year term

Steve Huffaker

Steve Gutowski made a motion to appoint those listed to the commissions, boards, and positions. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(b) Options for appointments — town clerk and town treasurer positions beginning July 1, 2018.

Rick Ebel read the four options: appoint for the remainder of the elected 3-year term (March 2017. March 2020), appoint annually each year, appoint without a time limit, or open jobs up and advertise for applicants. Steve Gutowski commented that the board was not trying to take the positions away, saying that the charter was intended to give the board more control over the positions versus no control when the positions are elected. Red Muir expressed that since the people of the town elected Gloria Warden as town clerk and Deb Healey as town treasurer prior to the charter passing, they should retain the positions for the elected term. He said the term would be appointed after that. Jessica James said she agreed that the positions remain filled until March 2020, and then become appointed for a period as yet not determined. Jim Benoit said if the board chose to appoint Gloria and Deb now then they would have to apply formally, similar to applying for a job on the road crew. He continued by saying he is in favor of keeping the positions as elected until the term ends. Red Muir agreed with Jim. Rick expressed his opinion to appoint for the remainder of the elected term. He asked that the record state that a sub committee will be formed to develop parameters for job descriptions for the positions of town clerk and town treasurer. Following discussion, Steve made a motion to appoint the town clerk and town treasurer for the remainder of their elected 3-year term (March 2017. March 2020). Jessica James seconded. All voted in favor. MOTION PASSED.

8. Public comment

Gloria Warden informed the board that the State of Vermont inspector issued a conditional use permit for the limited use/limited application (LULA) lift based on the need for replacement of the backup battery for the phone. A report containing other issues will be emailed to Gloria. After discussion, the board asked her to schedule a service call with Garaventa Lift of Manchester, NH. Jim Benoit asked Deb Healey, town treasurer, to compile a breakdown of payments made to Garaventa Lift.

9. Other business

Approve wording and dates of the request for bids for the Union Meeting Hall. Discussion ensued after Carl Cole, member of the building maintenance committee, addressed the board regarding the wording of the request for bids document he created; it will be used to solicit bids for the removal and replacement of existing siding and trim on the tower of the Union Meeting Hall. Following the discussion, Steve Gutowski made a motion to adopt the wording of the request for bids with the dates to be filled in after Carl speaks to Bob Griswold. An advertisement soliciting bids will be placed in the *Addison Independent* on the appropriate Monday and Thursday. Jim Benoit seconded. All voted in favor. MOTION PASSED. The board agreed that when the vehicle from Brown's Welding is at the Union Meeting Hall for the exterior inspection of the tower, the vehicle will also be used to allow Rob Volt to replace two slate tiles on the roof of the Ferrisburgh Community Center and Town Offices. [Note: See the attachments following the minutes to read the request for proposals.]

10. Correspondence

(a) Thank you from Front Porch Forum. The board received an email from Michael Wood-Lewis, co-founder of Front Porch Forum, thanking the board for a \$500.00 contribution.

(b) Vermont League of Cities & Towns (VLCT) — Planning and Zoning Forum — May 23, 2018. The board was notified by mail that VLCT would host this forum on May 23, 2018, at the Franklin Conference Center in Rutland Vermont.

11. Selectboard to approve or sign

(a) Village Café & Tavern — 2018 liquor license renewal applications (2). Steve Gutowski made a motion to approve the 2018 liquor license renewals for Village Café and Tavern. Jim Benoit seconded. Jim Benoit, Rick Ebel, Steve Gutowski, and Jessica James voted in favor. Red Muir abstained. MOTION PASSED.

(b) Sign Selectboard Rules of Procedure adopted April 3, 2018. After discussion, Jim Benoit, Rick Ebel, Steve Gutowski, and Jessica James signed the document.

(c) Selectboard warrant. After review, Jessica James made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$34,991.68. Jim Benoit seconded. Rick Ebel, Steve Gutowski, and Jessica James voted in favor. Jim Benoit and Red Muir abstained. MOTION PASSED.

12. Adjourn

Jim Benoit made a motion to adjourn the meeting at 9:00 p.m. Steve Gutowski seconded. Jim Benoit, Rick Ebel, Steve Gutowski, and Jessica James voted in favor. Red Muir was no longer on the call. MOTION PASSED.

Respectfully submitted,

Jean Silveira

Attachments:

- Town of Ferrisburgh's Health Officer's Exhibit List
- Letter of Appeal for Termination of the Emergency Health Order
- Town of Ferrisburgh Ordinance Regulating Dogs . Adopted April 17, 2018
- Request for Bids