

Town of Ferrisburgh
Selectboard Minutes . APPROVED
October 2, 2018

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

Town officials present: Bonnie Barnes, zoning administrator; Deb Healey, town treasurer.

Visitors present: Julie Adams, Mark Berger, Gail Blasius, Ray Brands, Kim Cynewski, Bernie Dam, Jim Danyow, Ben Dykema, Lauren Fisher, Ricky Fisher, Tom Fisher, Doug Fletcher, Reed Hampton, Vanessa Hampton, Masha Harris, Jason Hatch, Anne Hopper, Andy Kirkaldy, Jack Poirier, Bessie Sessions, Cheryl Shea, Gerard Vorsteveld, Rudolf Vorsteveld, Aaron Van Wyck, Eric Van Wyck, Warren Van Wyck, Sean Willerford.

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

Rick Ebel, chair, called the meeting to order at 6:30 p.m.

2. Approve minutes — September 18, 2018, regular meeting.

Steve Gutowski made a motion to approve the minutes of the September 18, 2018, regular meeting, as submitted. Jessica James seconded. All voted in favor. MOTION PASSED.

3. Selectboard new business

(a) Masha Harris, Bixby Library director — how can the library best serve the community. Masha Harris said there has been a shift in how a library is viewed: a library used to equal books now it equals community. She asked board members their thoughts on how the library could better serve Ferrisburgh. Rick Ebel said to continue children and young adult programs and outreach to populations that would benefit from using the library. Jessica James said she would like to see half-day programs when kids are out of school, especially during the winter. Masha ended her comments stating if there is anything the community needs to please contact her.

(b) Gerard Vorsteveld — request to work in the town right-of-way: Title 19 Section 1111 permitted use of a right-of-way. Discussion began with Rick Ebel stating that the Vorstevelds needed to apply for an 1111 permit in order to work in the town right-of way. Rudolf Vorsteveld said he did not understand how to fill out the Right-of-Way/Utility Permit form because his farm will not be installing any utilities. Rick explained that it is a standard form from the state of Vermont, which will be used because of the uniqueness of the situation. When Gerard Vorsteveld asked for an explanation, Rick said about a year ago the Vorstevelds cut down the trees in the town right-of-way along Arnold Bay Road for approximately two thirds of a mile. He continued by saying that mediation has not worked and recently the remaining trees were cut down. Rick stressed that the town and the Vorstevelds need a way to work together. After further discussion, Gerard Vorsteveld filled in the 1111 permit application and left it with Rick. The permit application is available and Rick said he would contact John Bull, road foreman, to ask him to contact Gerard for a site visit. Rick Ebel stated the town is still looking at a planting program to remediate the trees that were cut down. Jim Danyow commented that years ago he cut down trees for four or five miles in the right-of-way; the road crew helped him and no one complained.

(c) Jack Poirier — permission for Vermont Association of Snow Travelers (VAST) to use town forest. After discussion, Jim Benoit made a motion to approve the use of the VAST trail through the

town forest for the 2018. 2019 season. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

(d) Water shortage issues for town residents with private wells. Rick Ebel stated a resident had emailed the town regarding private wells that have run dry and whether or not there is a plan for such emergencies. Rick said this was not a town-wide emergency. By email, Bill Wager, fire chief, suggested that property owners contact local water haulers.

4. Selectboard old business

(a) Motions for glebe land quitclaim — two parcels. Rick Ebel said legal documents had been signed at the last meeting conveying glebe land Lot 1 Highland Way from the town to Elizabeth Walker without a motion to approve this action. After discussion, Steve Gutowski made a motion to sign the quitclaim deed. Jessica James seconded. All voted in favor. MOTION PASSED. Steve Gutowski made a motion to convey glebe land Lot 2.2 Highland Way from the town to Thomas G. Tintle and Katra Kindar. Jessica James seconded. All voted in favor. MOTION PASSED. Jean Silveira notarized the two signatures by Rick.

(b) 2512 Sand Road update. Rick Ebel said the residents had been maintaining a rescue operation at the property. He said Jaimeelyn Gaboriault, animal control officer, and Kristin DeBellis, deputy health officer, inspected the property on October 2, 2018, with the contracted pest control company; a written report will be presented at the next regular selectboard meeting on October 16, 2018. He said he hopes to find that the seven conditions of the health order have been met. Mike Bombard, Sheila McGregor's husband, was living at the property and doing repairs, with the goal of renting the house. Rick asked Bonnie Barnes, zoning administrator, to address the state of Sheila's appeal to the Vermont Superior Court Environmental Division. Bonnie said since there is no longer a violation, it was up to Sheila to decide whether or not to continue the appeal. Steve Gutowski asked if Sheila were to win the appeal how that would affect the property. Bonnie replied saying a new rescue would have to follow the dog ordinance, which was changed to include rescues.

(c) Vorsteveld tree cutting update. Rick Ebel stated that he is continuing to remain hopeful that there will be a tree-planting program.

Gerard Vorsteveld asked how much has been spent on this issue. Rick replied about \$20,000.00.

