

**WAITSFIELD SELECTBOARD**  
**July 23, 2018**  
**Waitsfield Town Office**  
**6:30 P.M.**

Board Members Present – Paul Hartshorn, Chair; Sal Spinosa, Vice Chair; Darryl Forrest, Kari Dolan, and Jon Jamieson.

Others present: Zoe Sajon, Madhuri Barefoot, Geoff Hand, Margaret S. Hilly, Marilyn B. Hilly, Blaine Laskowski, Peter Laskowski, Kinny Perot, Richard Czaplinski, Russ Chalom, Barbara Chalom, George Schenk, David Garten, and MRVTV.

Staff: Trevor Lashua, Town Administrator; Deanna Sellars, Recording Secretary

The meeting was called to order at 6:30 p.m.

II.1. Agenda additions, removals, or adjustments per 1 V.S.A. § 312 (d) (3) (A)

There were no additions, removals, or adjustments.

II.2. Public Hearing – Dana Hill Road Reclassification.

A public hearing is required when considering reclassification of a road. Once a public hearing is closed, the Selectboard has 60 days to issue its decision regarding reclassification. At the conclusion of this hearing the Selectboard discussed whether or not it is ready to formally close the hearing and start the deliberation period or continue the hearing to a later date to keep the process open. They decided to keep the process open and continue the hearing to the next meeting August 13, 2018.

A frequently asked questions memo was enclosed, detailing some of the questions asked to date and the answers available. The memo was described as iterative and designed to be amended or replaced as necessary. Two letters were submitted on the topic: one from Russ Chalom and the other on the behalf of the True North Wilderness Program. A draft version of the usage survey questions was available as well.

Also enclosed were copies of the trip report from Jim Ryan of the Department of Environmental Conservation, the notice of site visit and public hearing, and a map of the approximate reclassification area showing data layers from the Agency of Natural Resources' online atlas.

Kari began the public hearing by summarizing the proposal of changing the class of road and current status. The lower portion of Dana Hill Road is considered Class 3 and the segment that turns sharply to the left is where the road begins as Class 4. There have been a few site visits by some Selectboard members and Jim Ryan, the State Municipal Roads Permit Coordinator. Included in the packet is a municipal roads general permit notice of intent, which gives the Town the ability to inventory all the roads and prioritize actions for roads. Also included were the minutes from Jim Ryan's initial site visit. The most fundamental consideration is to help water quality. There is mutual value to save money and keep water quality optimal in the long run.

Class 4 roads are unique in that the Town is responsible for addressing only the gully erosion. Significant gully erosion is erosion greater than 1 ft. in depth. When Jim walked the road prior to

49 the site visit on the 18<sup>th</sup>, he flagged one or two sections that would need to be addressed. He also  
50 indicated that it may be in the Town's best interest to address other gullies and additional  
51 practices that could help reduce erosion in other areas along the road.

52  
53 July 18, 2018 was a public site visit in which Jim Ryan, Selectboard members and interested  
54 public parties were in attendance. The entire road was walked all the way to the top. Stream  
55 crossings are not as high priority as the gullying but are usually flagged to remind the Town that  
56 they need to be addressed in ongoing maintenance needs.

57  
58 There are also funding options. Dan Currier from the Central Vermont Regional Planning  
59 Commission has federal funding through the Lake Champlain Basin Program to specifically help  
60 Class 4 roads. Jim Ryan also suggested the Vermont Youth Conservation Corp which has a work  
61 crew and often works in partnership with towns to help install things like water bars. The third  
62 opportunity is with the Friends of the Mad River, which also has expertise in regards to the type  
63 of roads and the needs of those roads. Funds are only available if the Town keeps the road as a  
64 Class 4 Road.

