

Select Board Meeting Minutes

July 9, 2019

Select Board (SB) Members: Jared Cadwell (Jared), Chuck Martel (Chuck) and Mike Jordan (Mike)

Select Board Assistant: Patti Lewis (Patti)

Road Foreman: Stuart Hallstrom (Stuart)

Minutes Recorder: Lisa Koitzsch (Lisa)

Guests: Dave Frank, Wendy and Ben Bridgewater, Marie Saylor, Sally Dwyer, Liza Walker (VLT), Gene Fialkoff, Fred Bisbee, Darlene McCormack, Tom Bisbee, Geri Procaccini, Ky Koitzsch, Dennis Griffin and Muriel Griffin.

Jared called the meeting to order at 5:00 p.m.

1. Chuck made a motion to approve the minutes of June 25, 2019. Mike seconded, no further discussion, all in favor, motion approved.
2. Sugarbush/Town/Private Landowner Road Obligations: Slide Brook Road experienced a partial washout two weeks ago. The SB agreed there was a need for all interested parties to be on the same page. Sugarbush uses the road to access backcountry skiing, and there is one private house and one lot on the road. The Sugarbush crew patched the road back together and the Town of Fayston supplied two loads of gravel. The SB will reach out to Margo Wade and hopefully discuss this issue at their next meeting.
3. Bridge and Road Standards Review and Adoption: Patti told the SB they needed to review the Bridge and Road Standards document from the State of Vermont. If the SB accepts these standards, road grant matches will be split 90% state and 10% town. If they don't accept, then the split will be 80/20. Stuart learned Class 4 Roads are not really covered under these Standards. Patti pointed out section 4, 5 6, & 7 and asked if everyone was agreeable to those terms. Jared said driveway, roadway construction, and intermittent stream crossings standards were a "yes" but guardrails should be "no" at this time. Jared made a motion for the Town of Fayston to adopt the Bridge and Road Standards, Mike seconded, no further discussion, all in favor, motion approved. All SB members signed the document.
4. ADA Project Bid Decision: Mike spoke to David Pratt of Millbrook Building & Remodeling, Inc. regarding issues the SB had on his remodeling bid and was satisfied with his response. Both of his references were good. He can start mid-August 2019 and the project should take 30 days. His bid is still \$10,000 lower than the NECCO bid and within the project budget. Jared made a motion to move forward with Mill Brook Building & Remodeling for the ADA work in the Municipal Office Building with a change in cost for Alternate #1 from \$750 to \$1,480, and costs not to exceed \$3,300 on Alternate #2 and \$4,500 on Alternate #3. Chuck seconded, no further discussion, all in favor, motion approved.
5. Ermione, LLC Land Donation: Jared asked members of the public attending this portion of the SB meeting to introduce themselves. Jared brought everyone's attention to a fact sheet drafted by Liza Walker on the Boyce Hill Community Land Project. This is a 93-acre parcel at the top of Boyce Road currently owned by Ermione, LLC that has recently been the subject of a subdivision process. The owner has chosen not to pursue the subdivision and instead, is looking to donate the land for public recreation, community enjoyment and conservation. The parcel is primarily open, has a spring fed pond, and a hilltop with expansive views. The SB has had a series of meetings with the Vermont Land Trust (VLT) and the owner to discuss the possible donation. It

is the landowner's preference the land be donated to the Town and the SB believes strongly the Town is the appropriate recipient for the donation. The action the SB would like to pursue at this meeting is a motion to accept this donation with the understanding that an easement still needs to be negotiated with Ermione, LLC and VLT and the Town. The Town will employ an attorney to act on its behalf.

Liza Walker spoke on behalf of VLT. She introduced VLT and said this land donation was very much in concert with VLT's mission and ideals. She reiterated the owner wants the land to be available to the public, enjoyed by the community and remain undeveloped. The parcel will be subject to a conservation easement by the VLT in order to frame how the property will be used in perpetuity. There will be no future development of the parcel and no motorized vehicles and there will be a focus on the protection of natural resources and outdoor education. Hunting and fishing will be allowed under the easement. The Town will develop a management plan for the parcel as they will manage the land. This land is very close to a large block of state lands.

Jared said it is important for people to understand this parcel would be taken off the tax rolls and approximately \$1,200 in municipal taxes would need to be absorbed by Fayston taxpayers but that this would have a minimal impact. He emphasized the SB and the Fayston Conservation Commission would lead a public process on how the property would be managed and what stipulations would be put on the land. He added the conservation easement with VLT will give a framework for the management plan and the Town is not going to rush the process as it wants public engagement on this issue. Jared said the legal process for transfer of the donation would take a couple of months and might not happen until September. He thinks it will be approximately a six- to twelve-month process to develop a preliminary plan for use and management. He said he is particularly interested in what adjacent landowners are thinking and expressed his pleasure in seeing so many adjoining property owners and neighbors attended this meeting. He then opened the floor for discussion.

Wendy and Ben Bridgewater, Marie Saylor, Tom Bisbee, Fred Bisbee, Darlene McCormack, Sally Dwyer, Ky Koitzsch, Geri Procaccini, and Gene Fialkoff all expressed their support for the Town of Fayston accepting the land donation from Ermione, LLC. The following questions/concerns were raised during this discussion. Once the land has been transferred and the planning process begins, the public will be instrumental in helping to address many of these issues and help create a balanced management plan.

