

1 **TOWN OF CHESTER**
2 **SELECTBOARD MEETING**
3 **September 7, 2022, Minutes**

4 **Board Members Present:** Arne Jonynas, Ben Whalen, Lee Gustafson, Leigh Dakin, and Heather
5 Chase at Town Hall.

6 **Staff Present:** Julie Hance, Town Manager, at Town Hall; and Susan Bailey, Recording Secretary
7 via Zoom.

8 **Visitors Present:** Susan Turco, Robert Turco, Jeanette Gleason, Gerald Gleason, Barbara Johnston,
9 Jerry Moses, Candace Merka, Melanie Hemmingway, Rita Gillbride, Michelle Lut, Sheryl Fortina,
10 Kristal Hildra, Alexandria Steeda, Judy Henning, Leslie Kinney, Emily Beagle, Kathy Guiretino,
11 Cathy Hasbrouck, Bill Lindsay, Steve Copping, Jessy Pierce, Cheryl Joy Lipton, John Velit, Tom
12 Williams, Amanda Silva, Tom Williams, and Debbie Aldrich at Town Hall; and SAPA TV, Chester
13 Telegraph, Andrew Malaby, Charles Baird, John F. Hennessey, Jr., Malcolm Hamblett, Melody
14 Reed, Noel Corbett, Joy Slaughter, Tim Roper, and Zach Glassman via Zoom.

15
16 **Call to Order**

17
18 Chair Arne Jonynas called the meeting to order at 6:31 p.m. with the pledge of allegiance. He
19 welcomed everyone to the meeting.

20
21 **PUBLIC HEARING FOR PROPERTY LOCATED AT 138 CUMMINGS ROAD**

22
23 Chester Health Officer Amanda Silva was seeking a Health Order regarding 138 Cummings Road,
24 Chester. Arne read the introduction to the hearing and the reason for the Health Order. It stated
25 that “The Health Officer was seeking a Health Order for 138 Cummings Road at the September 7,
26 2022 meeting of the Chester Selectboard, acting as local Board of Health, for the following
27 reasons: 1) no water supply; 2) condition of septic system is questionable as all toilets are full of
28 waste; 3) bathing and washing clothes in the river adjacent to subject property; 4) fuel cans, oil
29 cans, and other hazardous waste containers found lying throughout the property and some sticking
30 up from underground with a strong odor of diesel fuel; 5) excessive amounts of bagged household
31 trash around the residence and property not being disposed of; 6) excessive quantities of loose
32 household trash not properly disposed of; 7) bagged and loose trash on embankment of river and
33 water supply; 8) bagged and loose trash on abutting properties originating from this property; 9)
34 presence of wildlife and vermin on the property caused by the improperly disposed garbage; 10)
35 presence of bedbugs in the residence and trailers on the property. A contractor has been brought
36 in by the landowner to begin remediation of the excessive amounts of salvage and junk on the
37 property. Much of the salvageable material has been removed however there are excessive
38 amounts of garbage and debris that is remaining on the property and has continued to get worse.
39 Based on my many visits to the property, there continues to be and is always a presence of garbage
40 that is attracting wildlife, maggots, and vermin. There is also a concern what exposure the garbage
41 has to the waterway, abutting property owners, and the environment. Currently we have learned
42 there is no water supply to the residence, and it appears that the septic system has failed.” Arne
43 said that was the gist of the statement of the reason for the health order that Amanda was seeking.
44 Arne asked that anyone who wanted to speak to the issue stand up and be sworn in. He swore in:

1 Tom Williams, Amanda Silva, Cheryl Fortina, and Rita Gilbride who were in attendance at Town
2 Hall. He then swore in the property owner, John F. Hennessey, Jr. who was on Zoom.

3
4 John said he hadn't been to the property in over 5 months, was very upset it was going on and was
5 not informed of it until now. Arne told John he would have a chance to speak later.

6
7 Arne asked Amanda Silva to present her case for the Health Order.

8
9 She testified that she had been advised of many health issues at 138 Cummings Road over the past
10 2 ½ years and the concerns proceed her time as Health Officer. In 2007, there was a judgment
11 order by the State of Vermont Agency of Transportation and Agency of Natural Resources with
12 the concerns of hazardous material, illegal storage of hazardous materials and the operation of a
13 junkyard. She has had access to the property multiple times over this period and has received phone
14 calls on numerous occasions from owners of abutting properties about household trash on the
15 property, vermin, and transferring trash onto neighboring properties, tires being dumped on the
16 property, and many people coming and going clearly residing at the property. They finally reached
17 a threshold of failures of health hazards on the property with the most recent of finding diesel fuel
18 on the property while Chester Fire was extinguishing an illegal burn.

19
20 Amanda presented the following exhibits:

21
22 Exhibit A – Notarized letter from the property owner that he didn't want anyone on the property
23 while he wasn't there, effective August 19, 2022.

24 Exhibit B – Notice to attempt seeking a Health Order issued August 11, 2022.

25 Exhibit C - Return of service signed by John Hennessey.

26 Exhibit D – Communication dated August 11, 2022, with the Town Manager and Mr. Hennessey's
27 caseworker with photos outside and inside the residence. There were three bathrooms not in
28 working order and no water working inside. There were also flying insects landing on items in the
29 home. Multiple garbage and remnants of dismantled trailers. There were also fire extinguishers,
30 gasoline cans, metal, and different electrical items. There was trash not properly taken care. Lots
31 of plumbing supplies dumped on the property, including remnants of what was inside the trailers
32 and the large garage on the property. There are drums with unknown fluid inside, tires, multiple
33 stacks of tires and other junk in the area. There were 3 trailers on the top of the property. The last
34 3 pages of the detergent and the clothes being washed in the stream behind the property.

35 Exhibit E – Amanda responded to an illegal burn call on August 16, 2022. While they were there,
36 one of the departments noticed a strong smell and diesel fuel on the property. The fire department
37 called the officials to inform them of it.

38 Exhibit F – Photos of laundry being washed in the stream behind the home after being advised by
39 Mr. Turco that it was happening, and the garbage was still on the embankment going toward the
40 river on the property.

41 Exhibit G – An email dated June 14, 2022, between the Town Manager and the abutting property
42 owners stating an update of what they had found and if they can get more photos of vermin.

43 Exhibit H – Amanda's memo noting what she had heard from the abutters about garbage still being
44 there and vehicles coming and going and where the garbage may be going as seen on other
45 properties such as Green Mountain Turnpike and Flamstead Road and the electricity was off and
46 now was back on.

1 Exhibit I - Photos from June 2, 2022, which showed trash and tires throughout the property. At
2 that time, there was one dumpster there that was full and there were still bags of trash lowered onto
3 the property. There was no trail from the whole property to the upper garage because there was
4 much garbage, trash, and salvage on the area. There was a variety of cans with unknown fluids in
5 them. There were some barrels that had remnants of a burn.

