

**Town of Ferrisburgh
Selectboard Minutes**

April 5, 2016

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

Town officials present: Gloria Warden, town clerk.

Visitors present: Marcy Ashley-Selleck; Carl Cole; Amy Cronin; John Eisenhardt, Jr.; Tim Etchells; Duncan Harris; Craig Heindel; Richard Hiscock; Jeanne Kelly; Elizabeth Langfeldt; Charles Mandel; Bob McNary; John Medenwald; Nick Patch; Bessie Sessions; Wes Snyder; Charlene Stavenow; Bill Sullivan; Monica Tupper; Florence Vincent; Julie Winn.

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 — March 15, 2016.

Red Muir made a motion to approve the minutes of March 15, 2016, as presented. Jim Warden seconded. All voted in favor. MOTION PASSED.

3. Selectboard new business

(a) Florence Vincent — Anbaric concerns. Florence Vincent read the letter she had sent to the board that voiced her concerns about the Anbaric/National Grid electric transmission line called Vermont Green Line. Her main concern was that toxins from the Burlington Barge Canal, the Fort Ticonderoga paper mill, and the Georgia-Pacific Corporation paper mill, already present in Lake Champlain, will be churned up, adversely affecting the quality of the drinking water. She stated the people of Ferrisburgh should vote on the issue of whether or not this project goes forth. Loretta Lawrence stated that the board will consider a town vote.

(b) Nick Patch — Anbaric and mooring concerns. Nick Patch asked what effect the proposed Vermont Green Line would have on boats moored in Kingsland Bay. He wants to be sure there is no threat to the long tradition of Ferrisburgh residents and others mooring boats there. Craig Heindel, a member of the Anbaric Committee, suggested an informal committee of mariners be formed to feed information to the Anbaric Committee and the board. Note: This agenda item was discussed after item **(9) d Anbaric Committee — request for approvals of four items.**

4. Selectboard old business

(a) Open Burning and Incineration Ordinance — adoption clarification (second draft with edits). Loretta Lawrence explained that the version of the ordinance read at the selectboard meeting on March 15, 2016, was only a draft and should not have been approved. She tabled this agenda item until Mike Coyle, Ferrisburgh fire warden, reviews the second draft of edits proposed by the board.

(b) Jim Warden — meeting with Sargent Bruce Nason of the Addison County Sheriff’s Department on March 17, 2016. Jim Warden discussed the details of his meeting with Sargent Nason, which included immediate action the department will take. A speed cart will be set up in the hollow to monitor traffic traveling west. Patrols will cover the “slang bridge” because the town has received numerous complaints of parked vehicles blocking the road; the signage in this area will be reviewed.

Sargent Nason was advised to contact the town clerk with any problems, who in turn would pass the information on to the board or arrange a meeting. Sargent Nason requested that any patrol problems be given to him directly. Addison County Sheriff Don Keeler, Sargent Nason, and a representative from the board will be invited to attend the next E-911 meeting. Jim Warden stressed that the role of the Sherriff's Department is traffic control only, not public safety. The agency of primary jurisdiction is the State Police.

5. Selectboard general business

(a) Motion to appoint Zoning Board minute taker. Charlene Stavenow, chair of the Zoning Board of Adjustment, recommended Tim Etchells to be the new Zoning Board minute taker. Jim Warden made a motion to appointment Tim Etchells as the Zoning Board minute taker at the rate of \$20 per hour. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

(b) Appointments

Loretta Lawrence read aloud all appointments of individuals who expressed an interest in continuing in their roles. She stated that advertisements will be placed to fill other positions currently vacant.

