

Town of Ferrisburgh
Selectboard Minutes / APPROVED
June 5, 2018

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

Town officials present: Deb Healey, town treasurer; Gloria Warden, town clerk.

Visitors present: Bill Brakeley, Lynn Coale, Carl Cole, Callie Douglass, Arabella Holzapfel, Bill Kipp, Bridget Kipp, Dee Kipp, Mike Mullin, Kurt Plank, Bessie Sessions.

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

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

2. Approve minutes — May 8, 2018, selectboard/board of health meeting; regular meeting, May 15, 2018; and selectboard/board of health meeting, May 29, 2018.

Jim Benoit made a motion to approve the minutes of May 29, 2018, as submitted. Jessica James seconded. Jim Benoit, Jessica James and Steve Gutowski voted in favor. Red Muir abstained. MOTION APPROVED.

Jessica James asked to have a sentence added to one paragraph of the May 8 minutes: Sheila said she was moving feces with compost consisting of onion and garlic scraps to a wooded area in the back of her lot. Red Muir made a motion to approve the minutes of May 8, 2018, with the proposed addition. Jim Benoit seconded. Jim Benoit, Jessica James and Red Muir voted in favor. Steve Gutowski abstained. MOTION PASSED.

Approval of the May 15, 2018, meeting minutes was tabled to the next regular selectboard meeting on June 19, 2018, because there was not a quorum of board members present who had attended the May 15 meeting.

3. Selectboard new business

(a) Highway Department — bid opening. The town received two bids for asphalt paving work this summer. Board members will consult with John Bull, town road foreman, and vote on the bids at the next selectboard meeting on June 19.

(b) The North Ferrisburgh Village Association — request to close part of Old Hollow Road on July 14, 2018, from 3-8 p.m. for a neighborhood party. Callie Douglass, who lives on Old Hollow Road, told the board about plans for a neighborhood block party in the Hollow on July 14. The event would include a barbecue, live music and lawn games. Organizers are asking to have the road partially closed during the event. Douglass said they had spoken to John Bull, road foreman, who told them it might be possible to designate the roads as local traffic only during the event, discouraging drivers from using the road but allowing access by emergency vehicles, if necessary.

A discussion ensued of the issues raised by closing a town road for the event. Board members did not like the idea of the town putting up signs, both for reasons of liability and cost. They also felt it would be important to have a better idea of what the footprint of the event would look like, taking into account exactly what part of the road would have limited access, where events would happen, parking areas,

etc. Kurt Plank, an Old Hollow Road resident, said his property was being considered for some of the events and he would only participate if the town approved the event, and he felt confident that safety was the number one priority.

Steve Gutowski said the board would table the request until its next meeting on June 19, at which time it would hope to hear more from the organizers about traffic flow, the event footprint, and security concerns. Callie Douglass said she would talk again with John Bull about traffic, and would also see what could be done about security.

(c) Bill Kipp — Bay Road property damage. Bill and Dee Kipp, who live at 427 Bay Road on Long Point, told the board about damage to their property caused by plowing this past winter, and presented the board with a folder containing photos of the damage and estimates for repair. They said that on February 8, after a snowfall of three or four inches, town equipment was used to remove snow from the road, and in the process snow was pushed up against a stone wall on their property, and dumped over the wall onto a slate patio. The wall was damaged in the process. The Kipps said that a nearby cedar hedge was also damaged, and that a water line buried just off the road was cut and needed to be repaired. And they reported that the town road crew also plowed a parking area that day on the ice-covered bay.

The Kipps pointed out that the wall had been damaged by the town road crew in the past, and then rebuilt, further from the road. At that time, the town and the Kipps agreed that the wall would be moved so that it was 5 feet from the edge of the road rather than 3 feet.

The Kipps thanked Rick Ebel, board chair, for getting this matter on the agenda, and board member Steve Gutowski for taking the time to make a site visit to inspect the damage. They are asking the town to cover the cost of the repairs to the wall, about \$2,700, and also come to an agreement with the Highway Department on how to clear snow from Bay Road in the future without causing further damage.

