

**Town of Proctor Selectboard Meeting**  
**August 10, 2009**  
**6:00 – 9:30 P.M.**

**Board Members Present**

Bruce Baccei, Chair  
Rick Anderson  
George Finch  
Dick Norris

**Other Guests Present**

Roger Bergeron, Facilities Engineering Division  
Warren McCullough  
Lisa Miser  
Kevin Smith, SVE Associates  
PEG-TV

**Employees Present**

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

**Agreements/Approvals**

- Unanimously approved the July 27, 2009 meeting minutes as presented.
- Unanimously granted a variance hearing application fee reduction of \$90 for the Perry's seconded variance hearing for construction of a garage at 10 Florence Road.
- Unanimously agreed at 6:30 p.m. to adjourn the meeting of the Selectboard and convene the Board of Water Commissioners.
- Unanimously agreed to work with Paul Giuliani to draft a request for proposals for assessing the legal consequences of discontinuing and abandoning our water supply and treatment facility in the Town of Chittenden, thereby resulting in an abandonment of our transmission line outside of the Town of Proctor.
- Unanimously accepted the terms and conditions, as articulated in the August 10, 2009 letter from Barbara Cosgrove, for granting an easement for the replacement of the water storage tank off Tower Road.
- Unanimously accepted the engineer's recommendation to reject the bid for the East Side Distribution System Improvements due to financial limitations.
- Scheduled special meeting of the Board of Water Commissioners on September 21, 2009 at 6:00 p.m. to review and discuss the final design contracts for the Field Street Well improvements and the concurrent distribution system improvements with our engineer and the Water Supply Division.
- Unanimously agreed at 7:30 p.m. to adjourn the meeting of the Board of Water Commissioners and convene the Board of Sewage Commissioners.
- Unanimously approved the revised Resolution and Certificate, Loan Agreement, General Obligation Bond, and Tax Certificate for the Park Pump Station Expansion Project.
- Unanimously approved the \$9,725 expense for M&K Diving to remove the old aeration lines from the second lagoon and up to \$2,000 to dispose of the equipment with Casella Waste Management.
- Unanimously approved pay request #1 on the Phosphorus Removal Project from the Quinn Company for \$5,980.50.
- Unanimously approved the construction phase engineering services contract with Forcier Aldrich & Associates for \$15,350.00 for the Sewer Rehab Project.
- Unanimously authorized Bruce Baccei to approve change orders up to \$5,000 for the Phosphorus Removal and Sewer Rehab Projects.
- Unanimously agreed at 8:00 p.m. to adjourn the meeting of the Board of Sewage Commissioners and convene the meeting of the Selectboard.
- Unanimously charged the Community Development Committee with contacting the Vermont Council on Rural Development about the Community Visit Program.

- Unanimously rescinded the motion made on July 27, 2009 to approve the FY2011 budget schedule as proposed by the Finance Committee and approved the FY2011 budget schedule as revised on August 10, 2009.
- Unanimously approved the FY2010 municipal tax rate of 0.9435.
- Unanimously approved the FY2009 audit services contract with Jeff Bradley at a cost not to exceed \$12,050.
- Unanimously agreed to contract with Jeff Bradley to perform the single audit. If Bradley is unable, then the Town Clerk/Treasurer is to solicit estimates from other qualified accountants.
- Unanimously approved the Municipality Certificate as to Municipal Bond to take advantage of debt service savings on the wastewater bond that matures in December 2009.
- Unanimously appointed Bruce Baccei as the Town of Proctor's voting delegate at the VLCT annual business meeting on October 1, 2009.
- Signed the orders totaling \$52,282.18.
- Unanimously agreed at 9:10 p.m. to enter executive session to discuss potential litigation.  
Unanimously agreed at 9:30 p.m. to resume the public meeting.
- Unanimously agreed at 9:30 p.m. to adjourn the August 10, 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 July 27, 2009 Meeting Minutes**

