

**Town of Ferrisburgh  
Selectboard Minutes / DRAFT  
November 7, 2017**

**Members present:** Jim Benoit, Rick Ebel, Steve Gutowski, Loretta Lawrence, Michael “Red” Muir.

**Town officials present:** John Bull, road foreman; Kristin DeBellis, deputy health officer; Cliff Mix, tree warden; Gloria Warden, town clerk.

**Visitors present:** Carl Cole, Tom Fisher, Craig Heindel, Steve Huffaker, Jim Ouimette, Bessie Sessions, Jim Warden.

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

Loretta Lawrence, chair, called the meeting to order at 6:30 p.m.

**2. Approve minutes — October 17, 2017, regular meeting; October 24, 2017, budget work session; and October 30, 2017, special meeting.**

Rick Ebel made a motion to approve the minutes of the October 17, 2017, regular meeting, as submitted. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Jim Benoit made a motion to approve the minutes of the October 24, 2017, budget work session, as submitted. Rick Ebel seconded. Jim Benoit, Rick Ebel, and Loretta Lawrence voted in favor. Steve Gutowski and Red Muir abstained. MOTION PASSED.

Steve Gutowski made a motion to approve the minutes of the October 30, 2017, special meeting, as submitted. Jim Benoit seconded. Rick Ebel, Steve Gutowski, and Loretta Lawrence voted in favor. Red Muir and Jim Benoit abstained. MOTION PASSED.

**3. Selectboard new business**

**(a) John Bull and Cliff Mix — roadside mowing and maintenance.** A lengthy discussion ensued beginning with Cliff Mix, tree warden, reviewing his meeting with John Bull, road foreman, regarding parts of Vermont State statues pertaining to the cutting of shade trees and removal of brush by a municipality. It is the opinion of the tree warden, Cliff Mix, that the current method of routine maintenance by the town road crew follows the statues. Steve Gutowski expressed concern that the process used to limb up the various species of trees damages them without follow up with a chain saw and a chipper. John said his crew would be following up at a later date, adding that since the equipment is rented, only the first part of the process can happen quickly. Steve discussed the possibility of the town owning its own equipment so the work is not rushed and the follow up care can be done at the same time. Jim Benoit said he supports the idea of the town owning its own equipment. Cliff Mix offered to start a draft policy for the selectboard to review to help ensure that the town is supporting state statues regarding roadside mowing and maintenance.

**(b) Jim Ouimette — glebe land.** Attorney Jim Ouimette informed the board that during a title search it was discovered that the land at 1571 Button Bay Road was originally glebe land (a parcel of land historically given in perpetuity to the Church of England, the ministry, or schools for a nominal rental fee). Jim Ouimette asked for the leasehold to be released, so the property can be sold. Loretta Lawrence read a letter from Jim Carroll, the town’s attorney from the firm of Carroll, Boe & Pell, stating that he has no objection to the conveyance as proposed, unless there is any information or knowledge

known to the selectboard, or other persons, that significant and valuable terra, mining, water, or other rights exist on the property. Steve Gutowski made a motion to sign a quitclaim deed for Andrew Biache Jr., the owner of the property. Jim Benoit seconded. All voted in favor. MOTION PASSED. Loretta Lawrence, board chair, signed the quitclaim deed transferring the glebe land.

**(c) Carl Cole — request to extend Peterson agreement to December 15, 2017 — land at US Route 7 and Route 22A.** The sales agreement to buy the parcel of land located at the intersection of US Route 7 and Route 22A was contingent on the condition that the potential buyer, Andrew Peterson, could cancel the contract if he had not secured financing by November 15, 2017. Carl Cole spoke on behalf of Andrew Peterson to request a 30-day extension. Red Muir made a motion to add an addendum to the sales agreement to extend the date to December 15, 2017. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

**(d) Steve Huffaker — Transportation Advisory Committee (TAC) — Ferrisburgh local bicycle and pedestrian system plan report.** Steve Huffaker, the town's representative to TAC, discussed the details of the Addison County Regional Planning Commission's TransPlan draft, which recommends a complete bicycle and pedestrian system. However, since receiving this information, Steve has discovered that the town does not need to come up with a plan and the local bicycle and pedestrian plan request is not mandatory. In fact, it could be several years down the road before Ferrisburgh would be asked to participate in any such plan. Kristin DeBellis, town deputy health officer, commented that in 2013–2015 the health department had an initiative to encourage bicycle and pedestrian transportation by giving out grants.

**(e) Microsoft Office 365 Hosted Exchange Plan2 Government — email quote.** A lengthy discussion ensued regarding two issues: the use of certain email addresses by selectboard members and office staff and the need for increased security and archival storage. The board asked Gloria Warden to find out the cost of adding 10 new email addresses to the current group. The board also asked her to find out the protocol for email usage from the Vermont League of Cities & Towns. Rick Ebel stated that the Vermont legislature is considering what type of security is needed for municipalities.

#### **4. Selectboard old business**

**(a) Computer Use Policy — final for approval.** Rick Ebel made a motion to approve the final language of the Computer Use Policy. Steve Gutowski seconded. All voted in favor. MOTION PASSED. Loretta stated that she would draft a letter on behalf of the board, and send it to all employees requesting each of them to sign off on the new Computer Use Policy.

