

From: Fairlee Town Administrator TownAdministrator@fairleevt.org
Subject: 3rd - SB authority to enter timber sale contract
Date: March 19, 2021 at 10:30 AM
To: bill.weale@builderman.com
Cc: Peter Berger peter.berger@fairleevt.org, honestbob honestbob@mytopsmail.com



Bill,

In all due respect, I am no longer going to continue this volley of emails with you on this subject matter.

As conveyed earlier....

I feel the Town has satisfied your inquiry. At this point I am going to let the constant berate of emails from you on this topic rest.

Again, If you feel you have a different legal opinion, please let us know.

Thank you,

Tad Nunez, Town Administrator

Town of Fairlee, VT

PO Box 95

Fairlee, VT 05045

(802) 333-4363 ext 102

(603) 359-1000 cell

townadministrator@fairleevt.org



From: bill.weale@builderman.com <bill.weale@builderman.com>

Sent: Friday, March 19, 2021 10:15 AM

To: Fairlee Town Administrator <townadministrator@fairleevt.org>

Cc: Cathy McGrath <cathy.mcgrath@fairleevt.org>; Peter Berger <peter.berger@fairleevt.org>; honestbob <honestbob@mytopsmail.com>; Jim O'Donnell (kmo144@myfairpoint.net) <kmo144@myfairpoint.net>; Mitch Phelps <mvp82@mytopsmail.com>; Reg Cramer - Cramer Electric Co., Inc. (reginaldcramer@gmail.com) <reginaldcramer@gmail.com>; Terry Lewis (TJLewis13@myfairpoint.net) <TJLewis13@myfairpoint.net>

Subject: Re: 2nd - SB authority to enter timbr sale contract

Tad, is your take on this statute a legal opinion or yours or someone else's understanding?

Is this what we are looking at?

See: <https://legislature.vermont.gov/statutes/section/24/033/01061>

If so, that statute clearly states that any sale of real property requires one of 2 methods of public involvement. One is via a 30-day public notice, with voters' right to appeal. The other is via a town vote.

There is one way it can be accomplished without public involvement. I have not checked our town charter as, I think you may have by now? I don't think it's on line. Have you had anyone else read the statute, just to be sure your understanding is correct? Has anyone else looked it up and read it?

I'm not a lawyer, but I have asked a couple of folks to make sure my age hasn't interfered too much.

Did you really check with the Division of Forests? Who was it?

The taxpayers clearly need a voice here. The SB has turned my good faith work for them last summer, at their request and with their full cooperation and encouragements into threats and intimidation toward me. I can take it, but with every one of these reactions to my still-good-faith attempts, you dig a deeper hole for the taxpayers.

The ultimate responsibility of the SB, by statute, is to its voters. I sincerely feel the SB is not using its executive authority, again, provided by statute to the SB, to meet its responsibility to its voters.

I'll discuss this with anyone at anytime, even over a beer. I owe Jim a Miller, as I recall.

Respectfully,

Bill Weale

On Mar 19, 2021, at 9:38 AM, Fairlee Town Administrator
<TownAdministrator@fairleevt.org> wrote:

Bill,

I feel the Town has satisfied your inquiry. At this point I am going to let the constant berate of emails from you on this topic rest.

Again, If you feel you have a different legal opinion, please let us know.

Best for the weekend,
Tad Nunez, Town Administrator
Town of Fairlee, VT
PO Box 95
Fairlee, VT 05045
(802) 333-4363 ext 102
(603) 359-1000 cell

(...)
townadministrator@fairleevt.org
<image001.jpg>

From: Bill Weale <bill.weale@builderman.com>
Sent: Thursday, March 18, 2021 8:25 PM
To: Fairlee Town Administrator <townadministrator@fairleevt.org>
Cc: Cathy McGrath <cathy.mcgrath@fairleevt.org>; Peter Berger <peter.berger@fairleevt.org>; honestbob <honestbob@mytopsmail.com>; Jim O'Donnell (kmo144@myfairpoint.net) <kmo144@myfairpoint.net>; Mitch Phelps <mvp82@mytopsmail.com>; Reg Cramer - Cramer Electric Co., Inc. (reginaldcramer@gmail.com) <reginaldcramer@gmail.com>; Terry Lewis (TJLewis13@myfairpoint.net) <TJLewis13@myfairpoint.net>
Subject: Re: SB authority to enter timbr sale contract

I believe trees are real estate, real property, until they are severed.

I learned that long ago in a case that went to the SC in NH.

Please check your source.

Thank you,

Bill

On Mar 18, 2021, at 4:56 PM, Fairlee Town Administrator <townadministrator@fairleevt.org> wrote:

Bill,
From what I have learned from VLCT – MAC (Municipal Assistance Center attorney) and from the VT Agency of Natural Resources, Forestry Division the VT State statute 24 VSA 1061 applies unless as part of the agreement the town is leasing timber rights to the land. To my knowledge, the Town has not ever leased timber rights to the land. Further, it is completely within the authority of the Selectboard (to appoint someone or a board) to enter into a timber sale contract. There is no language indicating the Town must seek Town voter approval to enter into a timber sale contract.

If you feel you have a different legal opinion, please let us know.

Thank you,

Tad Nunez, Town Administrator
Town of Fairlee, VT
PO Box 95
Fairlee, VT 05045
(802) 333-4363 ext 102
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<image001.jpg>