

**Town of Proctor Selectboard Meeting  
December 14, 2009  
6:00 – 9:55 P.M.**

**Board Members Present**

Rick Anderson, Chair  
Linda Doty  
Susan Feenick  
Lloyd Hughes

**Employees Present**

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

**Other Guests Present**

Terri Carrington  
John Feenick  
Scott French  
John Jozwiak  
Lee Kahrs, The Reporter  
Warren McCullough  
Lisa Miser  
Ted Schaft  
George Smith  
Kevin Smith, SVE Associates  
PEG-TV

**Agreements/Approvals**

- Unanimously accepted the resignation of Bruce Bacceti from the Proctor Selectboard.
- Unanimously appointed Rick Anderson as the Selectboard Chair.
- Unanimously approved the November 23, December 1, 3, 7 and 10 meeting minutes as presented.
- Unanimously approved the proposal for upgrading the lighting at the Town Garage with energy efficient fixtures at an estimated cost of \$4,127.
- Unanimously authorized John Carroll to complete the necessary electrical work for the new heating system at the Town Garage and purchase one tank of propane for Herb Johnson as compensation for use of his forklift to unload the furnace upon delivery.
- Unanimously agreed to sponsor the Summer Lunch Program, thereby covering the activity under the town's liability insurance.
- Unanimously agreed at 6:40 p.m. to adjourn the meeting of the Selectboard and convene the Board of Water Commissioners.
- Unanimously approved the 2009 State Revolving Fund Priority List application for up to \$6,000,000 in capital improvements to the public drinking water system.
- Unanimously agreed to proceed with a groundwater only based public drinking water system and retain the surface water source only as long as it takes to resolve the outer district customers and complete the transition to a groundwater only system.
- Unanimously agreed to provide the Selectboards of Chittenden and Pittsford with a letter notifying them of the Town of Proctor's decision to proceed with a groundwater only public drinking water system and requesting a meeting to discuss this decision. Representatives from Proctor attending the meeting will include Rick Anderson, Susan Feenick, Todd Blow, Kevin Smith, and Paul Kulig.
- Unanimously agreed to utilize the State Drinking Water Revolving Fund for project financing.
- Unanimously approved the engineering contracts with Kevin Smith of SVE Associates for the final design of the enhanced Field Street Well at a cost not to exceed \$243,726.67 and final design of water storage and distribution system improvements at a cost not to exceed \$145,586.
- Unanimously granted permission to the VAST Rutland County Snowmobile Club and the Chittenden Dammers Snowmobile Club for the 2009-2010 season to establish, maintain, and groom snowmobile trails on property in the Chittenden Watershed property owned by the Town of Proctor.
- Unanimously agreed to refer the draft "Grant of Right-of-Way" and "Right of First Refusal" from Green Mountain Club for a section of the Long Trail in the Chittenden Watershed property to the town's attorney, Alan George, for legal review and for clarification on any statutory requirements for granting a right-of-way and/or right of first refusal on public lands.

- Unanimously agreed to address the delinquent water/sewer accounts at 70 West Street through the foreclosure process.
- Unanimously agreed to pursue confirming if the account at 360 Gorham Bridge Road is served by the Proctor Water System and if so, bill accordingly.
- Unanimously agreed at 8:50 p.m. to adjourn the meeting of the Board of Water Commissioners and convene the Board of Sewage Commissioners.
- Unanimously accepted the proposal from Green Mountain Pipeline Services for \$15,440 to slip line approximately 381 feet of 6 inch vitrous clay pipe on North Street.
- Unanimously agreed at 9:05 p.m. to adjourn the meeting of the Board of Sewage Commissioners and convene the meeting of the Selectboard.
- Unanimously appointed Rick Anderson as the Selectboard representative to the Finance Committee.
- Unanimously appointed George Smith to the Public Works Committee.
- Unanimously accepted the resignation of Mike O'Malley from the Finance Committee.
- Unanimously charged the Public Works Committee with developing an implementation plan for the solid waste management recommendations, including contracting out operations at the Transfer Station.
- Unanimously authorized Susan Feenick to work with Steffanie Bourque on the municipal website.
- Unanimously supported the Rutland County Solid Waste District's proposal to extend the District's contract with Casella Waste Management for another two years.
- Unanimously agreed to reject all proposals for the Reynolds Reservoir engineering evaluation due to financial constraints in the FY11 budget.
- Signed the orders totaling \$243,120.56.
- Unanimously agreed at 9:55 p.m. to adjourn the December 14, 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. Bruce Baccei's Resignation**