- **Addison County Regional Planning Commission — Tim Davis — 1-year term expires 2017.**
 - **Addison County Regional Planning Commission — Arabella Holzaphel — 1-year term expires 2017.**
 - **Tree Warden — Cliff Mix — 1-year term expires 2017.**
 - **Town Agent — Bessie Sessions — 1-year term expires 2017.**
 - **Town Juror — Betsy Etchells — 1-year term expires 2017.**
 - **Zoning Board — John Paul — 3-year term expires 2019.**
 - **Zoning Board — Bob Beach — 3-year term expires 2019.**
 - **Conservation Commission — Craig Heindel — 4-year term expires 2020.**
 - **Conservation Commission — John Medenwald — 4-year term expires 2020.**
 - **Planning Commission — Walter Reed — 4-year term expires 2020.**
 - **Planning Commission — Gail Blasius — 4-year term expires 2020.**
 - **Fence Viewer — Ronald Kampner — 1-year term expires 2017.**
 - **Fence Viewer — Bob McNary — 1-year term expires 2017.**
 - **Fence Viewer — Michael "Red" Muir — 1-year term expires 2017.**
 - **TAC (Transportation Advisory Committee) — Bob McNary — 1-year term expires 2017.**
 - **Energy Committee (advisory) — Bob McNary — 1-year term expires 2017.**
 - **Energy Committee (advisory) — Matt Neffinger — 1-year term expires 2017.**
- Steve Gutowski made a motion to approve all of the various boards, committees, and commissions for the terms specified. Red Muir seconded. All voted in favor. MOTION PASSED.
- **Auditor— Susan Oliveira — 1-year term expires 2017.** Loretta Lawrence stated that the auditor position is an elected position that was not filled at Town Meeting. Susan Oliveira has come forward

since then expressing interest in the auditor position. Since she was unable to attend, Loretta tabled this agenda item until the next selectboard meeting on April 19, 2016.

6. Public comment

Carl Cole asked Loretta Lawrence if she received any response to her invitation to various people from the AOT to come to talk about adding a turning lane into the town offices. Loretta replied that she has not heard back from them. She stated she would call Jonathan Harrington, project manager for the US Route 7 paving project at VTrans.

A lengthy discussion ensued regarding the specific role of the Addison County Sheriff's Department. The board addressed several points. The contract with the department has never changed and is for traffic control only, not public safety. Although parts of the contract are still being tweaked, patrols occur for 10 hours per week during daylight hours. The department can only give warnings to speeders on private roads.

Bob McNary stated that now that unification has been approved, Vergennes Elementary School needs a new roof.

7. Other business

(a) Kelly Brush Foundation bike ride — water stop at historical society's parking lot on September 10, 2016. Elizabeth Langfeldt, director of operations, again appeared before the board to discuss the Kelly Brush Foundation's 11th Annual Bike Ride. The minutes of the March 15, 2016, meeting stated that the water stop had been approved; the event itself had not. After discussion about pending road construction on US Route 7, Steve Gutowski made a motion to allow the Kelly Brush Foundation to use town roads for the Kelly Brush Foundation bike ride on September 10, 2016. Jim Benoit seconded. All voted in favor. MOTION PASSED.

8. Correspondence

(a) Bill H.674 re: notification of sewage overflows in public waters — letter of support for bill. Loretta Lawrence sent a letter to Representative Diane Lanpher supporting Bill H.674.

(b) Counseling Service of Addison County — thanking residents for approving funding request. The Counseling Service of Addison County sent a note of gratitude to the residents of Ferrisburgh.

(c) SunEdison Origination , LLC — Notice of solar array application — north of Walker Road. Pursuant to Public Service Rule 5.110(C), Joslyn L. Wilschek, attorney from the law firm of Primmer, sent a notice letter to the selectboard stating that SunEnergy Origination 1, LLC filed an application for a Certificate of Public Good for construction and operation of a 500 kW net-metered ground mounted solar electric generation facility located in an open field on parcel ID 14/02/07.2, north of 204 Walker Road.

(d) Bixby Library — grateful for generous support of the library. The Bixby Library Board of Directors and library staff sent a letter of gratitude thanking Ferrisburgh voters who approved funding for the organization on Town Meeting Day.

