

**Town of Proctor Selectboard Meeting**  
**July 13, 2009**  
**6:00 – 10:45 P.M.**

**Board Members Present**

Bruce Baccei, Chair  
Rick Anderson  
Sue Feenick  
George Finch  
Dick Norris

**Employees Present**

Todd Blow, Chief Operator  
Steffanie Bourque, Town Administrator  
Brian Sanderson, Road Commissioner

**Other Guests Present**

Roger Bergeron, Facilities Engineering Division  
Jason Booth, Forcier Aldrich & Associates  
Paul Brown  
Linda Doty  
Wayne Elliott, Forcier Aldrich & Associates  
Patricia Guyette  
Douglas Hastings  
Lloyd Hughes  
John Jozwiak  
Warren McCullough  
Jody Sanderson  
PEG-TV

**Agreements/Approvals**

- Unanimously approved the June 22, 2009 meeting minutes as revised.
- Unanimously agreed to mail the letters prepared by Brian Sanderson to the State Agency of Transportation and local legislators regarding the need to develop a rehabilitation plan for the section of Route 3 from approximately Grove Street to the triangle.
- Majority agreed to include the matter of charging the Public Works Committee or Brian Sanderson with researching the option of contracting out mowing on the July 27, 2009 agenda.
- Unanimously agreed at 7:00 p.m. to adjourn the meeting of the Selectboard and convene the Board of Sewage Commissioners.
- Unanimously approved the notice of intent to award the work to the Quinn Company for the contract amount of \$355,250.
- Unanimously approved the \$130,000 construction loan application for the Sewer Rehabilitation Project.
- Unanimously approved loan amendment #2 decreasing the loan for the Park Pump Station Expansion Project by \$328,000, from \$880,000 to \$552,000 in order to free up available bonding for the Sewer Rehabilitation Project.
- Unanimously agreed to finance the Park Pump Station Expansion Project with a 25% CSO grant, 50% loan through the State revolving loan fund, and 25% loan through the Vermont Municipal Bond Bank.
- Unanimously agreed to not expend any additional time trying to secure a State-approvable SEP and make the \$4,000 payment to the State of Vermont.
- Unanimously agreed to place a lien on the one account that has several years' worth of water and/or sewer delinquencies and inform others that have not made the fall 2008 and spring 2009 payments that failure to comply with the repayment agreement will result in service disconnection.
- Unanimously agreed at 8:30 p.m. to adjourn the meeting of the Board of Sewage Commissioners and convene the Board of Water Commissioners.
- Unanimously agreed at 9:00 p.m. to enter executive session to discuss personnel matters.  
Unanimously agreed at 9:15 p.m. to resume the public meeting.
- Unanimously agreed that personnel matters were resolved.
- Unanimously agreed at 9:15 p.m. to adjourn the meeting of the Board of Water Commissioners and convene the meeting of the Selectboard.
- Unanimously agreed to cancel the Selectboard's special meeting on August 5, 2009 (which was to coincide with the Community Development Committee's regular meeting).

- Majority accepted George Finch's offer and reinstated him as the Transfer Station Operator, effective immediately.
- Unanimously appointed 1) Rick Anderson as the representative and Jim Moore as the alternate representative to the Rutland Regional Planning Commission and 2) Sue Feenick as the alternate representative to the Rutland County Solid Waste District.
- Unanimously approved the draft Pre-Disaster Mitigation Plan as proposed.
- Signed orders totaling \$84,505.97.
- Unanimously agreed at 10:15 p.m. to enter executive session to discuss potential litigation. Unanimously agreed at 10:35 p.m. to resume the public meeting.
- Majority agreed to refer the property damage claim from John Jozwiak and Nancy Curtis to the Town Attorney, Alan George, for a legal opinion.
- Unanimously agreed at 10:45 p.m. to adjourn the July 13, 2009 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 the pledge of allegiance to the flag.

### **II. Review June 22, 2009 Meeting Minutes**

Sue Feenick requested that the minutes on page 3, Section VIII, Transfer Station Operator Vacancy be revised from "Sue Feenick made the motion to revise the job description for the Highway Department staff and require a Highway Department employee or employees to serve as the Transfer Station Operator." to "Sue Feenick made the motion to require a Highway Department employee or employees to serve as the Transfer Station Operator."

Sue Feenick made the motion to approve the June 22, 2009 meeting minutes as revised. The motion was seconded by Dick Norris and unanimously approved.

