

Town of Proctor Selectboard Meeting
April 25, 2011
6:00 – 9:25 P.M.

Board Members Present

Rick Anderson, Chair
Susan Feenick
Vincent Gatti
Lloyd Hughes
Dick Norris

Other Guests Present

Bruce Baccei
John Feenick
John Jozwiak
Kevin Smith, Marble Valley Engineering
Ted Schaft
PEG-TV

Employees Present

Todd Blow, Chief Operator
Steffanie Bourque, Town Administrator

Agreements/Approvals

- Majority approved the March 29, 2011 meeting minutes as written.
- Majority approved the March 31, 2011 meeting minutes as written.
- Unanimously approved the April 11, 2011 meeting minutes as written.
- Unanimously agreed to temporarily close the sidewalk around the ledge on Main Street per Todd Blow's recommendations.
- Unanimously agreed to provide all Selectboard members with copies of resumes for the Road Commissioner position on April 29, 2011 and schedule a special meeting on May 5, 2011 at 3:30 p.m. to begin the resume review.
- Unanimously agreed at 7:15 p.m. to adjourn the meeting of the Selectboard and convene the Board of Water Commissioners.
- Unanimously agreed to sole source the purchase and installation of the standby generator at the Cain Street Booster Pump Station.
- Unanimously agreed to have all board members follow the protocol previously established for functioning as a board and not individuals – meaning individual board members are not to act in an official capacity without the consent of the board.
- Unanimously agreed at 8:10 p.m. to enter executive session to discuss litigation.
- Unanimously agreed at 8:35 p.m. to resume the public meeting.
- Unanimously authorized Rick Anderson, Lloyd Hughes, and Steffanie Bourque to meet with Kevin Smith and Alan George to address the matters discussed in executive session.
- Unanimously agreed to respond to Beverly Culver with an explanation of the Town's billing policy and what is required to convert from a 2-family to single family dwelling.
- Unanimously agreed at 8:45 p.m. to adjourn the meeting of the Board of Water Commissioners and convene the Board of Sewage Commissioners.
- Unanimously agreed at 8:55 p.m. to adjourn the meeting of the Board of Sewage Commissioners and resume the meeting of the Selectboard.
- Unanimously awarded the fabrication and installation of the dock and optional railing to the Dock Doctors at a cost of \$35,650 and use funds from the Mortimer Proctor Fund grant and Peterson Fund if we are unable to obtain a grant increase from MRP.
- Unanimously agreed to execute the Scrap Metal Purchase and Service Agreement with Earth Waste Systems.
- Unanimously agreed to request proposals from the other two mediators recommended by Alan George.
- Majority agreed to execute, as the property owner, the zoning permit application from the Fire Department for construction of a 28' x 24', 1 ½ story building at the Wastewater Treatment Facility.

- Signed orders totaling \$42,170.27.
- Unanimously agreed at 9:25 p.m. to adjourn the April 25, 2011 meeting of the Selectboard.

Agenda Items

I. Call to Order – Pledge of Allegiance

The meeting was called to order at 6:00 p.m. and began with a pledge of allegiance to the flag.

II. Good News

The good news items included:

- Summary of Proctor High School service learning projects.
- Explanation of May 7, 2011 Green Up Day events [see www.proctorvermont.com for event details].

III. Review Meeting Minutes

Lloyd Hughes made the motion to approve the March 29, 2011 meeting minutes as written. The motion was seconded by Vincent Gatti and approved by a majority, with Rick Anderson and Susan Feenick not voting because they did not attend the meeting.

Dick Norris made the motion to approve the March 31, 2011 meeting minutes as written. The motion was seconded by Lloyd Hughes and approved by a majority, with Susan Feenick and Vincent Gatti not voting because they did not attend the meeting.

Vincent Gatti made the motion to approve the April 11, 2011 meeting minutes as written. The motion was seconded by Susan Feenick and unanimously approved.

IV. Open Public Comment

Ted Schaft: Schaft expressed a range of options regarding mediation, conflict of interests, subcontracting, and support for Susan Feenick. The Selectboard took the comments under advisement.

John Feenick: Feenick concurred with Ted Schaft's comments.

John Jozwiak: Jozwiak questioned recent equipment repairs. The Selectboard agreed to address the concerns raised by Jozwiak with the new Road Commissioner. Susan Feenick questioned the need to replace the Road Commissioner. The Selectboard took no action on the matter.

Darren Marcy: Marcy presented photos of what he considered excessive winter plow damage within the highway right-of-way at his residence (11 West Street). The Selectboard charged Todd Blow with making lawn repairs as part of routine spring clean up.

