BOARD OF TRUSTEES
MINUTES
MONDAY, July 28th, 2025, at 7:00 PM

I. **Call To Order:** Meeting called to order at 702pm by Mayor Lee Berenato

II. **Roll Call:** Lee Berenato, Martin Gitlin, Randall McDonald, Mickey Frey, Tammy Frey, Bryon Monseu. Town Clerk Chelsea Nihiser. Special Guest via Zoom Rob DuRay. Special Guest in person Cindy Neely. Absent: Mark Basham

III. **Motion to Approve Agenda:** T. Frey motioned to approve the agenda. T. McDonald seconded the motion. M. Gitlin requested to add an action item for discussion RE: Dangerous Dog Attack. M. Frey requested to add an action item for discussion RE: Cemetery Theft Concerns. Motion to approve the agenda with changes requested passes with all in favor.

IV. **Bills for Approval:** T. Frey motions to approve the Bills as presented. L. Berenato states that Phase 3 of the sidewalk project is included in the bills and came in at $19,200. The Town has spent just above 69,000 on the sidewalk project thus far. M. Frey seconds the motion to approve the bills as presented. Motion passes with all in favor.

V. **Approval of Minutes: July 14th, 2025:** R. McDonald motioned to approve the minutes from July 14th as presented. T. Frey seconded the motion; motion carried with all in favor.

VI. **Public Comment**: N/A

VII. **PUBLIC HEARING OF THE LIQUOR LICENSE AUTHORITY:** Liquor License Renewal, BREAD Bar: At 706pm, Lee Berenato calls for the temporary adjournment of the Town of Silver Plume Board of Trustees Meeting. He reconvenes as the Silver Plume Liquor License Authority. L. Berenato welcomes Rob DuRay, Owner and Operator of the BREAD Bar, via Zoom. Rob joins the Board today to submit renewal application for the BREAD Bars liquor license. L. Berenato inquires if anything has changed since the last renewal period for the BREAD Bar. The Town Clerk states that in 2024, the Board of Trustees approved BREAD Bar's two-year license renewal. However, due to the States Liquor Enforcement Department's policies, BREAD must renew this year anyway as they have closed out a business loan within the calendar year. M. Gitlin motions to approve the BREAD Bar's liquor license as presented. B. Monseu seconds motion, motion carries with all in favor. At 709pm L. Berenato calls for the adjournment of the Silver Plume Liquor License Authority and reconvenes as the Silver Plume Board of Trustees.

VIII. **Administrative Items:**

a. **Mayor Report:** L. Berenato reports that the Audit extension has been filed with the state. He does not have an update on the Water Treatment Plant Tank, R. McDonald states he believes John Volk to be on vacation, but that he also believes there are other options than replacing the leaking tank all together. R. McDonald will apprise the Board once more information is received. L. Berenato states that the removal of the Trees at the Methodist Church are now dependent on PFSP approving the quote from Obrien's Tree Care. PFSP will split the cost of the Tree removal with the Town, brining the Towns share of the cost to below the approved

$1000 limit. As discussed in prior meetings, the trees need to come down prior to the work on the roof commencing. Also, the construction of the ADA Ramp at the Methodist Church needs to be scheduled. L. Berenato is hopeful to get a team of volunteers put together to do this work.

b. **Town Clerk Update:** C. Nihiser reports that the annual CIRSA audit and town survey is scheduled for mid-august. L. Berenato states he would like to join the Clerk for this task, and the Clerk will provide that date for L. Berenato.

IX. New Business / Action Items

1. **DORA Purchase and Sale Contract Signing (Special Guest Cindy Neely):** Cindy Neely joins the Board to discuss a few items relating to the Silver Plume Mountain Park. She shares an update that Eric Twitty will be surveying the mountain side over the next few weeks. He is surveying individual mine sites to finish his work on the 7:30 Mine Road and the Argentine Central Grade as part of the National Register District Surveying. Cindy Neely also reports that the Clear Creek County Surveyor went up and staked out the property line along the Porter Claim. If one were to walk up there, they would see four consecutive posts naming the Town of Silver Plume as property owners. The Town of Silver Plume's property in this area sits directly next to Eli Josephs claim on the Porter. Additionally, Cindy reports that when Eli Josephs cut his illegal road in this area, he also made an off shoot that runs lower than the illegal road that accesses his claim. Originally it was thought that this lower offshoot was a mistake made when cutting the illegal road, however when the County Surveyor went up to mark the property lines, he found a winch system set up between the lower road and Eli's worksite. It appears that they have been bringing materials to the lower section and winching them to the upper road. The Surveyor reported that the area is unstable, with tailings sluffing off the side of the mountain. He also reported that he believes the site to be inactive at this time, but that there has been unauthorized access to Town of Silver Plume owned land, unauthorized travel across Town owned land, and the illegal dumping of hazardous waste from the mine waste piles dumped on Town owned land by the creation of the illegal road and the operations occurring above. The lower winch site is on Town of Silver Plume owned land. Taylor Kennedy Trust owns most of the surrounding land. There is a small shack on Eli's Land, although there is no evidence of anyone living there. Ther is a new door placed at the entrance to the mine located on Eli's property, and the land has been cleared and leveled as if the intention is to build a structure on it. Christine Strickland and Cindy Neely revised the contract used with the Jack Pine Purchase and they provided a draft of the revised contract to Taylor Kennedy's realtor Bill Davis as well as the Town of Silver Plume's Attorney Jo Seavy. Bill Davis had a few mild comments, which Jo Seavy agreed with and advised not to strike certain sections out of the contract as Cindy and Christine had proposed to do. The biggest concern is when "due diligence" should be due. The Contract states that the due diligence deadline is December, but Bill Davis stated the sellers should only have 2 weeks after signing to preform the due diligence tasks. Jo Seavy stated they should be given more time than two weeks to do this. Due diligence from Jack Pine came in boxes- and was comprised of photos and conversations between folks regarding the land dating from