- 1) By far the most consistent concern from abutters was whether increased visitation to this parcel will inadvertently create more traffic on their own land. Fred Bisbee expressed concern there were already too many people using his land without permission and that he would hate to have to post his land if the traffic were to increase. Marie Saylor is worried about liability if someone gets hurt on her land.
- 2) All agreed the parcel should not allow motorized vehicles.
- 3) Do non-motorized vehicles include e-bikes? Mike said it was his understanding e-bikes do not come under the classification of motorized vehicles.
- 4) How much will traffic on Boyce Road increase?
- 5) Will the town reclassify Boyce Road? The SB is considering whether to do this and will move forward on this question once the land transfer has taken place.
- 6) Will Boyce Road be improved? The preliminary answer from Jared was yes, it would but that the SB was currently beginning discussions on how much improvement there will be.

- 7) Will access to the parcel be limited to Fayston residents? The answer from the SB was that this parcel will be open to everyone.
- 8) If the town builds a parking area, how many spaces will there be and will there be overflow parking?
- 9) Will the gate across the road stay in place so that people can't drive up into the parcel?
- 10) How will the Town protect the pond from becoming a Blueberry Lake or a Warren Falls?
- 11) Will fishing be allowed in the pond? If so, will the pond be stocked?
- 12) Would the property be open from dawn until dusk?
- 13) Would there be a portalet? Trash containers?
- 14) Would the boundaries of the land be marked?
- 15) Would there be signage to keep people off private property that surrounds the land?
- 16) Would campfires be allowed?
- 17) The land is close to Dowsville headwaters so it is important to protect its natural resources.
- 18) Is there a possibility of connecting the parcel with state-owned lands? Jared said this has been discussed with the landowner and at some point, the SB would like to pursue controlled access from this parcel to state lands by asking for permission to use some of the existing trails on private land.
- 19) Would horses be allowed?
- 20) Would kayaking and paddle boarding be allowed on the pond?
- 21) Would the Velomont Trail development affect this parcel?

Jared thanked the public for attending and for a great discussion. All in attendance put their names on a list for future meetings and notifications. Jared reiterated the SB intent is to accept the donation with the understanding that the legal aspect still needs to be sorted out between the Town, the landowner and VLT. Soon thereafter, the public will be engaged to help develop a suitable management plan for the parcel. The SB will work in concert with the Fayston Conservation Commission to make sure there is a rigorous engagement with Fayston residents. Liza said there was some grant help for the recreation planning process on town lands and would pass on information to the SB and the FCC.

Chuck made a motion to accept the donation of 93 acres of land owned by Ermione LLC and located at the end of Boyce Road to establish town-owned conservation land for the purposes of public recreation, education and the protection of forestland and open space, subject to the town's approval of a conservation easement to be prepared for and held in perpetuity by the Vermont Land Trust. Mike seconded, no further discussion, all in favor, motion carried.

6. Jim Barlow Engagement Letter: The SB would like to engage attorney Jim Barlow in the matter of the Ermione, LLC real estate donation and to review the tri-town local agreement (MOU) for the LOT on behalf of Fayston. Jared believes Jim would be a good choice as he has worked for VLCT for at least 10 years, has a wealth of experience and his costs are reasonable. Chuck made a motion to authorize Jared to sign on behalf of the SB to engage Attorney Jim Barlow for work on the Ermione, LLC land donation and the LOT intertown agreement. Mike seconded. Motion carried. Patti will notify Jim of his engagement.
7. Griffin Water Issue: There is a ditch that separates the Griffin's property on Airport Road and their neighbors to take water to the brook. Between 1971 and 1991, there was a problem with water washing out the driveway and this ditch helped alleviate the problem. Most of the ditch has been filled in now and the water has been filling up and has been flooding Muriel Griffin's

basement, garage and driveway. She believes there is more water coming down from N. Fayston Road onto her property and that the ditch is not able to handle the volume. Jared asked if anything had been written down in the past about the town keeping the ditch cleared. Muriel said the town has cleaned it out in the past and she believes Mike Quenneville did this. Jared said a SB member should go look at the situation with Stuart. Muriel said it needs to be done soon as she is very worried about additional flooding. Jared asked Stuart if there was a better way to manage water coming off N. Fayston Road. Stuart said the culvert on N. Fayston is rotted out and needs to be replaced. Muriel said she thinks water coming off another property above her on N. Fayston is adding additional water flow. Mike said he would go visit the Griffin's property with Stuart.

8. Brookfield Service Contract: Chuck said the rate looks to be the same for the Preventative Maintenance Agreement Program #1, which includes a complete annual service. Chuck made a motion for Jared to sign the Brookfield Service Contract on behalf of the town. Mike seconded. No further discussion, all in favor, motion passed.
9. Road Update: Chuck told Stuart the Frascellas want to know if there is any ditching being done on Randell Road and Stuart responded there would be. John Reynolds will be paving within the next week or two on Bragg Hill. The shoulders will not be completed then but Stuart said this will be done before the end of the year. Excavator will have to be returned August 3rd. Mike asked if there was a discount if the machine was rented for a longer time. Stuart said he was not sure.
10. SB read mail and signed orders.

At 6:25 p.m. Jared made the motion to adjourn the SB meeting. Mike seconded, no further discussion, all in favor, motion approved.

The next SB meeting is **July 23, 2019 at 5:00 p.m.** at the Robert Vasseur Municipal Building.

Respectfully submitted,

Lisa O. Koitzsch

Approved: Jared Cadwell