



Town of Fairfax
Select Board Meeting
September 8, 2020, – 7:00pm

The drafted minutes presented below are unapproved subject to corrections and/or additions at the next Selectboard meeting. Those corrections and/or additions will be written to an amended version of the minutes, which will also be made available to the public.

Selectboard Members Present: Steve Cormier; Chair, Sheri Rainville; Vice-Chair, Stephen Bessette, Duane Leach & Randy DeVine

Public Present: Christopher Cota, Kevin Marvin, Owen Senesac, Deb Kirby, Jake Spurr, Robert Revoir, Scott Hicks, John Caissy, Sharon Randall, Meredith Roberts, Mitch Miller, Christine Brown, Barb Murphy, Catherine Dimitruk, Samantha Armstrong, Charlotte Benoit, Todd Wimette, Anita Wimette & Hillary Borcharding.

Employees Present: Brad Docheff (Town Manager), Debbie Woodward,

Call to Order: S. Cormier called the meeting to order at 7:00 pm.

Announcements/Additions & Deletions: None

Minutes:

8-17-2020 Sheri made the motion to accept the minutes as written, seconded by S. Bessette, all in favor.

Accounts Payable & Payroll Warrants:

8-24-2020 The Town and Utility warrants were reviewed by S. Bessette.

8-31-2020 The Town and Utility warrants were reviewed by Sheri.

9-8-2020 The Town warrants were reviewed by Randy; Utility warrants were reviewed by Sheri.

Public Forum, Non-Agenda items:

Sharon Randall addressed the board concerning BLM (Black Lives Matter) regarding the BFA parking policy. S. Cormier advised Sharon to reach out to the Principal and Superintendent as this is a School issue not a Town issue.

Hillary Borcharding also attended the BLM on Sunday. Some passerby's showed support, while others shouted profanity and threw firecrackers. Hillary felt threatened by this behavior. S. Cormier advised if this should happen again, Hillary should contact law enforcement immediately.

Public Forum, Agenda Items -None

Correspondence:

Sewer Allocation Application for Cameron Loller, Sheri made the motion to approve the Sewer Allocation Preliminary application for a single-family home for lot 1 on Goodall Street, seconded by Duane, all in favor.

Deb Woodward: 2020-2021 Property tax rate;

Deb provided the board the proposed Municipal tax rate of .5968, Casella trash per unit of \$344. And the Veterans tax rate of .0036.

Sheri made the motion to approve the rates, seconded by S. Bessette. All in favor.

Public Forum to discuss proposed tower issue;

S. Cormier started the discussion, reminder S. Bessette has recused himself from this matter. The board has hosted over 6 hours of discussion of this matter. The matter is being addressed again due to a letter received from the Hicks regarding 3 objections from the June 15, 2020 meeting. The objection is underlined, with the Town response following.

1. Conveyance of real estate; Per legal counsel, this does not constitute a conveyance as the Town has the right to terminate after the 2nd renewal. 15 years is not a conveyance.

2. The Town forest would violate the Fairfax Town Plan; The Town plan is a guiding document. Both the Selectboard and Planning Commission have found the lease to be in line with the Town goals. The Town forest is referred to as the 100 Acre Woods in North Fairfax. While the parcel on Fletcher Rd is simply classified as a town forest.

3. Open meeting law- Hicks feel the vote taken on June 15th violated the open meeting law; After discussion with the Town Attorney, in the abundance of caution, since at the June 15th meeting, there was no specific public forum offered to discuss the Land Lease Agreement with Verizon tower issue, the Town has been advised that the procedure it previously utilized may not comport with the Open Meeting Law, therefor a special public forum is being offered specifically to address the possibility that there was a problem with the way the public forum was conducted on June 15th, in order to cure any potential issue with the previous public forum. This meeting tonight does not in any way nullify the vote to allow the Town Manager the right to sign the agreement.

Discussion open to the floor, Scott Hicks spoke on behalf of his son and daughter in law whom couldn't attend, Kevin Marvin, Meredith Roberts, Robert Revoir, Catherine Dimitruk, Barb Murphy all asked questions or made comments.

Such topics were,

- Why would Verizon not go to a privately owned property instead of going to the Town first? That is a Verizon decision

- Are there FCC requirements? Absolutely
- Are there propagation studies for other potential tower sites ? Yes, those studies have been released to anyone who would like a copy.
- Disappointment in what the town is giving up for a lease amount of money, disagreement with the Town's Attorney over conveyance,
- Why has S. Bessette recused himself? S. Bessette has recused himself due to a personal relationship with Andrew Davis (From Verizon) and his wife.
- Why is the draft contract not released? An agreement has been signed with Verizon, not a contract. The contract is not posted as it is not a signed legal document yet. The contract can still be negotiated.

Public forum was closed, the motion and vote are still in affect now holding.

S. Cormier, having now held a specific public forum to address the Land Lease Agreement with Verizon, I move to vote to ratify the previous vote taking on Land Lease Agreement with Verizon and so noted in the June 15, 2020 meeting minutes. The purpose of this ratification is to cure any defect that may have occurred pursuant to the Open Meeting Law, by not having a specific public forum to discuss the Land Lease Agreement with Verizon on June 15, 2020.

Scott Hicks called for a point of order. Under section 1061 would it not be advisable to publicly warn this vote with a 30-day notice to vote.

S. Cormier, on advice from out attorney, we do not need to do that.

Randy seconded the motion.

Roll call vote, Sheri Yes, Duane Yes, Randy Yes, S. Cormier Yes

S. Cormier I make a motion that if the contract agreement is the same, with no material changes, that Brad has full authority to sign the agreement. Any material changes need to come back to the SB for approval.

"what does material change mean, a change in the meaning or language of a legal document, such as a contract, deed, lease or commercial paper, that is made by one party to the document without the consent of the other after it has been signed or completed."

Sheri seconded the motion,

Roll call vote, Sheri Yes, Duane Yes, Randy Yes, S. Cormier Yes

Scott Hicks called for a point of order. Request for other board members to explain their vote. S. Cormier board members do not have to discuss their reasons for a vote. Sheri, I have nothing more to say. S. Cormier no other board members have spoken.

S. Cormier closed the Discussion.

Jake Spurr, discuss the Hawley Rd maintenance;

Hawley Road is a private road in disrepair. The Post Office has notified the residents that as of September 10, 2020 if the road is not repaired, they will no longer deliver mail to the properties. Hawley road has been a point of contention for many years. Jake has asked the board if the road is repaired, will the Town take over the Road. S. Cormier, the town is not taking over private roads. Previous boards and the current board agree on this.

Randy mentioned that if Hawley Rd was brought up to A76 Standards, that maybe future board members could change the decision to take over private roads.

Town Manager Updates:

- Brad asked the board to review the draft Intern Agreement previously sent to them. Brad is working on finalizing the job description.
- There is Internet service available at the Community Center
- The Shepardson Hollow Bridge project is complete and came in under budget.
- A \$5600. LGER Grant has been applied for, this will help with the expenses occurred due to COVID 19 for equipment, supplies and staff protection (plexiglass)

Other Business:

Adjournment:

At 8:30 S. Bessette made the motion to adjourn, seconded by Duane, all in favor.

The minutes were respectfully submitted by Amy Sears; Administrative Assistant.

Steven Cormier
Selectboard Chair

** This meeting was held virtual through Zoom. Randy participated via phone.

** The recorded meeting is available through LCATV or the Town's website. **