

**NOTES FOR SELECTBOARD MEETING**  
**Robert Vasseur Town Hall & Zoom**  
**6:00pm**

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

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

**Minutes Taker:** Betsy Carter

**Town Zoning Administrator:** Hanna Neill

**Guests:** Tony Italiano (MRVTV), John Hammond (Sugarbush Mountain Resort), Rick Swanson, Brad Long, Margo Wade (Sugarbush Mountain Resort)

- 1. Meeting called to order at 6:00pm.**
- 2. Approve Select Board Minutes of January 11, 2022**
  - a. *Motion to approve Selectboard meeting minutes from January 11, 2022 by Chuck, seconded by Mike. All in favor, none opposed. Motion passes.*
- 3. 6:00 p.m. – Public Hearing re: Capitol Budget**
  - a. Submitted by Central Vermont Planning Commission. This is to help guide towns and cities in Vermont with capital budget planning processes.
  - b. A copy of the budget will be printed in the Town Annual Report.
  - c. Conservation, Road Construction, Road Treatment, Equipment Reserve, Fire Equipment reserve, bridge reserve, Town garage reserve, reappraisal reserve, Town forest reserve, culvert reserve.
  - d. *Motion to approve the Capital Budget program from 2022 to 2027 by Chuck, seconded by Mike; this comes with amendments for ARPA funds and equipment fund projections. All in favor, none opposed. Capital Budget Program is approved.*
- 4. 6:15 p.m. – Brad Long - Fayston Energy Coordinator**
  - a. Introduction of Brad Long, Town of Fayston Energy Coordinator.
  - b. Brad just recently moved into the Town and has worked with Efficiency Vermont for past several years.
  - c. Brad has been working collaboratively with Valley Towns' Energy Coordinators for the past year.
  - d. Question: Brad cannot find a Town of Fayston Energy Plan. Do we have one on file? Jared: We do not have a Town Energy Plan per se, but there is a reference to it in the 2020 Town Plan. Recommendation is to reach out to Town Planning Commission.
  - e. Brad hopes to offer educational opportunities to Town residents as well as collaborate with the other towns' energy coordinators.
- 5. 6:30 p.m. – Margo Wade and John Hammond/Sugarbush re: Zoning Violation**
  - a. Sugarbush Mountain Resort (SMR) has requested Select Board review of the permitting of a food kiosk at the Mount Ellen Base area. It will be treated as a quasi-judicial proceeding with closed deliberative session.
  - b. Jared reads oath to John and Margo. Both accept oath.
  - c. SMR representatives have been in discussion of how to operate a food kiosk that is in proximity of the Mount Ellen Lodge. Town Zoning Administrator Hanna Neill issued a notice of violation and SMR has since appealed.

