

**Town of Ferrisburgh  
Selectboard Minutes  
May 1, 2018**

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

**Town officials present:** Bonnie Barnes, zoning administrator; Deb Healey, town treasurer;  
Susan Oliveira, auditor; Walter Reed, auditor; Gloria Warden, town clerk.

**Visitors present:** Lisa Brace, Scott Brace, Kim Cynewski, Lauren Fisher, Andy Kirkaldy, Bessie Sessions, Ron Smith, Jeff Warden.

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

Rick Ebel, chair, called the meeting to order at 6:30 p.m. He requested a roll call vote for votes that are not unanimous.

**2. Approve minutes — April 17, 2018, regular meeting and Ferrisburgh Board of Health meeting.**

Jessica James made a motion to approve the minutes of the April 17, 2018, regular meeting with one change to 11 (c) Selectboard warrant: Jim Benoit, not Jessica James, seconded the motion to approve the selectboard warrant. Steve Gutowski seconded. All voted in favor. MOTION PASSED. Red Muir, who had been participating remotely for the meeting, stated that he could not be a participant in the Board of Health's deliberative session not because the board was unable to maintain the electronic connection; he was not a participant because he had not been called.

**3. Selectboard new business**

**(a) Ron Smith — RHR Smith & Company, CPA — 2017 audit review and 2018 pre-audit review.**

Ron Smith, the town's outside auditor, addressed the board. He said 2017 was just about a mirror image of 2016, and that fiscal year 2016. 2017 had 45 days surplus, or the equivalent of \$224,000.00. He recommended a 60-day surplus of the operating budget. He said expenses were almost on budget. He stated that there is \$190,000.00 in various capital reserve accounts. He will be looking into whether or not the \$40,000 for the Atkins Farm lot (the parcel behind the town offices currently used for overflow parking) should be moved over to an investment versus a fixed asset. Ron said that the town has maintained its financial status and used a lot of best practices. He would give the town a financial grade of B, up from C or C-. He concluded by saying that part of the 2018 pre-audit is focusing on bank reconciliations and that he and his team made progress on this today with Deb Healey, town treasurer, and Pam Cousino, assistant town treasurer.

**4. Selectboard old business**

**(a) Vorsteveld tree cutting update.** Rick Ebel stated that the mediation session held on April 27, 2018, lasted about for seven hours. He said the process will continue with an on-site visit on Arnold Bay Road, which will include inviting farm extension agents to review areas where trees were removed. The date is yet to be determined.

**(b) Hawkins Road slang area — parking on road.** Rick Ebel said despite both the Vermont State Police and the Addison County Sheriff's Department patrolling the area over the weekend, when no enforcement is present people continue to park on the road instead of the parking lot. He said that

anyone given a warning can be given a ticket for the next violation. Steve Gutowski commented that selectboard members are empowered to give out these tickets.

**(c) Building Maintenance Committee report.** Rick Ebel announced that an advertisement requesting bids to remove and replace the existing siding and trim on the tower of the Union Meeting Hall ran in the *Addison Independent* on April 30, 2018; bids will be opened at the regular selectboard meeting on June 5, 2018, at 6:30 p.m. at the town offices.

Steve Gutowski said that the part of the new standing seam roof on the south side of the firehouse may bring down a lot of snow on the new standby generator. He and Red Muir discussed the possibility of using snow guards. Red said he would follow up with Clover State Window and Siding.

A lengthy discussion ensued, led by Red Muir, discussing the details of the current bill and an estimate from J & A Pump and Motor Service, Inc., for an anti-siphon device for the septic tank at the town offices building. After discussion, Jim Benoit said he would contact the company to discuss the next steps: keep the new control panel and hold off for now on installing the anti-siphon device.

**(d) McGregor property, 2512 Sand Road — update on rat infestation (to be addressed at the May 8, 2018, Ferrisburgh Board of Health meeting) status of zoning application.** Rick Ebel stated that a site inspection of 2512 Sand Road occurred yesterday while Ehrlich Pest Control was applying bait stations to the outside of the property. Kristen DeBellis, deputy health officer, was present and wrote a report, which will be presented at the Ferrisburgh Board of Health special meeting on May 8, 2018, at 6:30 p.m. at the town offices. Jim Benoit asked if the state veterinarian could be present at the next site inspection on May 4, 2018. Rick said that although the visit is related to the emergency health order there has been an ongoing concern about the welfare of the dogs and cats housed there. The board asked Gloria Warden to arrange for the state vet to attend.

Bonnie Barnes, zoning administrator, reviewed for the board the communications she has had with Sheila McGregor, owner of the rescue at the home location, regarding Bonnie's suggestion that Sheila apply for a zoning permit. Bonnie said she issued a formal notice of violation. She said Sheila came to the town offices today and submitted a notice to appeal this violation, which allows her and her lawyer a hearing before the zoning board of adjustment within the next 60 days. When asked by Rick Ebel what the town's responsibility is to notify adjoining neighbors about the appeal, Bonnie replied the hearing would be warned in the *Addison Independent*. Rick asked Bonnie to express to the zoning board the selectboard's interest for a special meeting to be scheduled to hear this appeal. Lisa Brace asked what would happen if Sheila was found to be in violation. Bonnie replied that if Sheila lost the appeal she would be subject to a fine, but she could appeal to the Environmental Division of the Courts. Bonnie went on to say that if the zoning board agrees with Sheila then the process would be back to zero. Andy Kirkaldy asked the amount of the fine. Bonnie answered that although it could be up to \$200 per day, it is a negotiable figure. Scott Brace asked what the town would be doing if a child were in Sheila's house. Rick replied that regarding the current situation the town is looking into the rules and regulations, adding it is about fairness and due process. Lisa Brace asked what is preventing Sheila from registering all of her dogs. Rick replied that six or more dogs is considered a kennel by town ordinance. He asked those present that if they know of something else that can be done, he welcomed ideas. Rick repeated that another site inspection would be on Friday, the board of health would meet on May 8, 2018, and the issue would be discussed at the zoning board of adjustment meeting tomorrow night. He concluded his remarks by saying that this issue would be an agenda item for every meeting until it is resolved.

