

**Town of Proctor Selectboard Meeting
December 28, 2009
6:00 – 9:40 P.M.**

Board Members Present

Rick Anderson, Chair
Linda Doty
Susan Feenick
Lloyd Hughes

Other Guests Present

Stephen Crowley, Kulig & Sullivan
John Feenick
Carol Grace
Penny Inglee
Paul Kulig, Kulig & Sullivan
Jesse Richardson
PEG-TV

Employees Present

Steffanie Bourque, Town Administrator

Agreements/Approvals

- Unanimously approved the December 14, 2009 meeting minutes as presented.
- Unanimously accepted the Pyrofax proposal for \$180 to furnish and install automatic fuel shut-offs on the gas tanks at the Town Garage.
- Unanimously accepted the December 28, 2009 Road Commissioner's Report.
- Unanimously agreed to require the public works departments to 1) keep a log book of fuel use for each vehicle, 2) keep a record of plowing time, and 3) not allow town vehicles to idle.
- Unanimously agreed at 6:55 p.m. to adjourn the meeting of the Selectboard and convene the Board of Water Commissioners.
- Unanimously approved the plan to reclassify the Furnace Brook Intake to an emergency source. The source will then be exempt from the Long Term 2 Enhanced Surface Water Treatment Rule requirement to monitor for Cryptosporidium.
- Unanimously agreed to schedule a special meeting on January 4, 2010 to work on the Long Range Plan update and prepare a scope of work for the January 5 meeting.
- Unanimously agreed at 7:00 p.m. to enter executive session to discuss potential litigation.
- Unanimously agreed at 7:40 p.m. to resume the public meeting.
- Unanimously authorized Paul Kulig to work with Kevin Smith to develop preliminary cost estimates for providing outer district customers with an alternate source of drinking water.
- Unanimously rescinded the December 14, 2009 decision to pursue funding through the State Drinking Water Revolving Fund pending further information from the January 5, 2010 meeting.
- Unanimously agreed to table discussion of the legal review of the draft "Grant of Right-of-Way" and "Right of First Refusal" from the Green Mountain Club until January 11, 2010.
- 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 approved and executed the certificate of final completion for the phosphorus removal improvements project.
- Unanimously approved and executed change order #1, which decreased the contract price for the phosphorus removal improvements project by \$16,676.00.
- Unanimously approved and executed the final pay request of \$18,654.85 for the phosphorus removal project.
- Unanimously approved and executed the bond documents for \$125,858 for the Sewer System Rehabilitation project.
- Unanimously agreed at 9:00 p.m. to adjourn the meeting of the Board of Sewage Commissioners and convene the meeting of the Selectboard.
- Unanimously approved Rick Anderson's proposal for the Selectboard to assume the responsibilities of the Community Development Committee, appoint Linda Doty as the Selectboard liaison for

economic development, notify the Community Development Committee of the new direction, and provide the draft offer letter for the 5-corners property to the town attorney for review.

- Signed the orders totaling \$54,870.23.
- Unanimously agreed at 9:35 p.m. to enter executive session to discuss personnel.
- Unanimously agreed motion at 9:40 p.m. to resume the public meeting.
- Unanimously agreed at 9:40 p.m. to adjourn the December 28, 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 Meeting Minutes

Susan Feenick provided a written statement as to why, at the December 14, 2009 meeting, the Selectboard chose to utilize the State Drinking Water Revolving Loan Fund over the Rural Development program for funding the capital projects in the Proctor Water Department. Her statement is attached to these meeting minutes for public record.

Lloyd Hughes made the motion to approve the December 14, 2009 meeting minutes as presented. The motion was seconded by Linda Doty 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. The Selectboard took action on the following:
 - *Proposal from Pyrofax for Automatic Fuel Shut-offs*: Lloyd Hughes made the motion to accept the Pyrofax proposal for \$180 to furnish and install automatic fuel shut-offs on the gas tanks at the Town Garage. The motion was seconded by Linda Doty and unanimously approved.
 - Linda Doty made the motion to accept the December 28, 2009 Road Commissioner's Report. The motion was seconded by Lloyd Hughes and unanimously approved.
- Update on Furnace: Rick Anderson reported that we have taken delivery of the furnace and are working on constructing the fire-rated room and necessary duct/electrical work. All construction should be completed by the end of next week and then, with approval of the Fire Marshall, the new heating system will be brought online.
- Other Old/New Business: Susan Feenick requested that calcium carbonate replace the de-icing salts for the Town Office front steps. She also requested that the Highway Department evaluate the ditch by Wilson Castle because it appears to be flooded. Feenick reported that she has consulted with one contractor, Buddy Miles, about repairing the Town Office front steps and that he did not recommend replacing the marble steps with concrete. Based on Miles' recommendation, Feenick will contact Tedesco Masonry for an estimate to repair the steps. Feenick also reported that Scott Stewart of the Water Supply Division did not recommend siting a new salt shed at the gravel pit due to its proximity to the nearby wetland and Field Street Well (the gravel pit lies within the source protection area for the well). Steffanie Bourque reminded the public that the Highway Department will be collecting Christmas trees for the two weeks following the holiday if the trees are left at the curbside.

