

REPORT OF THE ADVISORY TRUSTEE COMMITTEE FOR THE FAIRLEE HERITAGE
CONSERVATION AND RECREATION PROJECT (FHCRS)

to the Board of Selectmen.

This will confirm and summarize the oral report made to the Selectmen at an informal meeting with the ^d Advisory Committee on February 29, 1980. That conference covered in detail the specific matters referred to the Committee in the Selectmen's letter of appointment of the Committee dated January 30, 1980 and as well other matters incidental to the completion of FHCRS project; the taking of title to the land for the same pursuant to the action of the voters at the Annual 1979 Town Meeting; obtaining the payment of the grants, both Federal and State; the Lang's contribution ; and more general discussion of the delegation of the future conduct of the project. This conference with the Selectmen and a review of all the work that had been done to date was in the opinion of the Committee most constructive and cooperative.

To summarize:

1. The Committee outlined in detail a plan for the taking of title to the land - tentatively set for March 17, 1980_ whereby the funds borrowed in the amount of the total of the Federal and State grants in order to pay for a warranty deed of the land will be immediately re-deposited at interest or invested in U. S. Government bills as security for the borrowing until the grants are paid and received by the Town. The Selectmen have already been assured of good title to the land as the result of a thorough examination of title by Town Counsel. This plan will meet the requirement of exhibiting a cancelled check for the purchase price and will call for the required evidence in writing of the Lang's^e contribution of 20% of the fair market value appraisal. This plan is designed to give complete protection to the Town in any and all events from any financial loss.

2. The requirement for a satisfactory lease of a parking area has been solved by a lease of such space for the life of the project from the Aloha Foundation, which has been drafted and approved by counsel for the Foundation and which was submitted to the Selectmen at our conference. Mr. Emery is prepared to execute the lease for the Foundation at any time and has been most cooperative as the Foundation approves the project.

3. The Forest Management Report of Russ Barrett, Orange County Forester, has been submitted to the Selectmen, which outlines for the project under a multiple use management plan developed by him, sound forestry practices to enhance the four types of recreation activities planned for the project-namely; hunting, hiking, snowmobiling, and ski touring, and his report after thoroughly cruising the property specifically covers the number of merchantable feet of cutting to be done under such plan, and the continuous network of roads and trails to be created to accommodate all levels of such recreation. It also contains some minimum estimates of the dollar proceeds of the sales resulting from such cutting.

4. The Committee also discussed with the Selectmen a plan for the conduct of the project after title to the land is taken by the Town and the grant monies are received. It was pointed out that under the provisions of V. S. A. Title 31 which is entitled "Municipal Recreation" - Section 202 authorizes a municipality to establish and finance recreational systems, and section 205 deals with the control and supervision of such systems. Specifically it provides that the legislative body (to wit the Selectmen) may delegate the conduct of such a system to a recreational board created by them and provide that "the members of such body first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter."

After discussion with the Selectmen it was left that the Committee

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should attempt a suggested draft of a vote to be taken by the Selectmen for the creation of such a recreational board in the light of the discussion at the conference with them. Thus simply for the approval, disapproval, correction or amendment the following is presented as a draft of such a possible vote.

Voted: That pursuant to the provisions of V. S. A. Title 31, Section 203 there is hereby created a recreational board to be designated as " _____ ", to consist of five members for such terms that the term of one member shall expire annually hereafter and that the conduct of the FHCBS project be and the same hereby is delegated to such board as follows:

A. the FHCBS project shall at all times be conducted in conformity with the provisions of law, both Federal and State, and the conditions set forth or implicit in the terms of the grant therefor, and the agreements in the application for such grants, and subject thereto, in order to accomplish the development and maintenance of the recreational facilities outlined in the application for the said grants.

B When the proceeds received from the sale of logs for lumber and firewood become available in accordance with the cutting of the same in accordance with the Forest Management Report, such proceeds shall be separately held and accounted for by the Town Treasurer and invested in certificates of interest-bearing deposits in banks or in U. S. Government bills or bonds or in agencies whose obligations are guaranteed by the U. S. Government, in order to produce the highest income consistent with safety; and only the income from such funds to be used by said board in conducting the project, except as the Selectmen may from time to time authorize the use of any of the principal of said funds; which authorization to the amount of _____ dollars when the first such proceeds are received is hereby given for the

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"start~~ing~~ expenses of the project. The board however shall have the power to accept and use for the projects suitable gifts and bequests to the Town for the project as restricted by the donor or testator or as unrestricted in the use of principal, which donations or bequests if unrestricted as to the use of principal shall be held by the town treasurer separate and apart from the funds which are limited as to the use of income only.

C. The board shall at all times conduct the project as a system of public recreation having in mind the goal of expanding and enhancing four types of recreational activities on FHCERS land, namely; hunting, hiking, snow^{ing}boarding and ski touring.

D. Subject to the foregoing the board shall have full power to conduct the project, and without limiting the generality of the foregoing, to lay out, construct and maintain trails and other areas for the above types of recreational activities and to make all reasonable rules and regulations for the use and enjoyment of the same by the public.

Respectfully submitted,

MEMBERS OF
ADVISORY TRUSTEE COMMITTEE

James C. Witt
Leland T. Chapman
R. DeWitt Mallery

P. S. The vote suggested above should also contain a provision requiring an annual report from the board to the selectment of receipts and expenses and operations for the year just past to be delivered to the Selectmen and Town Auditors in time for publication in the Annual Town Report.