6 Exhibit J - A memo Amanda had written about the burning on the property, and she contacted the
7 Fire Warden, Jeff Holden. At that time, he only found wood being burned.

8 Exhibit K – A memo from Town Manager Hance, Zoning Administrator Bristow, and Lieutenant
9 Williams and Amanda Silva. She visited Mr. Hennessey at his home and expressed concerns about
10 the property discussing options the town could give him to help clean it up. He informed them that
11 Mr. Frank Sergeant would be cleaning up the property for him and giving Mr. Hennessey money
12 to take whatever he wanted from the property. They had explained the Brownfields Reuse program
13 and at that time he agreed for safe access but later revoked it.

14 Exhibit L - Signed agreement for the environmental assessment site access agreement that he
15 originally agreed to.

16 Exhibit M – Documentation about the trash. Amanda had walked Mr. Turco’s property line with
17 him and could see from the back there was a large amount of garbage accumulating and garbage
18 bags. There were mattresses, garbage bags, and garbage along the embankment. The date was
19 March 30, 2022.

20 Exhibit N – December 3, 2021, Amanda was advised there was a large truck with tires entering
21 the residence. She went into the home and asked Mr. Hennessey about the situation, and he
22 informed her that a gentleman named Jesse was doing it and she had to talk to him about it. Amanda
23 talked about it with Jesse, and he didn’t offer much information and left the property after she did.
24 The photo showed tires he was bringing to the property.

25 Exhibit O – On August 26, 2021, Mr. Turco called again about the increased garbage accumulating
26 on the property. She informed him they were working on a Health Order and working with Mr.
27 Hennessey about removing the trash. She told him if he had any concerns about fire to call the Fire
28 Warden, Mr. Holden.

29 Exhibit P - On August 3, 2021, police officers were on the premises dealing with people. There
30 were multiple washing machines, appliances, bikes, a camper, vehicles, open trash, and mattresses,
31 inside the residence had no appearance of bugs but was still unsafe for any residents. There were
32 multiple people there at that time. She only went into rooms that were open. The pictures showed
33 it wasn’t safe or sanitary living for residents. There was trash not taken care of around the property.

34 Exhibit Q – Correspondence dated June 29, 2021, between Amanda and the Environmental
35 Enforcer with photos and his information from the 2007 Judgment Order;

36 Exhibit R – An investigative narrative by Detective Woodell dated August 29, 2021. Another large
37 pile of trash burning on the property, foam from cushions, aerosol cans, and plastic. And other
38 information pertaining to the investigation.

39 Exhibit S – Letter to the property owner dated May 7, 2021, where Amanda expressed her concern
40 the property owner was still not routinely taking care of the garbage and failure to do so would
41 lead to a Health Order.

42 Exhibit T – Communication dated April 29, 2021, from an abutting property owner pertaining to
43 an illegal burn. She arrived on scene to take photos. The photos showed mattresses and other
44 household trash in the burn. Trash along the first trailer and what was open and trailing throughout
45 the other properties.

46 Exhibit U – Letter to Mr. Hennessey dated March 30, 2021, talking about not properly taking care

1 of his trash and that Tim McNamara was contacted to inquire what else she could do about the
2 property being safe for the environment.

3 Exhibit V – Communication dated April 15, 2021, between herself and Mr. McNamara pertaining
4 to the property. He discussed with her the information from before. She was not aware of the
5 Judgment Order.

6 Exhibit W – March 26, 2021- phone call from Mr. Turco about the trash and the trash bags, the
7 food scraps all over, the cat litter thrown out the window, and multiple people around the property
8 at all hours.

9 Exhibit X – Letter to the property owner dated March 31, 2021, from Ms. Hasbrouck, the Zoning
10 Administrator, pertaining to many people residing in the home and that it was not deemed rental
11 property.

12 Exhibit Y – December 22, 2021, letter to the property owner from the Zoning Office concerned
13 about activities on the property and asking to meet.

14 Exhibit Z – Letter to the property owner dated December 2, 2020, from the interim Zoning
15 Administrator hearing about individual rooms being rented but it being deemed a single-family
16 home and wanted to meet with Mr. Hennessey to discuss it further.

17 Exhibit AA – Police Department memos dated December 2 and December 3, 2020, listing the
18 following individuals who have said they reside at that residence; and

19 Exhibit BB – A file presented to the Town Manager from abutter Rita Gillbride.

20
21 Arnie entertained a motion to accept Exhibits A through BB. Heather moved and Lee seconded
22 the motion. Arnie said it was an extensive exhibit list with a lot of evidence and pictures and he
23 didn't think the pictures did much justice as far as depicting the devastation. The pictures only
24 provide a small snapshot but if you visit the area, it's acres of debris and trash and waste and oil
25 and cans and garbage spread out all over. He said the house wasn't much different. He asked for
26 any questions or concerns from the other members and there were none. A vote was taken to
27 approve the exhibits and the accompanying documentation, and it was approved unanimously.

28
29 Arne offered Mr. Hennessey the opportunity to present rebuttal or a statement.

30
31 John Hennessy said the police knew he had been trying to evict people for a year. He said he finally
32 got them out and they let other people move in without his consent. He paid for 3 dumpsters and
33 a dump truck load of stuff to be removed. He has been hospitalized or where he is at for several
34 months and wasn't even sure when he was admitted to the hospital. He doesn't remember much
35 about going, the ambulance, EMTs or emergency room. All he remembers is waking up naked in
36 a sterile room. All his clothes and everything had disappeared. As far as money goes,
37 (unintelligible) had gotten \$650 when he left, and she got a hold of his Mascoma debit card and
38 used it. The bank cancelled the card and left him no way for him to obtain money from the account.
39 He felt all sorts of pictures were listed but none shown to him. He thought it was totally wrong.
40 He didn't know what to do. He has no money and hasn't had a cent since the day he left his house.
41 He can't even buy a cup of coffee or go down to the Dollar Store to buy clothes. He has his hands
42 full where he's at. They are working with him to use a walker and strengthen his legs. There has
43 been a lot of physical therapy. He has only been to his shop once last year when Peter Hall brought
44 him there. He was too afraid to go up on his own because he was falling once a day and it scared
45 him too much, especially being out in the middle of nowhere and contacting people. When he fell
46 and broke his hip, he spent 23 hours yelling for help and crawling to his bed which he could not