the early 1900's. C. Neely will go through these portions of the contract to clean them up and then would like the Board to sign it. R. McDonald motions to approve the signing of the contract. M. Gitlin seconds the motion. The contract price is $875,000, no earnest money required. If fundraising goals are not met, the Town is not committed to pursuing the purchase out of pocket. Taylor Kennedy's agreed to all the Town's stipulations, such as selling the property in one piece, during the contract terms the Taylor Kennedys will not negotiate with any other parties, and the money will be due January 30th, 2026. Cindy reports that we will find out in December the status of the grants that the Town has applied for so far and will know exactly where we stand as far as fundraising goes. If the Town does not secure the appropriate funding by January, the contract can be extended if agreed upon. If need be, Cindy will go back to CCC Open Space and request additional funding to cover the Conservation Easement or other fringe items. By the end of this week the Town will have raised over $500,000 of the $875,000. GOCO does not provide grant funding for land acquisitions without an indication of a Conservation Easement, so one will be necessary. The holder of the CE will monitor each year and will look for certain things such as land stewardship. Cindy Neely will get the cleaned-up contract to Chelsea, and Chelsea will provide L. Berenato for a signature. Cindy mentioned that if everything goes according to plan, the Taylor Kennedy Land Parcel will be purchased in two separate pieces, as State Historical Fund grants can only be used for land within the Landmark District, and 16 of the Taylor Kennedy claims lay outside of the district boundary. This will mean two purchases, and two separate checks, but Taylor Kennedy's and Bill Davis are agreeable to this as well.

2. **Continuation of Discussion: Town Shop Heater Discussion (L. Berenato):** Adequate research has not been done on the price of the heaters; this item will be tabled until the next meeting.
3. **Continuation of Discussion: Park Fill Update (T. Frey):** L. Berenato reports that a study has been released this week detailing the downside to rubber mulch as park fill. It has been proven that the rubber mulch is filled with toxic chemicals and metal. It also floats when it rains and gets displaced. Additionally, it is extremely hot to play on. For these reasons, the Board decided to do more research into better alternatives and will discuss them during the next meeting.
4. **Continuation of Discussion: Tree Removal at Methodist Church (L. Berenato):** Also discussed during Mayor Report. R. McDonald reported that in addition to the tree removal, the roof project at the Methodist Church also has the issue of the swallows living in the roof. Mac reports that although swallows are a protected species, if they are not currently nesting there is no obligation to relocate them. It may be worth it for PFSP to contact the Department of Wildlife to confirm and request assistance if needed. Also, PFSP needs to mitigate the bat infestation at the Museum/Schoolhouse. Bats are also protected, but there is a massive colony in the roof of the museum, and they have began to tear apart the walls of the museum. And electronic device will need to be placed in the museum prior to the bats hibernation cycle beginning, and this electronic device will deter the bats from wanting to

continue living there. M. Gitlin states that with the rabid bad found in Empire this is a matter of public safety.

5. ***ADDED ACTION ITEM*: Dangerous Dog Concern:** M. Gitlin states that Deborah Culp's dogs got out over the weekend and attacked Molly Czyzyk. M. Gitlin states that these dogs have been an ongoing issue and pose a public safety threat. M. Gitlin has been in contact with the Sheriff's Department Animal Control Officers, and they state that there are issues with persecuting and charging an individual with a Dangerous Dog citation. ACO have requested the Town submit a letter requesting assistance with this threat. M. Gitlin is also requesting that any citizen that can write a statement or provide evidence against the dogs in question contact the Town Clerk. Mac feels that a letter may be appropriate, but he advises not getting involved further. On Thursday July 31st L. Berenato, C. Nihiser, and M. Gitlin will all meet at Town Hall and draft a letter for the ACO.
6. ***ADDED ACTION ITEM*: Cemetery Vandalism Concerns:** M. Frey reports that a statue depicting Jesus was stolen from the Haskins Family Plot. This is almost a year after the corresponding Angel Statue was stolen from the same Plot. M. Frey is requesting cameras be placed in the cemetery parking lot, at least two, in addition to signage stating hours and restrictions, and would also like to place a gate at the roads entering the cemetery. R. McDonald states he will build the fence/gates but will need assistance with digging holes and pounding posts. Town Clerk reports that cameras are approximately $300/camera and will cost $6.00/month for the subscription. She also reports that she will find the appropriate verbiage and will order signage for the cemetery. The Haskins family plans on replacing all of their antique marble statues with cement ones to deter theft as well. Cemetery Committee meeting scheduled for Friday August 8th, at 3pm.

X. Updates:
   a. **Road and Bridge Committee:** L. Berenato will discuss pothole maintenance with East Slope Excavating. M. Frey states he has spoken with Timberline regarding the dumpster at the park. They informed him it will take 1-2 weeks to replace the current broken dumpster with a bear proof 8yard.
   b. **Budget Committee:** Meeting scheduled for Friday August 1st, at 4pm.
   c. **Personnel Management Committee**
   d. **Cemetery Committee**
   e. **Short Term Rental Committee**
   f. **Silver Plume Mountain Park Commission**
   g. **Miscellaneous Updates**

XI. Adjournment: M. Frey motioned to adjourn at 811pm. M. Gitlin seconded motion. Motion carried with all in favor.