Steve Gutowski suggested the board submit the repair bill to the town's insurance company for payment, and that board members talk with John Bull about a better way to deal with snow removal on this stretch of road. Red Muir agreed. Steve also mentioned that he does not think the town's insurance would have covered any damage if a truck had gone through the ice while plowing on the bay.

Jim Benoit suggested finding a better solution for the damaged water line, which is buried only about six inches deep and is just off the road.

Jessica James made a motion to submit the \$2,736 damage claim to the town's insurance company and to have a conversation with John Bull about how to manage this section of road in the future. Red Muir seconded. All voted in favor. MOTION APPROVED.

(d) Arabella Holzapfel — Planning Commission bylaw revisions task force. Arabella Holzapfel told the board that the Planning Commission and the Zoning Board of Adjustment had established a task force, co-chaired by Holzapfel and Bonnie Barnes, zoning administrator, to get the ball rolling on a rewrite of the town's zoning bylaws. Also on the task force are two members of the Planning Commission and two members of the ZBA. She said the group is interested in having a member of the selectboard join the group, and in any other suggestions for members. Steve Gutowski suggested using Front Porch Forum to inform the town about the effort, and said the board would discuss having a member join the group.

Board members also discussed the plan to hire Brandy Saxton of PlaceSense to review the town's zoning bylaws and the recently adopted town plan and make recommendations on how the town should proceed with the bylaw rewrite. She would be working closely with the task force. The estimate for this work is \$4,550 and the town has \$10,000 in the current budget to use for this purpose. Board members asked to have Saxton's proposal turned into an invoice that they can vote on at the next meeting on June 19.

(e) Union Meeting Hall bids. Steve Gutowski reported one bid had been received for the removal and replacement of the existing siding and trim on the tower portion of the Union Meeting Hall. The bid from Structural Energy Corporation in Middlebury is \$43,903.50. Carl Cole, who has been involved in the Union Meeting Hall project for many years, said he had spoken with Bob Griswold, who had solicited bids for the project, and that they were both comfortable with the bid and felt it was in the right ballpark. They recommended that the bid be accepted, assuming a contract could be signed and the company could provide satisfactory references.

Red Muir made a motion to accept the bid of \$43,903.50 from Structural Energy Corporation for the work on the Union Meeting Hall, conditional on having a signed contract between SEC and the town and review of satisfactory references. Jim Benoit seconded. All voted in favor. MOTION APPROVED.

(f) Bridget Kipp, Rack & Reel — request to have a paddleboard demo at the Town Beach. Bridget Kipp said Rack & Reel, the New Haven sporting goods store, and their paddleboard supplier want to host a paddleboarding demo on June 21, from 2 p.m. to dusk, at the Town Beach. She said she has found the beach to be a great venue for paddling. She expects to have about 12 paddleboards available, and would be offering people an opportunity to learn about paddleboarding for fishing, for exercise or just as a leisure time activity. There was a brief discussion about parking, the need for a portalet, and insurance issues.

Jim Benoit made a motion to approve the use of the Town Beach on June 21 with the condition that the town receive a signed agreement on liability and insurance issues and that a portalet be supplied. Jessica James seconded. All voted in favor. MOTION APPROVED. Steve Gutowski, for the town, and Bridget Kipp, for Rack & Reel, then signed an agreement concerning the event.

(g) ACORN Tour de Farms bike ride, September 16, 2018. Lynn Coale told the board about plans for the ACORN Tour de Farms ride in September, and asked for permission to use town roads as part of the 30-mile bike tour. The 11th annual Tour de Farms will take an expected 300 riders on visits to six area farms where they will be able to sample products from the farms, as well as local food businesses and restaurants. The route begins and ends at Vergennes Union High School and loops north through Ferrisburgh to Charlotte and back.

There was a brief discussion of traffic control issues, centering on the intersection of Greenbush Road and Route 7, a dangerous spot that bikers will have to navigate on their way back south to Vergennes. The board said they would insist, as they have for other cycling events, that there be a law enforcement presence at this intersection during the ride. Coale said the organizers would set that up.

Jim Benoit made a motion to approve the use of town roads by the ACORN Tour de Farms on September 16, 2018, with the requirement that proper law enforcement be present at the Greenbush Road-Route 7 intersection during the ride and that proof of insurance be provided. Red Muir seconded. All voted in favor. MOTION APPROVED.