1 get into. Things got jumbled in his mind regarding his fall. All he knows is the EMTs showed up
2 and took him away. He didn't understand why he wasn't informed about a lot of it before now. He
3 has many issues with the police department in Chester. He didn't know when it was appropriate to
4 mention any of them. One that was super important was his Audi was taken and they would not
5 confirm with Liberty Mutual that the car was gone. He has continued to pay a \$400 a month
6 payment for 4 years on \$1400 a month income which left him \$1,000 which wasn't enough to run
7 the house. He didn't know what was appropriate and what wasn't. He was willing to answer
8 questions if they had any. His handwriting has gotten so bad that even he can't read it. He has tried
9 to get help writing police reports. The last one was Mr. Marsh. Between stealing a lot of money,
10 chainsaws, welders, and vehicles without help and he couldn't get help to write it, he realized it
11 would be of no use to the Police Department. (Unintelligible) is the person who paid Jesse LaFlam
12 \$6 per tire to get rid of them and he just brought them up and dumped them on his land. The town
13 Health Officer and a policeman confronted him that day and he promised them he would have
14 them removed. He has asked Jesse several times to remove them and has gotten nowhere. He has
15 worked through the best he can. He has contacted the environmental people about the fill and
16 doesn't know where the spills are mentioned. He has contacted someone about getting a well and
17 fixing the sewer. He questions whether the sewer issue is they just didn't have water and couldn't
18 flush it or whether there is a problem with the sewer. He thought they knew Frank Sergeant had
19 promised for over 10 weeks that the well was being put in by some well company. He hasn't seen
20 it and he hasn't contacted him in many months to know what's going on. He said he was running
21 out of breath, was on oxygen, in a wheelchair and didn't know if he would ever be out of either
22 one. For him, to pick up the tires by September 30th was totally out of the question. He was doing
23 what he could and was open to suggestions for what he didn't know.

24
25 Arne thanked Mr. Hennessey and felt sorry for the fact that his health issues are affecting his life
26 and what he's going through as far as his health and monetarily, but the situation had been going
27 on for many years. Arne was sure that when the procedure started, he was afforded all the
28 documentation they were given on the Selectboard. Arne asked if there were any concerns. John
29 Hennessey said he didn't believe he received a copy of the paperwork and was sure he hadn't
30 received all the photographs mentioned. The only photographs he received were from the
31 environmental person working with him on the bill. That's when he realized what a mess the place
32 was and couldn't believe the town of Chester let some people do that kind of damage to a taxpayer
33 in this town. It floors him and is beyond his comprehension. Arne thanked him. Julie told John that
34 all files were sent to his caseworker at Crescent Manor who acknowledged to the Health Officer
35 that they were received and all documentation was provided to him. John said the only
36 documentation he had was Chester Board of Health and Town of Chester both to the Board of
37 Health and that was all he had received from the Town of Chester. Julie said they had an email
38 from his caseworker confirming that she had received them and would share them with him. Ben
39 asked the Chair if they could mute John and Arne said he was going to give him every chance to
40 talk because it was his only shot. Ben understood but said if they had written documentation, it
41 could be very prolonged.

42
43 Arne asked if there were any abutters who wanted to provide testimony.

44
45 Rita Gillbride, a resident of Chester who lives on Cummings Road had met John briefly when he
46 was helping a young woman look for her dog. Rita appeared at this hearing at the request of Julie

1 Hance, Town Manager, and read a statement: “In support of the request for a Health Order for the
2 property at 138 Cummings Road sought by Amanda Silva, Health Officer for the Town of Chester,
3 I offer the following statements. The property is an open landfill of 2.3 acres, in my opinion. The
4 property is located on the watershed of Flamstead Brook. The property owner is not able or willing
5 to responsibly act in accordance with state laws as found in civil cases in the Vermont Superior
6 Court as far back as 2006 regarding the disposal of household and industrial waste. These actions
7 were brought by the Vermont Agency of Natural Resources and Agency of Transportation. The
8 property is zoned single residential. Attempts have failed to clean up the property and most likely
9 cause further harm to the environment by the breaking up and spreading of all types of materials.
10 With no regard for civil courtesy to neighbor and community, property owner appears non-caring
11 allowing unbearable levels of noise to pervade the small neighborhood at all hours of the night and
12 day and at times, the lurid noxious burning of undefined waste. The property owner doesn’t care
13 about environmental welfare: waste bags, discarded appliances lying on the bank between the
14 house and water, tires and waste abound. This hearing is about health, so I will omit other areas of
15 concern though I have brought these issues to the attention of the Town Manager and the town
16 police. It is my hope the Health Order be the beginning of reclaiming this property. I ask the
17 Selectboard to consider the order and begin a process of stopping the furtherance of destruction to
18 environment and neighborhood by implementing the following: full assessment of current
19 condition of land, water, both ground and table, and all buildings and structures on the property,
20 take into consideration the buildings on the property not only have attracted vermin but also the
21 designation of a “shady” area of our town by other townspeople. Any further cleanup work to be
22 contracted by registered certified contractors familiar and willing to work within the guidelines of
23 Federal Resource Conservation Recovery Act, also known as Superfund, and the town seek
24 funding, if necessary, from state and federal resources such as recent EPA \$4.8 million
25 Brownfields funding designated for Vermont from the EPA Region New England. I conclude that
26 we need to work as a community to address this matter at 138 Cummings Road and not slog for
27 another 16 years to remedy this problem. Please grant the Health Order, as requested, and move
28 this matter forward.” She commended the officers present and Amanda Silva. She told John she
29 was sorry but that you reap what you sow.

30
31 Sheryl Fortina said originally way back in 2006 and 2007, she had sent photos of 55-gallon drums
32 and disintegrating batteries, which was the start. From then on, it has continued and gotten
33 progressively worse and worse. They live above Mr. Hennessey’s property. What they see is while
34 driving back and forth and what they smell is what’s burning. She said that was way back in 2011
35 when her sister was visiting, and she asked what on Earth was going on. Sheryl said it had gone on
36 and on and she would support the board and town in whatever way she could, along with her
37 husband and the rest of the people on their street to have something done and soon, real soon.
38 Whoever was cleaning up and removing the metal from the property is now gone but they find
39 lights still in the home late at night so someone must be there turning the lights on even though it
40 was clear nobody was supposed to be there. She asked who listens or pays attention. She said
41 Amanda and the Police Department have done an amazing job putting forth all the work that they’ve
42 done. She asked what more any of them could say, especially the people below him that whatever
43 is leaching into the water and the aquifer. She understood someone from the State came and tested
44 the ground. She wanted to see the reports from the testing if they had them.

45
46 Arne thanked her for her comments. Arne asked for any other comments.

1
2 Heather said it was a tragedy for the abutting property owners and the neighborhood and for Mr.
3 Hennessey, but they needed to act quickly to rectify the situation.
4

5 Arne was going to close the hearing and indicated the timeframe. They could have a deliberate
6 session after the meeting and if so, they would just add it to the agenda. After they have their
7 deliberative session, they will come out with a statement or an order approving it or whatever
8 direction they decide to take. It would probably happen at the end of the meeting or at the next
9 meeting. He thought they could do it today. Other members agreed. They would add deliberative
10 session after their executive session regarding the issue because it happens in executive session.

11 Arne announced the hearing was closed at 7:18 p.m. and suggested those who wanted to leave
12 could do so.
13

14 **Agenda Item 2, Approve minutes from the August 17, 2022, Selectboard Meeting**

15 Lee moved and Heather seconded a motion to approve the August 17th minutes. Arne asked for
16 any changes, corrections, omissions, or errors. Lee noted on page 1 of 8, line 27, the word pain
17 should have been paint and on page 2 of 8, line 26 where it said Lee said they installed them, Lee
18 should be Jeff. A vote was taken, and the minutes were approved, as amended.

