

**Town of Ferrisburgh  
Selectboard Minutes – Approved  
December 4, 2018**

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

**Town officials present:** Deb Healey, town treasurer; Steve Huffaker, town representative to the Addison County Solid Waste Management District.

**Visitors present:** Mark Berger, Paulette Bogan, Judy Chaves, Doug Fletcher, Reed Hampton, Deb Hartenstein, Arabella Holzapfel, Bessie Sessions, Cheryl Shea, Tom Spencer.

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

Rick Ebel, chair, called the meeting to order at 6:30 p.m. He asked for a motion to amend the agenda, adding 3. (a) Appoint Tim Etchells as minute taker for the town planning land use regulations updating committee. Jim Benoit made a motion to amend the agenda as described. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

**2. Approve minutes — November 13, 2018, budget work session; November 20, 2018, regular meeting; November 27, 2018, budget work session.**

Jim Benoit made a motion to approve the minutes of the November 13, 2018, budget work session, as submitted. Steve Gutowski seconded. Jim Benoit, Rick Ebel, Steve Gutowski, and Jessica James voted in favor. Red Muir abstained. MOTION PASSED.

Steve Gutowski made a motion to approve the minutes of the November 20, 2018, regular meeting, as submitted. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Jim Benoit made a motion to approve the minutes of the November 27, 2018, budget work session, as submitted. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

**3. Selectboard new business**

**(a) Appoint Tim Etchells as minute taker for the town planning land use regulations updating committee.** Jim Benoit made a motion to appoint Tim Etchells as minute taker for the town planning land use regulations updating committee. Jessica James seconded. All voted in favor. MOTION PASSED.

**4. Selectboard old business**

**(a) Mary Lou Ivey, Long Point Association road liaison — road snow plowing.** Rick Ebel spoke about the email correspondence he received from Mary Lou Ivey introducing herself as the newly appointed board member who will be dealing with road issues. She stated she wanted to work with the town and offered her email address and cell phone number. Discussion ensued regarding inadvertent damage along Bay Road caused by snowplowing by the town. Steve Gutowski recommended residents contact John Bull, road foreman, about damage to mailboxes. He also said if a mailbox was not located in the correct spot the box would not be replaced. Rick said the town's responsibility is to maintain part of the road in the right-of-way. He added that people should contact John Bull directly if damage happens. Note: Mary Lou Ivey participated electronically for this agenda item.

**(b) Vorsteveld tree cutting update.** Rick Ebel announced that there was no news to share and this item would remain on the agenda until the issue is resolved. He added he expected the next update to come from the town's attorney. Discussion ensued when Tom Spencer said the Vorstevelds finished their tile line system and water from two main exits was running heavily during Sunday's rain. The town culverts were also running heavily other culverts had hardly a trickle. He said the culvert that concerns him the most is the most northern one; although it exits into an area with a three- or four-acre large grassy wetland on the east side of Arnold Bay Road, the Vorstevelds put in a trench right to the town's new culvert, which eventually flows onto his land, his daughter's land, and another property. He is concerned additional water in the spring with the runoff from the tile lines will wash the culverts out. He added the grassy area could have absorbed a lot of water but not if you put a trench through it. Rick said there are requirements including a grassy swale area, which will be completed in the spring according to best practices. Rick said the permit was signed off citing things would be done a certain way; the process will continue to be reviewed and addressed. He stated the main focus of the town is the tree cutting in the right-of-way.

Cheryl Shea asked how she would know which meeting to come to if there was news to share. Rick replied she could call the town offices or email him. He said he would share news at a selectboard meeting if next steps would be happening.

Mark Berger said he has a video from Sunday's rainstorm showing the water flow that Tom Spencer described. Rick said he could email it to the town. Mark asked if the town permit allowed the Vorstevelds to dig a trench across the town right-of-way to access town culverts. Rick answered saying the 1111 permit allowed them to work in the right-of-way with direction from John Bull about best practices to follow for tiling and exiting. Discussion ensued which included a comment by Mark who said in essence the Vorstevelds were allowed to access the culverts with their completed tile work before any effort to remediate the effects of that tile drainage until next spring. Rick said he did not believe the project had been completed given the weather now. Mark went on to say the tiles could have been put in but not started draining until all of the requirements for accessing the culverts had been met.

