

Town of Ferrisburgh
Selectboard Minutes - Approved
July 17, 2018

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

Absent: Jessica James

Town officials present: John Bull, road foreman; Kristin DeBellis, deputy health officer; Deb Healey, town treasurer; Gloria Warden, town clerk.

Visitors present: Matt Chandler, Carl Cole, Kim Cynewski, Russell Cynewski, Jerry Fisher, Lauren Fisher, Charlie Langworthy, Bessie Sessions.

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

Rick Ebel, chair, called the meeting to order at 6:30 p.m. He asked for a motion to amend the agenda adding approve June 28, 2018, special meeting minutes as part of **2. Approve minutes** and adding **5. (c) Zoning Board appeal to Superior Court, Environmental Division**. Steve Gutowski made a motion to amend the agenda as described above. Jim Benoit seconded. All voted in favor. MOTION PASSED.

2. Approve minutes — June 28, 2018, special meeting and July 10, 2018, regular meeting. Rick Ebel tabled approval of the June 28, 2018, special meeting minutes until the next regular selectboard meeting on August 7, 2018, as there was not a quorum of board members present who attended that meeting.

Steve Gutowski made a motion to approve the minutes of July 10, 2018, with the following correction to **(7) Other business:** Jessica James announced that she [not ~~he~~] would not be attending the July 17, 2018, regular meeting.

3. Selectboard new business

(a) John Bull — highway operations report. John Bull, road foreman, began his report by detailing various mowing projects and the failure of two culverts.

Rick Ebel asked John to update the board regarding the status of the insurance payment to Bill Kipp. A discussion ensued after John commented he had not contacted the town's insurance company because he did not know if the road crew had damaged the Kipp's stonewall. Following the discussion, Rick stated that the board had decided to make the claim to the insurance company and asked John to follow up on this.

John described that he is in the process of inventorying town roads and developing a capitol plan to upgrade the areas that do not meet the standards. Jim Benoit made a motion to authorize payment of \$240.00 for a notice of intent for storm water discharges from municipal roads under the Municipal Roads General Permit. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

John mentioned that he was contacted by Lincoln Landé of GroSolar regarding the possible siting of a 15kw solar array at the town garage. Rick explained that this was part of GroSolar's goodwill effort and the location of the array at the town garage is just one option. John will follow up with Lincoln.

(b) Addison County Regional Planning — transportation study request FY 2019. The board will review the request in the future. Last year's request was for a traffic study of the excessive traffic accidents and side road congestion at the intersection of Stage Road, US Route 7, and Old Hollow Road. The project was not chosen. John Bull, road foreman, mentioned that the deficiency rating for the old bridge on Monkton Road is very poor.

(c) Gary Gray — weed infestation at Long Point and at the town beach. Since Gary Gray was unable to attend the meeting, Matt Chandler addressed the board. He gave an update of Long Point's proposed project to reduce weeds growing in Lake Champlain, mostly around Town Farm Bay. He said Long Point had applied for a permit from the state for mechanical weed harvesting and tentatively plans to buy a harvester for \$200,000.00. Matt said if the town joins the partnership now it would allow Long Point to apply for a state grant that would help reduce the cost of the harvester. In return, Long Point could harvest weeds in and around the town beach area twice a year. He recalled that last year the selectboard did not approve to pay for a plant study, which is required before harvesting can begin. Matt said he spoke to the state and asked if it could include the town beach at no cost because it already has information about the Kingsland Bay town beach area. He also said camps in St. Albans and Georgia saw a decline in lakeshore property values as much as \$50,000.00 per camp because of weeds and algae in the lakefront areas. He said Long Point property owners pay a lot of taxes, which could be significantly reduced. Matt said an official vote whether or not to buy the harvester would happen at the Long Point annual meeting at the end of the summer season.

(d) Addison County Solid Waste Management District (ACSWMD) — solicitation of interest to participate in a regional drop-off center pilot project. After a brief discussion, Rick Ebel tabled this agenda item until Steve Huffaker, the town's ACSWMD representative, is available to attend a selectboard meeting.

4. Selectboard old business

(a) 2512 Sand Road update. Rick Ebel stated that Sheila McGregor, owner of the animal rescue Heidi's Haven located at 2512 Sand Road, appealed the town's health order to the Vermont State Board of Health. He said the town will be ready to respond when a decision is reached.

Rick said that he had invited Sheila to attend tonight's meeting to discuss two topics related to the health order. The first was the accumulation of dog feces as part of a compost pile. When he attempted to visit the property Sheila was not at home. She emailed him saying he was trespassing and the police would be contacted. He said he was not trespassing; as a town officer he has every right to address the topic in person at that residence. He said if she does not remove the feces she will be in violation of #4 of the health order. The second item to be discussed was that Kristin DeBellis, deputy health officer, was given less than 24 hours notice of an inspection of the property by Ehrlich Pest Control. Item #3 of the health order says the town expected "reasonable notice" for our town health officers to attend a site visit. When questioned, Lesley Deppman, Sheila's attorney, felt it was adequate notice. Rick said he feels we need to revisit that given the lives people lead.