Marcy also complained about noise and general disruption resulting from the annual Easter Sunday "4-wheeler party" on Cain Street. The Selectboard agreed to discuss increasing future law enforcement on this day with Sheriff Benard.

V. Invited Guests

There were no invited guests.

VI. Highway Department

A status update on project activities was provided. Items discussed include:

- Interim Road Commissioner's Report: The Selectboard reviewed and discussed the report submitted by Todd Blow. A summary of the report highlights/actions taken is provided here:

- Ledge on Main Street: The Selectboard charged Blow with obtaining cost estimates for ledge removal from Casella Construction and the Belden Company, in addition to Markowski Excavating. Dick Norris made the motion to temporarily close the sidewalk around the ledge on Main Street per Todd Blow's recommendations. The motion was seconded by Lloyd Hughes and unanimously approved.
- East Street Stormwater Culvert Project: Final restoration of the project site is nearly complete. All that remains are the 1) installation of the bar screen at the culvert opening and guide markers on the road side and 2) top soiling.
- Resume Review Process: Vincent Gatti made the motion to provide all Selectboard members with copies of resumes for the Road Commissioner position on April 29, 2011 and schedule a special meeting on May 5, 2011 at 3:30 p.m. to begin the resume review. The motion was seconded by Susan Feenick and unanimously approved. Todd Blow will attend the special meeting on May 5, 2011 to participate in the resume review.
- Other Old/New Business: Susan Feenick requested the Highway Department look into sink holes by Beaver Pond and near a stormwater catch basin on School Street. Blow indicated the sink hole by Beaver Pond was addressed and that he will look into the one on School Street.

VII. Board of Water Commissioners

Lloyd Hughes made the motion at 7:15 p.m. to adjourn the meeting of the Selectboard and convene the Board of Water Commissioners. The motion was seconded by Vincent Gatti and unanimously approved. A status update on project activities was provided. Items discussed include:

- Chief Operator's Report: The Board reviewed and discussed the report submitted by Todd Blow. A summary of the report highlights/actions taken is provided here:
 - Standby Generator at Cain Street Booster Pump Station: Todd Blow requested authorization from the Board to sole source the purchase and installation of the standby generator and explained his reasons for recommending a sole source purchase. The Board discussed the pros and cons of a sole source purchase. Lloyd Hughes made the motion to sole source the purchase and installation of the standby generator at the Cain Street Booster Pump Station. The motion was seconded by Dick Norris and unanimously approved. Landowner permission, permitting, and funding details need to be worked out before the purchase is made. Blow will report on these issues at the May 9, 2011 meeting.
 - Hydropneumatic Tank at Cain Street Booster Pump Station: Todd Blow and Kevin Smith provided clarification to the Board on what the issues are with the tank and how the issues are intended to be resolved. This clarification was prompted by an email received by Smith from Susan Feenick on April 14, 2011. The Board then discussed the protocol for contacting the Town engineer because Selectperson Feenick had done so without the knowledge or consent of the Board. Dick Norris made the motion to have all board members follow the protocol previously established for functioning as a board and not individuals – meaning individual board members are not to act in an official capacity without the consent of the board. The motion was seconded by Vincent Gatti and unanimously approved.
 - 2011 Work Projects: Blow updated the Board on the site visit with the Graces and hydrant flushing.
- Engineer's Report on Water System Improvements: Kevin Smith provided an update on Contract 1 and final design of the Field Street Well and Water Storage and Distribution System Improvements (Contracts 3 and 5). He also asked the Board to consider whether old marble from the Marble Arch Bridge renovation project, currently being stored at the Wastewater Treatment Facility, can be reused in the upcoming projects. The Board will discuss the request at the May 9, 2011 meeting.
- Executive Session – Litigation: Lloyd Hughes made the motion at 8:10 p.m. to enter executive session to discuss litigation. The motion was seconded by Dick Norris and unanimously approved. Vincent Gatti made the motion at 8:35 p.m. to resume the public meeting. The motion was seconded

by Susan Feenick and unanimously approved. Dick Norris made the motion to authorize Rick Anderson, Lloyd Hughes, and Steffanie Bourque to meet with Kevin Smith and Alan George to address the matters discussed in executive session. The motion was seconded by Vincent Gatti and unanimously approved.

- April 16, 2011 Letter from Beverly Culver: The Board received the letter and discussed Culver's request to abate charges as a 2-family dwelling. Dick Norris made the motion to respond to Beverly Culver with an explanation of the Town's billing policy and what is required to convert from a 2-family to single family dwelling. The motion was seconded by Vincent Gatti and unanimously approved.
- Other Old/New Business: Based on comments by Susan Feenick, Kevin Smith offered to discuss engineering charges at any time convenient for the Board.

