

## TOWN OF FAIR HAVEN, VERMONT

SELECTBOARD; Water and Sewer Commissioners; Liquor Commissioners; Cemetery Commissioners  
Municipal Building, Fair Haven, VT – June 15, 2021 -- 7:00 P.M. -- REGULAR Meeting

Zoom Meeting Link: <https://us02web.zoom.us/j/83697866221>

Phone: 1 929 205 6099 | Meeting ID: 836 9786 6221

### APPROVED MINUTES

**Members Present:** Glen Traverse, Rod Holzworth, II, Jeff Sheldon

**Members Absent:** Chris Cole, Carol Egan

**Others Present:** Town Manager Joseph Gunter, Recording Secretary Claire Stanley, William Chmielewski, Peg TV, John Lulek, Bob Richards, Christopher Stanton, Richard Wells, Charlene Hibbard, Bob Hibbard, Stephen D. Cushing, Jenn Chapdelaine, Jim Aubin, Ruth Aubin, Jake Helm, Neil Robinson, Police Chief William Humphries, Jackie Perry (on phone)

**Call To Order:** Acting Chairman Jeff Sheldon called the meeting to order at 7:00 p.m. and led the assembly in the Pledge of Allegiance to the Flag.

**Amendments to the Agenda:** Mr. Traverse **made a motion to add Executive Session** before *Review of Financial Reports*; seconded by Mr. Holzworth and passed

Mr. Traverse **made a motion add “approve PBR 4155 Certificate of No Appeals or Suits Pending”** to New Business; seconded by Mr. Holzworth and passed.

**Approval of Minutes of June 1, 2021:** Mr. Traverse **moved to approve the Minutes of the June 1, 2021 meeting**; seconded by Mr. Holzworth and passed unanimously.

**Health Order Hearing – 22 Mechanic Street:** Town Manager Gunter reported that it had come to the Town’s attention that there was neglect of the property at this address. Contact was made with the owner with no results toward cleanup. On May 17, legal action was taken. The property was inspected inside and out that found large piles of garbage, tall grass and rodent infestation. Spoke with neighbors, and compiled a report including photos and filed legal action against Shelby Wing. Health Officer John Lulek read the Health Order 18 VSA ¶ 126, 602 stating the owner has until June 25<sup>th</sup> to comply. Ms. Hibbard said trash has been accumulating there for five years; the Town was contacted and some outside trash was removed; folks do not think anything will change as the homeowner seems not to care. Neighbors have found rats at their homes and the infestation is moving “down the road”; some have hired exterminators at their own expense feeling the problem is getting out of control. Mr. Aubin stated he knows the Town is working on the problem -- what are you going to do? We want the garbage and rat infestation taken care of -- it is a definite health hazard and the owner will not do anything about it. Mr. Lulek said there is a \$10,000 fine that goes along with the Health Order that is now in Probate Court. Mr. Sheldon asked what happens June 25th? Mr. Traverse asked, does

the Town have the right to go take care of the problem. Manager Gunter stated: he has reached out to Ms. Wing to do something; after the 25<sup>th</sup>, Superior Court will prepare an injunction -- this moves slowly; the Town does not have the ability to go to other's property -- the Constitution prevents taking other's property. Chief Humphries stated tickets were written to no avail. Jackie Perry stated there was a rat inside her home; can she send the exterminator bill to the Town? Who is responsible? Manager Gunter said the responsibility is the home owners, to send the bill there. Health Officer Lulek stated he has gone as far as he can; Chief Humphries stated the Town Manager is doing great, the Town is on "your" side, have to follow laws and regulations. Mr. Sheldon inquired can we reach out to get permission to clean "at her cost"; the property is in Probate Court process of changing hands. Mr. Helm stated he has approached Ms. Wing for purchase; she owns half the property; there are complications; Mr. Helm stated he will clean up the property as soon as he has ownership and legally is allowed to do so. The Town is in complete support of anyone purchasing; the Health Order requires an exterminator on the premises at the time of cleanup. Mr. Sheldon asked if there is an Action Plan and what is the next step. Manager Gunter said the next step is the Town's. After the 25<sup>th</sup>, the Town will have an injunction to seek a quit claim; Mr. Helm is doing his part for ownership; will reach out again to the owner for compliance; will ticket after the 25<sup>th</sup>; will check with exterminator, cannot commit to rat traps (boxes). Mr. Holzworth commented the Town will assist/protect Mr. Helm toward ownership; document process and efforts done to be considered in the court process. Mr. Sheldon said these frustrations are heard and understood and thanked folks for attending. Health Officer Lulek **made a motion to approve the Health Order for the 22 Mechanic Street property**; seconded by Mr. Traverse and passed unanimously.

Mr. Traverse **moved to close** the Health Order Hearing at 7:43 p.m.; seconded by Mr. Holzworth and passed unanimously.