(e) Vermont Department of Environmental Conservation — notice of alleged violation on Otter Lane. A copy of a notice of alleged violation of Wastewater System and Potable Water Supply by Dockview, LLC was emailed to Zoning Administrator/Planning Coordinator Ken Wheeling.

(f) Vermont Department of Transportation (VTrans) — application to remove gas pumps — US Route 7 and Little Otter Creek Lane. The town was copied on a letter of intent sent to Dockview, LLC by VTrans stating that the project meets requirements for work within the highway right-of-way.

9. Selectboard to approve or sign

(a) Basin Harbor Club — liquor license renewals. After review, Red Muir made a motion to renew the liquor license for a restaurant in a two-story wood framed building known as the Ranger Room. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

After review, Jim Warden made a motion to renew the liquor license for a hotel located at 232 Harbor Drive. Jim Benoit seconded. All voted in favor. MOTION PASSED.

After review, Jim Benoit made a motion to renew the liquor license for the Red Mill Restaurant. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

After review, Steve Gutowski made a motion to renew the liquor license for the outside deck located off the sun porch at the Allen Penfield Beach pool. Jim Warden seconded. All voted in favor. MOTION PASSED.

After review, Steve Gutowski made a motion to renew the liquor license for the cement dock and areas surrounding it. Jim Benoit seconded. All voted in favor. MOTION PASSED.

After review, Jim Benoit made a motion to renew the liquor license for the areas behind the Red Mill Restaurant. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

After review, Steve Gutowski made a motion to renew the liquor license for the outside deck located off the sun porch and areas surrounding it. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(b) Lund — bike ride. Amy Cronin, associate director of development for Lund Family Center, discussed details of the 8th Annual Ride for Children to be held on Sunday, June 5, 2016. There will be police at the intersection of Little Chicago Road and US Route 7. After discussion about road safety and pending road construction, Steve Gutowski made a motion to approve use of town roads for the Lund bike ride on Sunday, June 5, 2016. Red Muir seconded. All voted in favor. MOTION PASSED.

(c) Duncan Harris — 22A & US Route 7 listing agreement. Duncan Harris informed the board that he has created a new company called Kingsland Company, which has permission from Red Stone owner, Larry Williams, to take over the listing for town land located at the intersection of 22A and US Route 7. After discussion, Steve Gutowski made a motion to terminate the contract with Red Stone at 7:32 p.m. and to sign a contract with Kingsland Company effective April 6, 2016, at 7:32 p.m., with the condition of receiving confirmation that Larry Williams agreed to the switch of companies holding the listing. Red Muir seconded. All voted in favor. MOTION PASSED.

(d) Anbaric Committee — request for approvals of four items. Prior to Craig Heindel addressing this agenda item, Steve Gutowski stated he was removing himself from the committee because of a conflict of interest. Loretta Lawrence thanked Steve for all his hard work and interest. Jim Warden will replace Steve and join existing committee members Vaughn Collins and Keith Wagner. A lengthy

discussion ensued regarding the four approvals sought by the committee: approval to engage Jim Carroll, the town's attorney from the firm of English, Carroll & Boe, to act as counsel on the Memorandum of Understanding, approval to engage Civil Engineering Associates to provide technical review and sign a project cost estimate, approval to engage Justus Devries (or other appraisal/taxation consultant) to provide tax revenue analysis, and approval to engage an electrical engineer, should one be needed, to provide technical review of potential impacts from the electromagnetic field caused by the proposed buried cable. After the discussion, Loretta Lawrence tabled this agenda item until Jim Carroll has a decision from Joe Rossignoli of National Grid as to whether or not Anbaric will pay for legal costs associated with payments to the town.