## 5. Selectboard general business

**(a) Constable duties — for discussion.** Rick Ebel read information pertaining to the town constable from the State of Vermont Criminal Justice Training Council. He stated constable powers include the following: to serve civil or criminal process, destroy animals, kill injured deer, assist the health officer in the discharge of his or her duties, serve as a district court officer, remove disorderly people from town meeting, and collect taxes when no tax collector is elected. Jeff Warden, town constable, will not collect taxes as this is the role of the current town treasurer. Red Muir asked Jeff if he would be interested in issuing tickets to people who violate ordinances, specifically people parking on the slang bridge. He answered stating numerous reasons why this should be done by law enforcement. Steve Gutowski asked about training. Jeff replied that he is full-time certified but also has a full-time job. Rick remarked that according to state statute the board could appoint a second and third constable, as needed.

**(b) Part-time clerical position.** A lengthy discussion ensued regarding the continuance of this position after funding runs out at the end of the fiscal year. Rick Ebel referred to a detailed summary that he said continued to show progress in the backlog of recording. Then he read a list compiled by Gloria Warden, town clerk, and Pam Cousino, assistant town clerk/town treasurer, of items, other than recording, that have been caught up on since the position started in mid-October 2017. The list included updating of tax mapping, the grand list, and listers files; all three of these items, which were late in 2017, were on time for 2018. The remaining items on the list were continuing updates of checking account reconciliations and compiling indexes for land record books. Gloria said the reduction in the recording backlog and getting back on track with these listed items could not have been done without the support of the part-time clerical person. Pam was able to focus on this work instead of answering the phones, assisting people at the counter, and other administrative tasks. Rick stated that the addition of the part-time clerical position has been essential and has kept the office running smoothly. He also said the position has allowed the town to save significantly on attorney fees. The position gives the office the capacity to copy large quantities of documents pertaining to legal matters. Without this capacity, the town would be charged for this service to be done at the town attorneys' office. A major issue discussed was whether or not the part-time clerical person should be cross-trained to do recording, with office staff and board members voicing opinions on both sides. Gloria Warden said the person would need to be appointed and it would require a lot of training. Rick Ebel stated that as long as the position does not go over 1,040 hours in a fiscal year, then the town would not need to offer benefits to the employee. He said based on the number of hours currently worked for both the clerical position and for selectboard minutes combined with the time the office is closed for holidays, the total hours should not exceed the limit. After further discussion, Steve Gutowski made a motion to place the part-time clerical position as a regular included position in town operations and in the budget. Jessica James seconded. Roll call vote: Rick Ebel Aye, Steve Gutowski Aye, Jessica James Aye, Red Muir Aye, Jim Benoit No. MOTION PASSED.

## **6. Public comment**

Gloria Warden stated that a special election for voting on various ANWSU budget items would be held at the town offices on May 22, 2018, from 7:00 a.m. to 7:00 p.m. An informational meeting will be held at the Ferrisburgh Elementary School on May 14, 2018, at 6:30 p.m. Red Muir asked who would be paying for the expenses associated with this vote. Gloria replied the school would be billed for all expenses, except for her and the assistant town clerk's time.

[Note: This agenda item followed 8. Correspondence.]

## **7. Other business**

There were no items under other business for this meeting.

## 8. Correspondence

**(a) Proposed nomination to Historic Places Registry — Camp Marbury, 245 and 293 Mile Point Road.** By letter, the board was notified that Camp Marbury will be considered by the Vermont Advisory Council on Historic Preservation for nomination to the National Register of Historic Places at the council's meeting on May 24, 2018.

**(b) Addison County Readers, Inc. — Thank you to supporters.** The town received an annual report to donors citing the successes of the program and thanking the town for its financial support.

**(c) Vermont League of Cities & Towns (VLCT) — Building a Sense of Place — June 14, 2018.** The town was notified by the VLCT that it will be co-sponsoring this forum; it will be held at the Killington Grand Resort in Killington, Vermont.

**(d) Green Mountain Power (GMP) — herbicide treatment notification.** By letter, the town was notified that its request to be added to GMP's herbicide treatment notification mailing list has been granted.

**(e) Vermont League of Cities & Towns (VLCT) — Human Resources-Employment Law workshop — June 5, 2015.** The board was notified that this workshop would be held at the Capital Plaza in Montpelier, Vermont. Jessica James announced she would attend.

## 9. Selectboard to approve or sign

**(a) Selectboard warrant.** After review, Steve Gutowski made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$27,208.90. Jim Benoit seconded. Jim Benoit, Rick Ebel, Steve Gutowski, and Jessica James voted in favor. Red Muir abstained. MOTION PASSED.

## 10. Adjourn

Steve Gutowski made a motion to adjourn the meeting at 7:50 p.m. Jim Benoit 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