65  
66 Geoff Hand, representing True North, and Madhurii Barefoot, summarized their concerns. True  
67 North is a Wilderness Therapy program meeting the needs of those 18-25 years old. The offices  
68 are close to the property and the Act 250 permit allows them to use the property in a couple  
69 years. The Plum Creek Property is on Dana Hill and adjacent to public forest allowing True  
70 North great access to those using the area. Along with neighbors, they have pitched in to help  
71 with active maintenance on the road with hours, funds, and manpower clearing trees and keeping  
72 it drivable. Sal observed on his walk during the site visit that there are signs of good effort  
73 clearing trees and clearing culverts but some work may have not been done properly. Madhurii  
74 told the Selectboard that the significantly deep-water bars have not been dug by landowners but  
75 originally were done by the Town about a decade ago.

76  
77 Sal pointed out that the Town's Class 4 roads policy classifies Dana Hill as a 4b, and the policy  
78 does state there is no obligation by the Town to maintain the road and this is a starting point for  
79 conversation and consideration. Russ Chalom does believe there is Town obligation to keep the  
80 road open based on what is listed on the Town website. The concern is not that the Town  
81 upgrades classification but that it does not degrade the classification by classifying it as a legal  
82 trail. There should be a minimal amount of maintenance where the road is passable and available  
83 to all (bikers and hikers). The suspicion is that if it becomes a trail and no maintenance is done  
84 the road would deteriorate.

85  
86 The State general permit requires certain actions for the Class 4 road and the Class 3 section of  
87 the road. The question and assertion of attendees is that if the Class 4 road is not maintained the  
88 Class 3 section may be compromised and possibly cost the Town more in the long run. The  
89 Town has high standards for maintaining the section of Class 3 road. Geoff Hand said leaving  
90 the control to the landowners there is less Town control of the road, which then impacts the  
91 Town's responsibility of the Class 3 section of the road.

92  
93 The Town would still maintain a right-of-way and could choose whether or not maintain or  
94 improve a trail.

95

96 Kari explained that when there is an undersized stream culvert there is significant erosion. A  
97 study by the Vermont State Fish and Wildlife Department studied the White River and found that  
98 90% of the culverts were/are undersized. The desire of the Town is to address causes of the  
99 erosion problems and not symptoms.

100

101 If the section of road is reclassified as a trail, the issue of gullying is no longer relevant for  
102 permit compliance and funding would no longer be available. Peter Laskowski suggested the  
103 property values would decrease if the road is classified as a trail and this would negatively  
104 impact the Town's property tax revenue. Peter's wife Blaine, as a former lister, stated houses on  
105 a maintained Town road are worth more than those on a trail by about half.

106

107 The municipal road general permit only has to apply the standards to road segments  
108 hydrologically-connected to surface waters (direct conduit to stream or river). Initially five  
109 segments of Dana Hill connecting with the Class 3 portion were not listed as hydrologically-  
110 connect; those segments will likely be added. The estimated cost to improve the segments for  
111 permit compliance has been estimated between \$10,000 and \$15,000. The road's slope is more  
112 than 10% grade (steep); the Town has until 2025 to complete compliance work, which is not as  
113 long as initially thought.

114

115 Paul pointed out that the funding for this year would most likely not be available as the grant  
116 deadline is approaching at the end of August and matching funds were budgeted. The Town road  
117 crew is also not available to perform the work, as its focus is on the remainder of the road  
118 network. The Town would most likely need to ask for an extension for the grant. The grant is  
119 intended to cover 80% of the cost. The Town would be responsible for 20%, which could be  
120 shared between landowners and the Town.

121

122 The Town is currently working on two other Class 4 roads making it difficult to pull together  
123 resources. A grants-in-aid project on Palmer Hill Road was designated as an 80/20 split but  
124 ended up closer to 50/50. The project costs were significantly more than estimated. The Town,  
125 under the pilot project managed by CVRPC, has remaining segments for which grant funds can  
126 be used – segments the Town can still identify.

127

128 Kari presented some benefits to keeping the road as Class 4. Those benefits include access for  
129 the public to recreation, maintaining water quality by maintaining the road, logging access and  
130 the ability to address the source of the problem and not just the symptoms, ultimately lowering  
131 cost of operation and maintenance for the Town and residents.

