

TOWN OF FAIR HAVEN, VERMONT

**Selectboard, Water & Sewer Commissioners, Liquor Commissioners, Cemetery Commissioners
Tuesday, August 23, 2022 – 7:00 PM Agenda**

Zoom Meeting Link: <https://us02web.zoom.us/j/84559381364>

Phone: 1 929 205 6099 | Meeting ID: 845 5938 1364

UNAPPROVED MINUTES

Members Present: Glen Traverse, Bob Richards, Chadd Viger, Jay Brown, Rich Greenough

Members Absent: None

Others Present: Town Manager Joe Gunter, Recording Secretary Claire Stanley, Jim Britt (PEG TV), Roy Neuton, Neil Robinson, Lindsey Waterhouse, Rob Steele, Lynn Gee, Lillian Billewicz, Mike Stannard, Helen Steele, Jane Tifft, Paula Beayon, Clarence Beayon, Chris Adams, Supt. Of Public Works (DPW) Aaron Kerber, Rod Holzworth, II, Dorrene Brown, Jerry Brown, Joanne Calvi, Robin Mealy.

Call to Order: Chairman Bob Richards called the meeting to order at 7:00 p.m. and led the assembly in reciting the Pledge of Allegiance to the Flag.

Amendments to the Agenda: Mr. Brown **moved to add** “Cemetery Deed” to New Business; seconded by Mr. Traverse and passed unanimously

Approval of Minutes: Mr. Brown moved to **approve the Minutes of the August 9, 2022,** meeting; seconded by Mr. Traverse and passed

Five Minutes for Public Comment: Health Officer John Lulek said he is working to resolve the health related problems on Montgiven Ave. and 6 Grape St.

Ms. Lillian Billewicz, representing Fair Haven Taxpayers United read a statement (copies to Board members) reiterating sentiments against on-going improvement projects stating views are based on sound reasons. She reports having done a forensic review of documents in the Town Office and expounded on her findings for some time also asking that Town Manager Gunter be removed from office. Chairman Richards interrupted stating matters would be different if property taxes owed, were paid. Mr. Brown stated Ms. Billewicz is not to use his name in statement allegations; how much Town funds have been paid defending her lawsuits. Chairman Richards said there will be an answer to this statement, but not tonight.

Herbicide Letter to the Lake Bomoseen Association (LBA), ANR and DEC: The Board heard from Lindsey Waterhouse, member of the Lake Bomoseen Association and their Board of Trustees. He presented a full disclosure statement of his credentials and experience stating he is a longtime, tax paying Fair Haven resident and owns no lake property. He stated the reason for his attendance is to share appropriate information and address concerns re: what the Assoc.

considers misinformation offered by those that oppose the permit to control Milfoil in the lake. The Assoc. does not agree with the letter sent from this Board to the LBA, Agency of Natural Resources (ANR) and the Dept. of Environmental Conservation (DEC). Mr. Waterhouse read a letter from the LBA sent to Manager Gunter and the DEC stating reasons for taking exception to this letter, including, that the topic was brought forward by a single Board member; there was no formal notice provided to allow open public discussion; the LBA was not contacted for information on why the LBA supports the permit action to allow for a more informed decision. Mr. Brown **made a motion to not rescind the letter, leave it as is and send it back**; seconded by Mr. Traverse. Mr. Traverse said the letter was sent in March, it is now August – why now. Chairman Richards noted the subject was discussed during Round Table; and was on the next agenda for action. Mr. Waterhouse expressed concern that the LBA was not properly notified before the letter was drafted to allow for a more informed decision. Mr. Brown stated the Lake is under Castleton jurisdiction, but the river from the lake runs through Fair Haven. Mr. Waterhouse stated the river is contaminated by other than the Milfoil herbicide. There are a lot of online postings that are flat out incorrect fueling the controversy. Mr. Traverse thanked Mr. Waterhouse for his service and for his time spent on this matter. **The motion carried unanimously.** Mr. Waterhouse stated he is willing to come back to this Board with a full-blown presentation if the Board is interested.

