

**Town of Ferrisburgh
Selectboard Minutes
May 5, 2015**

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

Town officials present: Garrit Smits, town treasurer; Gloria Warden, town clerk.

Visitors present: Joe Blasius, Carl Cole, Martha Davis, Tim Davis, Gary Eley, Gerald LaBerge, Bob McNary, Heidi Pecott-Grimm, Charles Piasecki, Bessie Sessions, Julie Winn, Nancy Zahniser.

1. 6:00 p.m. Regular meeting — call to order.

Steve Gutowski, chair, called the meeting to order at 6:00 p.m. He then asked for a motion to amend to agenda: Under "6. Selectboard to approve or sign," add (d) Elaine Eldridge – rental agreement for funeral reception on May 9 – upstairs hall. Selectboard warrant becomes item (e).

Loretta Lawrence made a motion to amend the agenda as described. Red Muir seconded. All voted in favor. MOTION PASSED.

2. Approve minutes — April 21, 2015.

Loretta Lawrence made a motion to approve the minutes of April 21, 2015, with a change to the wording of item 3. (d) indicating that Robert Peisch, who has submitted his resignation as the town's representative to the Addison County Solid Waste Management District board of supervisors, has agreed to continue serving until a replacement can be found. All voted in favor. MOTION PASSED.

3. New business

(a) Brian Callanan – Annual Champ Challenge for Cystic Fibrosis bike ride – July 19, 2015. Heidi Pecott-Grimm, on behalf of the Cystic Fibrosis Lifestyle Foundation in Vermont, asked the board to approve the use of town roads during the Champ Challenge benefit bike ride on July 19. Loretta Lawrence made a motion to approve the use of town roads for the ride. Jim Warden seconded. All voted in favor. MOTION PASSED.

(b) Carl Cole – listers – discuss noise issue in West Ferrisburgh. Carl Cole, chair of the Board of Listers, said that last summer's air cannon issue in West Ferrisburgh, involving a farmer's effort to protect his corn crop from birds and subsequent complaints from neighbors about the noise level, was one reason for this year's large increase in the number of grievance requests from property owners, seeking reductions in their property tax appraisals. He said that the number was at 30 grievances and still going up. He said listers, discovering that town attorney Jim Carroll was away from his office, had consulted with Charlie Merriman, an attorney who is knowledgeable about handling grievances.

Carl Cole also said he understood the selectboard preferred that a purchase and sales agreement be negotiated with Clark Hinsdale III for the town's purchase of the 2.1-acre parcel abutting town and school property, which was approved by voters at town meeting. Steve Gutowski confirmed that the board would like to see things spelled out in a purchase and sales agreement, and that the purchase was moving forward.

(c) Carl Cole – listers' budget. Pam Cousino, assistant town clerk and treasurer, is now spending 10 hours a week, or 25 percent of her time, working for the Board of Listers, as part of a town office reorganization earlier this year. This portion of her salary is now being paid out of the listers' budget. Carl Cole said the move was designed to offset some hours now charged to the town by the office of Justus DeVries, town appraiser, but that it would not necessarily be a one-to-one reduction. He suggested there might need to be an adjustment to the listers' budget in the future.

(d) Martha Davis – Fun Run fundraiser – June 20, 2015. Martha Davis reported that a Summer Solstice Fun Run is planned for June 20, with a 1-kilometer run on school grounds and a 5-kilometer run on local roads, as a benefit for the town’s recreation fund. Jim Warden made a motion to approve the use of town roads for the event. Red Muir seconded. All voted in favor. MOTION PASSED.

(e) Gary Eley – Vermont Senior Games bicycle race – August 22, 2015. Gary Eley, president of the Vermont Senior Games Association, said his organization is planning to run four bike races on Ferrisburgh roads on August 22 as part of the 2015 Vermont Senior Games. The races include 1-mile, 5-kilometer and 10-kilometer time trails, and 20-kilometer and 40-kilometer road races. Board members recalled that this event in some previous years had led to complaints from local residents because of cars and participants blocking the road, particularly where the race headquarters has been set up on Avery Road. Eley said he would work to make sure there were no such problems this year. Loretta Lawrence made a motion to approve use of town roads for the event. Jim Benoit seconded. All voted in favor. MOTION PASSED.

