

Town of Ferrisburgh
Selectboard Minutes / APPROVED
August 7, 2018

Members present: Rick Ebel (chair), Jim Benoit, Steve Gutowski, Jessica James. **Absent:** Michael Redö Muir.

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

Visitors present: Julie Adams, Michael Adams, Katie Berger, Mark Berger, Gerry Blair, Paulette Bogan, Tina Booska, Judy Chaves, Robin Curler, Jan Demers, Judy Ferler, Douglas Fletcher, George Gardner, Charlie Gottlieb, Reed Hampton, Vanessa Hampton, Bob Hartenstein, Deb Hartenstein, Anna Hoppe, Steve Huffaker, Andy Kirkaldy, John Medenwald, Joanne Newell, David Putter, Bessie Sessions, Cheryl Shea, Roy Shea, Steve Shores, Tom Spencer, Jim Warden, Sean Willerfosh.

1. 5:30 p.m. Personnel reviews.

Rick Ebel called the meeting to order at 5:30 p.m.

Steve Gutowski made the motion to go into executive session for the purpose of discussing employee evaluations, stating the selectboard finds that premature general public disclosure of the discussion would put the town/employees at a substantial disadvantage. Jim Benoit seconded. All voted in favor. MOTION PASSED.

5:31 p.m. - Steve Gutowski made the motion to go into executive session, inviting Gloria Warden, Town Clerk, Jean Silvera, Clerical Clerk; Bonnie Barnes, Zoning Administrator; Pam Cousino, Assistant Clerk and Assistant Treasurer to discuss department evaluations. Jim Benoit seconded. All voted in favor. MOTION PASSED

6:20 p.m. - Jim Benoit made a motion to come out of executive session. Jessica James seconded. All voted in favor. MOTION PASSED

6:24 p.m. The board went upstairs to call the regular meeting to order, where Rick Ebel stated no action was taken in executive session.

Jim Benoit seconded. Jim Benoit, Rick Ebel, Steve Gutowski and Jessica James voted in favor. Red Muir abstained. MOTION PASSED.

2. Office employee evaluations (probable executive session).

3. 6:30 p.m. Regular meeting — call to order.

Rick Ebel, chair, called the meeting to order at 6:34 p.m. Efforts to connect with board member Red Muir via phone and computer were unsuccessful.

4. Approve minutes — June 28, 2018, special meeting and July 17, 2018, regular meeting.

Steve Gutowski made a motion to approve the minutes of the special meeting on June 28, 2018, with one correction: that Steve had attended the meeting by phone. Jessica James seconded. Rick Ebel, Steve Gutowski and Jessica James voted in favor. Jim Benoit abstained. MOTION APPROVED.

Jim Benoit made a motion to approve the minutes of the meeting on July 17, 2018, as submitted. Steve Gutowski seconded. Rick Ebel, Jim Benoit and Steve Gutowski voted in favor. Jessica James abstained. MOTION APPROVED.

5. Selectboard new business.

(a) George Gardner — security camera. George Gardner said he wants to replace a faulty security camera at the Town Hall, but is concerned about working in the area around the south ground-floor doorway that is blocked off with yellow tape. He asked when the problem with falling roof slates might be resolved so that he could complete the work. Rick Ebel said the town did not have a date certain for the fix. He said if the timing of the camera replacement, under warranty, meant that the replacement had to take place before the roof was fixed, a protective scaffold or other strategy could be used to allow the work to be done safely. Gardner said he would let the town know about the timing.

(b) Long Point petition re: intersection of U.S. Route 7, Stage Road and Old Hollow Road — Judy Chaves and Charlie Gottlieb. Judy Chaves and Charlie Gottlieb, speaking for residents of the Hollow in North Ferrisburgh and Long Point, asked the selectboard for its help in getting a traffic light installed at the intersection in question, something residents have been requesting for many years.

Judy Chaves described her conversations with local, county and state officials, all of whom said it was important to keep the issue in front of the Vermont Agency of Transportation (VTrans) and others, including the town's state representatives. She said she had been assured of assistance from the Addison County Regional Planning Commission, and asked that the selectboard also get involved. She mentioned a petition that had been circulated previously, signed by about 450 people, about getting a traffic light installed at the intersection. Charlie Gottlieb said that Long Point residents and the Long Point Corporation board were unanimously behind the effort. He also described how he and his wife, Diane, were badly injured in an accident at the intersection earlier this summer. She broke her back in three places, while he suffered a broken ankle and ribs. He said most people he talks with about it say, "It could have been me." And he urged the town to do whatever it could to make that intersection safer.