Rick Anderson read aloud the resignation letter from Bruce Baccei. Lloyd Hughes thanked Bruce for his years of service and being instrumental in getting the Proctor Selectboard increased from a 3 to a 5-member board. Lloyd Hughes made the motion to accept the resignation of Bruce Baccei from the Proctor Selectboard. The motion was seconded by Susan Feenick and unanimously approved.

Lloyd Hughes made the motion to appoint Rick Anderson as the Selectboard Chair. The motion was seconded by Susan Feenick and unanimously approved.

The Selectboard discussed the vacancy on the board due to Bruce's resignation. The Selectboard expressed a preference for filling the vacancy if anyone shows interest in the position. Letters of interest should be submitted to the attention of the Selectboard. The matter will be discussed again at the December 28, 2009 meeting.

### **III. Review Meeting Minutes**

Susan Feenick made the motion to approve the November 23, December 1, 3, 7 and 10 meeting minutes as presented. The motion was seconded by Linda Doty and unanimously approved.

#### **IV. 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. The Board took action on the following:
  - *Plan for Repairing Front Steps*: Susan Feenick volunteered to obtain estimates for replacing the front steps at the Town Office.
  - *Proposal for Lighting Upgrade at Town Garage*: Susan Feenick made the motion to approve the proposal for upgrading the lighting at the Town Garage with energy efficient fixtures at an estimated cost of \$4,127. The motion was seconded by Lloyd Hughes and unanimously approved.
  - *Meeting to Discuss Plowing*: A meeting between Rick Anderson, Brian Sanderson, and Warren McCullough was scheduled for December 15, 2009 at 8:00 a.m. to discuss plowing.
- Update on Furnace: Rick Anderson provided an update on the new furnace at the Town Garage. The furnace was delivered on December 11, 2009, with the assistance of Herb Johnson and his forklift. The duct work is scheduled for the end of next week. Follow-up is needed with the Fire Marshall to clarify some details regarding the ceiling and electrical work is needed to secure a dedicated circuit from the panel box to the furnace. Susan Feenick made the motion to authorize John Carroll to complete the necessary electrical work and purchase one tank of propane for Herb Johnson as compensation for use of his forklift to unload the furnace upon delivery. The motion was seconded by Linda Doty and unanimously approved.
- Other Old/New Business: Rick Anderson indicated that as a result of the December 7, 2009 special meeting to discuss personnel matters, the Selectboard has generated a project list for the Highway Department. Rather than hold an executive session at this meeting, as previously intended, Anderson will work with Brian Sanderson directly on this project list.

#### **V. Open Public Comment**

*Terri Carrington*: Carrington complained about the plowing on West Proctor Road. The Selectboard indicated that they are working with the Road Commissioner on the plowing operations.

*Scott French*: French commended the town crew for their response to the December 3, 2009 flooding event. The Selectboard also acknowledged the accomplishments of the crew.

*Warren McCullough*: McCullough advised that if the Selectboard is considering acquiring the gravel pit and relocating the salt shed to this site that they should confirm that this is permissible given the proximity to the Field Street Well (i.e., the property is within the Source Protection Area for the water source). Susan Feenick volunteered to research this matter.

*Ted Schaft*: Schaft recommended the Selectboard put the engineering work for the water system improvements out to bid. The recommendation was taken under advisement.

