

Town of Ferrisburgh  
Selectboard Minutes – DRAFT  
September 17, 2019

**Members present:** Jim Benoit, Rick Ebel, Jessica James, Michael “Red” Muir.  
**Absent:** Clark Hinsdale

**Town officials present:** John Bull, road foreman; Deb Healey, treasurer; Gloria Warden, town clerk.

**Visitors present:** Carolyn Blaise, Tom Borchet, Chris Campbell, Jeanne Comouche, Tammy Cooke, Kristin DeBellis, Tom Fisher, George Gardner, Carolinne Griffin, Arabella Holzapfel, Chris Kayhart, Mark Koenig, John Medenwald, Katie Quinn, Mike Quinn, Jean Richardson, Bessie Sessions, Jennille Smith, Kimberly Trombley, Tim Van De Weert, Shannon Warden.

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

Rick Ebel called the meeting to order at 6:30 p.m. He asked for a motion to amend the agenda to add 5. (f) Democrat Caucus — hall rental agreement — September 27, 2019. Jim Benoit made a motion to amend the agenda as described. Jessica James seconded. All voted in favor. MOTION PASSED.

**2. Approve minutes — September 3, 2019, regular meeting.**

Red Muir made a motion to approve the minutes of the September 3, 2019, regular meeting, as submitted. Jessica James seconded. Jim Benoit, Jessica James, and Red Muir voted in favor. Rick Ebel abstained. MOTION PASSED.

**3. Selectboard new business**

**(a) John Bull — highway operations report.** John Bull began his report by stating that except for painting crosswalks, which will be done by the city of Vergennes as part of an exchange for other work, everything is completed on the Hollow Road project. The total cost was \$264,085. Based on funds received from the state and use of town equipment and labor, only \$10,000 came from the town budget.

Discussion ensued when Rick Ebel questioned John about emails from Mike Hinsdale regarding water drainage across his property and down his driveway on Old Hollow Road. John explained that this has been ongoing for 10 years and reviewed the history of the issue. He mentioned that Jim Benoit talked with Mike as well. John said to help alleviate the problem the crew did some ditching on the north side of the road. Both Jim and John stated you cannot change the natural flow of water; the crown of the road and/or the parking lot would need to be changed. John said Mike is not happy with his decision and asked the board to contact him.

John said the town received \$18,500 in grant money for work done on Ledge Lane to bring it up to Clean Water Standards. He is applying now for that same grant to repair sections of Satterly Road.

John spoke about other work being done by the road crew including repairing failed culverts, ditching, and working to complete a second pass on roadside mowing. He said he is happy to report that road salt prices have gone down slightly. He talked about various town roads that still need to have lines painted.

Red asked about changing the speed limit on Plank Road. John said the traffic study that was done earlier is still current, so he can follow the process to amend the town's speed limit policy. He added he would be coming to the board to begin the process for Shellhouse Mountain Road as well.

When asked by Rick Ebel if Sand Road was on the list to have lines painted, John replied it is, though right now the companies that do the work are booked. Rick also asked about a request from Long Point Corporation to paint the word "SLOW" on the roads. John said he would be able to do the work in the spring.

**(b) Deb Healey — delinquent tax collector, attorney for tax sales.** Deb Healey addressed the board giving details of current tax delinquencies. As the former delinquent tax collector and current treasurer, Deb recommended that the board request the town lawyer to initiate delinquent tax sales in November 2019. Following discussion, Jessica James made a motion to contact the town attorney's office to pursue delinquent taxes in Ferrisburgh. Red Muir seconded. All voted in favor. MOTION PASSED.

**(c) FY20 Municipal Planning Grant — resolution by selectboard for commitment of 10% match.** Arabella Holzapfel described for the board how the grant would assist the Land Use Regulation Update Committee (LURUC) to revise current zoning bylaws. Rick Ebel volunteered to again serve as the town's Authorizing Official. Red Muir volunteered to be the alternate. After further discussion, Jessica James made a motion to provide town funds, up to \$900 for the municipal planning grant from the zoning bylaw revision line item in the town budget. Red Muir seconded. All voted in favor. MOTION PASSED.

