

Town of Ferrisburgh
Selectboard Minutes / Approved
August 21, 2018

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

Town officials present: John Bull, road foreman.

Visitors present: Kate Brewer, Lynn Coale, Doug Fletcher, John Medenwald, Bessie Sessions.

1. 5:30 p.m. Meeting.

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

2. Jim Carroll, town attorney — discuss updates for 2512 Sand Road and Arnold Bay Road (probable executive session).

5:30 p.m. . Steve Gutowski made a motion to go into executive session for the purpose of discussing updates regarding 2512 Sand Road and the Arnold Bay Road. Jim Benoit seconded. All voted in favor. MOTION PASSED.

5:31 p.m. . Steve Gutowski made a motion inviting Jim Carroll, town attorney, into executive session. Jim Benoit seconded. All voted in favor. MOTION PASSED.

6:26 p.m. . Steve Gutowski made a motion to come out of executive session. Jim Benoit seconded. All voted in favor. MOTION PASSED.

6:30 p.m. . The board went to the meeting room to call the regular meeting to order and Rick Ebel called the meeting to order.

3. 6:30 p.m. Call Regular Meeting to order.

Rick Ebel, chair, called the regular meeting to order at 6:30 p.m. He said the board did go into executive session and asked Jessica James to announce any action taken. Jessica James moved that the town authorize the town's attorney to communicate with the attorney for the Vorstevelds in connection with the need for a Section 1111 permit in any work done in the town's right-of-way and barring acknowledgement with need of permit to authorize the attorney to take any legal action that he deems appropriate including any action pursuant to the shade tree statute he deems appropriate. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

4. Approve minutes — August 7, 2018.

Steve Gutowski made a motion to approve the minutes of August 7, 2018, adding the following omission:

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

5:30 p.m. . Steve Gutowski made a 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 a motion to go into executive session, inviting Gloria Warden, town clerk; Jean Silveira, clerical clerk; Bonnie Barnes, zoning administrator; Pam Cousino, assistant town clerk/assistant town treasurer to discuss department employee 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.

5. Selectboard new business

(a) John Bull — highway operations report. John Bull, road foreman, began his report by saying he received the signed copy of the grant for the Old Hollow Road project today, so the project can begin. He said he hopes to install the two drop inlets in the Route 7 intersection. The state wants message boards on Route 7 a week in advance to let people know Old Hollow Road and Mt. Philo Road will be closed for probably two days from 7:00 a.m. to 3:30 p.m.

John said the pavers will be working the first or second week of September to complete the rest of the paving. The company will return to pave Old Hollow Road if that section is not finished by that time.

John said he has been ditching on Arnold Bay Road and has passed the areas where the Vorstevelds cut down trees. He is going to take pictures of the finished product. He said he is concerned because typically what happens when the crew ditch, seed, and mulch, farmers take the corn off, plow to the bottom of the ditch, harrow it all in, and make it disappear. John said he is hoping there will be a plan with the Vorstevelds so they do not destroy this new filter system for the water.

Rick Ebel addressed John saying the motion the board brought forward coming out of executive session was to direct the town's attorney, Jim Carroll, to contact Jim Foley, the attorney for the Vorstevelds, to indicate that there should not be any work in the right-of-way without them applying for and obtaining a Section 1111 permit. Rick then asked John to explain what a Section 1111 permit is. He said every road in Vermont has a right-of-way and within that right-of-way you need permission from the selectboard to do anything, change anything, to ditch it, to remove a tree, anything at all. You need to come before the selectboard and say what you want to do and get a permit to do it. John described the history of this permit, the goal of which was to protect the highway system. John then described the process of obtaining a Section 1111 permit: People wishing to do work in the town right-of-way apply to him. He has a permit with conditions, that depending on the road and what someone wants to do, is how the conditions get filled in or not. John confirmed for Rick that a Section 1111 permit is from the Vermont State statutes and the town administers the permit for the state. The selectboard has the final say; John works as the designee.

John said he will be doing work on Jersey Street where new construction has destroyed the road. He commented that he received the second roadside mower and will use it to try to slow down the growth of the poison parsnip. It will also be used to push back some brush and sumac at guardrails and stop signs and intersections.

Steve Gutowski asked John about speed limit signs on Pea Ridge Road, stating that at the last selectboard meeting a homeowner said there are no speed limit signs. Steve continued by saying he took a ride out the next day and saw four 35-mph speed limit signs on the road.

(b) Addison County Regional Planning Commission (ACRPC) — Shellhouse Mountain Road traffic study.

