



## MINUTES FAIRFAX OPEN SPACE COMMITTEE

16 Park Road, Fairfax

Tuesday, July 28, 2009, 7:30 PM

### OPEN SPACE COMMITTEE:

Mimi Newton - Chair

Michael Ardito	Denise Ferry
Ted Bright	Ruth Horn
Barbara Coler	Jack Judkins
Niccolo Caldararo	Ryan O'Neil – Co-Chair
Helen Fauss	Jane Richardson-Mack

#### 1. Roll call

Present: Mimi, Michael, Denise, Ted, Ruth, Jack, Niccolo, Ryan, Helen, Jane

#### 2. Approval of Minutes of June 23, 2009. Approved by unanimous vote.

#### 3. Public Expression (moved up the Agenda to accommodate public)

Pam Meigs provided to the FOSC a copy of “Life on the Edge”, a book about CA endangered species, which was donated to the Town by Arlene Blum, the founder of Green Science Policy Institute. After discussion, it was agreed that the best use of the book would be as a donation to the Fairfax Public Library.

#### **Action Items:**

**Ryan to circulate to FOSC members, as interested, then deliver to library.  
Jack to send thank-you to Arlene Blum.**

David Smadbeck offered to review public records to determine if the property of Lillian Raker (recently deceased) may have been donated to the Town under pending probate proceeding. Ms. Raker had previously offered to donate the property, located adjacent to Egger Grove, to the Town.

David Smadbeck also offered to research whether there was any “1.2 million dollar property” in Fairfax (previously identified at the June meeting) that had been foreclosed recently and that might be available for purchase as open space.

#### 4. Update on Ben Ross Property

David Smadbeck, a local real estate agent who had assisted FOSC in connection with a possible open space acquisition of the entire Ben Ross property, relayed a recent offer which Mr. Ross has made. The new offer consists of the proposed sale to the Town of two parcels (2 acres in total, not yet subdivided) for open space. In addition, at some later date, an additional 6 parcels (6 acres, also not yet subdivided) might be donated to the Town. After discussion, since it appears that there may some connection between the current proposal and Mr. Ross’ recent development proposal for the remaining 3 acres of the property, FOSC

unanimously approved a motion to refer the matter to the Town Council and avoid any involvement in the current offer until directed by the Council to do so.

**Action Items:**

**Mimi to prepare and send letter to Town Council**

4. Update on Tax Defaulted Properties:

Ryan attended the Council meeting and the Council approved the acquisition of the two tax-defaulted properties. David Smadbeck agree to find out if there are any bank liens on either property, Helen presented an overview of the County process for the Town to follow in order to claim the tax-defaulted property, which may result in the Town acquisition (assuming that the property is not redeemed at any point in the process by the property owner).

**Action Items:**

**Jack to prepare paperwork and work with Town to initiate and follow through on County process.**

5. Discussion and Update on FOSC Finances

Mimi reported that she and Ted met with Town Finance Director. There is still some additional information that needs to be collected in order to ensure that the Town's accounting of FOSC money is in order. A subsequent meeting will be held.

The Town Manger reported that a proposed resolution providing financial guidelines for all Town Committees is on the Town Council Agenda on August 5. The guidelines will require, among other things, that all money received or held by any Committee, including FOSC, be transferred to, held and accounted for by the Town. Mimi informed that she has asked for information on the legal issues and reasons for this proposed requirement, but had not yet received an answer. The Town Manager said he would provide the legal justification. There was lengthy discussion of whether and under what conditions FOSC might become a nonprofit organization and continue as a Town Committee and whether it could then hold its own funds. A motion was made and approved unanimously that Mimi would appear before the Council on August 5 and present the view of FOSC members that consideration of the proposed guideline was premature, that more information was needed and that the FOSC would like the opportunity to meet with the Council to discuss this and other issues concerning the Town-FOSC working relationship.

**Action Items:**

**Mimi to attend August 5 Council meeting.**

6. Discussion – web-site

The Town Manager confirmed that the FOSC could have a separate website linked to the Town website, but that the Town Manager would have to review and OK content. Ryan will continue to work with new design.

7. Update on Egger Grove Issues

The Town Manager reported that settlement discussions were ongoing and that there had been a day-long mediation session which he and the Town Attorney attended. The discussion and mediation are confidential and a closed session will be held by the Town Council at its August 5 meeting to consider any resulting settlement proposal. FOSC members encouraged the Town Manager to ensure

that the access-way remain open and available to the public, subject only to the limits that FOSC had previously agreed to and that formed the basis for a proposed sign provided by FOSC to the Town. FOSC members agreed that each should contact Council members before August 5 to express views on the access to the Egger Grove.

**Action Items**

**FOSC members to locate email with proposed sign language and distribute to others and to contact Council members**

8. Discussion – FOSC Annual Report to Town Council

Mimi is still working on draft of the Annual Report.

**Action Items:**

**Mimi to prepare Report for September 2 Council meeting.**

9. Update on General Plan Elements

Mimi and Ruth continue to participate. Open Space Element is nearing completion, after which work will continue on Conservation Element. Both will be presented jointly, once completed.

10. Update on Miscellaneous Items

**June FOSC meeting Action Items (remaining items in bold)**

- Ryan visited 0.6 acres parcel near Ben Ross property for possible acquisition. The property is steep and filled with vegetation. Given status of Ben Ross property, it was suggested that this property to be considered for acquisition at this time.
- **Mimi still needs to provide invoice from T-shirt vendor to Ted for payment.**
- **Ryan to present findings of stream morphologist report regarding the fallen retaining wall opposite Egger Grove and its effect on the Grove to the Council during open time at the August 5 Council meeting.**

Meeting was adjourned.