Rick spoke about new regulations from the state of Vermont for required agricultural practices, which will affect all farms. Referring to an earlier selectboard meeting, he said Gerard and Rudolf Vorsteveld explained their goal is to get as much corn from their land as they can. Rick said although the board understands this it feels neighbors should be able to live on their land without being adversely affected. He said he is committed to getting this right.

Jessica James said it helps to have residents come in and talk about the issue and suggested they submit any correspondence or other items to the board.

Jim Benoit said a large farm permit will regulate actions by the Vorstevelds, so if buffer zones are not located correctly the Vorstevelds will be in violation with the state. He further explained there are ongoing changes at the state level involving multiple agencies which police issues in addition to work in the town right-of-way.

Doug Fletcher said he also witnessed the increased water flow. He said he wondered if it is the responsibility ultimately of the Vorstevelds, who are producing the increased water flow, to hold the water in a pond on their side of the road. He said the small pond on the left side of the road is inadequate. Following further discussion, Rick Ebel said he would speak to John Bull to review the plan talked about with the Vorstevelds, which included a discussion of swales, retention ponds, and plunge pools.

**(c) Building Maintenance Committee report — Red Muir — quotes for outdoor air reset and a smart pump.** Red Muir said Doug Kendall of Mountain Air Systems would be coming to the town offices the week of December 10, 2018, to obtain specs for a quote. Red said he would also get a quote from Avonda Air Systems.

**(d) Selectboard correspondence to state and federal legislators — re: potential financial support for emergency and fire personnel (final draft).** Rick Ebel spoke about reviewing a draft letter with Fire Chief Bill Wager asking for financial support for emergency and fire personnel. It was agreed that letters addressed to Senator Patrick Leahy, Senator Bernie Sanders, Representative Peter Welch, State Senator Christopher Bray, State Senator Ruth Hardy, House Representative Diane Lanphere, and House Representative Matt Birong would be signed by all board members and mailed to their Vermont office addresses.

**(e) US Route 7/Old Hollow Road/Stage Road update by Judy Chaves.** Rick Ebel thanked Judy Chaves for being part of this traffic signal project because he wanted someone from the neighborhood to be involved. Judy addressed the board detailing various aspects. She said VTrans project manager, Erin Parizo, has scheduled a kickoff meeting on December 14, 2018, at the town offices for individuals representing the various interested parties who have been involved so far.

The purpose of the meeting is to meet each other, have VTrans and VHB (who was hired to do a scoping study) outline the project, and plan the initial public hearing. Judy outlined the tentative schedule of the process. At the hearing, which will include the selectboard, VTrans and VBH will outline the whole project and ask for input. Following that VHB will do a scoping study at the intersection. Then another public hearing will occur after the scoping study to explain their decision. The public will be asked to give input again. Judy said the most optimistic estimate before seeing actual construction at the intersection is about three years. She said recently two accidents happened on the same day. Judy's final comment was that after all the years of trying to do something at this intersection this is the most positive action-filled response. The board thanked Judy for her work on this project.

## **5. Selectboard general business**

**(a) Listers correction — John Leidy, et al. parcel id #99/99/99.049, 304 East Road.** An inside inspection on July 12, 2018, led to a reduction of the original value from \$346,800 to \$282,000. Jessica James made a motion to accept the corrected appraisal value from \$346,000 to \$282,000. Jim Benoit seconded. Jim Benoit, Rick Ebel, Jessica James, and Red Muir voted in favor. Steve Gutowski voted against. MOTION PASSED. Steve Gutowski commented that these properties seem to all be on the lake and after the town devalues them they are sold for a lot more money than the assessed value. Rick Ebel said he would ask for the listers to look into this.

### **(b) Personnel Policy revisions 1<sup>st</sup> reading.**

**Notice of leave time.** Rick Ebel read the initial version of the policy compiled from research by Jessica James: Paragraph B. Vacation Pay (4) Vacation Scheduling/Notice of Leave. Town employees shall provide the Department or Selectboard with the earliest possible notice of the intent to take a vacation of short term leave, but in no case later than seven days before leave is to be taken, except in an emergency. Department heads shall schedule vacations, giving due consideration to the needs of the department and the ability of the remaining staff to perform the duties of the department.

After discussion, Jim Benoit asked Jessica James to come up with wording that conveys the need for department heads to notify the selectboard of employee leaves.