*John Jozwiak*: Jozwiak encouraged the Selectboard to consider laying off municipal employees given the state of the economy.

#### **VI. Invited Guests**

*Lisa Miser*: Miser explained the summer lunch program that she administers. She would like to base the program out of the Skating Rink facility again next summer and have the Town agree to be a participating sponsor so the activity can be covered by the Town's liability insurance. The program is funded completely with grant monies and there are no funds to pay for separate insurance in accordance with the Town's facility use policy. Susan Feenick made the motion to sponsor the Summer Lunch Program, thereby covering the activity under the town's liability insurance. The motion was seconded by Linda Doty and unanimously approved.

Miser informed the Selectboard of the Cookie Walk on December 19, 2009 from 9:00 a.m. – 12:00 p.m. at the Library.

## VII. Board of Water Commissioners

Lloyd Hughes made the motion at 6:40 p.m. to adjourn the meeting of the Selectboard and convene the Board of Water Commissioners. The motion was seconded by Susan 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.
  - *2009 State Revolving Loan Fund Priority List Application:* Linda Doty made the motion to approve the 2009 State Revolving Fund Priority List application for up to \$6,000,000 in capital improvements to the public drinking water system. The motion was seconded by Susan Feenick and unanimously approved.
  - *Source Decision and Public Notice:* Susan Feenick made the motion to proceed with a groundwater only based public drinking water system and retain the surface water source only as long as it takes to resolve the outer district customers and complete the transition to a groundwater only system. The motion was seconded by Lloyd Hughes and unanimously approved.

Susan Feenick made the motion to provide the Selectboards of Chittenden and Pittsford with a letter notifying them of the Town of Proctor's decision to proceed with a groundwater only public drinking water system and requesting a meeting to discuss this decision. Representatives from Proctor attending the meeting will include Rick Anderson, Susan Feenick, Todd Blow, Kevin Smith, and Paul Kulig. The motion was seconded by Lloyd Hughes and unanimously approved.

- *Funding Program Estimated User Rates Based on Capital Projects Costing Up to \$5,001,993:* The Board discussed the estimated financing through the Rural Development Program and the State Drinking Water Revolving Fund and resulting estimated user rates. Kevin Smith helped to explain the two funding programs and answer questions. Linda Doty made the motion to utilize the State Drinking Water Revolving Fund for project financing. The motion was seconded by Susan Feenick and unanimously approved. [Implicit in this decision is also the decision to conduct an income survey.]
- *Field Street Well/Water Storage and Distribution System Improvements Final Design Contracts:* Susan Feenick made the motion to approve the engineering contracts with Kevin Smith of SVE Associates for the final design of the enhanced Field Street Well at a cost not to exceed \$243,726.67 and final design of water storage and distribution system improvements at a cost not to exceed \$145,586. The motion was seconded by Linda Doty and unanimously approved.
- *Field Street Well/Water Storage and Distribution System Improvements Update:* Kevin Smith provided the Board with an update on the archeological assessments – the Field Street Well project site has been cleared and further field investigations will not be required at the Bluff Street water storage tank project site. Smith also explained why the route for the transmission main to the Bluff Street water storage tank has been changed. The change includes a portion of the transmission main crossing Omya property. Steffanie Bourque indicated that this information has already been shared with Barb Cosgrove, of Omya. Furthermore, Bourque indicated that Cosgrove will recommend to Tony Colak that Omya transfer the South Street property to the Town. The Town will be responsible for preparing the legal documents needed to vest title to the Town.
- *Meter Project:* The draft contract documents have been submitted to Todd Blow for review.
- *Legal Analysis of Abandoning Outer District Main:* The Board received a preliminary analysis memorandum from Paul Kulig for consideration.
- *Beaver Pond Dry Hydrant Project:* The Board began discussing this project and decided to postpone further discussion.