**Appointment with the Energy Committee**: Mr. Chris Stanton presented a rough draft of a Mission Statement from the Energy Committee for the Town of Fair Haven that includes identifying high energy users and keeping an eye on the Hydro Project. Mr. Richards stated the Hydro Project has considerably more hurdles than earlier including higher construction costs and the property is in the process of being sold. Mr. Sheldon noted he thought the Town had first refusal rights on that property, and to please review the contract. Mr. Richards reached out to Jay Boeri who stated he has received no Hydro inquiries; must first get a commitment from Green Mountain Power that they will accept the power generated; there are a lot of negatives to report. Mr. Robinson reported Vermont will receive \$1 billion through American Rescue Plan Act (ARPA), federal funds pledged to clean energy; Governor Scott's Climate Action Plan commits \$100 million to clean energy efforts; GMP is committed to being 100% carbon free by 2025. (Information available at Town Office). The Energy Committee asks the Town Manager to investigate this funding source. It is felt that the project is doable if 50% federally funded. Mr. Stanton stated the committee will work on ways to commit to electric vehicles; install re-charge stations; continue work on the solar array at the Transfer Station; locate possible roof solar projects; heat/cool efficiency. They inquired are there specific areas the Town wants the committee to concentrate on; do they have permission to meet with Fair

Haven Department Heads to determine problems; also request to meet with Brandon officials. Board members gave permission as requested. Mr. Stanton stated a report will be prepared before the budget season.

**Five Minutes for Public Comment:** Mr. Lulek commented there have been complaints of truck engine brakes being used on West Street also heard by Manager Gunter. It is suggested that someone reach out and talk to the drivers about the noise; Manager Gunter will get and install appropriate signage.

**Department Head Reports:** Police Chief Humphries reported:

- \* There were three arrests
- \* There were two untimely deaths
- \* The Dept. participated very little in the Click It or Ticket as it was an uneventful week
- \* Finding difficulty hiring help to fill shifts
- \* Mr. Traverse reported that Facebook “blew up” re: plants removed in the park; it was noted that this is also a problem in cemeteries
- \* Looking to update the Park Ordinance to include the Air Park and Dog Park when a location is determined for it

**Town Manager Gunter** reported:

- \* Expecting Pike for paving end of August, early Sept.
- \* The crosswalk Thermo stickers were received Friday
- \* Fair Haven is second in line for street striping
- \* Will be replacing downtown signs
- \* Continue filling potholes, both asphalt and gravel
- \* Half of the flushing is done
- \* The new Water Dept. Assistant Chief Operator is doing well
- \* Naylor and Breen Const. has started the aerator ditch digging at the Sewer Plant
- \* The Adams Street sewer pump work is expected early August
- \* Ms. Teresa Fisher donated \$150 to beautify the Memorial Park
- \* Meeting with Dubois and King June 29 at 6:00 p.m. for walk through at Park and Ride
- \* A letter was sent to West Park Place residents informing them of the up-coming construction
- \* The Rotary will hold their 5K run on September 4<sup>th</sup>
- \* The Audit has started
- \* A State truck lost oil on Capitol Hill on Sunday; working with the State, the Town crew did the clean up
- \* The Camper is gone
- \* A table with benches is installed in the Park
- \* Two tax sales are coming up
- \* The Town was awarded \$200,000 grant for the Adams Street project; will apply for one and a half million dollar grant

**OLD BUSINESS** -- None

## NEW BUSINESS

**Approve Certificate:** Mr. Traverse **moved to approve PBR 4155** Certificate of No Law Suits or Appeals pending; seconded by Mr. Holzworth and passed. Members signed the document.

**Water/Sewer Budget:** Postponed to June 21, 2021 Special Meeting

**Round Table:** Mr. Sheldon reminded to prepare a DPW list of upcoming projects

**Executive Session:** Mr. Traverse **made a motion** pursuant to 1 V.S.A. 313 (a) 1 move to find that premature general knowledge would clearly place the Town at a substantial disadvantage; seconded by Mr. Holzworth and passed.

Mr. Traverse **move that we enter executive session** at 8:35 p.m. to engage in protected Attorney/Client communications under the provision of 1 V.S.A. 313 (a)(1)(C) and (F) for the purpose of discussing mediation/settlement. The motion was seconded by Mr. Holzworth and passed.

Mr. Traverse **moved to come out of executive session** at 8:42 p.m.; seconded by Mr. Holzworth and passed.

Glen Traverse **made a motion to ratify** the Settlement Agreement and General Release entered into by Samuel Cadwell and the Town of Fair Haven as a result of the Mediation that occurred on June 14, 2021 in the *Samuel Cadwell v. Town of Fair Haven* lawsuit that was filed in the Rutland Superior Court. The Town admits no liability and enters into the settlement for the sole purpose of avoiding protracted litigation, and authorizes the payment of settlement funds, pursuant to the Settlement Agreement and General Release. The motion was seconded by Mr. Holzworth and passed unanimously.

**Review of Financial Reports:** Checkbook Status: \$307,245.38

Mr. Holzworth **moved to approve payment of the Payroll warrant for \$43,266.32**; seconded by Mr. Traverse and passed.

Mr. Holzworth **moved to approve payment of the General Fund Warrants of \$255,904.29**; seconded by Mr. Traverse. This amount includes payment of appropriations. The motion carried.

The meeting was **adjourned** at 8:45 p.m. by a motion by Mr. Traverse seconded by Mr. Holzworth.

Respectfully submitted,  
Claire L. Stanley

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Jeff Sheldon, Board Clerk