

# **Town of Ferrisburgh Selectboard Minutes**

January 6, 2015

**Members present:** Jim Benoit, Steve Gutowski, Loretta Lawrence, Sally Torrey. **Absent:** Jim Warden (absent for meeting; present for executive session)

**Town officials present:** John Bull, road foreman; Garrit Smits, town treasurer; Gloria Warden, town clerk; Ken Wheeling, zoning administrator/planning coordinator.

**Visitors present:** Nancy Bachand, Ron Bachand, Rory Cartwright, Judy Chaves, Dana Cray, Kelly Cray, Tim Davis, Michael Drescher, Craig Heindel, Richard Hiscock, Ginger Hiscock, John Hoehl, Arabella Holzapfel, Diane Kandzior, Gerard Laberge, Bob McNary, Red Muir, Nate Palmer, Nick Patch, Karen Pettersen, Bessie Sessions, Bill Sullivan, Warren Van Wyck.

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

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

## **2. Approve minutes — December 16, 2014; December 30, 2014**

Jim Benoit made a motion to approve the minutes of the selectboard meeting on December 16, 2014, as submitted. Steve Gutowski seconded. Jim Benoit, Steve Gutowski and Loretta Lawrence voted in favor. Sally Torrey abstained. MOTION PASSED.

Steve Gutowski made a motion to approve the minutes of the selectboard budget meeting on December 30, 2014, as submitted. Jim Benoit seconded. All voted in favor. MOTION PASSED.

## **3. New business**

**(a) John Bull — road foreman's report.** John Bull said he expected the new town highway garage would be up by mid-March and that subcontractors would complete their work by mid-April. Regarding a letter to the board from GERALYN ROSCOE of Wolcott, Vt., discussed at the December 16 board meeting, Bull said the road crew had done some work on the intersection of Route 7 and Old Hollow Road, trimming cedar trees on Old Hollow Road that blocked the view, and would be doing further work in the spring, including adjusting some signage.

He said the town had not suffered too much serious tree damage during last month's snow and ice storm, although the recent thaw-and-freeze cycles were a challenge for road crews.

Noting that the condition of South Middlebrook Road was on the agenda for the evening, Bull said the road crew's long-term plans did not currently include any new paving projects. He said the town has about 50 miles of paved roads and 30 miles of gravel roads. He estimated creating a mile of paved road would involve \$150,000 to rebuild the base to get ready for asphalt, and \$450,000 for paving. He said that adding to the paved roads in town would involve substantial increases in the road budget. He noted that one of the problems on South Middlebrook was a dramatic increase in farm traffic, including large tractors, trucks and tankers.

**(b) Richard Hiscock — discussion of the future of South Middlebrook Road.** Richard Hiscock presented the board with a letter signed by most of the residents of South Middlebrook Road and Windy Lane expressing concern about the condition of South Middlebrook Road. Residents say that the road is in poor shape — with potholes, washboard, ruts and lots of dust — and that current levels of maintenance are not adequate. The letter notes the gravel road is heavily used by farm machinery and by commuters headed north and south, and asks the board to examine the future of the road, deciding whether that means paving or better maintaining the current gravel road surface. Resident Michael Drescher presented a comparison of the costs of paving the road versus maintaining the gravel road which showed a savings of \$412,500 over 15 years. Drescher also suggested a paved road might need to include speed tables to slow down traffic. Residents Kelly and Dana Cray showed a video of a large tractor hauling a manure tanker down the road, and other traffic, and said the road has become unsafe for walkers and bikers because of traffic and dust.

Loretta Lawrence thanked the residents for their work on the presentation and asked that further discussion on the issue take place during the public comment section of the board's agenda.

**(c) Carl Cole — Act 250-9L.** Carl Cole said that he wanted to know how the town intended to protect its interests in the land at the junction of Routes 7 and 22A, following the recent decision by Tom Denecker to abandon his efforts to consolidate his GM car dealership on the site. Cole said he believed that Denecker could eventually have received a permit to build a dealership on the site, but that it would have taken a couple of years, probably an appeal to the Vermont Supreme Court, and a lot of money. He said others looking at developing the site would not want to go down that road. He felt the town should respond, and suggested the town could (1) help spearhead an attempt to have the Agency of Natural Resources (ANR) modify its approach to Act 250 and specifically the 9L provision designed to promote infill and combat sprawl; or (2) try to deal with that issue as it relates to the town land. He suggested the town needed to be proactive in dealing with ANR and regional planners in showing them the error of their ways when it comes to interpreting their guidelines. Loretta Lawrence said the Denecker project appeared to be a test case that was unfairly handled. She said that the town hoped to work on the issue with regional planners and state representatives. Further discussion was expected to take place during public comment.