19 **Agenda Item 3, Citizens Comments/Answers from Previous Meeting**

20 Steve Copping had a question about the charging stations on Cobleigh Street. He asked if they will
21 be free or if they would have to pay for them with a credit card. Arne said they started out free but
22 there was talk of charging with a credit card and paying to use them. Julie said they were obligated
23 to provide a minimum of 2 to 3 years of free charging, which they had. Amie O'Brien has been
24 looking into how to set up the payment program. It would be soon that they would announce the
25 service would no longer be free. Julie said the electric bills have been running \$2,500 a year of
26 people receiving free electricity for their vehicles. They have met their threshold of providing free
27 charging per the grant requirements.

28 Arne asked for any other comments and there were none.

29 **Agenda Item 4, Old Business**

30 Report given by the Town Manager:

31 Police Department

32 The assessment has been finalized. Julie has seen the first draft and after some typographical
33 changes are made, she will have the final version by Friday. She had spoken with Jim Baker, and
34 they see no reason why that document cannot be made public. She will send it to the board once
35 she receives a revised copy back from Jim.

36 Police Chief

37 Jim and Julie are working on advertisement for the Police Chief. She hoped to have the ad out by
38 Friday with a deadline of applications due by mid-October. She needed to know which two
39 Selectboard members would be on the committee. Lee commented that he didn't think two board
40 members, or any were needed as Julie was competent and qualified to make the decision and had
41 shown so with the past hires. Lee thought if any of the members wanted to be on the oral board in
42 an advisory capacity, he thought that would be sufficient. Arne disagreed because of the committee

1 they had for the Town Manager search. He thought it was important to have a couple of board
2 members on there and it had nothing to do with Julie not being capable, because of course she was
3 capable of making those decisions. Arne said that wasn't the reason he wanted to be on the board
4 or have a board member on there. Arne thought it was more for input and as a communication
5 avenue for the board to be directly related to the search. Lee agreed with Arne relative to the search
6 for Town Manger as that was their function, but this was Julie's job. If he had to recommend
7 anyone on the board, he would recommend Arne because of his experience in policing but he
8 didn't know that 2 members were necessary. Heather had total confidence in Julie but thought it
9 was a huge position and thought if there were 2 members who wanted to be on it, the more the
10 merrier. That would also spread some of the heat from Julie. She thought 2 members would be
11 more helpful to Julie than less. Lee disagreed with Heather because the more members, the more
12 discussion and unwieldy the committee becomes. In his opinion, he thought the fewer, the better
13 and that Julie had a good cross section of the community to give input and not just from a
14 Selectboard standpoint. He thought one member would be sufficient if they felt strongly that a
15 Selectboard member needed to be part of it, and he would recommend Arne. Heather thought Arne
16 would be great but disagreed with Lee. She thought the search committee for Town Manager had
17 quite a few members and worked quite smoothly. She thought the difference between 7, 9, or 11
18 people wouldn't impede the process. Julie said there were 7 members on the Town Manager search
19 committee and that's why she had chosen to go with that number. Lee asked Julie if she had 7 with
20 the 2 members of the board, and she did. Leigh asked her if she already had the other 5. Julie said
21 the makeup was herself, 2 board members, a member of the Police Department since they now
22 have a union and bring a perspective, the superintendent of schools, a member of the Chester
23 Business Coalition, and a citizen in their early 20s who she had reached out to as it was important
24 to have the perspective of someone young. Ben clarified as Town Manager, it was a department
25 head position and her authority to make the decision and not a Selectboard decision. Julie said she
26 was the one who hires. Ben thought public safety was a different animal but felt confident in Julie's
27 vision of the town and the number of studies, conversations, and open communication they have
28 that Julie could work with a group to make that decision. If the decision was to have 1 or 2 from
29 the Selectboard, he would support that option but felt Julie was more than competent.

30 Arne was looking forward to being on the board because of his experience and commitment to the
31 town regarding this issue. The final line is it's Julie's choice. She could have a committee of any
32 size or none because the decision is hers when it comes to deciding on the next Police Chief. Julie
33 asked if there were other Selectboard members who had a burning desire to be on the committee
34 and Lee said he didn't. Arne asked if he was the only one. Heather said if they felt strongly that
35 they wanted 2 members, she would do it if nobody else wanted to. Ben said if they wanted 2
36 members, he would submit his name and Heather said she would step back, but Ben also felt 1 was
37 plenty and to let the community jump in. Julie suggested putting Arne on and would see if she
38 could find another community member with interest and if she didn't find one, she would come to
39 Ben. Ben thanked her for seeking their input.

40 Open Meeting Law Training

41 September 14th is the open meeting law training for all the boards, which is not a public meeting.

42 Arne asked if any board members had anything on old business.

43 Ben asked about the sale of the property behind the Sunoco station years ago and they were going
44 to make improvements and he wondered where that sat. Julie said they were permitted the

1 following year but didn't know where the development sat. She said the permit could be null and
2 void at this point but would check with Preston.

3 Arne asked about the solar field assessment. Julie had emailed Green Lantern and hadn't heard
4 back yet. She also emailed Mike Gammal and hadn't heard back. Julie said the first time she had
5 reached out she had to a couple times and would do that again. Arne asked once they started the
6 process of looking if they wanted to buy a solar field was there a timeframe they had to act. Julie
7 said they submitted the intent, and it was supposed to be within so many days or months, but
8 Greenbacker was holding it up. Lee said he had spoken with someone who works for Green
9 Lantern and mentioned the town was contemplating buying the solar field and they remembered it
10 and he said they were having some issues relative to agreeing on the price. He didn't say the price
11 was ridiculous and hesitated before saying it could be correct and it gave Lee the impression that
12 they had wiggle room. Arne had a similar conversation and thought Green Lantern's playbook was
13 to start with the absurd and work their way down to reality. Heather said it couldn't hurt them to
14 do their due diligence.

15 Arne asked about the Canal Street Survey and Julie said it would be early fall. She would reach
16 back out to confirm.

17 Arne asked about their AFG awards. Julie said she provided them with additional information they
18 requested but still had not heard. She would let the board immediately. It would be about a
19 \$600,000 grant for a tanker pumper and compressor.

20 Arne noted the Brookside trail was almost done and Julie said the bridge was almost done. The
21 boardwalk was in, but the railing system still was not up, so it was not open to the public yet. They
22 were pushing for the Fall Festival, but it wasn't likely. Arne said the more that was getting done
23 the nicer it looked.

24 Cheryl Joy Lipton asked if a public member could attend the open meeting law training. Julie said
25 the point of it not being open to the public is there are some board members who have very specific
26 questions and want to feel free to ask. Julie would follow-up with Cheryl Joy.