- *Paynter Litigation*: The Board received copies of the Plaintiff's memorandum dated November 30, 2009 and the Defendant's response dated December 9, 2009. The Board also received notice that the hearing is scheduled for January 5, 2010 at 2:00 p.m.
- Request from Chittenden Dammers Snowmobile Club: Susan Feenick made the motion to grant permission to the VAST Rutland County Snowmobile Club and the Chittenden Dammers Snowmobile Club for the 2009-2010 season to establish, maintain, and groom snowmobile trails on property in the Chittenden Watershed property owned by the Town of Proctor. The motion was seconded by Linda Doty and unanimously approved.
- Draft "Grant of Right-of-Way" and "Right of First Refusal" from Green Mountain Club: Susan Feenick made the motion to refer the documents from the Green Mountain Club for a section of the Long Trail in the Chittenden Watershed property to the town's attorney, Alan George, for legal review and for clarification on any statutory requirements for granting a right-of-way and/or right of first refusal on public lands. The motion was seconded by Lloyd Hughes and unanimously approved.
- Request from Scott Merrill Regarding Delinquent Water/Sewer Accounts at 70 West Street: Susan Feenick made the motion to address the delinquent water/sewer accounts at 70 West Street through the foreclosure process. The motion was seconded by Linda Doty and unanimously approved.
- Potential Unbilled Water Account at 360 Gorham Bridge Road – Follow-up: Susan Feenick made the motion to pursue confirming if the account at 360 Gorham Bridge Road is served by the Proctor Water System and if so, bill accordingly. The motion was seconded by Lloyd Hughes and unanimously approved.
- AECOM Special Meeting – December 16, 2009: The Board was reminded of the special meeting.
- Other Old/New Business: There was no additional old/new business discussed.

#### **VIII. Board of Sewage Commissioners**

Susan Feenick made the motion at 8:50 p.m. to adjourn the meeting of the Board of Water Commissioners and convene the Board of Sewage Commissioners. The motion was seconded by Linda Doty 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.
  - *Proposal for Slip Lining on North Street*: Lloyd Hughes made the motion to accept the proposal from Green Mountain Pipeline Services for \$15,440 to slip line approximately 381 feet of 6 inch vitrous clay pipe on North Street. The motion was seconded by Susan Feenick and unanimously approved.
- Other Old/New Business: There was no additional old/new business discussed.

Lloyd Hughes made the motion at 9:05 p.m. to adjourn the meeting of the Board of Sewage Commissioners and convene the meeting of the Selectboard. The motion was seconded by Susan Feenick and unanimously approved.

#### **IX. FY2011 Budget Planning**

- December 10, 2009 Draft: The Selectboard received the December 10, 2009 draft.
- Public Hearing – January 6, 2010: The Selectboard discussed how the hearing will be conducted. It was agreed that the Finance Committee should attend the December 28, 2009 meeting to clarify this matter.
- Finance Committee Recommendations – January 11, 2010: The Selectboard was reminded that FY11 budget recommendations from the Finance Committee will be presented on January 11, 2010.
- First Draft of Town Report – January 11, 2010: The Selectboard was reminded that the first draft of the town report will be presented on January 11, 2010. Proposed changes to the report contents will be discussed on December 28, 2009.

## **X. Standing Committees**

- Reports:
  - *Parks and Recreation Committee:* There was no report.
  - *Finance Committee:* The Selectboard received the November 30 and December 10, 2009 meeting minutes. The next meeting of the Finance Committee is scheduled for December 17, 2009 at 6:00 p.m. at the Library.
  - *Community Development Committee:* There was no report.
  - *Public Works Committee:* There was no report.
- Continuance of Community Development Committee: Rick Anderson recommended the Selectboard assume the functions of the Community Development Committee, due to their lack of ability to secure a quorum at a meeting. He further suggested appointing a Selectboard representative, preferably Linda Doty, to work directly with Jamie Stewart on economic development issues. Anderson's recommendations will be discussed further at the December 28, 2009 meeting.
- Finance Committee Selectboard Representative: Susan Feenick made the motion to appoint Rick Anderson as the Selectboard representative to the Finance Committee. The motion was seconded by Linda Doty and unanimously approved.
- Applications/Resignations: Susan Feenick made the motion to appoint George Smith to the Public Works Committee. The motion was seconded by Lloyd Hughes and unanimously approved. Lloyd Hughes made the motion to accept the resignation of Mike O'Malley from the Finance Committee. The motion was seconded by Susan Feenick and unanimously approved.
- Charges: Susan Feenick made the motion to charge the Public Works Committee with developing an implementation plan for the solid waste management recommendations, including contracting out operations at the Transfer Station. The motion was seconded by Lloyd Hughes and unanimously approved.

