

NEWS RELEASE

Town of St. Albans Selectboard

January 23, 2014

The Town of St. Albans Selectboard has reviewed and decided on a response to the recent decision of the Franklin Superior Court. The Court's decision found that the "Agreement on Water and Wastewater Services between the Town of St. Albans and the City of St. Albans" was void and unenforceable. This Agreement was an essential element in the settlement of a prior lawsuit between the Town and City. The Selectboard has decided to protect the Town's rights in the prior lawsuit as well as attempt to open a new dialogue with the City.

The Town's attorneys will file a motion with the Superior Court to strike the earlier dismissal "with prejudice" of the 2006 lawsuit dealing with Water and Wastewater. The earlier dismissal "with prejudice" was in consideration of the settlement outlined in the Agreement with the City for the supply of water and wastewater services. The Superior Court has now found that the Agreement reached in 2009, which settled the 2006 suit, was so deficient in its terms that it could not be enforced. While the Town has no interest or desire to resume litigation with the City, preferring to reach an agreement out of court on all issues, the Town must have the ability to return to court and seek relief on claims raised by the Town in its 2006 suit should future negotiations fail.

The Court's decision made it clear that neither side prevailed in this dispute. The parties negotiated an Agreement that was ultimately unenforceable. The Court's decision emphatically encouraged the Town and the City to "mutually" resolve their conflicts without further "acrimonious" litigation. The Selectboard intends to pursue the Court's suggestion and will attempt to reopen a dialogue with the City. The City previously imposed a moratorium on new water and wastewater hook-ups while we were mediating our differences. The Selectboard believes that, with a willing participant, a resolution can be reached. Furthermore, with a dialogue reopened, the reason for the moratorium will disappear and the moratorium itself should be lifted. The Selectboard is hopeful that with this Decision in hand, the Town and the City can move forward and work collaboratively to resolve their issues.