Department Head Reports: Dept. of Public Works (DPW) Supt. Aaron Kerber reported:

- * Pike has not been here to complete the paving -- will not be here next week either
- * Will continue work to prepare Fourth and Furnace streets manholes for final paving
- * Working to address the water issues on South Main Street
- * Making every effort to have the Scotch Hill work done before winter
- * Working on ditching, grading and brush cutting
- * Next week will ditch Scotch Hill and finish Swamp Road
- * Cleaning up after roadside mowing
- * Next month will do the crack sealing with rented machine
- * The **Water Dept.** has one meter left to change
- * Looking to make modification (perhaps a meter) to the hydrant at north end of Washington St. so tankers using it will not shut off abruptly causing extreme pressure on the system
- * Expect to have members do a walk through of the **Sewer Plant upgrade** at the Sept. 6th meeting. A more in-depth inspection can be scheduled
- * There remain a few punch list items to be finished
- * The hold up is mostly late delivery of components

Mr. Brown questioned why were two trucks at the garage. Supt. Kerber stated one was for brake work, other for inspection. The DPW mechanic is on medical leave.

Mr. Brown questioned employees working only 9 ½ of their 10 hr. days, taking a half hour lunch. He feels they are taking advantage of the 10 hr. days and the Town is not gaining anything; wants them to go back to 8 hr. days. Mr. Greenough noted DPW is a small crew covering a lot of ground; very much is expected of them. Supt. Kerber noted his employees are on the clock 6:00 am to 4:30 pm. Mr. Greenough noted the S. Main Street water issue is that a water line is not connected to the catch basin.

Town Manager Report and Communication: Manager Joe Gunter reported:

Police:

- * Reported two arrests -- one overweight
- * Performed 42 finger printings @ \$25.
- * Received the grant for a stationary solar powered flashing speed sign -- expect to install it on Capitol Hill
- * Congratulations to the Water Dept., all but one meter left to change at 5 West Street
- * The folks behind the Stewarts Shop have trimmed their bushes
- * Applefest is scheduled for Sept. 17th -- rain date the 18th
- * Karen Morreale, DBA *S2R Studios* is looking at our website.
- * Budget season is nearing -- will have first draft for members first week of October
- * The Playground Opening was well attended
- * The school flashing light will be repaired before school starts

OLD BUSINESS:

Trailer Park Tax Sale -- Municipal Bid: At the last meeting the Board consensus was to start the Tax Sale process and make a decision on offering a minimum bid this meeting. Mr. Brown stated the Town does not need to be in the trailer park business. Manager Gunter said nothing is happening; the park owes \$33,797.18 in taxes plus accruing water bill. If the Town does nothing, nothing will be done. At present, the Town cannot evict tenants as they live on someone else's property; if the Town owns the property, there is a process toward eviction. This issue will have heavy cost both ways. Mr. Greenough said, let's get this property back on the market paying taxes. The Town owns a lot of property; he requests a list of all Town owned property that might be put back on the market. Members discussed options and how best to proceed. Mr. Traverse **made a motion to offer a minimum bid** for the Green Mountain Mobil Home Manor property; seconded by Mr. Viger. It was noted that the sale is for land and trailers not individually owned; for the current owners to redeem the property they would need to pay all outstanding tax and water amounts plus 8%. The motion carried unanimously.

Traffic Ordinance Discussion: It was remarked that the ordinance pretty much covers everything. Members discussed speed limits mostly for Fourth Street noting there will be an increase of bus traffic this year. 25 mph is felt necessary on Fourth St.; a four way stop at the Mechanic and Fourth Streets Intersection; install flashing speed signs; having a traffic cop at that intersection (needed on the first day of school). Manager Gunter will reach out to the High School for input. The consensus of the Board is to not change Liberty Street to a one-way, east, citing a negative impact to businesses on that Street.

NEW BUSINESS

Approval and Support of Business Grants to the State: The Economic Development Committee (EDC) chose three applicants to be sent to the Regional Development Board, the next level for approval, Fall Mountain Wines, Brookside Woodworking, Town of Fair Haven.

Mr. Brown **made a motion to approve the EDC decision and write letters of support;** seconded by Mr. Traverse. The Town grant needs no match. The motion carried unanimously.