Ebel asked Chaves to provide the board with documentation she had, as well as the petition and a list of contacts. He noted that a request for a traffic study at the site by the Addison County Regional Planning Commission (ACRPC) was on the agenda for that night's meeting. Steve Huffaker, who represents the town on the group's Transportation Advisory Committee, said a request last year was turned down in favor of a request involving a covered bridge on the Cornwall-Salisbury town line that had burned down.

It was noted that previous requests to VTrans had resulted in the addition of turning lanes at the intersection and a reduction of the speed limit for that stretch of Route 7 to 40 mph. Chaves said residents do not believe these fixes are sufficient. She said Adam Lougee of the ACRPC suggested bugging everyone involved, over and over. She said Charlie and Diane Gottlieb's accident had highlighted the need to take the effort to a new level. She thanked the board for its support and promised to get them the requested documentation.

(c) Addison County Regional Planning — transportation study request for FY 2019. The board said the town would resubmit a request, approved by the selectboard in 2017, for \$15,000 to do a traffic study at the Route 7-Stage Road-Old Hollow Road intersection, with a view to improving vehicular and pedestrian safety and improving traffic flow.

(d) Grange Hall painting donated in memory of Bob Jenkins. Robin Curler, daughter of Bob Jenkins, presented the town with a painting of the Town Hall that is being donated by the Jenkins family. The painting will be installed in the Town Hall with a plaque that reads, "In memory of Bob Jenkins who loved and was loved by his community. 2017." Bob Jenkins passed away late last year. He was a former member of the selectboard and a longtime member of the Ferrisburgh Volunteer Fire Department, and involved in many community projects. Board members thanked the family for their generous donation.

(e) Vermont Community Leadership Summit — request to designate a town representative. The Vermont Council on Rural Development has asked the town to designate a local leader to take part in the Vermont Community Leadership Summit, "Making It Happen: Local Leadership for the Future of Vermont Communities." The event takes place on October 1, 2018, at Castleton University. Board members said they would table the request until the next meeting and begin seeking nominees.

(f) Vergennes Fire Contract Agreement. The City of Vergennes is asking Ferrisburgh to pay \$69,018 to renew the fire contract between the two municipalities. Vergennes provides fire coverage to several parts of the town, including West Ferrisburgh (west of Otter Creek) and the southeastern section on either side of Route 7. Board members had a brief discussion about whether the current coverage areas make sense, since they were probably developed before the Ferrisburgh fire station was built at its current location on Route 7, and thought it would be good to involve Bill Wager, chief of the Ferrisburgh Volunteer Fire Department in further discussion of the issues.

Jessica James made a motion to approve paying Vergennes \$69,018 for fire services, in addition to an hourly rate for firefighters. Payments will be made in quarterly installments of \$17,254.50. Jim Benoit seconded. All voted in favor. MOTION APPROVED.

(g) Vergennes Recycling Contract (ends December 31, 2018). The town has also received a bill for \$8,858 from Vergennes for recycling services for the next six months. Ferrisburgh residents can drop off material for recycling at the center in Vergennes on Wednesday afternoons and Saturday mornings. There was a brief discussion about what the future holds for recycling, since Casella has indicated it will no longer be operating the center in Vergennes after the end of this year. Steve Huffaker, who represents Ferrisburgh on the Addison County Solid Waste Management District board, said it seemed certain that nothing would change before the end of the current contract, at the end of 2018. Steve Gutowski made a motion to approve payment of \$8,858 to Vergennes for recycling services through December 31, 2018. Jessica James seconded. All voted in favor. MOTION APPROVED.

(h) Glebe land, 656 Highland Way. The board tabled until a future meeting consideration of a quitclaim deed for leased land, because the owners' representatives were not able to attend the meeting.

(i) Gerry Blair — manure trucks speeding on Pea Ridge Road. Gerry Blair, who lives on Pea Ridge Road, told the selectboard that he objected to having large manure trucks traveling at speeds exceeding the 35-mph limit on the road that runs by his home. He said he understands that Vermont in general and Ferrisburgh in particular are farming communities, but he does not think the trucks need to travel so fast, and objects to them rolling past his house all day long for weeks at a time. He said the high speed bothers him, and he believes policing is needed to keep the trucks at or under the posted limit.