5. Selectboard old business

(a) Building maintenance updates and Garaventa, Mountain Air. Garaventa has completed some work on LULA phone system. Red Muir said he would talk with Mountain Air about work they are proposing to do on the town hall's HVAC systems.

(b) Vorsteveld tree cutting — update. Steve Gutowski reported the town is still waiting for GPS work to be done on the field to know where the Vorstevelds are going to be putting in tile drains, which is related to where trees can be planted. That has not been done, he said, and probably won't be done in the immediate future because the Vorstevelds have planted corn on the south end of that area, and they're haying the northern end. He said they also have to do some leveling work on the fields before they do the GPS work.

(c) 2512 Sand Road health order update. Steve Gutowski said the board would present its decision on the health order at its next meeting on June 19.

(d) Sheriff Department — patrol update. Steve Gutowski reported that a Town of Ferrisburgh parking ticket had been issued, and paid, for illegal parking on the slang bridge on Hawkins Road. Town Clerk Gloria Warden said the sheriff's department would have a representative at the next board meeting to offer a patrol update.

6. Selectboard general business

(a) Deb Healey — year-to-date budget. Deb Healey, town treasurer, presented board members with a year-to-date rundown of the budget, which shows most line items still under budget but some over. There was a brief discussion about how overages in some parts of the budget could be offset by savings elsewhere so that the bottom line matches the budget approved by the town. Jim Benoit said a budget that seems to show the town close to its budgeted totals with just a few weeks left in the fiscal year is evidence that the budget process was a sound one.

(b) Appoint acting zoning administrator. Bonnie Barnes, the town's zoning administrator, is on vacation, and will be back in the office on June 26. Jim Benoit made a motion to appoint Pam Cousino, assistant town clerk and treasurer, as acting zoning administrator until Barnes returns. In this role, she will handle any zoning and planning tasks that can't wait until Barnes returns. Jessica James seconded. All voted in favor. MOTION APPROVED.

7. Public comment

There was no public comment.

8. Other business

There was no other business.

9. Correspondence

(a) Vermont Department of Environmental Conservation — Hawkins property/soil update. The town received a letter from DEC concerning the Peter Hawkins property on the west side of Route 7, where several underground storage tanks were removed that had contained gasoline and waste oil. The letter reported on the investigation and remediation of contaminants, and said residual petroleum soil and groundwater contamination remains on the site. The report will become part of the land records for the parcel, and the state must be notified before any subsurface work, excavation or groundwater extraction takes place at the site.

(b) Vermont Department of Taxes — Listers' 30-day extension granted. The tax department granted a 30-day extension (from June 4, 2018) to the Board of Listers relating to their work and work by assessors.

(c) Steele letter re: Arnold Bay Road trees. Before reading the letter, Steve Gutowski said he was removing himself from the group on the selectboard that is meeting with the Vorstevelds about the tree-cutting issue. He cited concerns about whether the town was sending conflicting signals in the way it's dealing with its roadside trees and how it is handling the Vorsteveld issue, and also about landowner rights. He then read the letter to the town from Pat Steele of East Middlebury about the danger of broken and overhanging trees on the west side of Arnold Bay Road. Steele enclosed photos of some of the trees in question, and also suggested Vorsteveld farm workers may have helped reduce dangerous conditions by removing trees on the east side of the road.

10. Selectboard to approve or sign

(a) Global/Jiffy Mart — application for liquor license. Jessica James made a motion to approve a second class liquor license and a tobacco license for Global Montello Group Corp., new owners of the Jiffy Mart at 2822 Route 7. Jim Benoit seconded. All voted in favor. MOTION APPROVED. In May, Global, based in Waltham, Mass., purchased Champlain Oil Co.'s 37 gas stations and associated Jiffy Mart stores in Vermont and New Hampshire.

(b) Selectboard warrant. After review, Jim Benoit made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$62,675.14. Jessica James seconded. All voted in favor. MOTION PASSED.

11. Adjourn

Jessica James made a motion to adjourn the meeting at 8:47 p.m. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Tim Etchells