27 Gerald Gleason of 135 Flamstead asked under Exhibits Q and V about a communication with the
28 Environmental Enforcement Officer. He wondered if any testing was done by him and if so, would
29 those results be available to the abutters in the area. Amanda Silva said she had never received any
30 results. He asked if the town went forward with doing something with the property, would testing
31 be done upfront and if so, would the results be available to those who abut as well as those in the
32 neighborhood. Julie said they would be considered public documents, so yes. Arne thought
33 anything that happened because of the hearing would be public documents.

34 Lee said in a Phase 1 investigation, they look at the property and find areas of interest or concern
35 and in Phase 2, samples are collected. Normally they go through lab testing for analysis and the
36 data is provided to the environmental consultant or the State and they go through a quality control
37 process before they are released to the public. It may be a few weeks or months after the samples
38 are collected before they are available to the public. At that point, they would be considered valid
39 data and could be interpreted by someone with the proper credentials to give an assessment of the
40 condition of the property. Theoretically, it would be soil and ground water collected and likely
41 surface water.

42 **Agenda Item 5, Chester Community Greenhouse and Garden Update**

43 Cheryl Joy Lipton gave an update on the project, including answers to questions that came up on

1 July 7th and things that came through from Julie and Lee. The first thing was the driveway entrance
2 and access, so people aren't turning around in the driveway. She said it will be addressed after the
3 survey, talking with the town, and figuring out what can be done. It will all be addressed. One idea
4 is removeable bollards so it could be closed off and not a throughway. You couldn't go around the
5 loop, but only on one side. If there were emergency vehicles or a grader or plowing, the bollards
6 could be removed and replaced. They would take every abutter's view into consideration and do
7 what was best for them. They had spoken with the Bakers who wanted to see the sunset and didn't
8 want people going through their backyard to access the property. They also wanted access and to
9 use the property. She suggested using lower shrubs. Essentially every abutter would consider
10 whether they wanted the view or not. They could allow them to see it or cover it up. She explained
11 the project couldn't shift toward the river because of the floodplain. They also don't want to
12 impinge on the path. She said some people will find things appealing and some won't, so they
13 want to take both into consideration as all matter.

14 She said they would do soil testing and layout of the garden beds as soon as approval is given.
15 Hopefully they will be able to have people gardening on their lots in the spring.

16 She said there wasn't a lot of evidence for increased traffic on the roads. In the 2 years she has
17 traveled all over the state, she hasn't seen a lot of gardeners out at one time. They also encourage
18 the use of bicycles and walking. They don't encourage vehicle traffic and that was one of the
19 reasons they wanted it in the village where most people have smaller lots. Out of town people tend
20 to have space to garden.

21 Cheryl Joy also addressed privacy concerns. She said gardening was not highly intensive and they
22 would only be on town property and not on private property. She said their rules will include
23 respecting the neighbors' privacy for which they will be required to sign an agreement to do so.
24 She said the greenhouse was tabled for now and the current request was only for the gardens.
25 Cheryl Joy said the school garden wasn't available during school hours and was not their project.

26 She said the abutters have been contacted and they have had at least 5 presentations to date through
27 the library, the Rotary, the Selectboard, the Town Green, a booth at the Fall Festival, a website,
28 ads in the paper, and have been totally open.

29 She said there would be no impact on taxpayers. They wouldn't want to stop any of the activities
30 going on with neighbors. They would have picnic tables for people to use. One of the neighbors
31 uses the property currently for the kids to play and camp and now they can run around the apple
32 trees. They want to maintain the positive uses the neighbors have been enjoying.

33 Arne thanked Cheryl Joy for all her work and reaching out to the neighbors and having
34 presentations and getting back to people. He said currently, they had a letter of support from the
35 Selectboard which encompassed the greenhouse, but the greenhouse was in the future. At this
36 point, they were looking to put in community gardens: a few plants, shrubs, and trees was the
37 impression he was getting. Arne knew there was talk of a legal document with a lease and maybe
38 that was necessary in the future when the greenhouse was put up but in his opinion, he didn't see
39 why they couldn't just grant their request to put in community gardens along with a few plantings
40 and coordinate that effort along with the Town Manager or Facilities Manager or just the input
41 from the town to make sure the town is protected in whatever action happens later. He said they
42 have beautiful flower gardens all over town and they don't have a lease for any of them. People
43 take care of them, and they are put in front of the information booth, along the stone wall, and on
44 bridges all over town and there's no legal document allowing it. They just support it and back it.

1 They have the Chester Historical Society that uses one of the buildings in town and they don't
2 have a lease with them. They had a lease for 20 years that was 2 pieces of paper and looked like a
3 bunch of guys got together and just signed it off and they had use of the property for 20 years and
4 now are in there without any lease. They just have a verbal agreement that if something comes up,
5 things might change. Arne thought they could do the same thing for the small request they're
6 making at this point for gardens or something like that. He didn't know how the rest of the board
7 felt, but he thought they were being involved in micromanaging with driveways and property lines
8 and stuff that shouldn't be their concern. He thought once they approved a property and showed a
9 letter of intent, the channels would be through the town to take care of things and do things. He
10 wanted to hear how other members felt. Leigh thought Arne said it well. Arne said there was an
11 approval from them that was contingent on some factors but 90 percent of all the factors were
12 basically because of the greenhouse. Whatever happened with the garden beds and plantings were
13 easily reversible or changed. The question became were they okay with the setup or did they want
14 to go through a 1061 public notice and a legal lease. He wondered if it would hold up what they
15 wanted to do.

16 Ben thought they had heard from the abutters not necessarily wanting it to occur and those he had
17 spoken with didn't want it to go into place there. While he thought the Selectboard made good
18 choices in supporting the endeavor he didn't know that he supported the location. If they were
19 talking about planting vegetation and other items, Ben wondered what the funding was to make
20 that happen and when would it occur. He wondered if the plantings, such as trees, would be around
21 in the lifetime of the property owners who were there. Cheryl Joy said they would and would be
22 soon. She said they would all be different sizes and kinds. They would be things like apple trees,
23 plums, pears, asparagus beds, wildflowers, raspberries, blueberries, hazelnuts. Ben understood that
24 but his point was the concept of building a fence and shrubs. What he had heard from the abutters
25 was that may not be what they were looking for. Cheryl Joy thought some people wanted it and
26 some didn't. Ben thought that was fair to say. Cheryl Joy said they reached out to the abutters to
27 come talk to them about their concerns and they only had one couple come and talk to them. The
28 current issue of people going from Grafton Street across to the field would only improve because
29 there would be a line of shrubs.

30 Lee thought they could either buy fully mature plants or immature plants which take a while to
31 grow to provide a fence or visual screen. He wondered how much money they were preparing to
32 spend to provide visual screening or were they going to ask the property owners to be patient for
33 5, 10, or 15 years until the plants grow. Lee questioned if putting up a fence would be at the
34 property owner's expense. Cheryl Joy said depending on the plant, it grows faster or slower and
35 many shrubs would fill in fast. They could use quicker growing plants to fill in until slower
36 growing plants mature. They have money and in autumn, many plants cost less. Lee asked what
37 the plan was for the types of plants to be planted. Cheryl Joy said that would be according to what
38 the property owners preferred.