Dick Norris made the motion to approve the July 27, 2009 meeting minutes as presented. The motion was seconded by Rick Anderson 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 noted that he is still waiting for an estimate for the tree work from Trees, Inc. and that Todd Blow has requested estimates from two local logging companies – Tom Grace and Paul Corliss. All estimates received will be presented at the August 24, 2009 meeting. The Selectboard asked that Brian and/or Todd also request an estimate from White's, the logging company out of Danby that is currently logging for Omya.
- Field Inspection of Route 3 Scheduled for August 11, 2009 at 2:30 p.m.: The inspection with representatives from the Agency of Transportation is scheduled for August 11, 2009 at 2:30 p.m.
- Other New and/or Old Business: A summary of other Highway Department business discussed is provided here:
  - Rick Anderson asked whether the Town had made a prior commitment to restore the front walkway at Ed Loso's home on Meadow Street. No one present was aware of such commitment, but will inquire with Todd Blow for more information on this matter.
  - Anderson also informed Brian Sanderson of a stormwater complaint received from Kevin Sadowski of 17-19 Garden Street. Sanderson will follow-up on the complaint.
  - Bruce Baccei acknowledged that Byron Hathaway thanked the town of Proctor for letting Rutland Town use our spreader.

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

*Warren McCullough*: McCullough provided details of the dam's construction and an explanation of past efforts he had taken to keep the spillway clean at the Reynolds Reservoir. He also recounted various accomplishments during his tenure as the Superintendent of Public Works.

*Lisa Miser:* Miser requested the Selectboard grant a reduction of \$90 (from \$150 to \$60) in the zoning permit application fee for requesting a variance hearing for the Perry's. It is possible that they will be reapplying for a variance for construction of a garage at 10 Florence Road. Given that this will be a second variance hearing, the Planning Commission feels that a reduction in the application fee is warranted. Dick Norris made the motion to grant a variance hearing application fee reduction of \$90 for the Perry's seconded variance hearing for construction of a garage at 10 Florence Road. The motion was seconded by George Finch and unanimously approved.

## **V. Invited Guests**

There were no invited guests on the agenda.

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

Dick Norris made the motion at 6:30 p.m. to adjourn the meeting of the Selectboard and convene the Board of Water Commissioners. The motion was seconded by George Finch 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 noted that he contacted both Tom Grace and Paul Corliss about the trees to be cut at the Rink and for the East Side project. Neither will be submitting a quote for this work. Blow agreed to contact White's to request a quote. The quotes will be presented at the August 24, 2009 meeting.
- August 6, 2009 Letter from Paul Giuliani Regarding Water System Abandonment: The Board reviewed and discussed the letter from Paul Giuliani. Dick Norris made the motion to work with Giuliani to draft a request for proposals for assessing the legal consequences of discontinuing and abandoning our water supply and treatment facility in the Town of Chittenden, thereby resulting in an abandonment of our transmission line outside of the Town of Proctor. The motion was seconded by Rick Anderson and unanimously approved. Roger Bergeron also suggested contacting the Capacity Development Specialist at the Water Supply Division for help in preparing the RFP.
- August 10, 2009 Letter from Omya Regarding Easement for Replacement of Water Storage Tank off Tower Road: Dick Norris made a motion to accept the terms and conditions, as articulated in the August 10, 2009 letter from Barbara Cosgrove, for granting an easement for the replacement of the water storage tank off Tower Road. The motion was seconded by Rick Anderson and unanimously approved.
- East Side Summary of Bid Opening and Recommended Next Steps: Kevin Smith provided a summary of the bid opening for the East Side Distribution System Improvement project, which occurred on August 6, 2009. Due to financial limitations (i.e., ARRA funding is not secured through DWSRF and the one bid received is 41% over the estimated cost), Smith recommended the bid be rejected and the project be rebid in the fall once financing is in order. Roger Bergeron concurred with the engineer's recommendation. Dick Norris made the motion to accept the engineer's recommendation and reject the bid due to financial limitations. The motion was seconded by Rick Anderson and unanimously approved. The engineer's bid analysis report and recommendation along with the Town's request to reject the bid will be submitted to the Facilities Engineering Division for concurrence.
- Recommendation to Schedule Separate Meeting for Water/Sewage Commissioners: The Board agreed to schedule a special meeting on September 21, 2009 at 6:00 p.m. to review and discuss the final design contracts for the Field Street Well improvements and the concurrent distribution system improvements with our engineer and the Water Supply Division. It was agreed that rather than schedule a permanent, separate meeting for the water/sewage commissioners, that special meetings will be scheduled as needed to discuss specific matters.