- d. On December 13, SMR submitted an application for permanent base area cabins(2). December 16 Hanna visited the Mount Ellen Base Area to issue certificate of occupancy of the new Vermont Adaptive Space. Hanna noticed that there were three buildings in the base area. The third building did not have a permit.
- e. January 2<sup>nd</sup>: Hanna received a response from Margo Wade (SMR) apologizing for the delay and that they were applying for permits.
- f. January 3<sup>rd</sup>: Hanna visited Mount Ellen base area and witnessed all three cabins in operation. Several phone calls went back and forth between Hanna and Margo.
- g. January 10<sup>th</sup>: Hanna issued a temporary permit for the cabins, but no decision on Kiosk (3<sup>rd</sup> building).
- h. January 11<sup>th</sup>: Violation letter mailed to SMR.
- i. SMR representative Margo Wade agrees with Hanna's timeline.
  - i. When the application for the cabins was submitted on December 10<sup>th</sup>, Hanna rejected and stated that it should be submitted under conditional use. Margo stated that they would be allowed as an accessory use as part of the larger use to the ski area.
  - ii. After holidays, SMR pulled together temporary application for the two cabins. Hanna was not willing to approve the kiosk as a temporary use- it's a restaurant and needed to be included under conditional use.
  - iii. SMR position is that under the LUR, warming huts and snack bars are under ski area operations could be approved temporarily. The kiosk should fall under snack bar and not restaurant as there is no seating.
- j. John: The cabins were permitted for temporary use and provided direction to Margo to apply for permanent use. Regarding Miso ?, they were supposed to apply for their own permits and use a trailer/food truck and that was in our contract with them. That changed midstream and was off of my personal radar.
- k. Hanna: Last year JB (prior Fayston Zoning Administrator) temporarily permitted the 2 base cabins as warming huts; warming huts was filed under outdoor recreation which is under permitted use and when you look at the definition these cabins stretch the meaning of warming huts. That's how those two buildings bypassed the DRB at the time. On the temporary permit that he gave them, written at the bottom it stated that they may require DRB approval for future permitting. When the application was submitted this year under "ski area operation," that then becomes a conditional use. If all three of those were an accessory structures to a conditional use, all three would require DRB approval. By me reissuing that temporary permit, I was continuing what he (JB) did as an alleviation to try to help you guys find a way around this even though I don't necessarily agree with that.
- l. John: We are on the agenda for the next DRB meeting for review of all three for permanent.
- m. Jared: I'm unclear as to how LUR 4.16 is applicable. I think this is the basis of where JB was coming from? I'm also trying to understand if the SB has authority in this current phase of the permitting process. Chuck: I think we can address the violation issue; I think we cannot address the permitting issue as that's a DRB call.
- n. Jared: Any comment on the violation? Chuck: I think that's what we discuss in the deliberative session.
- o. John: We do apologize for the delay and we are on the agenda for February 1.
- p. Mike: It is a unique position and in reviewing the LUR, we do have this ability that

for events that are open to the general public that the SB has the permitting and approval authority and can provide a temporary permit and determine how long that permit is in place for. We could use that in the interim only.

- q. Jared: Your interpretation of 4.16 is that the SB can grant a temporary permit to this one accessory structure. So that is what we will deliberate on? Chuck: Yes. Jared: Do we want to deliberate now, or adjourn and deliberate on a different date with Hanna. Chuck: I'm around the next few days. Mike: I can meet tomorrow. Jared: Hanna can you meet tomorrow? Hanna: Yes.
- r. The hearing was continued *until the next SB meeting*.
- s. **Deliberative session (closed) will occur at 11am on Wednesday, January 26 at the Fayston Town Office.**

## 6. Review Mask Rule

- a. Mask rule was enacted on December 14, 2021 and in place for 45 days per state statute. The mask rule expires on January 28.
- b. Chuck: What constitutes the stop date? Case load? We need some data point that tells us to continue or discontinue the mask rule.
- c. Jared: There is some date in April that the state statute expires. My recommendation is to renew for 30 days and track the commentary from Gov. Scott and Dr. Levine on current state of COVID.
- d. Mike: Right now the State is not mandating masks. Chuck: We need some sort of structure needed to continue or discontinue masks.
- e. Rick Swanson: I think this discussion is apropos, especially around when to discontinue. We do have a vaccination requirement at the Inn and has resulted in some cancellations. We are fully compliant with the mask mandate of the town. In my other job as a pastor of a congregation in Stowe. Our services are 100% online and Stowe does not have a mask mandate. One month from now is Presidents' weekend. In the middle of Presidents' week, there is potentially a change. The question I have is can you go less than 30 days? Or does it have to go 30 days? Jared: It's 30 days. Rick: I encourage the Select Board to renew for another 30 days.
- f. Jared: To your point, can we rescind at any point within that 30 days? Mike: It's a minimum of 30 days. Chuck: I'm not suggesting we get rid of it, but we do need some structure around when we discontinue the mask rule?
- g. Jared: From a ski area point of view, what will the resort do? John: We will keep it in place for the season. We intend to make no changes. Rick: Waitsfield also put in for an additional 30 days. I don't know what Warren has done. Jared: I believe they did extend.
- h. John: We're obligated by the Forest Service and being on Federal Land, we must keep the mask mandate in place. Jared: Mad River doesn't have any federal land? Mike: No.
- i. Jared: Perhaps we go based on what the Federal statutes are? John: It's challenging as the Federal land is in Warren. I believe the Federal statute goes through March 18.
- j. Chuck: I recommend we vote on the 30 day extension tonight? And before the next vote to extend we set metrics for continuation/discontinuation.
- k. *Motion to extend mask rule for 30 days with intention to set metrics for discontinuation by Chuck, seconded by Jared. All in favor, none opposed, Mike abstains. Motion carries.*

## **7. Future Select board Meetings – Remote or Hybrid**

- a. The Town will continue with hybrid meetings.