VIII. Board of Sewage Commissioners

Dick Norris made the motion at 8:45 p.m. to adjourn the meeting of the Board of Water Commissioners and convene the Board of Sewage Commissioners. The motion was seconded by Vincent Gatti and unanimously approved.

- Chief Operator's Report: The Board reviewed and discussed the report submitted by Todd Blow. A summary of the report highlights/actions taken is provided here:
 - April 16, 2011 Power Outage: Todd Blow commended Assistant Operator Tim Kingston for his performance maintaining power with the portable generator at the wastewater pump stations during the power outage.
 - Sewer Backup at 27 Cain Street: Todd Blow reported on a sewer backup that occurred on April 22, 2011. The incident was reported to the Town's insurance carrier. Follow-up video inspection revealed the collection main has settled and the disconnection at the pipe joints is the cause of the obstruction. The pipe section will need to be repaired. The backup occurred during the evening hours and the property owner expressed confusion about how to notify the Town. The Selectboard asked that Steffanie Bourque ensure the voice mail message on the Town answering system is clear with regard to reporting emergencies.
- Other Old/New Business: There was no other old or new business discussed.

Vincent Gatti made the motion at 8:55 p.m. to adjourn the meeting of the Board of Sewage Commissioners and resume the meeting of the Selectboard. The motion was seconded by Dick Norris and unanimously approved.

IX. Standing Committees

- Reports:
 - Parks and Recreation Committee (PRC): There was no report.
- Fabricated Pool Dock Bids: The Selectboard opened and read aloud the bid received from the Dock Doctors for the new dock at the Proctor Pool. The bid total for the fabricated dock was \$33,750. The Dock Doctors also provided an optional bid for a railing along the pool dock for \$1,900; for a total bid of \$35,650. Lloyd Hughes made the motion to award the fabrication and installation of the dock and optional railing to the Dock Doctors at a cost of \$35,650 and use funds from the Mortimer Proctor Fund grant and Peterson Fund if we are unable to obtain a grant increase from MRP. The motion was seconded by Vincent Gatti and unanimously approved.

X. Additional Items Requiring Action from the Board

- Final Earth Waste Systems Scrap Metal Service Agreement: Dick Norris made the motion to execute the Scrap Metal Purchase and Service Agreement with Earth Waste Systems. The motion was seconded by Susan Feenick and unanimously approved. The term of the agreement will be for two years beginning on June 1, 2011.

- FY12 Fuel RFP: The Selectboard was informed that West Rutland and Pittsford would like to participate in a regional bid for FY12 fuel purchases. A draft RFP will be presented at the May 9, 2011 meeting.
- Mediation Process Update: The Selectboard was informed that the mediator who submitted a proposal for mediation services has withdrawn the proposal due to a conflict of interest within his firm. Dick Norris made the motion to request proposals from the other two mediators recommended by Alan George. The motion was seconded by Vincent Gatti and unanimously approved.
- FY11 Employee Evaluation Schedule: Rick Anderson and Lloyd Hughes agreed to complete draft employee evaluations and present them for full Selectboard consideration on May 23, 2011.
- Employee Retirement Plan Enrollment Meeting Scheduled: The Selectboard was informed of the April 27, 2011 enrollment meeting.
- Other Old/New Business: The Selectboard considered a zoning permit application from the Fire Department for construction of a 28' x 24', 1 ½ story building at the Wastewater Treatment Facility. Dick Norris made the motion to execute the permit application as the property owner. The motion was seconded by Lloyd Hughes and approved by a majority. Vincent Gatti recused himself from voting.

Vincent Gatti shared questions he received from members of the public regarding the new refuse and recycling program. No actions were taken.

Gatti also informed the Selectboard that he was notified on April 21, 2011 of a Proctor resident impersonating a member of the Proctor Fire Department in communications with the West Rutland Town Manager. The matter has been turned over to the Office of the State's Attorneys for investigation.

Lloyd Hughes shared a sale notice he received for a 2002 Little Dump Truck.

Steffanie Bourque informed the Selectboard of an upcoming site plan review hearing in the Town of Pittsford for a subdivision request on a property that abuts Proctor property in the Town of Pittsford. The Planning Commission chair, Lisa Miser, will look into the matter and advise the Selectboard if a Proctor representative should attend the hearing.

Bourque also informed the Selectboard of the upcoming Stevens Advanced Driver Training offered through the VLCT.

- Orders: The Selectboard reviewed and signed orders totaling \$42,170.27.

XI. Adjourn

Lloyd Hughes made the motion at 9:25 p.m. to adjourn the April 25, 2011 meeting of the Selectboard. The motion was seconded by Dick Norris and unanimously approved.