4. Selectboard old business

(a) Tim Davis – town property at Routes 7 and 22A. Tim Davis was designated by the selectboard at its April 7 meeting to work on the town’s behalf in seeking a U.S. Department of Agriculture grant for a feasibility study of locating a food hub on town property at the junction of Routes 7 and 22A. Davis said the USDA had determined the specific grant the town had considered applying for could not be used for packaging and permitting the property for a hypothetical buyer. With the grant off the table, he said that he had met with farmers Ray and Howard Vanderway, who have harvested hay from the property in the past, and determined they would be interested in an agricultural lease of the property. Board members said they were willing to have the Vanderways continue to hay the land, but were not interested in a lease agreement. Steve Gutowski said he would contact the Vanderways, and he thanked Tim Davis for his work on behalf of the town. Gutowski also said that the town was still committed to finding a buyer for the land. He noted that Ferrisburgh had found one potential buyer, Tom Denecker. While Denecker eventually decided not to pursue the purchase, Gutowski said he hoped there were potential buyers out there who would work to win approval for appropriate development on the site.

5. Public comment

Charles Piasecki, a resident of Sunset Lane, brought up the issue of the use of the air cannon last summer in West Ferrisburgh. He asked board members whether they were considering a noise ordinance for the town. Steve Gutowski pointed out that the town has a section on permissible noise levels in its zoning bylaws, but that the bylaws specifically exempt agricultural activities. He said most municipalities in Vermont with noise ordinances were cities, not rural communities like Ferrisburgh, which explicitly supports and promotes agriculture in its town plan. Piasecki said he supports agriculture, but is one of the property owners who filed a grievance seeking a reduced appraisal because of the noise issues last summer. He said he had hoped there would be some other way out of this problem that did not cost the town money, and would not involve legal action. Steve Gutowski said it was his impression that things had improved at the end of last summer, after farmer Wayne Stearns made an effort to reduce the noise level, following suggestions made at a selectboard meeting where the issue was discussed. Piasecki said things had improved, but suggested property owners were looking to the town for assurance that the issue would not arise in the future. Gutowski said it seems that property owners are assuming the worst-case scenario: that the noise will be back this summer at the same levels as before.

Joe Blasius, a member of the Ferrisburgh Historical Society, said the group would be having a meeting soon at its building on the corner of Route 7 and Little Chicago Road, and wondered if it would be possible to have the town move the large plow truck currently taking up most of the parking lot. The truck is parked there with a “for sale” sign on it. Jim Benoit said he would contact John Bull, road foreman, and ask that the truck be moved as soon as possible.

Bob McNary said the town should be aware that tanker trucks carrying compressed natural gas – 16 to 20 trucks a day, according to the Milton, Vt., company NG Advantage – would be passing through Ferrisburgh soon, on the way to International Paper in Ticonderoga, N.Y. The plant is trying to reduce its use of fuel oil, and decided to go with NG Advantage’s “virtual pipeline” service after the Vermont Gas Co. pipeline through Addison County and under Lake Champlain to the plant was scuttled due to high costs. He asked whether the town had plans for dealing with an accident involving a tanker truck. Steve Gutowski said that a hazard mitigation plan being developed by the town focuses on hazardous materials being transported through the Route 7 corridor and on the railroad tracks. He said the town hopes the plan will be final by October.

Bob McNary asked about a letter from the Energy Committee, offering advice to residents planning renewable energy projects, and whether it could be copied and kept on hand in the town offices for distribution to residents and developers. He noted that there are several solar projects in the works right now. Board members liked the idea and suggested he get in touch with Gloria Warden, town clerk. McNary also wondered if the letter could be incorporated into the town plan. Steve Gutowski said McNary should bring that up with the Planning Commission, noting that the town is in the final stages of drafting and adopting a new town plan.

6. Selectboard to approve or sign

(a) Vermont Energy/Little Otter Market – second class liquor and tobacco license application.

Lynn Provost, general manager of Dock Doctors LLC, wrote to the town asking to have the application removed from the agenda for the May 5, 2015, meeting.

(b) Long Point Association – rental agreement for annual meeting, August 1 – upstairs hall.

