

Subject: Re: Advice on ACFC conduct

From: Jay Furr <jay.furr@richmondvt.org>

Date: 12/8/2023, 10:51 AM

To: bard hill <bard.hill@richmondvt.org>, Daniel Schmidt <schmidt.danielpaul@gmail.com>, Ian Stokes <istokes@gmavt.net>, Josh Arneson <jarneson@richmondvt.gov>

CC: Richmond Town Forest <richmondtownforest@gmail.com>

If I may add: Bard was not instructed by the Selectboard to provide this guidance at this time but was certainly welcome to do so as vice-chair of the Selectboard.

I agree with the points of emphasis that he called out especially the need to stop conducting committee business via mass email replies. I have seen and commented on this on multiple occasions and it seems to be a habit that some members of the ACFC have a very hard time breaking.

His second point about financial management is also something that has come up before. At least twice the ACFC has authorized payments and then come to the Selectboard for retroactive approval. This has on occasion conveyed a message that the ACFC feels that it is an independent entity that does not need to consult with its parent municipality before taking financial actions. If that is not the point of view of members of the committee, so much the better. However, it is always a good idea to err on the side of caution.

The third, about zoning, I also agree with as I have seen minutes of committee discussions citing other towns' precedents and opinions and disregarding our own. These may be isolated examples and not indicative of a pattern but at the end of the day it is important to remember that the ACFC is an entity of the Town of Richmond government.

As for the fourth, I agree that maps of the forest proposing trails should always include existing trails and roads, the better to convey the full picture and not make it appear as though the trails would be leaving large swath of untouched property when in fact there could be roads and trails in near vicinity.

I have not looked into the specifics of the Dana trail.

Sent from my Verizon, Samsung Galaxy smartphone
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From: bard hill <bard.hill@richmondvt.org>

Sent: Friday, December 8, 2023 10:26:48 AM

To: Daniel Schmidt <schmidt.danielpaul@gmail.com>; Ian Stokes <istokes@gmavt.net>; Jay Furr <jay.furr@richmondvt.org>; Josh Arneson <jarneson@richmondvt.gov>

Cc: Richmond Town Forest <richmondtownforest@gmail.com>

Subject: Re: Advice on ACFC conduct

Hi

Thanks for following up and good question. I suggest as an individual member and vice chair of the sb.

I have discussed most of the issues below with past acfc chairs.

I suggested a general primer on open public meeting law for all town boards and committees; that is still in planning.

Im willing to attend a meeting if that would be helpful. We could also set up another joint meeting if you'd like.

Hope this is helpful.

Bard

802-556-1653 if you'd like to talk.

From: Daniel Schmidt <schmidt.danielpaul@gmail.com>

Sent: Friday, December 8, 2023 9:50 AM

To: Ian Stokes <istokes@gmavt.net>

Cc: Richmond Town Forest <richmondtownforest@gmail.com>; bard hill <bard.hill@richmondvt.org>

Subject: Re: Advice on ACFC conduct

Hi Ian and Bard, thanks for the comments and suggestions.

Before we share with the ACFC, I just want to make sure I'm clear on how we frame these suggestions. I went back through the November and December SB minutes and didn't see a discussion regarding ACFC conduct. So I'm assuming that these suggestions should be framed as coming from Bard as an individual rather than from the SB? In the spirit of process and procedures, I'm just wanting to make sure we get this right.

Daniel

On Fri, Dec 8, 2023, 9:09 AM Ian Stokes <istokes@gmavt.net> wrote:

Good morning Daniel,

I talked at some length yesterday with Bard Hill about several aspects of the ACFC. Overall, he was evidently wanting to ensure that we are all aware of process and procedures, and raised four areas of concern. There have been problems in the past. I did try to assure him that the ACFC members are now well aware of the governance of Town Committees, though it's helpful to review them with all members of the ACFC. I'm copying this to Bard Hill – hoping I've got everything correctly.

1. Open Meeting Laws: Bard emphasized the legal requirement that all business and discussion among a quorum of members must be in the public meeting forum. In practice email communications most commonly raise potential concerns. While developing meeting agendas can be an exception, 'reply-all' or emails addressed to a number of members constituting a quorum are generally an infraction, certainly if they involve discussion. I cited the example of communication of information to ACFC members, such as forwarding an email coming to the RichmondTownForest email address. Such an email to all ACFC members is OK, and we agreed that it should always include a caution such as: "Do not use 'reply-all' or write other responses to this email that would constitute non-public discussion among ACFC members".

We also noted that the ACFC should not hold an Executive Session except within the specific constraints identified in State Law.

2. Financial Management: All expenditures must be made via the Town administration – the ACFC cannot authorize financial transactions, contracts, etc. on its own. Problems have occurred in the past.

3. Zoning for development in the Andrews Community Forest: It has been clear for some time that any 'development' within the Forest must be in accordance with Town and any other regulations, and overseen by the DRB. Precedents in other Towns, and precedents not complying with Richmond's Zoning and other regulations must not be used to justify future actions.

4. Trail construction: Bard raised the case of the Dana's Climb trail. This was evidently constructed without the required oversight, and such actions can have serious consequences. I noted that I have questioned its status during ACFC meetings, and I have not been able to find any record of the origins of this trail. ACFC members should be made aware that correct procedures must be followed. Bard also mentioned that our maps ought to show existing trails etc. including the former VAST trail and forestry roads (as is now the case).

After covering these four issues I emphasized that I and others very much appreciate the Select Board engagement with the ACFC, especially the very helpful joint meeting held in August and interactions between the Committees, Conservation Commission and Select Board since then. And I thanked Bard for initiating yesterday's phone call.

So we, as co-chairs should ensure that these matters are brought to the attention of all ACFC members, even though we probably now already recognize them.

Ian