**(d) Vermont League of Cities & Towns (VLCT) — Annual Business Meeting — October 2, 2019 — designate selectboard voting delegates.** Rick Ebel volunteered to be the town's voting delegate at VLCT's Annual Business Meeting on October 2, 2019. Jim Benoit made a motion to appoint Rick Ebel as the voting delegate. Red Muir seconded. Jim Benoit, Jessica James, and Red Muir voted in favor. Rick Ebel abstained. MOTION PASSED.

**(e) City of Vergennes-Ferrisburgh — 2020 Fire Protection Agreement.** Rick Ebel tabled this agenda item until the next regular selectboard meeting on October 1, 2019, at 6:30 p.m. after agreement of all board members to invite the Vergennes city manager and fire chief to that meeting.

#### 4. Selectboard old business

**(a) Addison Northwest School District (ANWSD)-Ferrisburgh School Board Representatives — re: possible Central School closure discussion.** Rick Ebel commented that this agenda item is a continuation of discussions from the last selectboard meeting on September 3 and the unified district school board meeting on September 9, 2019. Some issues revisited included the urgency to make the decision now despite too many unknowns, reasons why budgets for the other options were not created and presented to the public, causes for continued year-to-year budget increases raising property taxes, the state-imposed financial penalty for exceeding the per-pupil spending threshold, and the process and consequences of voting down the option proposed by the school board.

Discussion of additional topics ensued when selectboard members asked several questions of the district representatives present regarding the proposed closure of the school. Rick Ebel asked what would happen to the building if the school were to close. Tom Borchet, a Waltham representative to the unified district school board, said the default position is that initially the building would remain under the control of the unified district, before it is offered back to Ferrisburgh. He went on to say the decision whether or not to return the building may require a vote by the entire district. Mark Koenig, a Vergennes representative to the unified district school board, said it might come down to a legal interpretation. Rick

and Red Muir questioned whether or not the town would be responsible for maintaining the building, if it is returned, including resolving the mold issue. George Gardner, a Ferrisburgh representative to the unified district school board, said the town would not be responsible for anything right away. Jessica James asked the amount of debt that would need to be repaid if the building was no longer in the district. Although he did not have the exact number, Tom Borchet said it would include \$1 plus repayment of all other debt prior to unification, including an approximately \$75,000 bond from 2010 and \$200,000 from an energy project passed a year and a half ago. Referencing the Articles of Agreement from Act 46, Chris Kayhart said there is no provision for repaying debt. He added that a separate agreement was reached between Ferrisburgh and the district by lawyers for both parties.

As the discussion continued several visitors shared ideas and suggestions they wanted the school district representatives to bring back to the school board; these included designing a tiered structure instead of closing both Ferrisburgh Central School (FSC) and Addison Central School at the same time, moving the administrative offices to FCS or to Vergennes Union High School, closing ACS and allowing those families to choose between FSC or Vergennes Elementary School, sharing the budgets for all options considered by the board at next week's public meetings, considering a combination of the four options, and paying the per-pupil penalty for one year to give more time for planning.

**(b) Building maintenance**

**i. Town offices needs/update on communication with Breadloaf Construction.** Discussion ensued after Red Muir spoke about emails he exchanged with Paul Wyncoop of Breadloaf Construction regarding the condition of the slate roof and walls in front of the town offices building. The board decided to invite him to the next regular selectboard meeting on October 1, 2019.

**ii. Union Meeting Hall.** Carl Cole, a member of the building maintenance committee, said he showed a couple of town residents the hall and they were very enthusiastic.

**iii. Fencing for privacy screening.** Red Muir said fencing would be installed around the generator at the fire station and around the air-handling unit at the town offices building.

**(b) Vorsteveld tree cutting in ROW update.**

Rick Ebel announced he had received one communication from the town's attorney; the matter is still in the courts.