39 Shawn Cunningham from The Chester Telegraph asked if the letter of intent that was issued would
40 not be operative and whose liability was in play, the town, or the group? Arne asked for
41 clarification. Shawn gave the example of someone getting hurt on the property and wanted to know
42 who would be responsible. Arne said it would work as any other town property such as The
43 Pinnacle, the hiking trails, The Green, or anything that involves the townspeople. He said they
44 would check with their attorney, but he didn't see any difference from other things around town.
45 He would be more worried about the folks watering the flower beds on the bridges. Shawn said

1 except they would be allowing a group to make their own rules, and whatever happened would be
2 an activity by another group. He recalled there was something in the letter of intent that addressed
3 liability and asked if it was going out the window. Arne said that would be a good question for the
4 town attorney. Julie said that was the importance of the lease and that was what the attorney
5 recommended. Heather asked if that was what he recommended when it was a greenhouse and did
6 he know it was going to be downscaled. Julie had spoken with Jim, and he recommended a lease,
7 and the lease would drive the 1061 hearing. Arne wondered why they couldn't get some beds, a
8 few shrubs, and plantings in the ground while they decided. Leigh asked if they were ever going
9 to see the greenhouse utilized. Cheryl Joy hoped so. Cheryl Joy added that most of the community
10 gardens she has visited were on town land and suggested they speak with those towns. Ben noted
11 Ludlow's Community Garden was on Fletcher Farm outside of town. Julie asked what other towns
12 had gardens on town property. Cheryl Joy noted Manchester and Norwich and she thought possibly
13 West Brattleboro. Julie could call those town managers and find out what they'd done. Cheryl Joy
14 thought of it as for the people of the town and not only the abutters. She said it was like the skating
15 rink and ballfield, but this was for gardeners. Lee pointed out those structures were town owned.
16 Cheryl Joy said their board could talk with the town and have them be part of the Community
17 Gardens. It was part of the town. Heather understood but wanted an idea of the plan so they could
18 act.

19 Debbie Aldrich said her name is also on her mom's property on Canal Street and encouraged them
20 to wait until a survey is done and the whole thing can be checked out, including the lease and 1061.
21 She said Julie had already been told by the town attorney.

22 Heather thought as far as public space, the area could be used for many things and a garden was a
23 pretty benign use. She thought they should get a plan of how they were going to proceed.

24 Cole Hitchcock of 71 Canal Street and asked if there wasn't a 1061, how was there a way as town
25 of Chester could vote against it. Julie thought there was a way but would get Cole Hitchcock's
26 contact information and follow up. Arne agreed there was a way if many people were dead set
27 against the community gardens. Cole Hitchcock said he wasn't against it, only the location. Arne
28 understood that everyone was for the project, but nobody wanted it near their house. Ben thought
29 that was in the middle of a neighborhood in town which was different than nobody wanting it near
30 their house. Arne understood and apologized. Heather said they needed a plan. Cheryl Joy said
31 they're looking for permission to put in gardens to be used for as long as the community will use
32 them for and they could be removed, if necessary. Cheryl Joy suggested reapproval every 5 years
33 if necessary. Julie would talk to the attorney and towns with gardens and would come back in 2
34 weeks. Heather asked for it to be on the agenda in 2 weeks.

35 Leslie Kinney resides on Canal Street. In 2009, they had a wonderful community garden at the
36 elementary school. Summer came and nobody was there to water the garden and years later nobody
37 went. People came out in 2009 and years later it fell by the wayside. She was to The Pinnacle the
38 other day and there's tons of land and that's where the garden could go. She questioned if they
39 wanted to spend all that money on a dead-end street. Her concern was all the money.

40 Bill Lindsay asked where property was in location to backup well. Arne said the well was in the
41 center of it but unable to be used according to the State and engineering firms. Bill thought it was
42 usable in an emergency. It would be a boil order and not enough for the town. Bill Lindsay's
43 concern was fertilizers affecting the water. Arne said those questions were addressed and
44 everything there would be organic, and no chemicals allowed.

1 Debbie said on Friday notices were mailed out to the abutters that it was on tonight's agenda and
2 Monday was a holiday. A few had received them today but she didn't know if everyone had. Arne
3 said they would do a better job on notifications and no action would be taken today.

4 Cole Hitchcock wondered if because the greenhouse would not be part of it now, if as big a space
5 was required and could they look for other properties. Arne said the greenhouse was still part of
6 the project but not in the near future but still the ultimate goal. He said whether it happened depends
7 on a lot of things. Arne said anything put in at this point could be easily reversed in a few hours
8 with a machine. Cole thought it seemed like a waste of money with a machine. Arne said it wasn't
9 town money and was being supported by volunteers.

10 Lee asked if Arne was part of the greenhouse committee. Arne said he used to be but isn't any
11 longer. His interest was he would like to see it happen. Lee said it sounded like he was answering
12 on behalf of the committee. Arne said he was answering based on the material that was handed to
13 them with the letter of intent and everything that's been handed to the board already. Lee thanked
14 him for the clarification. Heather said they had spent a lot of time on it and wanted to move on and
15 address it after Julie did her work. Arne asked if that was the consensus of board and it was.

16 Cheryl Joy asked if it would be helpful to hear from people in favor of it. Ben thought that
17 happened previously with the supporters of her group. He didn't have an issue with the garden but
18 the location. He agrees with Cole that was there a short-term place to accommodate their needs.

19 Jeanette Gleason lives on Flamstead Road. Her thought was nobody has a definite concept and she
20 thought planting a shrub was very different than flowers and perennials could explode and were
21 difficult to weed. Cheryl Joy said they had given a presentation at an earlier meeting. Arne thought
22 the Community Garden group would welcome any suggestions and help from anyone that would
23 like to help with their project.

24 **Agenda Item 6, Outside Consumption Permit – Bushel and a Peck of Vermont**

25 Bushel and Peck of Vermont wanted outside consumption in the front of the building from 12 pm
26 to 6 pm for the Fall Festival and additional summer and fall days as weather, staffing, and demand
27 allows. Julie said the form has changed and no longer is signed but they are required to approve or
28 deny. Heather moved and Ben seconded to approve the outdoor consumption permit. Lee
29 questioned if it would be year-round use. Emily Beagle from Bushel and Peck said they sought
30 permanent use in an attempt not to bother them again. It would not be a permanent setup but would
31 be additional days as necessary. Lee asked if they wanted to be allowed to provide outside
32 consumption between 12 pm and 6 pm throughout the year, as necessary. Emily agreed. Julie
33 reminded them that it had to be renewed yearly. Arne asked about their property line. Emily said
34 there would be a 10 x 20 space up to the white line. Leigh asked if it would incentivize people who
35 bring a picnic on The Green and a bottle of wine. Julie said they have open container laws and it
36 would have to be consumed in the roped off area on their property and is approved by the Liquor
37 Control for the State. Leigh wasn't opposed to it. A vote was taken, and it was approved
38 unanimously.

