

## MINUTES FOR SELECT BOARD MEETING

Tuesday, December 14, 2021 at 6:00 p.m.

Robert Vasseur Town Hall & Zoom

**Select Board Attendees:** Jared Cadwell (Jared), Chuck Martel (Chuck), Michael Jordan (Mike)

**Town Clerk/SB Assistant:** Patti Lewis

**Minutes Taker:** Betsy Carter

**Guests:** Tony Italiano (MRVTV), Don Simonini, Eric Friedman, Lisa Loomis, Matt Lillard (Mad River Glen), John Hammond (Sugarbush Resort), Katherine Cadwell

### 1. Meeting called to order at 6:00pm.

### 2. Approve Select Board Minutes of November 23, 2021

- a. *Motion to approve Select Board Meeting Minutes from November 23, 2021 by Chuck, seconded by Mike. All in favor, none opposed. Motion passes.*

### 3. Approve Budget Meeting Minutes from 11/15/21, 11/29/21 and 12/7/21

- a. *Motion to approve Budget Meeting Minutes from 11/15, 11/29, and 12/7/21 by Chuck, seconded by Mike. All in favor, none opposed. Motion passes.*

### 4. 6:00 p.m. - Eric Friedman Steward MRV Program

- a. End of season stewardMRV report.
- b. The stewardMRV program was initiated to care for MRV assets (trail heads, swimming holes, common area at Bridge Street).
- c. Dedicated intern was hired for the project.
- d. Most critical places prioritized: Bridge Street and Lareau Swim Hole. Garbage and recycling were picked up 3x weekly and portolets were placed and serviced 2x weekly.
- e. Intern went to each site 2x weekly and engaged 6 volunteer stewards to be involved and visiting sites multiple times weekly.
- f. Key learnings: Every site is different and has various needs; plan cannot be imposed on groups (towns, communities, etc). Goal is to support the sites' plans that may already be in place.
- g. The stewardMRV program will need ongoing funding to sustain itself. Waitsfield and Warren have committed funding; the MRV Chamber of Commerce is committing support. The request is for \$5,000 from the town of Fayston.
- h. Chuck: I ask that as we create the Boyce Hill Town Forest management plan, please keep us in mind for some support. We probably don't need quite the support that Bridge Street does, but that area is becoming more popular.
- i. Jared: Did the intern provide feedback on the Chase Brook town forest? Eric: She noticed that it was pretty well used; litter was picked up several times and the ubiquitous dog poop bags.
- j. Jared: This would be something voted at Town Meeting Day as an article; the format of Town Meeting Day hasn't been determined yet. We may vote via Australian ballot with an informational session like we did this past year.

### 5. 6:15 p.m. – Don Simonini re: Communications

- a. Current radio spotty and cell phone coverage is limited between south, center, and north Fayston areas.
- b. Don described some road issues center Fayston has experienced and has had challenges in

- contacting the town road crew.
- c. Currently the town road crew uses VHF radios that is older technology that requires line of site for communication. Newer up to date UHF technology is available. Don rented a UHF car unit and had a neighbor on a handheld and Don was able to communicate clearly throughout all areas within Fayston.
  - d. Don estimates that it would be about \$4300 to outfit all three trucks and a handheld unit for the on-call road crew. Additional fees and requirements include annual service subscription, FCC application (US and Canada). The UHF technology also allows for people to call in via cell phone and the call can be converted to UHF signal to enable communication.
  - e. Don is proposing a \$5,000 placeholder to upgrade current radios for town road crew.
  - f. Mike: This sounds like a good option; my concern is enabling the calls from phones to the road crew. It may get distracting or overwhelming. Don: It would be a lot like our town website and email list that it'd be only used for specific events. I mean I've called in several times and have never received a call back from anyone in the road crew. Jared: Let's be clear, the issue is enabling communication where there are dead zones, not whether someone is getting a call back.
  - g. Chuck: When I've discussed this with Stuart before, if we eliminate the VHF technology, the road crew will not be able to communicate with the ambulance service and fire department. Don: The intent would be not to replace the current radios, but the UHF radios would be in addition to what they already have.
  - h. Jared: Mike and Chuck, are we in agreement to have Don get the radios on an exploratory basis? Mike/Chuck: yes. Jared: We are in budget mode and are sensitive to additional items.

## **6. Mask Mandate Discussion/Decision**

- a. This would be a mask rule, not necessary a mandate as dictated by the Vermont legislature.
- b. This is time sensitive legislation as the mask rule may be enacted and renewed for specific time periods (45 days initial, 30 day renewals).
- c. Neighboring towns of Warren and Waitsfield have passed a face covering rule in the past week.
- d. Jared: Though phone calls and face to face conversations with businesses in the area; most businesses in Fayston are in the hospitality industry.
- e. Matt Lillard (MRG): Mad River is in support of a mask rule in town. Many people don't distinguish between the towns in the Valley. For Mad River, we do have a rule for masking in indoor spaces. Having a rule from the town will enable further protection of guests. We understand it's not really enforceable, but it never really has been throughout this whole thing. Our staff has been called names and such while requesting masks.
- f. John Hammond (Sugarbush): We have a plan in place to comply with the town of Warren's mask rule. A town rule already falls in line with what we (the resort) have in place for the season.
- g. Mike: For the town, making rules that are not enforceable create a difficult position. If the business community is already regulating it, why do we need to add this level?
- h. Chuck: I agree with Mike's conclusion; I'm not anti-mask and not anti-vax (Chuck has had all three). People that don't want to wear a mask won't wear a mask and there's no way to enforce it. If we are going to create rules like this, they need to be able to be enforced and need have a measurable result. I am not for having a mask rule. I think we can issue a

position supporting the businesses that have a mask rule.