### **III. Highway Department**

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

- Road Commissioner's Report: The Selectboard reviewed and discussed the report submitted by Brian Sanderson. Sanderson specifically addressed the following:
  - He requested guidance on how to accomplish getting a structural study of the Town Garage completed (this is a budgeted item for FY2010). Board members requested time to personally evaluate the condition of the garage before making a decision about having a structural study done. The matter was postponed until the July 27, 2009 meeting.
  - There appears to be an electrical short in the wire between the light in front of the monument and the panel box at the gazebo. It is believed that the wire was installed without conduit. Sanderson explained that in order to repair the problem, conduit should be run with new wire. He asked if the Selectboard would like this work done. The Selectboard requested a cost estimate of the repair before making a decision.
  - Sanderson encouraged members of the public who would like to know more about what the Highway Department does to read the Road Commissioner's reports to the Selectboard. The reports are available at the Town Office and provide information on the range of work completed by the Highway Department.
- Letter Regarding Route 3: The Selectboard discussed the draft letters prepared by Brian Sanderson to the State Agency of Transportation and local legislators regarding the need to develop a rehabilitation plan for the section of Route 3 from approximately Grove Street to the triangle. No revisions were made to the letters. Rick Anderson made the motion to mail the letters. The motion was seconded by Sue Feenick and unanimously approved.

- Other New and/or Old Business: Sue Feenick questioned why the Highway Department is using the bucket loader instead of the dump truck when cutting brush along the roadsides. She also questioned the amount of time it takes the Highway employees to mow. Sue Feenick made a recommendation to charge the Public Works Committee or Brian Sanderson with researching the option of contracting out mowing. The motion was not seconded and upon discussion was withdrawn. Rick Anderson then made the motion to include the matter of charging the Public Works Committee or Brian Sanderson with researching the option of contracting out mowing on the July 27, 2009 agenda. The motion was seconded by Sue Feenick and approved by a majority.

Rick Anderson noted that the stormwater catch basin at the base of Cain Street needs to be evaluated. He also commended Brian Sanderson's work in replacing/relocating the marquis.

#### **IV. Open Public Comment**

*Warren McCullough*: McCullough sought clarification on the upcoming Sewer Rehabilitation Project. He also requested to review the Town's water/sewer utility line mapping to ensure that it is accurate/complete.

*Patricia Guyette*: Guyette responded to Sue Feenick's criticism of the Highway Department. She recommended that one Selectboard member be appointed to act as the liaison between the board and the Road Commissioner outside of the public meetings.

*Lloyd Hughes*: Hughes sought clarification on the upcoming East Side Distribution System Project. He requested that public notice be issued as soon as possible if funding is received and the project proceeds to construction. He noted that communication during this project with the High School will be especially important.

*Jody Sanderson*: Sanderson sought clarification on how the Selectboard planned to implement the recommendation to have the Highway employees work as the transfer station operator. She also commented on the conduct of the Selectboard when communicating to municipal employees.

#### **V. Board of Sewage Commissioners**

Dick Norris made the motion at 7:00 p.m. to adjourn the meeting of the Selectboard and convene the Board of Sewage Commissioners. The motion was seconded by George Finch and unanimously approved. A status update on project activities was provided. Items discussed include:

- Phosphorus Removal Improvements: Wayne Elliott and Jason Booth of Forcier Aldrich and Associates and Roger Bergeron of the State of Vermont Facilities Engineering Division were present to discuss the engineer's bid analysis and recommendation to award the work to the Quinn Company for the contract amount of \$355,250. George Finch made the motion to approve the notice of intent to award the work to the Quinn Company for the contract amount of \$355,250. The motion was seconded by Dick Norris and unanimously approved.

The Board was informed of the Pre-Construction meeting for this project on July 16, 2009 at 1:00 p.m.

- Sewer Rehabilitation Project: The Board reviewed the project schedule and financing options. No decision was made regarding whether the Board will use a State revolving fund loan or local reserve funds to pay for the remaining project costs not covered by the ARRA grant. Steffanie Bourque will follow-up with the State to determine the funding program requirements if the balance is paid with cash rather than the loan.

Dick Norris made the motion to approve the \$130,000 construction loan application for the Sewer Rehabilitation Project. The motion was seconded by Rick Anderson and unanimously approved.

- Park Pump Station Expansion Project: George Finch made the motion to approve loan amendment #2 decreasing the loan for the Park Pump Station Expansion Project by \$328,000, from \$880,000 to \$552,000 in order to free up available bonding for the Sewer Rehabilitation Project. The motion was seconded by Dick Norris and unanimously approved.