132

133 Russ Chalom referred to his letter suggesting increasing taxes over the next five years and taking  
134 some of that tax money (\$10k -\$20k) to improve the road. Sal responded that all taxpayers are  
135 looking at where their tax money is being spent on and others could bring to question why so  
136 much is being spent on one particular Class 4 road. It is something to consider when speaking  
137 about raising taxes for all. Peter points out there has not been anything done from the Town on  
138 the road. Collectively the landowners pay taxes to the Town and believe that the funds should be  
139 spent on the road. Peter believes the Town has the resources and he would like to see the town  
140 keep the road as a public road as he suggested it was 10 years ago. Jon clarified that property  
141 taxpayer's in Waitsfield pay 80% of their taxes to the schools, leaving the 20% to fund all  
142 municipal operations. He also did not believe the Vermont Youth Conservation Corp should be  
143 used for this particular project, and stated that there labor would come with a cost to the Town.

144 He has a skeptical look at the classification of the road and is most concerned about the long  
145 term-liability for the Town. There is currently no guarantee that the permit standards remain  
146 static over time.

147  
148 The State intentionally gave more priority and effort to Class 1, 2 and 3 roads where the public is  
149 exposed and where water quality is extremely important.

150  
151 True North would like to partner with the Town and would like some guidance as to where the  
152 Town is headed in its decision in order for Madhurii to be able to make informed decisions for  
153 True North. In addition, they would like to see more investigation as to the benefits of cost, the  
154 impact on public safety, infrastructure and private access, property values and water quality.

155  
156 The public wanted clarification as to whether there is future time to have input. Sal  
157 recommended the hearing continue while some felt taking advantage of the funding available  
158 sooner than later might be better. Kari suggested asking for an extension so the Town is at least  
159 in the queue.

160  
161 Russ Chalom requested from the Town some gravel to be added to the top road to fill ditches and  
162 he will help spread it with his tractor.

163

164 ***Motion:***

165 *Sal moved to keep the public hearing open and further discuss at the next meeting, August 13,*  
166 *2018. Kari seconded. Motion passed 5-0.*

167

168 *Kari moved to contact CVRPC to pursue the federal grant (grants-in-aid) from the Lake*  
169 *Champlain Basin Program targeting implementation of best practices contingent on getting a*  
170 *year's extension in the grant. Sal seconded.*

171

172 Trevor asked the Board to clarify that it was interested in pursuing this particular grant funding  
173 only if an extension of one-year was granted. Board members agreed this was the intent of the  
174 motion.

175

176 *Motion passed 5-0.*

177

178 II.3.Public Forum.

179 A resident, Mike Marino, had indicated a desire to discuss fireworks displays and any rules or  
180 permitting associated with them. The concern is not about the larger public displays, but rather  
181 the smaller, more frequent, private displays that occur at event venues. Mike was not present for  
182 public forum.

183

184 Statute leaves permitting of smaller private displays to a municipality's fire and police chiefs  
185 (when applicable). Larger public displays are permitted by the State fire marshal. Towns can  
186 enact policies or adopt ordinances setting parameters such as proximity to neighboring  
187 properties, time for completion of the display, inspection of the display set-up, and so on.  
188 Ordinances from East Montpelier and Montpelier were enclosed as examples.

189

190 George Schenk presented a letter he wrote to Mr. and Mrs. Marino expressing his apologies and  
191 sympathy to them for short notice of a fireworks display at his venue. He was unaware of the

192 fireworks that were planned for a wedding event. He asked if the wedding event planners had  
193 contacted the neighbors. Mike Marino was reportedly unhappy with the fireworks as they  
194 exacerbated a medical condition. There was also a small fire due to the fireworks. The company  
195 called the Waitsfield-Fayston and Warren Fire Departments and the fire was put out. After  
196 reflection, George would like to not have fireworks going forward. His hope is that a letter will  
197 help allay the Marino's concerns regarding future fireworks.