**5. Selectboard general business**

**(a) American Red Cross— hall rental agreement — October 9, 2019.** Jim Benoit made a motion to rent the upstairs community hall to the American Red Cross for a blood drive on October 9, 2019, from 1:00 to 6:00 p.m., waiving the rental fee but requiring a \$500 deposit and proof of insurance. Jessica James seconded. All voted in favor. MOTION PASSED.

**(b) Lewis Creek Association — hall rental agreement — October 17, 2019.** Jim Benoit made a motion to rent the upstairs community hall to Lewis Creek Association for a discussion and film on October 17, 2019, from 5:30 to 8:00 p.m., waiving the rental fee but requiring a \$500 deposit and proof of insurance. Jessica James seconded. All voted in favor. MOTION PASSED.

**(c) AT&T wireless communication facility photographic simulations at 3980 US Route 7.** Jennille Smith, site acquisition consultant representing AT&T, addressed the board saying she was at the meeting to request support from the selectboard for AT&T's proposed installation of a 140-foot wireless communication tower on property owned by Tim Van Weert at 3980 US Route 7. Using color photographic simulations of views of the tower, she detailed various aspects of the project including that the tower would be in an area of woods behind Tim's house with access by his driveway. After

further discussion, Jim Benoit made a motion to express support for the installation of a 140-foot wireless tower at 3980 US Route 7. Red Muir seconded. All voted in favor. MOTION PASSED.

**(d) Addison County Regional Planning Commission — seeking town's position re: AT&T 140-foot wireless tower at 3980 US Route 7.** Rick Ebel commented that he would contact Adam Lougee of Addison County Regional Planning Commission to express the board's support for the installation of a 140-foot wireless communication tower at 3980 US Route 7.

**(e) Set dates for FY21 (2020–2021) budget-planning meetings.** Following discussion, the board decided to hold the first budget-planning meeting on October 8, 2019, at 5:30 p.m. at the town offices.

**(f) Democrat Caucus — hall rental agreement — September 27, 2019.** Discussion ensued when Jean Richardson, the contact person for the Ferrisburgh Democrat Caucus, explained the conditions of holding a caucus, which are determined by Vermont statute. She said she was requesting waiver of the three usual conditions for rental agreements because the organization does not have any funds. Rick Ebel expressed concern that not requiring the Democrat Caucus to have insurance may set a precedent. After discussion, Jessica James made a motion to rent the downstairs meeting room to the Democrat Caucus on September 27, 2019, from 3:30 to 4:00 p.m., waiving all fees and proof of insurance. Jim Benoit seconded. All voted in favor. MOTION PASSED.

## 6. Public comment

Tim Fisher asked the board if there had been follow up on his request for lines to be painted on Sand Road. Rick Ebel said it was discussed prior to his arrival during John Bull's report. He informed the board that he has a list of roads to be painted including Sand Road. John commented the companies that do the work are booked.

Carolyn Blaise thanked the board for the painted lines along Plank Road.

Jean Richardson talked about the uniformed traffic control officers at the intersection of Old Hollow Road, Stage Road, and Route 7 during the Kelly Brush Ride. She said flaggers expressed extreme concern about the safety of the road even with flashing lights on. Jean suggested this information be passed along to VTrans since there is a proposed project to install a traffic signal at the intersection. Rick Ebel said he had a reminder for himself to ask VTrans for an update.

## 7. Other business

There was no other business.

## 8. Correspondence

**(a) Vermont Traffic Committee — extended 30 mph speed zone from Vergennes town line easterly along New Haven Road to US Route 7.** By letter, the selectboard was notified that at its August 28, 2019, meeting the Vermont Traffic Committee voted to extend the 30 mph speed zone; signs will be upgraded along this small stretch of road and installed in each direction.

**(b) Vermont Agency of Natural Resources (ANR) — State Government Municipal Days 2019.** By email, the town was notified that as part of ANR's 7<sup>th</sup> Annual Training it would offer workshops for Vermont local officials, including selectboard members.

## 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 \$122,298.13. Jessica James seconded. All voted in favor. MOTION PASSED.

#### **10. Adjourn**

Jim Benoit made a motion to adjourn the meeting at 9:08 p.m. Jessica James seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Jean Silveira