(e) Cystic Fibrosis — bike ride. Julie Winn from the Cystic Fibrosis Lifestyle Foundation spoke about the two routes that will go through Ferrisburgh during the 10th Annual Champ's Challenge for Cystic Fibrosis on Sunday, July 17, 2016. After discussion about road safety and pending road construction on US Route 7, Jim Warden made a motion to approve the use of town roads for the 10th Annual Champ's Challenge on Sunday, July 17, 2016, from 7:00 a.m. to 2:00 p.m. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

(f) Multiple Sclerosis Society — bike ride. Wesley Snyder, director of business development for the National Multiple Sclerosis Society in the State of Vermont, informed the board that only two of the routes planned for the Green Mountain Getaway MS Bike Ride on Saturday, August 6, 2016, will be in Ferrisburgh. Wesley is aware of concerns about rider safety and pending road construction on US Route 7. Jim Benoit made a motion to approve the use of town roads for the Green Mountain Getaway MS Bike Ride on Saturday, August 6, 2016. Jim Warden seconded. All voted in favor. MOTION PASSED.

- **(g) Casella — contract.** Changes to the proposed contract include waiving the sustainability fee and not charging for March 2016. Steve Gutowski made a motion to approve the contract for trash services for the town shed and Grange Hall for the agreed upon term of 24 months. Red Muir seconded. All voted in favor. MOTION PASSED.

(h) Homeward Bound — contract. After review of the proposed 2016 contract, Red Muir made a motion to select option 2: a flat fee of \$550 with no charge per stray dog and no limit on the number of stray dogs the town may bring to Homeward Bound. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(i) Charles Mandel — University of Vermont bicycle race — April 10, 2016. Charles Mandel addressed the board seeking permission to use Greenbush Road as the location for a team time trial for approximately 250 riders as part of the Eastern Collegiate Cycling Conference road season. After discussion, Steve Gutowski made a motion to approve the bike race on April 10, 2016, on Greenbush Road. Jim Benoit seconded. All voted against. MOTION FAILED.

(j) Hall rental — Brett Danyow — Walker Road/Little Chicago Road Water Association. After discussion, Steve Gutowski made a motion to rent the upstairs community hall to the Walker Road/Little Chicago Road Water Association, waiving the rental fee but requiring the \$500 deposit and proof of insurance. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(k) Hall rental — Gage Cemetery Association. After discussion, Jim Warden made a motion to rent the downstairs meeting room to the Gage Cemetery Association for its annual meeting, waiving the rental fee but requiring the \$500 deposit and proof of insurance. Jim Benoit seconded. All voted in favor. MOTION PASSED.

(I) Selectboard warrant. After review, Steve Gutowski made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$199,267.09. Jim Benoit seconded. All voted in favor. MOTION PASSED.

10. Personnel — Zoning Administrator/Planning Coordinator.

Discussion ensued about the need to go into executive session. Steve Gutowski made a motion that the discussion of the return of the Zoning Administrator/ Planning Coordinator required going into executive session because the discussion would involve confidential information. Jim Benoit seconded. All voted in favor. MOTION PASSED.

Steve Gutowski made a motion to move into executive session at 9:07 p.m. to discuss confidential information regarding the return of the Zoning Administrator/Planning Coordinator. Jim Benoit seconded. All voted in favor. MOTION PASSED.

– End of minutes from before executive session. –

Respectfully submitted,

Jean Silveira

– Minutes from after the executive session follow. –

On motion by Jim Benoit, seconded by Red Muir, unanimous vote to come out of Executive Session at 9:20 pm.

Action taken:

Steve Gutowski made a motion, seconded by Jim Benoit, to advertise for an Interim Zoning Administrator. 5– in favor, 0– opposed. Motion passes. The board will put an ad in the Addison Independent. Also will advertise on Front Porch Forum, and/or any media site that is free.

Motion by Steve Gutowski, seconded by Red Muir, to adjourn the meeting at 9:25 pm. 5– in favor, 0– opposed. Motion passes.

Respectfully submitted,

Jim Warden, Board Clerk