

SCOPE OF SERVICES (MANAGEMENT PLAN)

I. Purpose

This plan will be used by Rock River Preservation Inc. and the Swartz family to maintain a safe, pleasant, open, and accepting environment for all people who use the beach and adjacent wooded areas at the southern portion of property adjacent to the Rock River and to monitor and address issues related to the public use of the river as well as environmental issues, related to the public use of the river as well as environmental issues, as defined in the list of issues as defined in item IV, C.

II. Rock River Preservation Inc.

Rock River Preservation Inc. (RRP) was incorporated in August 2005 in response to a parcel of land being offered for sale adjacent to the Swartz property. As stated in its bylaws, its purpose is to conserve land along the Rock River through purchase and environmental stewardship and to ensure public access to recreation areas along Rock River. RRP believes that the best stewards of the land are the users, who visit the land daily throughout three seasons and have an interest in protecting access to and the traditional uses of these swimming areas. Users provide financial support for RRP's activities but are not "members" of the organization.

III. Property Description

This plan covers only that portion of the property below the line 42-56-55 North Latitude (which is also about 800 feet north of the curve of the river at the beach) plus the old logging trail leading from the Swartz driveway off Grimes Hill Road, which is to provide only emergency access from Grimes Hill Road and is not open for public access. Land adjacent to the maintained driveway or in the vicinity of the Swartz cabin, outbuildings and sculptures is not to be considered part of this agreement and shall not be included part of the land that is of public use and related to this document.

IV. Site Management

A. Vegetation and Topography

No alterations to the area's vegetation or disturbance of its topography are permitted, except in accordance with a written plan to address access by emergency responders, erosion, invasive species, or other environmental concerns as defined by the Swartz family. Trees and other vegetation are to be left in as natural a condition as possible. No changes to vegetation shall be made without consent from the Swartz family.

B. Physical Improvements to the Property

Rock River Preservation Inc. and other users of Rock River are specifically prohibited by this plan from erecting permanent structures on any part of the Swartz property. The Swartz family has sole discretion as to any improvements, construction or any changes to the Swartz land.

C. Monitoring the Property

At least two members of the board of directors of Rock River Preservation Inc. must perform together a walk-through observation of the property at least once a year and provide a written report to Robert and Jennifer Swartz showing the date of the walk-through and any findings that may have occurred, including changes to the land in terms of erosion, debris, vegetation, change of use (authorized or unauthorized), condition of signs, etc.

Before the first walk-through, the RRP Board of Directors and the Swartz family will create a list of issues to be monitored for the walk-through. Each year, if RRP board members recognize any new issues, they can recommend that the list be amended; however, the Swartz family will maintain the list and define its contents as far as what kinds of issues are to be monitored and overseen.

From the first day of May through the last day of September each year, Rock River Preservation will monitor the property periodically, and will address issues as defined in the list of issues mentioned above. Rock River Preservation shall report any adverse conditions that become apparent because of this monitoring to Jennifer Swartz each year.

D. Public Use and Information

1. Access

Rock River Preservation shall make it known that the only public access to the beach area is from Newfane Town Trail Number 11, along which Rock River Preservation owns 4.5 acres of land. No public access is allowed through the Swartz property except as permitted by Robert and Jennifer Swartz. Under a separate agreement unrelated to this agreement, Robert and Jennifer Swartz have given permission to Gary Taylor, owner of an adjacent parcel, and his personal guests to access the beach from a private path that enters the west side of the Swartz property just north of the line 42-56-55 North Latitude. This permission is temporary and non-transferable. Public access to the Swartz property above the line 42-56-55 North Latitude is prohibited.

2. Public Use

Rock River Preservation shall endeavor, through the placement of signs and observation on a regular basis and communication, to limit public use of the beach at Rock River and adjacent areas to:

- prohibit the dumping of litter or trash
- camping above the first plateau of land north and west of the beach for more than one week
- fires outside the high-water mark
- behavior in public view that may be considered disrespectful by each other or any others using the river, and
- trespassing north of the line 42-56-55 North Latitude, defined by signs as outlined in Attachment A.

3. Signage

Rock River Preservation shall purchase, post, and maintain signs as described in Attachment A.

The Swartz Family is responsible for purchase of signs described in Attachment A. If signage needs replacement, the Swartz family will be notified by the RRP board of directors after their annual walk-through.