The Board also reviewed financing options for the Park Pump Station Expansion Project. The project is currently funded through a Clean Water State Revolving Loan. The project did receive a Combined Sewer Overflow (CSO) Abatement Grant in this year's Capital Bill for 25% of the project costs (equivalent to approximately \$138,987). Dick Norris made the motion to finance the project with a 25% CSO grant, 50% loan through the State revolving loan fund, and 25% loan through the Vermont Municipal Bond Bank. The motion was seconded by Rick Anderson and unanimously approved.

- Chief Operator's Report: The Board reviewed and discussed the report submitted by Todd Blow.
- SEP Update: Steffanie Bourque informed the Board of the progress made in finalizing a written proposal for a Supplement Environmental Project. Given the perceived challenges with securing a State-approvable SEP, the Selectboard agreed to just make the \$4,000 payment to the State of Vermont. George Finch made the motion to not expend any additional time trying to secure a State-approvable SEP and make the \$4,000 payment to the State of Vermont. The motion was seconded by Sue Feenick and unanimously approved.
- Delinquent Repayment Agreements Non-compliance: Steffanie Bourque explained to the Board that there are some utility accounts that have entered repayment agreements and are not complying the agreement terms. She requested guidance from the Board as to how to address these accounts. Dick Norris made the motion to place a lien on the one account that has several years' worth of water and/or sewer delinquencies and inform others that have not made the fall 2008 and spring 2009 payments that failure to comply with the repayment agreement will result in service disconnection. The motion was seconded by George Finch and unanimously approved.
- Other New and/or Old Business: Sue Feenick asked whether any follow-up to the sewer line video inspections has been done with those property owners that have questionable service connections (i.e., the service connections appear from the video to be a source of inflow to the sanitary sewer system). Todd Blow indicated that follow-up has not occurred yet.

## **VI. Board of Water Commissioners**

George Finch made the motion at 8:30 p.m. to adjourn the meeting of the Board of Sewage Commissioners and convene the Board of Water Commissioners. The motion was seconded by Sue Feenick 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. Blow requested that each Selectboard member schedule time to attend a demonstration at the Filter Plant of the pilot column.
- Delinquent Repayment Agreements Non-compliance: The motion made during the Board of Sewage Commissioners meeting applied to similar water accounts.
- Personnel Matters: Dick Norris made the motion at 9:00 p.m. to enter executive session to discuss personnel matters. The motion was seconded by George Finch and unanimously approved. George Finch made the motion at 9:15 p.m. to resume the public meeting. The motion was seconded by Rick Anderson and unanimously approved. Dick Norris made the motion that personnel matters were resolved. The motion was seconded by Rick Anderson and unanimously approved.
- Other New and/or Old Business: Sue Feenick requested the Board schedule a special meeting to discuss various water system matters, including the Long Range Plan Update. Bruce Baccei suggested the Board decide the necessity of holding a special meeting at the July 27, 2009 meeting, when a draft of the Long Range Plan Update is scheduled for discussion.

Dick Norris made the motion at 9:15 p.m. to adjourn the meeting of the Board of Water Commissioners and convene the meeting of the Selectboard. The motion was seconded by Rick Anderson and unanimously approved.

## **VII. Standing Committees**

- Reports:
  - *Parks and Recreation Committee:* The Selectboard received notice that the July 15, 2009 meeting of the committee was cancelled.
  - *Finance Committee:* The Selectboard received a copy of the June 29, 2009 committee meeting minutes. Steffanie Bourque will confirm the committee's attendance at the July 27, 2009 Selectboard meeting to present the committee's budget process recommendations.
  - *Community Development Committee:* The Selectboard received a copy of the July 1, 2009 committee meeting minutes. Linda Doty was present to request that the Selectboard reconsider their decision to attend the August 5, 2009 committee meeting (thereby making it a joint committee/Selectboard meeting). Dick Norris made the motion to cancel the Selectboard's special meeting on August 5, 2009 (which was to coincide with the Community Development Committee's regular meeting). The motion was seconded by George Finch and unanimously approved.
  - *Public Works Committee:* The Selectboard received a copy of the June 18, 2009 committee meeting minutes. Steffanie Bourque will follow-up with the committee to determine when they plan to report on their recommendations regarding the Pay-As-You-Throw program and municipal equipment replacement plan.