## VII. Board of Sewage Commissioners

George Finch made the motion at 7:30 p.m. to adjourn the meeting of the Board of Water Commissioners and convene the Board of Sewage Commissioners. The motion was seconded by Rick Anderson 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 noted that the Wastewater Management Division will be conducting an inspection of the Wastewater Treatment Facility on August 13, 2009.
- Revised Bond Financing Documents for Park Pump Station Expansion Project: Dick Norris made the motion to approve the revised Resolution and Certificate, Loan Agreement, General Obligation Bond, and Tax Certificate. The motion was seconded by George Finch and unanimously approved.
- Estimate to Remove Old Aeration Feed Lines in Second Lagoon: Todd Blow recommended the Board approve a \$9,725 expense to have M&K Diving remove the old aeration feed lines from the second lagoon while they are mobilized to plug the inlet pipe for the Phosphorus Removal project. The removal of this equipment will improve the operator's ability to run the facility and remove accumulated sludge. The only additional cost for this work will be disposal through Casella Waste Management. The estimated cost for disposal is less than \$2,000, but a quote is pending. Dick Norris made the motion to approve the \$9,725 expense for M&K Diving to remove the old aeration lines from the second lagoon and up to \$2,000 to dispose of the equipment with Casella Waste Management. The motion was seconded by Rick Anderson and unanimously approved.
- The Quinn Company Pay Request #1: Dick Norris made the motion to approve pay request #1 on the Phosphorus Removal Project for \$5,980.50. The motion was seconded by George Finch and unanimously approved.
- Forcier Aldrich & Associates Step III Engineering Agreement for Sewer Rehab Project: Dick Norris made the motion to approve the construction phase engineering services contract with Forcier Aldrich & Associates for \$15,350.00 for the Sewer Rehab Project. The motion was seconded by George Finch and unanimously approved.
- Authorize Bruce Baccei to Approve Change Orders up to \$5,000 for the Phosphorus Removal and Sewer Rehab Projects: George Finch made the motion to authorize Bruce Baccei to approve change orders up to \$5,000 for the Phosphorus Removal and Sewer Rehab Projects. The motion was seconded by Dick Norris and unanimously approved.

Dick Norris made the motion at 8:00 p.m. to adjourn the meeting of the Board of Sewage Commissioners and convene the meeting of the Selectboard. The motion was seconded by George Finch and unanimously approved.

## VIII. FY2009 Year End Reports

The Selectboard reviewed and discussed the FY2009 year end reports.

## IX. Standing Committees

- Reports:
  - *Parks and Recreation Committee*: The Selectboard received a copy of the agenda for the next committee meeting on August 11, 2009.
  - *Finance Committee*: There were no activities to report.
  - *Community Development Committee*: Dick Norris indicated that there was not a quorum at the August 5, 2009 committee meeting and therefore no minutes will be drafted. Jamie Stewart of REDC did attend the meeting and offered to return for the September 2, 2009 meeting.
  - *Public Works Committee*: Rick Anderson indicated that a response to Audrey Tilden's letter regarding the Pay-As-You-Throw Program is being developed.