4. Parking

Users of the swimming areas at Rock River commonly park along Vermont Route 30 near the intersection of Depot Road in the Town of Dummerston. No parking is allowed on Grimes Hill Road adjacent to the Swartz property.

5. Hunting and Trapping

Although hunting and trapping are traditional uses of forest lands, both on public and private lands, they are activities that pose concern for the safety of recreational users on this land. Hunting and trapping will only be allowed by owner permission.

6. Motorized Vehicles

The operation of motorized vehicles and snowmobiles on the property will only be allowed by owner permission, except for emergency purposes.

E. Remediation

Rock River Preservation Inc. shall engage persons acting contrary to the guidelines of this management plan, if observed during periodic visits, through a three-step process.

First, he/she shall be given a verbal warning by a member of the Rock River Preservation Inc. board of directors.

If the individual continues to act contrary to the guidelines of this management plan after a verbal warning, Rock River Preservation Inc. shall inform Jennifer Swartz of the situation so that the Swartz family can determine what, if any, further action might be taken by Rock River Preservation Inc. Upon agreement with the Swartz family, further action by Rock River Preservation Inc. might typically include providing a second verbal warning followed up by a written warning, stating the nature of the activity and the dates and locations of the two verbal warnings. In such a case, a copy of the written warning shall be sent to Jennifer Swartz.

If an individual continues the practice after two verbal warnings and a written warning, Rock River Preservation may work with Jennifer Swartz to initiate a Notice Against Trespass by the Windham County Sheriff's Office. Such action cannot take place without the approval of the Swartz family.

F. Emergency Planning and Coordination

Rock River Preservation shall (1) perform light maintenance on the logging trail that extends from the Swartz family driveway down to the beach for the sole purpose of ensuring passage by local rescue groups in the case of emergency, (2) inform local rescue groups about the location of the logging trail, and (3) inform Jennifer Swartz of any times trail use was required for emergency access. Before undertaking any light maintenance for this purpose, Rock River Preservation shall receive approval in writing from Jennifer Swartz to undertake the proposed light maintenance.

Rock River Preservation Inc. will work with local emergency response groups to establish a procedure for unlocking any security chain or gate at the top of the Swartz family driveway where it meets Grimes Hill Road in case of emergency. Typically, this procedure involves a simple "daisy chain" of locks so that when one lock is opened, the chain or gate is opened, with the emergency response group holding a key to one of the locks. No method will be established without approval of the Swartz family.

V. Management Plan Updates

This plan will be reviewed and updated on a three-year cycle coincident to the duration dates of the Memorandum of Understanding of which this plan is a part.

VI. RRP Contact Person

The Rock River Preservation Inc. board of directors will provide the contact information of at least one board member to the Swartz family, including phone number, mailing address and email address, to facilitate communication regarding this agreement.

**ATTACHMENT A
to the Management Plan**

Sign No. 1 (as agreed in e-mail chain ending July 20, 2016):

Welcome to Rock River

This is the property of Robert Swartz, and he asks that you respect the land as he does and treat it with care and consideration.

We ask you to follow these simple guidelines:

- Do not litter. Please take all trash with you.
- No extended camping (not longer than one week).
- No fires outside the high water mark.
- Please use discretion and do not do in public view that which could be considered disrespectful by each other or any others using the river.
- Respect our privacy and do not wander beyond the private property signs.

Please share questions or concerns either directly [phone number or email] or through Rock River Preservation Inc., which is assisting in the stewardship of this special place, rockriverpreservation@gmail.com or RRP, PO Box 1095, Brattleboro VT 05302.

Design: Jennifer and vote of board

Placement

- (1) In the area of the first flat land above the most heavily used social gathering beach, so it's obviously on the Swartz family land and not glaring at those using the beach itself;
- (2) Down river from that area at the most heavily used crossing points; and

Cost: Swartz family.

Sign No. 2 (as agreed in e-mail chain ending July 20, 2016):

Private Property. Please do not wander beyond this point. Owner: Robert Swartz [phone or email address], with stewardship assistance of Rock River Preservation Inc., rockriverpreservation@gmail.com or RRP PO Box 1095, Brattleboro VT 05302.

Design: Jennifer and vote of board

Placement: Along the line 42-56-55 North Latitude

Cost: Swartz family.