Russ Cynewski said it seems the situation is getting worse and not better. There are pigs now and more dogs than ever. Composting of the dog feces is not being done in a container and nothing is being added. He asked if the health order should be updated. He continued by saying the situation is going in the wrong direction.

Rick commented that when he went to visit Sheila he followed up to see if he could make a complaint because the sound of the din from over 20 dogs barking was just astounding. He tried to make a noise

complaint to the health officer and learned the dog ordinance applies only to barking at night. This issue has not been a problem in the past.

Russ Cynewski said Sheila's house looks like it needs to be condemned; with 30 dogs, 2 pigs, 10 cats, and a bunch of rats in a 900-foot-square house it does not seem to be fit to live in. Rick replied that the town needs to focus on the health order and spoke again about the two areas that may be in violation of the health order. Rick emphasized he is continuing to work on this issue. For tonight's update, he said the town health officers were not given what he would consider a fair amount of notice for the July 13, 2018, inspection. He also said composting does not fit the health order, which clearly states to remove the feces from the property. He said he is working within the constraints of the town ordinances and asks others for help as needed. He said we are learning as we go along; these are issues the town has not had to deal with before.

(b) Vorsteveld tree cutting – update. Rick Ebel said there is nothing specific on mediation at this time. He spoke about communication with Julie Adams who lives on Spencer Farm Road, off Arnold Bay Road. She was present at the last selectboard meeting to express her concerns about road runoff and potential water flow from the Vorsteveld's field into Lake Champlain. Rick said he advised her to contact Craig Heindel, chair of the conservation commission to set up a site visit, which could also include John Bull, road foreman, who plans to do some ditching on Arnold Bay Road.

(c) Building maintenance updates — general.

I. Mountain Air — piping repairs quote. Red Muir said the work would be done. He also said he would have Gloria Warden check to see when the current contract with Mountain Air expires.

II. Union Meeting Hall shed. Red reported that 90% of the items belonging to the Ferrisburgh Elementary School have been removed. He said he would contact Bill Wager, fire chief, to see if they have moved out their items. Rick Ebel asked that the minutes reflect that the school and fire department must remove all items by August 31, 2018. Rick said he would ask John Bull, road foreman, to contact the company that removed asbestos and lead from the garage to test the shed. Discussion ensued about whether or not the shed should be torn down. Carl Cole said it was his opinion that the town should not spend money for the shed without a plan. He said the shed is a non-conforming building, and if removed another building could not be put in its place.

III. Historical Society building's roof. Referring to a letter from society member Silas Towler, Charlie Langworthy addressed the board about issues pertaining to the installation of the new metal roof. Using suggestions recommended by the society, visitors present were asked to vote on a roof color and selected charcoal grey. Charlie said the brick chimney, which needs repointing, is no longer functional. The society recommends dismantling the chimney down below the roofline, patching the wood roof deck, and applying the metal roof over the hole. He said the society would incur any expenses beyond the original roofing quote for this work. Discussion ensued as to whether or not a chimney may be removed on a historical building. Charlie said he would check into this matter and get back to the board.

5. Selectboard general business

(a) Deb Healey — delinquent tax collection draft policy. Deb Healey, town treasurer, explained to the board the details of her draft policy. She stated she had reviewed the old policy and made changes based on what she learned at a delinquent tax collector meeting last week. She added that she came before the board tonight because any changes to the policy must be made 15 days after taxes are due. After a brief discussion, Steve Gutowski made a motion to make this draft the official policy of the collector of delinquent taxes for the town of Ferrisburgh, dated July 17, 2018. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(b) Discuss date/time for office employee reviews. After discussion, Rick Ebel announced the remaining office employee reviews would be at the next regular selectboard meeting on August 7, 2018, at 5:30 p.m. (probable executive session).

(c) Zoning Board appeal to Superior Court, Environmental Division. Bonnie Barnes, zoning administrator, announced that she found out today that on July 13, 2018, Sheila McGregor, owner of the animal rescue Heidi's Haven located at 2512 Sand Road, appealed the notice of violation, issued by Bonnie and upheld by the zoning board of adjustment, to the local Vermont Environmental Court. After a discussion, Jim Benoit made a motion to authorize Jim Carroll to enter an appearance on behalf of the town/zoning board of adjustment for the appeal of the zoning board's decision on the McGregor Notice of Violation and file an enforcement action. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

6. Public comment

There was no public comment.

7. Other business

There were no items under other business for this meeting.

8. Correspondence

There was no correspondence for this meeting.

9. Selectboard to approve or sign

(a) Selectboard warrant. After review, Jim Benoit made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$117,726.16. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

10. Adjourn

Steve Gutowski made a motion to adjourn the meeting at 8:15 p.m. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Jean Silveira