- i. Jared: I understand our personal positions, but I believe the hospitality businesses are asking for support and for the town to add its stance. I do think that this rule is unenforceable, but I do think it is an important message in support of masking and the rules they have in place to protect guests. Chuck: But I think we can do that by issuing this position statement and not by issuing a rule. Jared: The business owners are not doing this to feel good, they are doing it to protect the public. Chuck: I'm supportive of masks and the businesses are doing a good job and aren't having to enforce it.
- j. Don: I think the position statement is meaningless. The resorts are working overtime to ensure the guests are safe; the business owners need the additional coverage of a town rule. The scientific data supports making to prevent spread of the disease. Mike: But we're making a rule that's not enforceable and leaving it up to people to comply.
- k. Matt: The consequence of not is people getting sick. Having an official behind the person enforcing the mask requirement is needed. Of the 12 business in Fayston, all but one had a mask requirement in place and want a town rule to support the mask requirement.
- l. Jared: I think we're underestimated the messaging that the local government can give the visitors and citizens of the town. Eric: How many times do you have business say "regulate me." You have the two biggest businesses here in Fayston here asking for this. We are one community and we should speak with one voice. We have speed limit signs all over this town and we don't have police here enforcing the speed limit. If we can save one life with this rule, I don't see why we don't have it.
- m. Jared: I would like to make a motion that the town of Fayston pass a rule using the language that our neighboring towns of Waitsfield and Warren have used with the exceptions articulated in the rule and I would entertain a second to that motion. Chuck: Do we have the copy of both? The one I have here is incomplete. Jared: To be clearer, the Warren rule has all those exceptions. Do we have the actual completed Warren rule? (Jared reads Warren face mask rule.)
- n. Chuck: Does including the statement around vaccinations create issues for the businesses? Eric: I think it varies. Matt: We don't differentiate, everyone is asked to mask indoors. Jared: We would need to include the exclusion for the town office for the sake of meetings.
- o. *Jared: I make the motion that we approve a rule requiring face coverings indoors in public spaces. Chuck: I will second so that we can have a discussion.*
- p. Chuck: I want to be clear that we don't want to harm businesses. I still strongly feel that we too easily these days try to mandate things, but I also feel like it's my responsibility as a select board member to listen to the public and their views on the legislation we're considering and I thank you for that. Mike: I agree with Chuck.
- q. *All in favor of motion as stated please signify by saying I. 2 in favor (Chuck, Jared), 1 opposed (Mike). Motion passes.*

## **7. Cannabis Article for Town Meeting**

- a. Chuck reads what we may include for town warning for meeting day. "Opt in" statement. Growing and retail can be voted as one topic or break up into to items to be voted on. This can be voted on by Australian ballot.
- b. Don: If we opt in at any of the levels, is there revenue gain for the town? Jared: I haven't looked into if the ordinance has any sales tax that's applicable. Don: Why would the town do it if there's no revenue gain?

- c. Chuck: I think we should give voters the flexibility to vote on or the other.
- d. *Motion use the language for a vote and discussion for cannabis retailers and cultivator licensees at town meeting day by Chuck, seconded by Mike. All are in favor, motion passes.*

**8. Parking Ordinance Amendment Discussion**

- a. Town is considering edits to the parking ordinance due to ongoing issues with parking in the right of ways and other issues.
- b. Mike: Wintertime is definitely different and need to maintain the no parking on town roads in winter to keep the roads clear for access. (Jared reads latest edit)
- c. Chuck: With the recent situation with the last snow storm, there were not only cars parked on the road, but also campers and motorhomes. Do we want to add language that stipulates that nothing is parked on the road? Also, this references a road commissioner which we haven't had in some time. Mike: Maybe we clarify that in the definitions section. Jared: Perhaps we should do more wordsmithing and come back with proposed language.
- d. Select Board will continue to review the parking ordinance language and discuss at December 28 meeting.

**9. Dog License Penalties**

- a. Motion to reinstate the dog license penalties for 2022 by Jared, seconded by Mike. All in favor, none opposed. Motion passes.

**10. CD Update**

- a. \$60,000 was put into the CD.

**11. Access Permit – David Frank**

- a. Access is located at 645 Stagecoach Road.
- b. *Motion to approve the curb cut access by Jared, seconded by Chuck. Condition applied to include ditching and prevent drainage entry into the nearby stream. All in favor, none opposed. Motion passes.*

**12. Road Foreman Update**

- a. Stuart has met with Select Board on budgeting for 2022 and working on replacement schedule of equipment.
- b. The new dump truck remains in process as the outfitting has to be completed in Canada.

**13. Read Mail and Sign Warrant**

**14. Motion to move to executive session at 7:35 by Chuck, seconded by Mike. All in favor, none opposed. Motion passes.**

**15. Executive Session entered at 7:36pm to discuss personnel issue.**

- a. Action taken: Select Board will address the citizen complaint with the town employee.

**16. Executive session exited at 7:50, meeting adjourned 7:52pm.**

Respectfully submitted,  
Betsy Carter

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Approved: Jared Cadwell