He said Pea Ridge Road is a narrow dirt road that is now used as part of a cut-through route from Monkton Road to Route 7, and that traffic generally has increased and speeded up. He also said ATVs use the road frequently, which is illegal. He has asked them to stop but to no avail. He has contacted the State Police, but they have not stopped the high-speed traffic. Pickup trucks also travel the road at high speed, he said, and he believes that because of his interactions with drivers, he has been subject to retaliation, with his truck egged and his barn windows shot out with a BB gun. He said the traffic issues are out of control and he thinks the town needs to get a handle on what he called lawless, reckless behavior. He suggested the Sheriff's Department patrol the road, and said he just wants to live in peace and quiet in his neighborhood, which he deserves to be able to do.

Rick Ebel said the town had contacted the Sheriff's Department about the issue, but Blair said he had not seen them on the road. Ebel said the town would follow up with the sheriff and the State Police, allowing that what's happening is not right. He said he understands that trucks need to make good time but added they shouldn't be speeding. He said town officials would follow up and do everything they can.

Other residents of the area also complained, with Tina Booska saying that even school buses and UPS trucks travel too fast. Ebel wondered whether additional signage would help, and who had jurisdiction. Steve Shores, who farms in the neighborhood, said it was a dangerous situation on Pea Ridge Road and also on Clark Woods Road. He said he has pulled people out of the ditch who were driving too fast on the narrow dirt road and that it is just a matter of time before someone gets hurt. He said he also worries about moving cows across the road with all the trucks traveling at high speed.

Ebel thanked residents for bringing the issue to the selectboard's attention, and said the board would follow up.

5. Selectboard old business

(a) Addison County Solid Waste Management District Rep. Steve Huffaker — possible recycling center location. Steve Huffaker said the ACSWMD was entertaining suggestions for possible recycling locations in Ferrisburgh and elsewhere now that the Vergennes location is going to be closed. He wondered about the town-owned land at the intersection of Routes 7 and 22A, which he thought would be a great location, actually better than the current one. Rick Ebel noted that a couple of different offers to buy the land had fallen through, so that the land was still owned by the town and could be an option.

Resident John Medenwald wondered who would pay for any necessary site improvements. Huffaker said that if the location was suitable, ACSWMD had money that might be used to purchase the land. Steve Gutowski wondered if this would be acceptable to regional planners, who had not liked the idea of a car dealership on the land.

Rick Ebel said the board would table the issue for now and formulate an action plan going forward. Resident Gerry Blair wondered if ACSWMD could lease the land from the town. Ebel said the issue would be discussed with the town's real estate broker, and that an action item would appear on the agenda for the selectboard's next meeting.

(b) 2512 Sand Road — update. The only update offered on the Sand Road issue, involving the town's dispute with a homeowner who was operating a dog rescue operation, was that the town was waiting for a hearing to be set up with the State Board of Health.

(c) Vorsteveld tree cutting update. Rick Ebel said that the Vorstevelds had removed additional trees, in apparent violation of a deal reached in mediation. He said he had been informed about the tree removal, and had talked with a worker for a tree service at the site. The worker said he was doing clean-up for the Vorstevelds, and suggested a call to the farmers. Ebel said he told Gerard Vorsteveld that the farmers should not be cutting down trees in the right of way, and that was the end of the conversation. He suggested that Jim Carroll, the town's attorney in the matter who was at the meeting, provide an update. Carroll said he couldn't say much in public, but suggested meeting with the board in private.

Doug Fletcher, Ferrisburgh resident, wondered if the Vorstevelds were just going to move forward with work on the property, or if the town could stop it. He felt the tree removal was clearly not in the spirit of the agreement reached with the town, and leads one to suspect they are just ready to move ahead with their tile drain and ditching project.

Resident Tom Spencer said his family had been farming in the area since the 1870s. He said they had extended a water line up Arnold Bay Road to serve a subdivision, and that they needed multiple state and local permits for the work. He said after the road was cleared of trees by the Vorstevelds, the town had cut brush along the road and had damaged several water valves. He said he had fixed them and put up posts to protect them in the future, which was part of his agreement with the town. He said he expected the Vorstevelds to live up their agreements and play by the rules, and the town to enforce those rules.

He said he used to enjoy walking in the shade along Arnold Bay Road, but no more. Those trees won't come back in his lifetime, he said, and he wants the board to pursue this issue and make sure that everyone lives by the rules.

Vanessa Hampton asked what the tile drain and ditching program the Vorstevelds are considering would mean for water quality in the lake, which provides the area with drinking water.