39 **Agenda Item 7, Errors and Omissions; Listers**

40 The board signed the necessary forms.

41 **Agenda Item 8, New Business/Next Agenda**

42 The following will be on the next agenda:

1 Greenhouse and Community Gardens.

2 Naomi will be present to talk about the second well site and the issue on Depot Street.

3 Zoning bylaw hearing.

4 Jim Baker will present the Police Department assessment.

5 Arne forgot to mention during old business that the Mount Ascutney Regional Commission's plan
6 expires November 18, 2022. They have a public hearing on Monday, September 19th at noon and
7 the second public hearing on Friday, October 14th at noon. It's the Regional Plan for all the towns
8 in the committee with them and it affects Chester's Regional Plan. It's online and they are looking
9 for comments until at least September 7th. They will have public hearings regarding the plan. He
10 suggested skimming through the 240-page document. There are things that will directly affect the
11 towns mentioned in it. It's used often in Act 250 situations and public utility situations and landfill
12 and waste sites and things like that also. It talks about how the area grows and how they'd like to
13 see it grow. Arne said there was a transportation part in it and thought it had a big impact in the
14 long run. It would be a guiding document for decisions that happen in a lot of communities around
15 here. He suggested they read it and if they have any concerns or comments to address them to the
16 Mount Ascutney Regional Commission or attend the hearings. Julie is now a member of the
17 commission and said if they had questions, they could let her know.

18 Arne mentioned there was a group in town that had started a petition that was a declaration of
19 inclusion. There were two ways they could go about it. It could be presented to the board, and they
20 could vote on it, or it could be presented to the public and have them vote on it at an election or at
21 Town Meeting. He was interested in the consensus or opinion of the board if they were interested
22 in taking up this Declaration of Inclusion. Arne thought it was an important statement to make
23 regarding things that have been happening in the community and country in general. When he read
24 the rough draft and was approached, he thought they were things that should just be accepted and
25 were no-brainers. He is curious about how the board wants to look at the issue. Lee asked Arne to
26 clarify his role in the declaration. Arne said he was not involved in writing it or doing anything.
27 He was approached by some of the members who gave him a draft copy and asked him how he
28 felt about it. He thought they had approached other members, as well. Lee was approached.
29 Heather said it was all members. Lee said that was contrary to what he had heard and thanked Arne
30 for clarifying it with him. Heather thought transparency was good, and they should read it and
31 discuss it in public. She thought it should be on the agenda. Arne asked if any other board members
32 wanted to see it. Lee did not. Leigh had seen it and supported it and said other towns in Vermont
33 had approached it. Arne wasn't concerned about what other towns had done but was a decision
34 they needed to make for themselves. Leigh wasn't sure it needed to be a Selectboard decision but
35 an individual decision. Leigh thought maybe a meeting could be held somewhere set up by
36 someone who wanted to present it and have a discussion. Heather thought they had asked when he
37 was discussing it with them. Someone asked her to have a meeting and she did. She thought the
38 goal was to present it to the Selectboard. They were a group of citizens, and she had no problem
39 hearing what they wanted to say. Lee was concerned they as a board were bringing it to the board.
40 He thought the concerned citizens should bring it to the board. Ben said Bill Dakin had reached
41 out to him to discuss it and he hadn't had a chance to chat with Bill. There were other instances
42 where groups have tried to meet privately with members rather than coming to the Selectboard.
43 He preferred it if they came to the Selectboard. Arne said to be clear, there was no group that
44 approached him. He wasn't involved in any of the wording or anything. Lee appreciated him

1 clarifying it. Ben was happy to have it as an agenda item but would prefer the group to make the
2 presentation. Arne was only suggesting having an agenda item to discuss if they wanted to go to
3 the next step and have them present, but they could go to that right away. Heather agreed to have
4 a discussion with them. Lee's point was the group should be the ones to approach Julie to have
5 them put it on the agenda. Heather thought the Chair decided with Julie what to put on the agenda
6 and the Chair was asking them how they felt, and her feeling was she wanted to see it on the
7 agenda. Julie said she had not been approached and was told they didn't want her to see it, which
8 always raises red flags for her. Arne said he didn't know it was going to raise that much
9 controversy. Arne said when he read the declaration it said we have to treat people the right way
10 and that was about it.

11 Shawn Cunningham said he had no idea what it was but wanted to get a copy of it to publish so
12 they could print it and people in town could read it. Arne would see what draft copy he had. He
13 thought it was 6 months old and had been changed over time.

14 Debbie thought they should consider it because they have to do the ballots and they have to be
15 ready by September 23rd. If not, they would need to wait until March.

16 **Agenda Item 9, Interviews for Local Cannabis Control Commission**

17 Lee recommended it be moved to the next meeting and Heather agreed. Julie pointed out they had
18 been present for the entire meeting waiting. Lee apologized.

19 Arne said they had an opening on the Cannabis Control Commission and there were 2 people
20 interested. He asked why they would be interested in doing it and why they would be a good
21 addition.

22 Charles Baird said he and his wife had just bought a house in Chester and part of American dream
23 of living in a New England town would be participating in local government. He was a big fan of
24 shows like Gilmore Girls and liked the town hall format. He didn't want to break into the big
25 leagues and go for the Selectboard, so he attended the last meeting and heard about the availability
26 and thought it was a great opportunity. He was a medical cannabis user when he lived in
27 Connecticut and used it to treat his service-connected disability from service in Afghanistan. For
28 work, he does comparative effectiveness research on prescription drugs. He has a general interest
29 in treatments that are more tolerable than other available treatments. If he could help make that
30 available safely and in accordance with the law while helping his town, he would love the
31 opportunity.

32 Susan Bailey is interested because she's always served her community and been active in politics
33 until she moved to the city 12 years ago. When she lived in a small community, she was on the
34 zoning and library boards and the school board for almost 8 years and enjoyed participating in her
35 community. In Chester, she's been lucky she's been able to be recording secretary and it works
36 out because she's able to attend the meetings and participate. She finds herself, having experienced
37 local government, often wanting to say something and can't. When the position came open again,
38 she threw her hat in. If she didn't get the position, that was fine because she has been doing the
39 minutes and would be happy to continue. She also thought Charles' CV was impressive. She
40 wished the board luck in their decision.

41 Lee asked if a 7-member board was overkill. He realized there was currently a 6-member board
42 which could be difficult when voting. Part of his reason for asking them to postpone it was to give
43 them time to think about if they really needed a 7-member board or if someone was willing to step

1 down, they could go to 5. Contrary to Heather’s earlier comment, the more isn’t necessarily the
2 merrier. Having 1 fewer member instead of 1 additional member may be better. Heather clarified
3 what she meant. She thought they should keep it 7 members because there were 6 on it and they
4 had 2 people eager to do it. She thought community involvement made the community better so
5 when there were people willing to do it.

