

## FAYSTON Selectboard Minutes

6/25/19

Selectboard Present: Jared Cadwell, (Jared), Chuck Martel (Chuck) and Michael Jordan (Mike)

Selectboard Assistant: Patti Lewis (Patti)

Minute-Taker: JB Weir (JB)

Guests: Vincent Yasi (c44), Karen Sherer (Karen), Stuart Hallstrom (Stuart), Tim Jones (Tim), Paul Sipple (Paul)

1. Mike made a motion to approve Selectboard (SB) minutes of June 11, 2019. Jared seconded, no further discussion, all in favor, motion carried.

2. Tim, Fayston representative to the HUUSD, was present to provide an update on the school board. The focus of the last few months has been the district bond timeline. The board wants to have something in front of the voters by Town Meeting Day 2020. Tim stated that the board has narrowed the redistricting down to five models. No final decisions have been made or will be made soon. The goal is to bring all the information together to communicate to Valley residents. All the options maintain 9<sup>th</sup> – 12<sup>th</sup> grades at Harwood. Tim stated that option A was to have all 5<sup>th</sup>- 8<sup>th</sup> graders at Crossett Brook School, and then pre-K – 4<sup>th</sup> graders at Warren, Waitsfield and Thatcher Brook Schools with some pre-K and early education at the Moretown School. Option B has all 5<sup>th</sup>- 8<sup>th</sup> graders at Crossett Brook School, and then pre-K – 4<sup>th</sup> graders at Thatcher Brook and three unnamed Valley Schools. Option D has pre-K – 4<sup>th</sup> grade at Thatcher Brook, pre-K – 6<sup>th</sup> grade at Moretown, Waitsfield and Warren, and Waterbury/Duxbury grades 5<sup>th</sup> – 6<sup>th</sup> and all Valley 7<sup>th</sup> – 8<sup>th</sup> grades at Crossett Brook. The other two remaining options are the status quo and a hypothetical of all students under one roof. Jared stated there is support around the valley to rename the schools in such a manner that is unassociated with the town names, akin to Thatcher Brook School or Crossett Brook School. Jared asked whether it was the intent of the school board to produce both a final reconfiguration model as well as a build-out analysis. Tim responded in the affirmative. Chuck asked whether the fact that some towns are suing to prevent redistricting or reconfiguration has any impact on the process. Tim responded that he was unaware of any such impact. Tim added that the only hard stops for the board in reconfiguration are not separating 3<sup>rd</sup> and 4<sup>th</sup> grades and not separating 5<sup>th</sup> and 6<sup>th</sup> grades.

3. Stuart was present to provide an update on the roads after the rain event on Thursday June 20. The drainage issue on Top of the Valley Road is not related to the town culvert. There is likely a blockage in the culvert further up the private road. John will touch base with Doreen Stuart to let her know that it is likely an issue with a Top of the Valley culvert and is not a town responsibility.

The lower outlet of Horseshoe Road is washed out. Jared asked what the situation is with the homeowners along that road. John stated that he had spoken with Peter Richart (Peter) who offered to take the lead on coordinating homeowners in order to repair the outlet and upsize the failed culvert. Peter has reached out to King & King with regard to drafting a homeowners' agreement for Horseshoe Road. There are 11 homeowners on that road, 2 full-time and the remainder are second-homeowners. The Town will neither purchase the culvert nor install it, per Town policy for private roads. The failed

culvert also needs to be upsized from 2-feet. Stuart stated that the culvert should at least be 3-feet if not larger. Cost is unknown. The Town's guardrail at the upper intersection of German Flats and Horseshoe is in danger due to the failed culvert. And gravel continues to be washed away at the shoulder. Jared mentioned rebuilding of the shoulder. Stuart stated that the road crew has used loads of gravel to rebuild that shoulder before on the condition that the Horseshoe Road homeowners repair their culvert, which has not happened. Jared said that it is a public road which the Town is responsible for. Jared stated that the Town had to do something. Stuart reiterated that if the Town fixes the shoulder and the homeowners do nothing the same damage will occur again. Mike asked if we could just close that entrance of Horseshoe until the culvert was fixed. There is another entrance to the road. Stuart asked how the entrance could be closed. Mike added that the culvert could just be removed entirely, leaving the bottom of the entrance basically a stream bed. Stuart mentioned they could close the entrance off with boulders too. Patti asked whether the Town can invoice residents for damage done to Town roads. John stated yes per statute. Jared stated that he is in favor of that. Mike responded that some residents would not pay and the Town would be left paying out of its own pocket. Mike believes we should present the Horseshoe homeowners with the option to fix the culvert within 30 days or the Town will close the entrance until the repairs are made. John will follow up with Peter tomorrow and discuss this with him. Jared added that the Town is appreciative of Peter's stepping up to get this resolved on behalf of the homeowners, but the reality of the situation is that the Town cannot afford to allow that current entrance to exist. The Town will remove the culvert and close the entrance until the homeowners replace and upsize the culvert and rebuild the entrance.