The board had received a letter from resident Julie Adams about her concerns with the proposed tile drain installation and expansion of the ditch along the road, and the effects on water quality. Rick Abel said the board had contacted the Conservation Commission for advice on the matter. John Medenwald, who is a member of the commission, said large farms are subject to Vermont Department of Agriculture rules. He said the department is

updating its recommended practices for tile drains and water management on large farms, with a look toward nutrient management, manure storage and buffer areas between fields and waterways.

Ebel said he wanted to call a recess and have the board meet with its attorney, Jim Carroll, to learn more about where things stand between the town and the Vorstevelds. Jessica James made a motion to go into executive session at 7:52 p.m. to discuss legal issues that would put the town at a disadvantage if they were discussed in open session. Jim Benoit seconded. All voted in favor. MOTION APPROVED.

Jim Benoit made a motion to invite Jim Carroll to join the board members in executive session. Jessica James seconded. All voted in favor. MOTION APPROVED.

Jim Benoit made a motion to exit executive session at 8:16 p.m. Steve Gutowski seconded. All voted in favor. MOTION APPROVED.

Ebel said the board had met with its attorney and would be conferring to outline specific actions on the Vorsteveld issue. He said that was all he could share at this point.

(d) Building maintenance updates — general.

i. Annunciator panel moved. The panel, which indicates the status of building systems, was moved from a relatively inaccessible space at the bottom of the rear stairway to the entrance hallway on the ground floor, on the south side of the building.

ii. Lights in office. Town office staff resolved Issues with light fixtures and incompatible replacement lamps.

(e) Jan Demers — Champlain Valley Office of Economic Opportunity. Jan Demers, who is executive director of the CVOEO, had asked to be on the agenda for a meeting with the selectboard to introduce herself and her organization. A community action agency that operates in all four counties along the lake in Vermont (Franklin, Grand Isle, Chittenden and Addison), CVOEO provides help to more than 20,000 people each year, covering crisis services such as food, fuel and housing availability. They also assist with weatherization, Head Start, and offer tax prep assistance for lower income people at no cost. She said the service most frequently used by Ferrisburgh residents is the food shelf in Middlebury. She provided brochures and the CVOEO's annual report to board members. Board members thanked her for her work, and for taking the time to fill them in on all the services offered by the organization.

6. Selectboard general business

(a) Lynn Coale—ACORN—police services request. The Addison County Relocalization Network promotes the health and growth of local food and agriculture in the Champlain Valley. The group sponsors the annual Tour de Farms bike ride as a fundraiser, which this year passes through Ferrisburgh. The selectboard had given approval to use town roads for the event at a meeting in June, but had required that the Tour de Farms provide police services at the Greenbush Road-Route 7 intersection.

Lynn Coale, ACORN's executive director, subsequently wrote to the board asking whether the town could hire the Sheriff's Department to manage traffic at the Greenbush-Route 7 intersection.

Steve Gutowski said having the town provide coverage would be a first, since the town has required other fundraising events to provide police services. Rick Ebel said this would be a slippery slope, and if the town did it for one group it would be expected to do it for others. Jim Benoit worried about liability issues if the town was providing the coverage.

Steve Gutowski made a motion to have Ferrisburgh provide police services for the Tour de Farm event. Jim Benoit seconded. All voted against. MOTION FAILED

7. Public comment. There was no public comment.

8. Other business. Deb Healey, town treasurer, handed board members copies of a trial balance, containing year-to-date budget numbers.

9. Correspondence.

(a) Addison County Regional Planning Commission — new Addison County Regional Plan. The ACRPC's executive director, Adam Lougee, wrote the town to report that the commission had voted at its July 18, 2018, meeting to amend the Energy Subsection of the Addison County Regional Plan and then had voted to re-adopt the plan in its entirety. The plan, available online at <http://acrpc.org/resources/regional-plan/> will become valid within 35 days of its adoption on July 18, unless a majority of the towns and cities veto the plan.

(b) Vermont League of Cities & Towns — Municipal Budgeting and Borrowing Workshop. The workshop will be held on September 11, 2018. Treasurer Deb Healey said she had attended the workshop last year and found it informative. She did not think anyone from the town office needed to attend this year.

(c) 2018 Vermont Emergency Preparedness Conference — September 7 & 8, 2018. The conference takes place at Lake Morey Resort in Fairlee, Vt.

11. Selectboard to approve or sign

(a) Selectboard warrant. After review, Jessica James made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$69,308.35. Jim Benoit seconded. All voted in favor. MOTION PASSED.

11. Adjourn

Jim Benoit made a motion to adjourn the meeting at 8:40 p.m. Jessica James seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Tim Etchells