6 Arne suggested deliberating in executive session. Lee wasn’t opposed to continuing the 2
7 applications, so he didn’t think executive session was necessary unless someone had a burning
8 desire.

9 **Agenda Item 10, Appoint Member to Local Cannabis Control Commission**

10 Heather moved to nominate Charles Baird and Ben seconded the motion. Ben thought Charles’
11 background was different than any of the current members and thought he would bring a different
12 perspective and had education in prescription drugs and cannabis, he assumed. Arne and Heather
13 agreed. Lee said no offense to Susan but if he had to pick between the two, Charles would have
14 been his pick because of the reasons Ben gave. Sue said she agreed and wasn’t offended. Arne and
15 Heather thanked Sue. A vote was taken, Lee abstained, and the others affirmed. Sue congratulated
16 Charles. He was proud to be able to help and do his part and looked forward to participating. Julie
17 would get the training information out to Charles tomorrow.

18 **Agenda Item 11, Review of Police Union Bargaining Agreement**

19 Heather hadn’t had an opportunity to study the bargaining agreement and wanted it tabled until
20 the next meeting and Julie suggested doing that.

21 Heather moved and Lee seconded to go into deliberative session. A vote was taken, and it was
22 approved unanimously.

23 (9:00 – Board enters Deliberative Session)

24 (9:19 - Open Session Resumes)

25 Arne said they had spent the last 15 to 20 minutes on the deliberative findings for Cummings Road
26 and they would unanimously conclude and order. Arne read the order: “Therefore, by the authority
27 granted in 18 V.S.A. § 126, it is hereby ordered that the dwelling located at 138 Cummings Road,
28 owned by John F. Hennessey, Jr. shall not be occupied by any person until all the conditions of
29 this order have been satisfied: 1. That all bathing, washing, and laundry in the stream shall cease
30 immediately. 2. That effective immediately, no person shall burn any material on the property
31 without prior written permission of the fire warden. 3. That all garbage, debris, rubbish, and
32 household trash shall be removed from the premises. 4. Once occupied, all trash shall be removed
33 on no less than a biweekly basis. 5. That all hazardous waste and material, including diesel drums,
34 oil containers, and any other containers containing unidentifiable materials shall be removed from
35 the property and disposed of in accordance with any and all regulations, statutes or laws that may
36 govern their removal or transportation from the property in their ultimate disposal. 6. That the
37 Health Officer shall be provided with the following certifications, verifications, and test results
38 and the certifications, verifications, or testing shall be performed by an individual certified or
39 licensed in the State of Vermont to perform such certification, verification, or testing. Verification
40 and certification that the property’s well is in good working condition. Verification and
41 certification that the property’s septic system/waste disposal system is in full working condition.
42 Results from testing for chloroform bacteria inorganic chemicals and naturally occurring alpha
43 radiation on the property and the results of a Phase 2 environmental assessment where the areas to

1 be tested to be selected by the Health Officer or the Health Officer's designee. Verification and
2 Certification that there are no bed bugs, rats, vermin, or other pests located on the property. By
3 order of the Selectboard, dated September 7, 2022."

4 Arne said the document was another step in what would be happening. Julie said once the
5 document was in place, she would deal with the attorneys. To officially board the property, they
6 needed an injunction from Superior Court. This would give them what they needed but they wanted
7 the police officers completely protected so they can do what they need to do. It was a huge step in
8 the process, and she didn't know the backlog of Superior Court, but it gave them what they needed
9 to start removing people from the property. She told the abutters in attendance that they needed to
10 call the Police Department if they saw people on the property because nobody could be there. Julie
11 said if there was no progress on the property over a period they can go to the Governor's Office
12 and seek condemnation of the property.

13 Sheryl Fortina asked what Julie considered a period and Julie wasn't sure. She said it was set by
14 statute and was part of what was established by the Superior Court. Julie said they have to give a
15 reasonable amount of time to meet the order. In this case, she didn't think it was a lengthy period
16 but there had to be a period granted for him to remediate. Sheryl had a fear because of what
17 happened in 2010 and nothing was done. She said even the State did nothing.

18 Heather suggested they include it in old business once a month to keep it moving forward. Julie
19 said it would enter a lawsuit and she didn't know if she could give them public updates at the
20 Selectboard meeting. Lee said just knowing what the schedule was to let them know. Julie said the
21 part that she will investigate because she doesn't know is she can't go onto the property as a town
22 and clean it up at this point. To be part of the Brownfields programs, several things have to take
23 place, including an injunction from the court and condemnation from the Governor's Office. This
24 was a huge step in the process. She told them it would not be turned around in a month but there
25 would be no activity on the property. She can remove people from the property but can't physically
26 put a board across the door until she has the injunction. There's a gray area they have to be careful
27 of but if there are people on the property, they need to call. Julie said they could put jersey barriers
28 at the base of the driveway to prevent people from pulling in.

29 Michael (unintelligible) said it was hearsay, but that Peter Hall made a comment to someone who
30 he knows who told someone else that he knows that he was going to up there as a friend of John's
31 and clean it up but had Peter a heart attack, so he doesn't know how true it is. He was concerned
32 if jersey barriers were in place that someone who may be going up there to go to Town Hall and
33 ask permission, so he thought it was a good idea. Julie said the people who have been going there
34 all know they're not supposed to be there.

35 A man in attendance said he assumed the owner is having financial problems and doesn't wish to
36 pay all his creditors. He asked if he didn't pay taxes and was in arrears could they acquire the
37 property that way? Julie was being strategic and said at one point, the owner signed a site access
38 agreement which is a program through the Brownfields division where he voluntarily gave them
39 access to the property for Phase 1. She would then put the property up for tax sale and the town
40 would bid on it. If she enters into an agreement with the State and has Phase 1 conducted, they
41 will pay for cleanup. The problem is to do Phase 1, the landowner must give permission. He gave
42 permission but revoked it. She didn't want to put it up for tax sale yet because she didn't want to
43 put herself in a position where she could lose out on a program. She wanted to find out how she
44 would access the other Brownfields money after she has condemnation. There's a lot of money

1 but she needs to get access to it. Lee noted the owner has 30 days to appeal the order. Julie could
2 still seek her injunction during that time.

3 A woman from the audience was speaking but could not be heard by everyone. Shawn
4 Cunningham noted she couldn't be heard.

5 **Agenda Item 12, Adjourn**

6 Heather moved to adjourn, and Lee seconded the motion. Shawn told them if they were discussing
7 something that was already going on, they needed to stay in session. Julie said it was someone's
8 health issues and just conversation while the board was signing the order. Arne said the comments
9 weren't addressed at the board. A vote was taken, and the motion passed unanimously, and the
10 meeting was adjourned at 9:35 p.m.

DRAFT