Cemetery Deed: Mr. Brown explained about a woman who wants to bury her deceased grandson behind his grandfather's grave marker. There is an issue that the site is not laid out for burials. Manager Gunter stated the State cemetery rules are that the Town cannot sell a cemetery lot unless a burial plat is made. DPW Supt. Kerber said they are bound by those rules. More plats can be made. At present the cost for a single lot is \$400; double is \$800. More to come.

Parking Lot: Were not awarded the **Adams Street Bridge Replacement** grant. Chairman Richards reported the **Zoning Regulation** hold up is that the document is in four different formats. Regional is working to correct that. Will meet with Regional Sept. 22nd. It appears that the **Town Plan** is good to go.

Board Roundtable

At Mr. Brown's inquiry of why the delay in all the granted projects, Manager Gunter reported the Municipal Building project is on time and on budget; the South Park and Ride and Lights in the Park projects are expected to be completed next Spring and Summer. The sidewalk project is scheduled for 2025. Mr. Greenough inquired was there any landscaping going along with the Park lights project. Yes, for lights installation, but not for general areas. Mr. Traverse noted there was delay in the supply chain (deliveries); the salt shed is a no go; COVID happened causing delay/stoppage of much work. It was also noted emphatically that Ms. Billewicz' information is completely false -- she owes taxes, and has sued the Town three times at great expense to the Town. Supt. Kerber stated that all grants are issued with 3-to-4year completion dates.

Mr. Brown inquired, why the trailer on Grape Street. Zoning allows it as long as previous square footage is not exceeded and all current setbacks are met.

Mr. Brown asked why is Jim Heller paid for administration. Supt. Kerber explained the tasks performed, and Mr. Brown said those tasks fall to the Supt.

Mr. Brown commented on work done on Fourth Street shoulders with the excavator. Why is the excavator run on the street instead of being loaded to move as DPW was told.

Mr. Viger inquired, has there been any thought to automating, bringing paperwork to the 21st century understanding there is a cost. Automating such as time cards, work orders, etc. is a time saver and has a cost benefit. He is all for grants projecting the Town forward though the timetables are not ideal.

Mr. Viger commented the \$3000 grant match request for housing project on property across from the Trailer Park would be a heck of an investment. Can the owner present a business plan to the Board for support; if worthwhile the Town can offer support and incentives.

Chairman Richards said we should keep thinking about the Young property.

After some effort Mr. Richard's water shut off was found. Can these be put on GPS? Supt. Kerber noted all these are available, work orders, GPS, etc. but at a cost.

Chairman Richards commented that the Town Manager be given permission to reply in kind to innuendos of malfeasance put forth by Ms. Billewicz; it is wrong for this to happen, and he is tired of being the adult in the room. Manager Gunter stated what she says is incorrect; it is not known who is in the group. The Board agrees. It is suggested to get legal advice before sending a letter. Ms. Billewicz accused the Manager and Board of stealing money and Manager Gunter takes offense. She has the right to say such, but there is the right to reply in kind.

Mr. Brown asked Supt. Kerber to please find his water shut off.

Review of Financial Reports: Mr. Traverse **moved to pay the Payroll Warrant, \$39,751.73;** seconded by Mr. Greenough and passed unanimously.

Mr. Traverse **moved to pay the General Fund Warrant, \$603,666.38;** seconded by Mr. Brown. This includes the school payment. The motion carried unanimously.

The **checkbook status** is, \$927,384.82

Executive Session: Mr. Traverse **moved the Board and Town Manager into executive session** at 9:17 pm to discuss Personnel: Attorney/Client Communication, 1 VSA ¶ 313 (a)(1); seconded by Mr. Viger and passed.

The Recording Secretary was excused at this time.

Mr. Brown motioned to come **out of executive session** at 10:04; seconded by Mr. Greenough and passed unanimously

No actions taken by the board

Mr. Brown motioned to **adjourn** at 10:05; seconded by Mr. Viger; meeting adjourned

Respectfully submitted: Claire Stanley

Glen Traverse, Board Clerk