**(d) Carleen Atkins — resignation.** Carleen Atkins, who has been coming in to clean the town offices weekly, has resigned because of the number of hours she now works at another job. Board members asked Gloria Warden, town clerk, to put a notice about the opening on Front Porch Forum.

#### 4. Public comment

Diane Kandzior who lives off Locust Lane told the board that Green Mountain Power intended to run a power line down a town trail right-of-way near her property and wondered what rights neighboring property owners had to weigh in on this kind of project. Loretta Lawrence said the board would have to do some research on this issue. John Bull said that GMP was trying to put in additional lines to create loops so that power could be restored more easily when one line was damaged in a storm, and that this could be part of that effort.

Red Muir said, in reference to South Middlebrook Road, that John Bull and Michael Drescher had provided two very different estimates for the cost of paving the road. Bull explained that the estimate of about \$250,000 from Michael Drescher had not included enough money to construct a paved road that meets town standards, and that roads must meet those standards for the town to qualify for grants and other funding sources. Drescher acknowledged that his estimate had not been based on the standards described by Bull. John Bull had said the number would be about \$450,000 for a mile of paved road, plus \$150,000 to prepare the road for paving, money that is not in his budget. He said the road is

getting very heavy traffic, and that he did not disagree with what residents had said about the issues with the road.

Tim Davis said South Middlebrook was getting an inordinate amount of truck traffic because of the farm up the road, and said this was a common problem in rural Addison County towns. He suggested that while farms are using the road for heavy tractors, trucks and tankers, the farmers are not typically part of the conversation when it comes to figuring out how to solve and/or pay for the problems caused. He also wondered whether even a paved road could hold up for long to this level of traffic.

Steve Gutowski said he thought a paved road could be constructed that would hold up to the traffic, but that it would come at a substantial cost to Ferrisburgh taxpayers.

Dana Cray said residents want the road maintained the way it should be. John Bull said that there will be dust, potholes and washboard problems on any gravel road, and that those problems increase as traffic increases. He said the road crew has been struggling to find just the right material for this and other gravel roads. He also said a traffic count would be helpful, and that regional planning could help with that. He asked residents to contact him when there was a problem. He also said he hoped the town could get a start on rebuilding the base of the road next spring.

Vermont State Rep. Warren Van Wyck said that he didn't believe farm traffic destroyed paved roads. Resident Gerald Laberge said that Hawkins Road in the area of the slang bridge, which is paved, had recently settled at least six inches after being subjected to heavy traffic by farm vehicles spreading manure on nearby fields.

A discussion on the town property at the junction of Routes 7 and 22A followed. Nick Patch said that before the board goes down the road of lobbying the Legislature to soften the 9L portion of Act 250 that it consider that a significant percentage of residents support what 9L is doing, and that they need to be represented. A survey done by the planning commission, he said, found that a lot of people in town were concerned about development pressure on the Route 7 corridor. His advice to the board is that it would be more effective and serve the taxpayers better if the town sought help to determine what type of development would fit 9L and work on that property, and then target the town's marketing effort in that direction.

Arabella Holzapfel, who serves on the town's Planning Commission and represents Ferrisburgh on the Addison County Regional Planning Commission, said she had asked the Act 250 committee whether there was any kind of development that would work on that site, and the committee said no, not under current law.

Bob McNary pointed out that no final decisions had been made, on the Act 250 permit or anything else, since Denecker had backed out of the deal. He also thought it would be a good idea to get help to determine what would be a reasonable use of the land.

Mike Drescher suggested that a renewable energy project, such as a solar array, would be a good use of the property that would provide the town with tax revenue.