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

- November FY10 Budget Report, including Overtime: The Selectboard received the budget report and authorized its distribution to the Finance Committee.
- Town of Proctor Website Storyboards – Review/Comment: Lloyd Hughes made the motion to authorize Susan Feenick to work with Steffanie Bourque on the municipal website. The motion was seconded by Linda Doty and unanimously approved.
- Report on December 3, 2009 Meeting with Omya – Linda Doty: Doty apprised the Selectboard of the December 3, 2009 meeting with Omya to discuss regional truck traffic concerns. She will be working with Omya to post a sign on Route 3 to help alleviate the problem of truck traffic using the Florence Road to get to Omya.
- Letter from Robin Schaner Regarding Truck Traffic on Florence Road: The Selectboard received the letter and will inform Schaner of the work in progress.
- Letter from James O'Gorman Regarding Rutland County Solid Waste District's Contract with Casella Waste Management: With Susan Feenick's (Proctor's representative to the District's Board) endorsement, Lloyd Hughes made the motion to support the Rutland County Solid Waste District's proposal to extend the District's contract with Casella Waste Management for another two years. The motion was seconded by Linda Doty and unanimously approved.
- Letter from Commissioner of Taxes to Vermont Legislators: The Selectboard received a copy of the letter.
- Green Up Day Coordinator: The Selectboard took the appointment request into consideration.
- Other New and/or Old Business: Steffanie Bourque asked whether draft job descriptions and performance evaluation forms will be ready for the December 28, 2009 meeting. The Selectboard was informed of the opportunity to participate in the Vermont Community Energy Mobilization Project being coordinated by the Rutland Regional Planning Commission. The Selectboard was informed about the opportunity to participate in the Vermont HUD 2010-2015 Consolidated Planning

effort. Llyod Hughes made the motion to reject all proposals for the Reynolds Reservoir engineering evaluation due to financial constraints in the FY11 budget. The motion was seconded by Linda Doty and unanimously approved.

- Review of Bills and Signing of Selectboard's Orders: The Selectboard reviewed the bills and signed the orders totaling \$243,120.56.

## **XII. Adjourn**

Linda Doty made the motion at 9:55 p.m. to adjourn the December 14, 2009 meeting of the Selectboard. The motion was seconded by Susan Feenick and unanimously approved.

**Action Items from December 14, 2009**

<b>Task</b>	<b>Responsible Party</b>	<b>Schedule</b>	<b>Status</b>
Obtain estimates for repairing front steps at Town Office	S Feenick		
Research if new salt shed could be built in SPP	S Feenick		
Work on municipal website	Feenick/Bourque		

**Outstanding Action Items from November 9, 2009**

<b>Task</b>	<b>Responsible Party</b>	<b>Schedule</b>	<b>Status</b>
Follow-up with Warren McCullough on road book project	L Hughes		
Review proposals for engineering evaluation of Reynolds Reservoir Dam	Anderson/Hughes	Complete	All proposals were rejected due to financial constraints in FY11
Update job descriptions	Anderson/Hughes	By Dec 31, 2009	
Develop performance evaluation forms	Doty/Feenick	By Dec 31, 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	10/26/09 Schedule up to T. Blow
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

**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