## **VIII. Additional Items Requiring Action from the Board**

- Letter from Audrey Tilden Regarding Proposals from the Public Works Committee: Discussion of this matter was postponed to the July 27, 2009 meeting.
- Transfer Station Operator Vacancy: George Finch volunteered to return as the Transfer Station Operator. Rick Anderson made the motion to accept George Finch's offer and reinstate him as the Transfer Station Operator, effective immediately. The motion was seconded by Sue Feenick and approved by a majority – George Finch recused himself from voting.
- RRPC Representative/RCSWD Alternate Appointments: George Finch made the motion to appoint 1) Rick Anderson as the representative and Jim Moore as the alternate representative to the Rutland Regional Planning Commission and 2) Sue Feenick as the alternate representative to the Rutland County Solid Waste District. The motion was seconded by Dick Norris and unanimously approved.
- Municipal Ordinance Enforcement – Next Steps: The Selectboard received copies of correspondence from Sheriff Benard and the Vermont League of Cities and Towns regarding how to address the problems associated with collecting fines for violations of municipal ordinances. The Selectboard took the information under advisement. Steffanie Bourque will continue to work with Sheriff Benard to identify a solution to this problem.
- Comments on Draft Pre-Disaster Mitigation Plan: The Selectboard reviewed the draft Pre-Disaster Mitigation Plan prepared by the Rutland Regional Planning Commission. Sue Feenick made the motion to approve the draft Pre-Disaster Mitigation Plan as proposed. The motion was seconded by Dick Norris and unanimously approved.
- Vendors for Bid Solicitation for New Computers: Steffanie Bourque requested clarification from the Selectboard on how to purchase two municipal computers in order to comply with the Purchasing Policy. The Selectboard directed Bourque to work with the two identified vendors to purchase what is needed at the lowest price.
- Other New and/or Old Business: Sue Feenick asked for clarification on when the Selectboard Chair votes. The Selectboard agreed to invite the Secretary of State, Deb Markowitz, to attend a future Selectboard meeting to discuss this topic.

- Review of Bills and Signing of Selectboard's Orders: The Selectboard reviewed the bills and signed the orders totaling \$84,505.97.

#### **IX. Informational**

- FY2010 Education Tax Rates: The Selectboard received a copy of the FY2010 education tax rates.
- Sexual Offender Case in Barre – Rutland Herald Article: The Selectboard received a copy of the article.
- Grand List Update: The Selectboard received an update regarding the schedule for finalizing the FY2010 grand list.

#### **X. Executive Session**

Rick Anderson made the motion at 10:15 p.m. to enter executive session to discuss potential litigation. The motion was seconded by George Finch and unanimously approved. George Finch made the motion at 10:35 p.m. to resume the public meeting. The motion was seconded by Dick Norris and unanimously approved.

George Finch made the motion to refer the property damage claim from John Jozwiak and Nancy Curtis to the Vermont League of Cities and Towns. The motion was not seconded and failed.

Dick Norris made the motion to refer the property damage claim from John Jozwiak and Nancy Curtis to the Town Attorney, Alan George, for a legal opinion. The motion was seconded by Rick Anderson and approved by a majority.

#### **XI. Adjourn**

George Finch made the motion at 10:45 p.m. to adjourn the July 13, 2009 meeting of the Selectboard. The motion was seconded by Sue Feenick and unanimously approved.

**Action Items from July 13, 2009**

Task	Responsible Party	Schedule	Status
Prepare cost estimate for electrical repair in Park	B Sanderson	By July 27, 2009	

**Outstanding Action Items from June 8, 2009**

Task	Responsible Party	Schedule	Status
Type up Highway Department Yearly Work Schedule	S Bourque	June 2009	
Relocate marquis	B Sanderson	June 2009	Complete
Install dry hydrant at Beaver Pond	Blow/Sanderson	Summer/Fall 2009	
Remove vegetation from Pool dam	B Sanderson	Fall 2009	

**Outstanding Action Items from May 18, 2009**

Task	Responsible Party	Schedule	Status
Complete plan/letter for addressing Route 3	B Sanderson	ASAP	Complete

**Outstanding Action Items from 1Q FY2008**

Task	Responsible Party	Schedule	Status
Address storm water on West Street/Columbian Avenue	B Sanderson	FY09 Budget	Assigned September 10, 2007
Plan for dam inspection recommendations	B Sanderson		Assigned August 13, 2007

**Outstanding Action Items from FY2006**

Task	Responsible Party	Schedule	Status
Finalize Safety and Health Manual	Sanderson/Bourque	By Aug 06	Assigned Apr 2006
Complete Highway Standards	Sanderson/Bourque	After Sewer	Assigned Apr 2006
Address storm water impact from Carrington driveway	B Sanderson	FY08 Project	Assigned Apr 2006
Coordinate with P Rimsa to update road book	B Sanderson	October 2005	Assigned Jul 11, 2005

**Outstanding Action Items from FY2005**

Task	Responsible Party	Schedule	Status
Repair high reservoir, post no trespassing signs	G Finch	Winter 2005-2006	Complete