Warren Van Wyck said that 9L was debated in the Legislature and that he did not think the current issue was an unintended consequence. He felt that the Legislature needs to take another look at how towns can have local control and not have their plans superseded by the state.

Craig Heindel, chair of the Ferrisburgh Conservation Commission, said Vermont had plenty of creative and thoughtful planners, and that the town should invest \$5,000 or \$10,000 and ask planners to

develop proposals for the property. The town could get some responses, and then run the options through the Act 250 process, to see if they could work.

Carl Cole said he was very happy to hear the discussion of this issue, which was his intent in getting the item on the agenda. He didn't want the issue to sit there gathering moss. He suggested the town feel out the Agency of Natural Resources on the issue. If ANR says nothing would work, we have one kind of problem. If there are possibilities for developing the land, he said, that's another story.

Bob McNary said there has been a lot of talk lately on Front Porch Forum and elsewhere about lost and injured pets in Ferrisburgh. He believes it is the pet owner's responsibility to make sure pets are safe and secure when they are let out after dark.

Bob McNary also asked about the status of the town's negotiations to purchase a lot owned by Clark Hinsdale III, which abuts town and school property. Loretta Lawrence said the town was working on the issue.

Carl Cole shared estimates for the cost of putting a door between the main section of the town office and the listers office and said the town will need a permit to put in the door.

## 5. Selectboard to approve or sign

**(a) Palmer's Garage — amend location of salvage yard approval.** Nate Palmer and John Hoehl asked the town to sign off on an amendment to a state Agency of Transportation certificate of approval for location of a junkyard at Palmer's Garage on Route 7. The amended certificate includes the name of the new owner of Palmer's Garage, John Hoehl; the garage will continue to be operated by Nate Palmer. The junkyard is in the fenced area behind the garage. Steve Gutowski made a motion to have the town sign off on the amended certificate of approval. Jim Benoit seconded. All voted in favor. MOTION PASSED. Loretta Lawrence signed the amended certificate on behalf of the town.

**(b) Warrant.** Sally Torrey made a motion to approve the selectboard warrant, which details town expenditures, for a total of \$32,329.78. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

## 6. Other business

Per the suggestion from Carl Cole, Steve Gutowski made a motion to apply for a permit to put a door on the listers office. Sally Torrey seconded. All voted in favor. MOTION PASSED.

## 7. Correspondence

**(a) McGuire to Vermont Public Service Board — request to reconsider Beach Properties Inc. certificate of public good.** The town received a copy of a motion for reconsideration filed December 9 by Mary McGuire of Mile Point Road with the Vermont Public Service Board, regarding the board's decision to issue a certificate of public good for a solar array on Basin Harbor Club property.

**(b) Vermont Department of Taxes-2014 equalization study.** The town received a letter from the Division of Property Valuation and Review, Vermont Department of Taxes, notifying the town about the results of the division's 2014 equalization study. The division found that the equalized education property value in Ferrisburgh was \$502,611,000, and that the coefficient of dispersion (COD) was 7.38 percent. The COD measures the average deviation from market value of sold properties from the

average town-wide level of appraisal. A COD of 10 percent or lower is considered to reflect a high level of equity across taxpayers' assessments.

## **8. Zoning administrator**

### **(a) Ken Wheeling — zoning violations and/or litigation (may be executive session).**

Sally Torrey made a motion to go into executive session at 8:05 p.m. and invite Ken Wheeling to discuss zoning violations. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

— *End of minutes for public session. Minutes for executive session appear below.* —

Respectfully submitted,

Tim Etchells

— *Minutes for executive session.* —

Jim Warden arrived partway through the session.

Jim Benoit made a motion to leave executive session at 8:48 p.m. Steve Gutowski seconded. All voted in favor. MOTION PASSED. No action taken.

### **(b) Personnel — wages (may be executive session).**

Jim Benoit made a motion to enter executive session to discuss personnel at 8:52 p.m. Steve Gutowski seconded. All voted in favor. MOTION PASSED.

Jim Benoit made a motion to leave executive session at 9:07 p.m. Steve Gutowski seconded. All voted in favor. MOTION PASSED. No action taken.

## **9. Adjourn**

Meeting adjourned at 9:07 p.m.

Respectfully submitted,

Sally Torrey, board clerk