Slide Brook Road was also damaged. Sugarbush has gone in and done some work to repair the entrance and culverts on Slide Brook Road. No work has been done to fix the road above the entrance. Stuart and the Board is unsure of what, if any, responsibilities the Town has for a Class 4 road under the MRGP. John had provided the Board with the Crean Settlement Agreement, which delineated the responsibilities regarding road maintenance and improvements. Specifically, Exhibit A to the Agreement (expressly stated to be incorporated therein) is a location map with General Notes. Note 4 states: "A private gravel road, 16' wide is proposed within a 50' wide Right-of-Way to be maintained by a homeowners association. Slide Brook Road to be improved to a 16' wide gravel road by Robert Crean from the proposed subdivision road to German Flats Road." John and Patti will look into what the Town's responsibilities are for Class 4 roads under the MRGP.

The Town is working with Friends of the Mad River to replace the Lockwood Brook culvert, which has not had any problems. There is an issue where the fish cannot get through that culvert. Corrie Miller helped to obtain funding through Fish and Wildlife for the assessment and design of the culvert, but funding for the construction of it will take another year. The culvert at the Fayston Elementary School blew out during the rain event of June 20 and will need to be replaced at some point. Chuck asked whether it was too late to switch out the Lockwood Brook culvert and use the funding to replace the school culvert. Mike said that was unlikely as it was a different culvert and a new assessment would be necessary. Mike added that perhaps some of the design work might be transferable, especially because both culverts feed to the same location. Jared believes we should re-prioritize the two culverts. Stuart added that is a good idea, but wondered whether the Fish and Wildlife funding would still be obtainable given that fish have no issue getting through the school culvert. Mike will follow up with Corrie Miller.

There is also a small slide on German Flats right above Kerry Hale. Stuart will add some stone.

The road crew has also repaired the damage to Mansfield Road. Stuart needs to put a little more stone into the ditch, but otherwise the road is back together.

The culvert at the Koitzsch property on Bragg Hill overtopped as well. The culvert is eroding and needs to be upsized. Ky and Lisa are taking care of the culvert replacement.

The culvert at Josh and Danielle Livingston's property on Number Nine also plugged, flooding their yard. A boulder had fallen over and blocked one end. Josh unplugged it and it is working now. It is a black plastic culvert which will eventually need to be replaced.

Dunbar Hill Road was also damaged. The road crew used three loads of gravel and fixed three driveways.

The culvert on North Fayston Road between Corrie Miller's driveway and Boyce Road was undermined as well. It needs to be replaced and upsized. Stuart added that the culvert may need a hydraulic study because water flows through it all the time and there are fish that flow through it. Stuart needed to hire Griffin & Griffin to repair the damage at this location. Stuart stated that this culvert needs to be addressed before winter.

Stuart plans to start work on Kew Vasseur next week. The road crew will be digging up the road and changing culverts. Stuart has the rented excavator for another month. Stone-lining on Bragg Hill also needs to be done. John will reach out to Jim Depres at Kingsbury for an update on fixing the drainage at the Phippen property.

Jared let the Board know that Gunner McCain's site plan for the town garage was received today. John will ask Gunner to generate a mylar for filing in the land records.

4. The tax rate was set for the coming year. The approved budget of \$1,274,584.82, minus the non-tax revenue estimate of \$265,788.00, results in setting the tax rate on the balance: \$1,008,796.82, based on the value of the municipal grand list of \$3,816,533.00. Patti calculated two tax rates, one at \$0.26 which would yield \$992,298.58; the other at \$0.265 which would yield \$1,011,381.25. This is based on the grand list as of today, although there remains one outstanding appeal and a BCA meeting coming up. However, any decision there should have limited effect. Chuck moved to set the tax rate at \$0.265. Mike seconded. All were in favor and the motion passed. Patti added that we are not able to set the veterans exemption yet, which is going to be at 0.001 for the town side. The State side is not known. Fayston has only one veteran.