Tom Fisher spoke about the history of measuring road widths and changes that have been made over the years. He asked the board if it knew where the right-of-way is on Arnold Bay Road and the extent of it, given that the road narrows at a certain point. He stated that he does not believe that the Vorstevelds trees are in the town right-of-way and the present ditching done by the road crew is outside of the right-of-way.

Reed Hampton said that with the trees gone the water goes downhill and into the lake, where we get our water. He said the trees were a way to protect the flow of the water. Discussion ensued regarding the town's part in this matter.

Ben Dykema, who farms on Greenbush Road near Charlotte, talked about the proven science that tiling is better than trees at carbon sequestration; it absorbs the water so there is zero water running off his fields.

(d) GroSolar update. Rick Ebel said he, Carl Cole, and Lincoln Landé of GroSolar went to three possible sites for a 15kW solar array: the town property at the intersection of US Route 7 and Route

22A, the Sisters property, and the fire station (a rooftop or ground location). Lincoln will present drawings at the next selectboard meeting on October 16, 2018.

(e) Legal counsel conflict question. Referring to an email from Benjamin Putnam, Rick Ebel said Bill Kipp had asked Benjamin's law partner, Anthony Duprey, to assist him in working out some issues with damage to his stonewall on Bay Road caused by the town snowplow. Benjamin wanted assurance from the town that this would not be seen as creating a conflict of interest as he is representing the town in a zoning case. After discussion, all board members agreed that they do not feel there is a conflict. Steve Gutowski informed the board that Bill Kipp is obtaining legal counsel because the Vermont League of Cities & Towns (VLCT) has denied his insurance claim, despite that the town had agreed to cover the cost of repairs to his stonewall. Steve said if the town damages something in the right-of-way it is replaced. He finished his comments by saying Jen Woodward, senior claims representative at VLCT, has a conflict of interest because she is a resident of Ferrisburgh.

5. Selectboard general business

(a) Animal Control/Health Office — calls during October 4–10, 2018. After discussion, the board decided that Kristin DeBellis, deputy health officer, would handle health issues and the town constable, Jeff Warden, would handle animal control issues as allowed by his full-time work schedule.

(b) Appointment 2019 Green Up Day town coordinator — Deb Healey. After discussion, Steve Gutowski made a motion to appoint Deb Healey as the town coordinator for the 2019 Green Up day on May 4, 2019. Jim Benoit seconded. All voted in favor. MOTION PASSED. The board thanked Deb for her continuing efforts in this position.

6. Public comment

Ben Dykema asked if the board had an update on the proposed GroSolar solar array on Greenbush Road. Rick Ebel said it was at the state level. Discussion ensued about placement of the road that would be used to access the array, suggesting it be to the south side of the property instead of the middle of the field. Ben asked the board to address this issue with Carl Cole and Lincoln Landé of GroSolar.

7. Other business

Rick Ebel stated Mountain Air came today to diagnosis a problem with the heating system. A fuel pump and back check lines were replaced. Red Muir updated the board on past maintenance that had not been done, saying Mountain Air had not been told that the board had approved the work. Rick will ask Gloria Warden, town clerk, if these repairs have been scheduled.

Jim Benoit said the board was going to discuss with Bonnie Barnes, zoning administrator, the issue of obtaining a salvage yard permit by Brent Jerger. Rick Ebel apologized for not following up and said an update would be given at the next regular selectboard meeting on October 16, 2018.

Brent Jerger asked about how a fence viewer addresses issues. Steve Gutowski said fence viewers address the selectboard after an issue arises. Brent said he wants to clean out the hedgerow that is in his fence line and replace the fence. After discussion, Rick Ebel said he would ask Gloria Warden, town clerk, to contact at least one fence viewer to arrange a meeting with Brent and proceed from there.

8. Correspondence

(a) Act 250 hearing--McNary parcel by Town & Country Homes, Inc. — October 15, 2018, 10:00 a.m. at Bixby Library. The town was notified by mail that there would be a public hearing regarding Paulette McNary and Town & Country Homes, Inc. Act 250 application for a modular/mobile home sale display and facility on 1758 US Route 7, property currently owned by Paulette McNary.

(b) Vermont Agency of Natural Resources — state government municipal workshops. By mail, the town was notified the state would host workshops for local officials in Springfield on October 25, in Montpelier on October 26, in Rutland on November 1, and in Essex Junction, VT, on November 2, 2018.

9. Selectboard to approve or sign

(a) Mountain Air Systems, Inc. — October 2018–September 2019 maintenance agreement. After discussion, Rick Ebel signed the revised October 2018. September 2019 maintenance agreement for the HVAC mechanical equipment at the town offices building. The agreement had been revised so it was no longer a rollover agreement.

(b) Selectboard warrant. After review, Jessica James made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$1,729,693.95. Jim Benoit seconded. All voted in favor. Red Muir abstained. MOTION PASSED.

10. Adjourn

Jessica James made a motion to adjourn the meeting at 8:04 p.m. Red Muir seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Jean Silveira