**(b) John Bull and Wayne Stearns — continued board discussion of culvert issue.** Wayne Stearns was out of state and unable to attend the meeting. Jim Benoit informed the board that he had spoken with John Bull, road foreman, about this issue. Jim stated that the town is willing to provide a culvert to Wayne Stearns, who would be responsible for installing it. Jim reiterated that this action does not set a precedent. This item will be on the agenda for the next regular selectboard meeting on November 21, 2017. Wayne Stearns will be invited to attend that meeting.

**(c) Vermont League of Cities & Towns — PACIF insurance review update.** Gloria Warden said that an inventory compiling the replacement costs of all of the contents of the Ferrisburgh Community Center and Town Offices shows it would be covered under the portion of the insurance policy described as "contents." She continued by saying that all other items are covered by other parts of the policy. After discussion, Jim Benoit said he would contact John Bull, road foreman, to confirm that the appropriate insurance value for all of the contents of the town garage is \$60,000.

**d) Speed limits on town roads — review update.** Discussion ensued regarding the authority of the selectboard to post speed limits on town roads. Gloria Warden read from an email from Sarah Jarvis, staff attorney for the Vermont League of Cities & Towns, citing that paved municipal highways always require an engineering and traffic investigation prior to and for the basis of establishing speed limits of 25 to 50 mph. Loretta Lawrence said she would contact Josh Donabedian, transportation planner at Addison County Regional Planning, for more details.

## **5. Selectboard general business**

**(a) Vermont Green Line (VGL) Committee update.** Craig Heindel, chair of the VGL Committee, stated that Vermont Green Line, Devco, LLC's application is still on hold. He said the escrow account, which expires on December 31, 2017, currently has a balance of \$20,969. The committee asked Jim Carroll, the town's attorney from the firm of Carroll, Boe & Pell, to extend the existence of the escrow account without adding any further funds.

**(b) Office lights.** Gloria Warden informed the board that one light in the office is not working. After discussion, the board asked Gloria to get a quote from electrician Frank Galuska to fix the broken light and to replace all the current CFL blubs in the office with LEDs. She also said that John Bull, road foreman, would inspect the lights that shine on the roadside sign, which are also not working.

**(c) Rick Ebel — report from Vermont League of Cities & Town (VLCT) annual meeting.** Rick Ebel stated that he attended three workshops at VLCT's annual meeting and reviewed the highlights. He reminded those present of Vermont's Open Public Meeting Law, which requires, among other things, that meetings be warned in advance and open to the public. He stated that except for Town Meeting, Robert's Rules of Order are not required to run a public meeting. VLCT has a set of rules on how to run an effective meeting. With regard to electronic communication, a board may be in violation of the Open Public Meeting Law if the format is used when a quorum of members discusses business of the board, partly because this excludes other parties. Social media platforms may be used along with posted materials to present information and schedule meetings and hearings.

## **6. Public comment**

Bessie Sessions asked for an update on the excessive tree cutting on Arnold Bay Road by the Vorstevelds. Loretta Lawrence stated that there would be a meeting with Jim Carroll, the town's attorney from the firm of Carroll, Boe & Pell, before the regular board meeting on November 21, 2017, at 5:30 p.m.

Craig Heindel commented that the Conservation Committee has not yet been approached by groSolar regarding the proposed solar array at the intersection of Greenbush Road and US Route 7. Loretta Lawrence said that she and Rick Ebel recently walked the site with Lincoln Lande of groSolar. Loretta and Rick agreed that the likelihood of seeing the array from any road is limited.

## **7. Other business**

There were no items under other business for this meeting.

## **8. Correspondence**

**(a) Municipal roads workshop — December 6, 2017.** The town received notice that a municipal roads workshop, co-sponsored by the Vermont League of Cities & Towns (VLCT), VLCT PACIF, and Vermont Local Roads, will be held at the Capital Plaza in Montpelier, Vermont, on December 6, 2017.

**(b) Vermont Superior Court, Environmental Division — Notice of Stipulated Motion for a Stay.**

The board was notified that appellants David Pierce, Jane Melrose, Aubrey Choquette, and Kenneth Villeneuve have been granted a Stipulated Motion for a Stay of the Conditional Use granted by the town of Ferrisburgh Zoning Board of Adjustment for JSCL, LLC's proposed fuel trucking terminal on Tappers Crossing Road.

**(c) groSolar–Green Mountain Power MicroGrid–Ferrisburgh (GMP Ferrisburgh).** By letter, the town was notified that GMP Ferrisburgh is in the planning stages of creating a combined solar generation with storage battery technology project in Ferrisburgh.

**(d) Vermont Land Trust (VLT) — announcement of new president.** By letter, the town was informed that VLT has a new president: Nick Richardson.

**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 \$186,898.93. Rick Ebel seconded. All voted in favor. MOTION PASSED.

**10. Adjourn**

Jim Benoit made a motion to adjourn the meeting at 8:32 p.m. Rick Ebel seconded. All voted in favor. MOTION PASSED.

Respectfully submitted,

Jean Silveira