5. Jared initiated the ADA project bid opening. There are two bids: one from Millbrook Builders (Essex Junction), the other Necco, Inc. (Fayston). Paul Sipple was present on behalf of Necco, Inc. The ADA project work was approved by the voters on Town Meeting Day 2019. The final bid number from Necco was \$49,294. The final bid number from Millbrook Builders was \$42,000. Mike pulled together the numbers between the proposal for the ADA scope and the three alternates that are also included: the back door, the front porch and the toilet. Necco can start in two weeks and be complete in 120 calendar days. In addition to final bid number from Necco of \$49,294, the bids for the alternates are: alternate 1 - \$4,200, alternate 2 - \$4,334 and alternate 3 - \$3,113. This totals \$60,941. Millbrook Builders can start in August and be complete in 30 working days. In addition to final bid number from Millbrook of \$42,000, the bids for the alternates are: alternate 1 - \$750, alternate 2 - \$3,300 and alternate 3 - \$4,500. This totals \$50,550. Karen believes that Millbrook's alternate 1 is too low, as the upstairs bathroom

toilet is to be wall-hung (as opposed to the bathrooms downstairs) and have an electronic flush. Karen added that we don't even know what's in the wall or whether the outlet is vertical or horizontal. Additionally, Karen received phone calls yesterday from Millbrook with various questions, making Karen believe Millbrook is familiar enough with the project details despite a walk-through. The concern here is that Millbrook's lower bid would come with change orders. Paul added that the Town should consider the bigger picture before making these ADA renovations. Paul said that the building should be retrofitted at some point, which would result in tearing up some of the work proposed now. Paul believes it would be better to step back and look at the building more holistically. Jared stated that the Town made a decision during Town Meeting approving this ADA project with alternates. The Board agreed that it would take setting up a reserve fund to entirely retrofit the building. Karen reiterated her concern that Millbrook's numbers are too low. The board agreed that Millbrook's alternate 1 is too low. In addition, NECCO's bid is firm, whereas Millbrook's bid provides for allowances. Furthermore, the completion periods are vastly different. Karen believes it might be best to meet with Dave Pratt of Millbrook and discuss our concerns. Mike added that we should also call Millbrook's references to find out how the company has done from bid to completion, and how many change orders were requested. Mike will reach out to Dave Pratt and Millbrook's references. A final decision will be made at the next meeting on July 9.

The Town garage site plan was discussed. Karen has enough information from the new site plan to begin discussion on the new garage footprint along with the flow of outbuildings. Karen asked John to reach out to Gunner to get a DXF file of the plan. Karen should meet with Stuart to discuss what needs should be met with a new garage and how best to design it.

6. The Bear North Music Festival and the SIPtemberfest Festival need permit approval. Bear North runs from August 2-3. SIPtemberfest takes place on September 21. Meg Schultz was present two months back to discuss the festivals. In her application for permit approval, Meg adequately addressed parking, sanitation, security, and noise control for the events. Sugarbush has sanctioned both events. Chuck moved to approve the SIPtemberfest permit and Mike seconded. All were in favor and the motion passed. Bear North will have slopeside camping akin to the Friendly Gathering of years past. Chuck brought up that Meg had mentioned that she would talk to neighbors and let them know of the festival and music times. This festival will run from 5pm – 10pm on Friday August 2, and from 11am – 10pm on Saturday August 3. The Board agreed that approval should be conditioned upon Meg notifying the abutting neighbors as soon as possible. Jared moved to approve the permit conditioned upon Meg notifying the abutting neighbors as soon as possible. Chuck seconded. All were in favor and the motion passed. Patti requested the Board give her permission to sign the applications for festival permits for both events that go directly to the Department of Liquor Control. Jared so moved and Chuck seconded. All were in favor and the motion passed.

7. The Board read the mail and signed orders.

8. Other Business:

There is a request to cater from Woodbelly Pizza at the Knoll Farm on August 10. Jared moved to have Patti sign the request, Chuck seconded. All were in favor and the motion passed. Patti needs to know which account to post the bill from Casella to for removing the Sassi camp debris. The Board agreed with Patti to post to the sand account. The total bill was \$1,672.40 for the dumpsters and removal. Patti also needed permission to change the CD rollover from 12-month CDs to 9-months because the

interest rate will increase from 1.49% to 1.98%. Chuck so moved and Mike seconded. All were in favor and the motion passed.

9. The Board went into executive session to discuss contracts. The Board exited executive session at 7:12pm.

Action Taken: The Selectboard agreed to contact attorneys to assist with contract review.

7:15 p.m. – Chuck made the motion to adjourn. Mike seconded. No further discussion. All in favor. The motion carried.

The next SB meeting is **July 9, 2019 at 5:00 p.m.** at the municipal building.

Respectfully Submitted:

JB Weir

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Approved: Jared Cadwell