Nancy Zahniser was on hand to ask that the Long Point Association be allowed to use the upstairs hall for its annual meeting. She said the group would provide a damage deposit, but asked that the town waive the \$100-per-hour fee for the four-hour meeting. A discussion followed during which board members said they felt it was still not clear what groups were eligible to use the town hall spaces for free. Board members agreed that local non-profit and civic groups holding events open to the public should not have to pay, but wondered if a private group holding a members-only event, like the Long Point Association, would fall into that category. Zahniser pointed out that the fee had been waived in the past for Long Point. Jim Benoit made a motion to approve the rental to Long Point, waiving the hourly fee but requiring the \$500 refundable damage deposit and proof of insurance. Jim Warden seconded. During further discussion, board members agreed that the rental guidelines needed some work, and that the aim should be to make sure the building can be used as often as possible by local people and groups, and that the price is fair. All voted in favor. MOTION PASSED.

(c) Garventa Lift – quote for weight test and maintenance on elevator. The town received an estimate for testing and maintenance of the lift in the town hall from Garaventa Lift, a company in Manchester, N.H. Steve Gutowski, noting that what folks call the town hall’s elevator is technically called a lift, said he would do some research to see if there were other lift vendors, preferably in Vermont, able to perform the needed work.

(d) Elaine Eldridge – rental agreement for funeral reception on May 9 – upstairs hall. Jim Benoit made a motion to approve rental of the upstairs hall to Elaine Eldridge for a one-hour reception following a funeral service. Jim Warden seconded. All voted in favor. MOTION PASSED.

(e) Selectboard warrant. Loretta Lawrence made a motion to approve the selectboard warrant, which details town expenses, for a total of \$148,671.11, holding off on approval of:

- \$9,192 in change orders on the mechanical work being done on the new highway garage, pending discussion with John Bull, road foreman;
- and a \$200 payment to Jim Andrews, for which no invoice was available.

Jim Warden seconded. All voted in favor. MOTION PASSED.

7. Other business

There was a brief discussion of contacts that town officials have had with George Merkel, Vergennes chief of police, about his interest in providing law enforcement coverage to the town. As he has in the past, board member Jim Warden said he felt Merkel's concept is more involved, and more expensive, than anything the town wants or needs. He said he would be in touch with Merkel.

Steve Gutowski asked board members to study the draft town plan that the board received from the Planning Commission, and be ready to discuss it when the accompanying map becomes available.

(a) Vermont Department of Forests, Parks & Recreation – projects planned for state lands in Ferrisburgh.

- The town received a letter from the department outlining fiscal year 2016 projects:
- Little Otter Creek Wildlife Management Area – initiate timber harvest to be conducted in 2016; repair informational board at Harris Dam; remove trees near Harris Dam.
 - Lower Otter Creek Wildlife Management Area – commercial timber sale to clear cut pine plantation and thin adjacent hardwood stands; control invasive phragmites (reed) population.

8. Correspondence

(a) Ferrisburgh Community Solar Project – Route 7. Ferrisburgh Community Solar is seeking a certificate of public good from the Public Service Board for a 500 kilowatt (kW) solar electric generation facility, which will be located adjacent to and south of the current 1 megawatt solar installation, a.k.a. the Ferrisburgh Solar Farm, on the west side of Route 7. A site plan and other documents concerning the project are available at the town office.

(b) SunCommon – Steady solar array – Pea Ridge Road. SunCommon sent the town an advance notice of its intention to seek approval for a 150kW solar array on Irene Steady's property on Pea Ridge Road. SunCommon's R.J. Adler said he would be discussing the project with the town's Planning Commission at its meeting on May 6.

(c) Addison County Solid Waste Management District – Northeast Resource Recovery Association -- membership. The town received a letter from the ACSWMD saying that the district is a member of the Northeast Resource Recovery Association, as are all member towns. The letter included a membership certificate and information about the NRRA's annual conference, June 8 & 9, 2015.

(d) Vermont League of Cities & Towns (VLCT) – planning and zoning forum – June 10, 2015. The forum takes place at the Lake Morey Resort in Fairlee, Vt.

(e) VLCT – Human resources/employment law workshop – June 3, 2015. The workshop takes place at the Capitol Plaza Hotel and Conference Center in Montpelier, Vt.

10. Adjourn

The meeting adjourned at 8:10 pm.

Respectfully submitted,

Tim Etchells