**Jury duty compensation.** Rick Ebel read the initial version of the policy compiled from research by Jessica James: The Town will compensate employees at their hourly rate for their service as jurors or witnesses when compelled by the court and unrelated to their status as a Town employee. In accordance with 21 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacation, sick leave, and other rights, privileges, and benefits of employment.

When Town employees are called to serve as a witness in a court proceeding due to their status as an employee of the Town, the Town will compensate the employee at their regular rate of pay.

Town employees taking Court/Jury leave shall be required to submit documentation of their service. The Court/Jury documentation shall be provided to the Selectboard once the Town employee receives the summons so that the Town employee's position will be covered while they are away.

A Town employee who is appearing as a witness, defendant, or plaintiff while not due to their status as an employee of the Town, the Town employee is not covered under Court/Jury duty leave. In this case, the Town employee would have to use earned vacation pay (see Paragraph B. Vacation Pay above).

Rick Ebel said the final reading of both policies would be at the next regular selectboard meeting on December 18, 2018. The board thanked Jessica for her work on these policies.

**(c) Purchase and Sales Agreement — US Route 7 and 22A with Addison County Solid Waste Management District (probable executive session).**

7:39 p.m. . Jessica James made a motion to go into executive session, stating that the selectboard finds that premature general disclosure of discussions regarding the Addison County Solid Waste Management District purchase and sales agreement would put the town at a substantial disadvantage. Jim Benoit seconded. All voted in favor. MOTION PASSED.

7:40 p.m. . Jessica James made a motion to go into executive session to discuss the Addison County Solid Waste Management District purchase and sales agreement. Jim Benoit seconded. All voted in favor. MOTION PASSED. Everyone except members of the board adjourned to an inner office.

7:47 p.m. . Jim Benoit made a motion to come out of executive session. Jessica James seconded. All voted in favor. MOTION PASSED.

7:48 p.m. . Jim Benoit made a motion to reconvene the regular selectboard meeting. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

Steve Gutowski made a motion to accept the purchase and sales agreement from Addison County Solid Waste Management District. Red Muir seconded. All opposed. MOTION FAILED.

**6. Public comment**

There was no public comment.

## 7. Other business

**(a) Set dates for budget work sessions and January regular selectboard meetings.** Following discussion, Rick Ebel said the dates for the January regular selectboard meetings would be January 8 and 15, 2019, at 6:30 p.m. He also said the January budget work session would be an agenda item under New Business for the regular selectboard meeting on January 15, 2019, starting at 6:00 p.m.

**(b) Vermont Fish and Wildlife Department — letter supporting acceptance of Tatro property to Lower Otter Creek Wildlife Management Area (LOCWMA).** Rick Ebel announced that he would write a letter voicing the board's support for the donation of the Tatro property to the LOCWMA.

## 8. Correspondence

**(a) Vermont Highway Permitting to McNary — highway permit change in use.** The town was copied on a Letter of Intent to Paulette McNary from the Agency of Transportation stating her highway permit application for a change of use at 1980 US Route 7 has been reviewed and found to meet the requirements for work within the highway right-of-way. Red Muir commented that the town should have interest in this position because the town-owned property is across the road.

**(b) Vermont Agency of Natural Resources (ANR)— rebuttal comments — (McNary) Town & Country Homes, US Route 7.** By mail, the town received a copy from the ANR District Environmental Commission of the Hearing Recess Order Rebuttal Comments.

**(c) Hunt to Act 250 — Rebuttal of Supplemental Evidence provided — (McNary) Town & Country Homes, US Route 7.** The town was copied on an email from resident David Hunt regarding the Rebuttal of Supplemental Evidence provided concerning the storm water runoff from the development.

**(d) Vermont League of Cities & Towns —(VLCT) nominations for board member.** By email, the town was notified that Vermont League of Cities & Towns is looking for nominations for its board of directors.

**(e) Bill Mazeine — re: land corner routes US Route 7 and 22A.** The town received an email from Bill Mazeine urging the selectboard to reject the sale of the town-owned land at the corner of routes 7 and 22A to any entity that would use that gateway as a recycling and/or transfer station.

## 9. 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 \$1,436,389.33. Jim Benoit seconded. All voted in favor. MOTION PASSED.

## 10. Adjourn

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

Respectfully submitted,

Jean Silveira