## **8. Approve Town Meeting Warning**

- a. Meeting must be warned by January 28.
- b. For Articles 17-18 (marijuana question), Hanna Neill will be doing some background work for a presentation to be shared at Town Meeting Day to help clarify.
- c. Mike: On article 13, can we provide guidance as to when taxes are actually due?  
Patti: You cannot put a date certain. Generally, the tax bills go out in July and due 30 days after that. Chuck: Can we just put it in bold? Patti: Yes.
- d. Chuck: Is the \$1,440,458.72 the final? Patti: I believe it is, but I'd like you (the SB) to double check and be sure.
- e. Motion to approve Town Meeting Warning for March 1, 2022 by Jared, seconded by Chuck. All in favor, none opposed. Motion passes. SB to sign warning.

## **9. Vacation Policy re: Unused Time/Year**

- a. Patti: The biggest decision is if the SB will allow one week of carryover rather than payout? The recommendation is to carry over one week.
- b. Chuck: Currently we do not allow any carryover; if we allow 5 days of carryover with no buyout, does that keep it clean? Patti- yes
- c. *Motion to allow 5 day vacation time carryover from prior year with no banking of time by Jared, seconded by Chuck. All in favor, none opposed. Motion passes.*

## **10. Henry's Way Town Owned Property**

- a. Doug Mosle, town lister, researched property and recommended a title search on the property. Mike: I think it should be focused on the access, if it has access from a road. We just need to know if it has right of way access to it. That would influence our decision as to what we'd list it for. The buyer of the property would have to conduct the title search.
- b. Jared: Perhaps this is something we should enlist the help of Lindsay Browning to research right of way as well as selling options.

## **11. Review Mail Chimp Policy**

- a. Review of listserv of interested town citizens that wish to be in an informational loop from the town. There are approximately 600 addresses within the listserv.
- b. Should the current policy be adapted or updated?
- c. Patti: There was a request at the last SB meeting that all agendas and all minutes be sent via the listserv. I don't agree with that as it may become too many emails and may cause a loss in interest. Hanna and I have discussed sending a once monthly reminder to visit the Town website to review agendas and minutes.
- d. Jared: I do want us to consider a couple of surveys that would have been helpful to use our Town listserv for.. Mike: But things like that would come to the Town and then we'd email it out? Jared: Yes, they do not get access to the database. Chuck: Perhaps we just expand that statement to Town business and Valley-wide initiatives?
- e. Patti: One thing that does happen is that people do respond back and it comes to me. We were worried about being overwhelmed with emails, but it's been very manageable.
- f. Chuck: I think we still need to keep the line clear between Town business requests vs. marketing requests.

## **12. Excess Weight Permits**

- a. Two permits for signature: Bourne's Energy and Newport Sand & Gravel/Carroll Concrete.

**13. Road Department Update**

- a. No updates on new truck sent to Tenco in Sherbrook, QC.

**14. Other Business:**

- a. Review of ballot; needs to be sent to printed January 26.
- b. Ballot approved.

**15. Read Mail and Sign Warrant**

- a. Rick Rayfield has sent for second round of request for apportionment. The Town did receive the date of public testimony; for Washington County the date is February 4.

***16. Motion to adjourn by Chuck, seconded by Mike. All in favor, none opposed. Meeting adjourned at 7:25.***

**Dates of Interest:**

February 8, 2022 Next Selectboard Meeting 6 p.m.

Respectfully submitted,  
Betsy Carter

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Approved: Jared Cadwell