- Charges:
  - *Community Development Committee:* Rick Anderson made the motion to charge the Community Development Committee with contacting the Vermont Council on Rural Development about the Community Visit Program. The motion was seconded by Dick Norris and unanimously approved.
  - *Public Works Committee:* The Selectboard requested recommendations on the Equipment Replacement Plan, Pay-As-You-Throw Program, and the proposal to contract out municipal plowing and mowing by October 1, 2009.

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

- FY2011 Budget Schedule – Guidance: Steffanie Bourque asked for additional guidance on the budget planning process for FY2011 so that she can provide notice to all departments regarding the schedule. Dick Norris made the motion to rescind the motion made on July 27, 2009 to approve the budget schedule as proposed by the Finance Committee and approve the FY2011 budget planning schedule as revised on August 10, 2009. The motion was seconded by George Finch and unanimously approved. The revised budget schedule takes into account the Selectboard's need to meet with department heads before draft budgets are disseminated to the committees for review/comment and includes the Public Works and Parks and Recreation Committees in the budget review process.
- Report on August 6, 2009 Meeting with Omya: Discussion of this matter was postponed until August 24, 2009.
- FY2010 Municipal Tax Rate: George Finch made the motion to approve the FY2010 municipal tax rate of 0.9435. The motion was seconded by Dick Norris and unanimously approved.
- FY2009 Audit Services Contract: George Finch made the motion to approve the FY2009 audit services contract with Jeff Bradley at a cost not to exceed \$12,050. The motion was seconded by Dick Norris and unanimously approved.
- Single Audit Required for Federal Expenditures in Exces of \$500,000 in FY2009: Dick Norris made the motion to contract with Jeff Bradley to perform the single audit. If Bradley is unable, then the Town Clerk/Treasurer is to solicit estimates from other qualified accountants. The motion was seconded by Rick Anderson and unanimously approved.
- Vermont Municipal Bond Bank Refunding – Municipality Certificate as to Municipal Bond: George Finch made the motion to approve the Municipality Certificate as to Municipal Bond to take advantage of debt service savings on the wastewater bond that matures in December 2009. The motion was seconded by Dick Norris and unanimously approved.
- Voting Delegate for VLCT Annual Business Meeting in October 2009: Dick Norris made the motion to appoint Bruce Bacceti as the Town of Proctor's voting delegate at the VLCT annual business meeting on October 1, 2009. The motion was seconded by George Finch and unanimously approved.
- July 2009 Overtime Report: The Selectboard received a copy of the report.
- Review of Bills and Signing of Selectboard's Orders: The Selectboard reviewed the bills and signed the orders totaling \$52,282.18.

## **XI. Executive Session**

Dick Norris made the motion at 9:10 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 9:30 p.m. to resume the public meeting. The motion was seconded by Rick Anderson and unanimously approved. No action was taken.

## **XII. Adjourn**

George Finch made the motion at 9:30 p.m. to adjourn the August 10, 2009 meeting of the Selectboard. The motion was seconded by Rick Anderson and unanimously approved.

**Outstanding Action Items from July 27, 2009**

<b>Task</b>	<b>Responsible Party</b>	<b>Schedule</b>	<b>Status</b>
Prepare revised cost estimate for electrical repair in Park	B Sanderson	By Aug 24, 2009	

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

<b>Task</b>	<b>Responsible Party</b>	<b>Schedule</b>	<b>Status</b>
Install dry hydrant at Beaver Pond	Blow/Sanderson	Summer/Fall 2009	
Remove vegetation from Pool dam	B Sanderson	Fall 2009	

**Outstanding Action Items from 1Q FY2008**

<b>Task</b>	<b>Responsible Party</b>	<b>Schedule</b>	<b>Status</b>
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**

<b>Task</b>	<b>Responsible Party</b>	<b>Schedule</b>	<b>Status</b>
Finalize Safety and Health Manual	Sanderson/Bourque	By Aug 06	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