198  
199 The Marino's have also expressed to George a concern about the noise level (amplified music) at  
200 wedding receptions, particularly one on a Sunday, the day after the fireworks. His understanding  
201 is that the turn-off time for amplified music is 10 p.m. Sunday wedding events are not normal for  
202 the season but he suspects there might be more next season. His dilemma is whether or not the  
203 time for turning off the amplified music should remain 10 p.m. or consider various times for  
204 Saturday or Sunday. His concern is that if the time were earlier it could affect his ability to book  
205 events. He would like to remain responsible to the legitimate needs of his business and his  
206 neighbors at the same time. George's desire is to make the situation work for the neighboring  
207 community and for the quality of life for all by having thoughtful and constructive decisions.

208  
209 The Selectboard recognized the economics of the Valley rely on events like destination weddings  
210 but at the same time residents do desire for the area to be relatively quiet. It is a continuing  
211 dilemma with other businesses as well and is not unique to Lareau Farm.

212  
213 *No formal action was made.*

214  
215 II.4. Consider Waiving Homestead Declaration Penalty

216 There was an enclosed memo from Town Treasurer Sandy Gallup recommending waiving the  
217 penalty charged to property owners filing late homestead declarations for FY19. The declaration  
218 is used to determine whether or not the residential or non-residential education property tax rate  
219 is charged. The Town's residential education tax rate is greater than the non-residential rate for  
220 FY19, placing the penalty at 8% for late filings and 3% for an erroneously-filed declaration. The  
221 Town has waived the penalty each year since 2013.

222  
223 ***Motion:***

224 *Darryl moved to waive the FY19 penalty for taxpayers filing homestead declarations later than*  
225 *4/17/18. Jon seconded. Motion passed 5-0.*

226  
227 II.5. Review Draft Social Services Appropriations Policy

228 An initial draft of the policy was enclosed in the packet. The intent was to review the draft and  
229 add, alter, or subtract any elements before moving too far forward. The application form  
230 referenced in the draft policy needs to be developed as well. The draft combines elements of  
231 Selectboard discussions, VLCT's model policy, and policies enacted by other municipalities.

232  
233 The Selectboard reviewed the policy and clarified the dates for application form availability and  
234 submittal. The organizations the Town contributes to do provide important social services to  
235 residents of the Town and the Valley. The Board stated that the draft policy is transparent,  
236 provides guidance, and is balanced with good fiscal responsibility. In addition, it fills a  
237 noticeable gap there has been in the past.

238

239 *No formal decision was made; a final copy with the application form will be presented for action*  
240 *at the 8/13 meeting.*

241

242 II.6. Public Event Permit Applications.

243 The enclosed public event permit application is for a yarn sale sponsored by Mad River Fiber  
244 Arts and Mill. The sale is scheduled for Sunday, 8/5, from 9 a.m. to 4 p.m. The \$25 application  
245 fee has been paid.

246

247 ***Recommendation:***

248 *Kari moved to approve the public event permit for Mad River Fiber Arts and Mill for a yarn sale*  
249 *on Sunday, 8/5, from 9 a.m. to 4 p.m. Sal seconded. Motion passed 5-0.*

250

251 II.7. Consider granting Permissions for the Green Mountain Stage Race to Hold Two Stages in  
252 Waitsfield.

253 The organizers of the Green Mountain Stage Race are seeking the Town’s consent to hold two  
254 stages of the 2018 race in Waitsfield. The enclosed letter from Race Director Gary Kessler  
255 provides details regarding the two stages, safety, traffic control, and scheduling. The stage race is  
256 a four-day bicycle event.

257

258 ***Recommendation:***

259 *Kari moved to provide the consent of the Town of Waitsfield to hold two stages of the Green*  
260 *Mountain Stage Race, on 8/31 and 9/2 respectively, on public roads in Waitsfield. Jon seconded.*  
261 *Motion passed 5-0.*

262

263 There will be extra patrol to help riders remain in single file through Town. The second stage is  
264 on State routes and organizers do a great job.