John Bull, road foreman, said the speed limit recommendation from ACRPC for Shellhouse Mountain Road is 50 mph. John said he will run it through the federal speed limit program, which accounts for sight differences, neighborhoods, and other characteristics. Then he will write up an ordinance for review by the selectboard.

6. Selectboard old business

(a) Vermont Community Leadership Summit — designate a town representative. Jessica James volunteered to be the town's representative.

(b) 2512 Sand Road update. Rick Ebel said this agenda item is regarding a dog rescue run by Sheila McGregor. He said the town's actions have been appealed to the state board of health. They are organizing to hold a hearing at the state level; the town and the state health board have had a pre-conference in that regard. He added there is also an appeal around the zoning permit violation that has gone to the state environmental court. He commented that at this level we are waiting to hear back.

(c) Vorsteveld tree cutting update. Rick Ebel mentioned as stated earlier the town's directions to the town attorney informing the Vorstevelds, through their attorney, about the need to file a Section 1111 permit for any work within the right-of-way. To be clear about other communication, Rick said he has been communicating with the town conservation commission, specifically with Craig Heindel, chair, who had to recuse himself from a potential site visit to Arnold Bay Road. He asked John Medenwald, a member of the conservation commission, to be the point person. He addressed the board saying that the commission was tentatively scheduled to meet at the town offices on September 11, 2018, at 7:00 p.m., then go to Arnold Bay Road for a site visit to view it from a conservation standpoint: possible erosion, sedimentation, water quality, and tree clearing. The conservation commission, selectboard members, the town attorney, and the town tree warden will be there. An agenda will be posted and the meeting/site visit will be warned. When asked by a visitor, John replied that it is a public meeting. Rick said it is very important that it is a public meeting. Visitors may park at the south end of Arnold Bay Road, along the driveway at 590 Arnold Bay Road, or on Spencer Farm Road.

(d) ACORN — revisit original request from Tour de Farms. Executive Director Lynn Coale came before the selectboard to discuss the town's stipulation that organizations have a law enforcement presence at their bike events. He said the organization is struggling to get law enforcement because the event is on a Sunday, officers are on vacation, and overtime would be charged. During the ensuing discussion, Jim Benoit suggested that Lynn contact the Shelburne Police Department and the Chittenden County Sheriff's Department to hire flaggers. Rick Ebel stated the board is sticking with its original request for insurance and police coverage.

7. Selectboard general business

(a) Jury duty — discuss amendment to personnel policies. Discussion ensued regarding jury duty compensation, which is not covered in the personnel policies, for Pam Cousino, assistant town clerk/assistant town treasurer, who will report for jury duty in early September. Following the discussion, Jim Benoit made a motion to authorize up to eight hours of compensation per day for jury duty for Pam

Cousino. Steve Gutowski seconded. All voted in favor. MOTION PASSED. Rick Ebel asked that the minutes reflect that during budget building for next year the board revisits including jury duty compensation.

(b) Employee compensation. Jim Benoit made a motion to table this agenda item to the next regular selectboard meeting on September 4, 2018, at 6:30 p.m.

(c) Vermont League of Cities & Towns — annual business meeting — appoint voting delegate. Rick Ebel announced he would like to be the town's delegate.

8. Public comment

There was no public comment.

9. Other business

Steve Gutowski spoke about the lawn area on the Sisters's property, located on the south side of the town offices building, as a possible location for the 15kw solar array offered at no cost to the town. Rick Ebel said he would invite Lincoln Landé of GroSolar to attend a future meeting. Red Muir asked that Fire Chief Bill Wager also be invited to discuss the possible placement of the solar array at the firehouse.

As a follow up from the last meeting, Rick Ebel said he contacted Mike Hatch about setting up staging for George Gardner; he can safely work when he comes to repair one of the security cameras on the town offices building. Note: This comment was made during **4. Approve minutes — August 7, 2018.**

10. Correspondence

(a) Satterly Road blasting. The town received notice from Powhatan, LLC that Green Mountain Enterprises would perform its 2018 blasts at the quarry on Satterly Road on August 8, 2018. As this is the same day as the notice was received, Rick Ebel asked that past timeframes for notice to neighbors be researched. He also requested that Bonnie Barnes, zoning administrator, research any stipulations about blasting and amount of removal of debris by truck traffic.

(b) Vermont League of Cities & Towns (VLCT) — Town Fair — October 3 and 4, 2018. Rick Ebel announced that he would be attending the VLCT town fair.

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 \$74,264.33. Jim Benoit seconded. All voted in favor. MOTION PASSED.

12. Adjourn

Jim Benoit made a motion to adjourn the meeting at 7:56 p.m. Jessica James seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Jean Silveira