265

266 II.8. Bills payable and Treasurer’s warrants.

267 There were two items of note in this week’s warrants.

268

269 The first is a \$240 administrative processing fee for the Vermont Department of Environmental  
270 Conservation (DEC). This is associated with the Notice of Intent (NOI) for Stormwater  
271 Discharges from Municipal Roads – the next step required for coverage under the Municipal  
272 Roads General Permit (the State stormwater permit for local roads). The NOI must be submitted  
273 to DEC by the end of July.

274

275 The second item is an invoice from Lucky’s Truck Center and Trailer Sales for \$3,082 for the  
276 purchase of a trailer for a hydroseeder. The hydroseeder and trailer purchase were included in the  
277 FY19 capital improvement program and budget, approved as a part of the FY19 general fund  
278 budget, and will be paid for with Road Department equipment reserves (total estimated cost of  
279 \$16,000). The hydroseeder purchase was eventually included as well.

280

281 *Approved and signed, where appropriate.*

282

283 II.14. Minutes of 7/9/18 and 7/18/18 (Dana Hill Road site visit).

284 The draft minutes for the 7/9 Selectboard meeting were enclosed. The 7/18 minutes, from the  
285 Dana Hill Road site visit were handed out and will also be available and will move to next

286 meeting for approval. The corrections were attendance and clarifying a motion that looked like it  
287 was made and seconded by Darryl. Darryl only made the motion in question.

288

289 ***Motion:***

290 *Darryl moved to approve the minutes for 7/9 as amended. Kari seconded. Motion passed 4-0-1.*

291 *Jon abstained due to his absence.*

292

293 II.15. Selectboard Roundtable.

294 Jon was pleased with George’s response to the fireworks situation and appreciates his spirit in  
295 keeping community relations. He was also apologetic that Mike was not able to be in attendance  
296 as the Dana Hill forum was still going on when he stopped by.

297

298 Sal asked whether Fred Messer has had a chance to talk to Susan Senning about the health order  
299 situation across the road and the changing of hands of the Health Officer position. In addition, he  
300 asked for follow up on the ordinance regarding single-use plastic bag from Brattleboro.

301

302 Darryl asked if the Town has mailed tax bills. The Town was waiting for envelopes, but would  
303 be mailing as soon as those were available.

304

305 Paul asked if the Fire Chief has been notified regarding fireworks and does not think it is time to  
306 draft any kind of ordinance. Sal did suggest keeping track of complaints regarding fireworks and  
307 asked if the Fire chiefs keep any complaints. At present time they do not. Trevor did suggest  
308 making a formal application for fireworks usage so that there is running record.

309

310 II.16. Town Administrator’s Report.

311 Russ asked for gravel for the top of Dana Hill. The amount of gravel was not clear but they  
312 believe whatever has been standard. His request is to dump it in the ditches and not on the side of  
313 the road. Members of the Board suggested taking up some gravel if it is manageable for the road  
314 crew to fit it in.

315

316 The old fire truck has been stripped and should be advertised with clear wording that the Town  
317 would have the right to refuse any offer. Advertisement will be on VLCT and in the paper for a  
318 limited time. There are already a few interested parties. Paul suggested purchasing a vinyl tank to  
319 use it to hold water instead of giving it away if it comes to that.

320

321 The PZA position has a small handful of candidates and Trevor has gone to a few venues for  
322 advertisement. The position has been open until filled and the proposed timeline has already  
323 passed. An interim position might be needed in order for the subcommittee to continue their  
324 process.

325

326 III.1. Other Business.

327 Item III.1. Correspondence/Documents/Reports received.

328 There was none.

329

330 IV. Executive session.

331 No executive session was needed.

332

333 *Sal moved to adjourn at 8:31 p.m., Kari seconded. Motion passed 5-0.*

334

335 Respectfully submitted,

336

337 Deanna Sellars

338 Recording Secretary