IV. Open Public Comment

There were no comments from the public.

V. Invited Guests

Finance Committee: Jesse Richardson informed the Selectboard that the Finance Committee will facilitate the January 6, 2010 public hearing on the FY11 municipal budget and provide a handout explaining the FY2011 budget proposal. The Selectboard and Department heads should attend the meeting and be prepared to answer questions from the public and defend the draft budget.

Richardson then reviewed the Finance Committee's FY11 budget recommendations (the recommendations are attached for reference). The Selectboard did not take action on these recommendations. They will wait to take action on all of the recommendations the Finance Committee presents on January 11, 2010 following the public hearing.

Based on the Finance Committee's recommendation to initiate a competitive bid process for bulk diesel and gas for town vehicles, Susan Feenick made the motion to require the public works departments to 1) keep a log book of fuel use for each vehicle, 2) keep a record of plowing time, and 3) not allow town vehicles to idle. The motion was seconded by Lloyd Hughes and unanimously approved. These changes are to be implemented immediately.

VI. Board of Water Commissioners

Susan Feenick made the motion at 6:55 p.m. to adjourn the meeting of the Selectboard and convene the Board of Water Commissioners. The motion was seconded by Lloyd Hughes 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. The Board took action on the following:
 - *LT2 Plan for Furnace Brook Intake:* Susan Feenick made the motion to approve the plan to reclassify the Furnace Brook Intake to an emergency source. The source will then be exempt from the Long Term 2 Enhanced Surface Water Treatment Rule requirement to monitor for Cryptosporidium. The motion was seconded by Linda Doty and unanimously approved.
 - *Long Range Plan 2009 Annual Report, including Draft Long Range Plan December 2009 Update:* The Board agreed to table review of the report until after the January 5, 2010 meeting with the Water Supply Division and Rural Development program officials. Lloyd Hughes made the motion to schedule a special meeting on January 4, 2010 to work on the Long Range Plan update and prepare a scope of work for the January 5 meeting. The motion was seconded by Susan Feenick and unanimously approved.
 - *Special Meeting with Water Storage Tank Vendors:* The board agreed to schedule the meeting at the January 11, 2010 meeting.
 - *Legal Analysis of Abandoning Outer District Main:* Susan Feenick made the motion at 7:00 p.m. to enter executive session to discuss potential litigation. The motion was seconded by Lloyd Hughes and unanimously approved. Susan Feenick made the motion at 7:40 p.m. to resume the public meeting. The motion was seconded by Linda Doty and unanimously approved. Lloyd Hughes made the motion to authorize Paul Kulig to work with Kevin Smith to develop preliminary cost estimates for providing outer district customers with an alternate source of drinking water. The motion was seconded by Susan Feenick and unanimously approved.
- Capital Projects Funding Program Choice Reconsidered: Due to a stated lack of understanding about the funding programs (see attached December 28, 2009 statement from Susan Feenick), a meeting with the Water Supply Division and Rural Development program officials has been scheduled on January 5, 2010 at 10:00 a.m. in Waterbury. Rick Anderson and Susan Feenick will be attending the meeting in addition to Steffanie Bourque and Kevin Smith. Susan Feenick made the motion to rescind the December 14, 2009 decision to pursue funding through the State Drinking Water Revolving Fund pending further information from the January 5, 2010 meeting. The motion was seconded by Linda Doty and unanimously approved.

- Legal Review of Draft “Grant of Right-of-Way” and “Right of First Refusal” from Green Mountain Club: Susan Feenick made the motion to table discussion of this matter until January 11, 2010. The motion was seconded by Linda Doty and unanimously approved.
- Other Old/New Business: There was no additional old/new business discussed.

VII. Board of Sewage Commissioners

Susan Feenick 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 Lloyd Hughes 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. The Board took action on the following:
 - *Phosphorus Removal Project Certificate of Final Completion*: Lloyd Hughes made the motion to approve and execute the certificate of final completion for the phosphorus removal improvements project. The motion was seconded by Linda Doty and unanimously approved.
 - *Phosphorus Removal Project Change Order #1*: Lloyd Hughes made the motion to approve and execute change order #1, which decreased the contract price for the phosphorus removal improvements project by \$16,676.00. The motion was seconded by Linda Doty and unanimously approved.
 - *Phosphorus Removal Project Final Pay Request*: Lloyd Hughes made the motion to approve and execute the final pay request of \$18,654.85 for the phosphorus removal project. The motion was seconded by Susan Feenick and unanimously approved.
 - *Sewer System Rehabilitation Project Bond Financing Documents*: Susan Feenick made the motion to approve and execute the bond documents for \$125,858 for the Sewer System Rehabilitation project. The motion was seconded by Lloyd Hughes and unanimously approved.
- Taranovich Sewer Back-up Claim: The claim has been forwarded the Todd Blow for evaluation. Susan Feenick also requested a status report on the hammer that was found to be obstructing a section of sewer main on North Street.
- Other Old/New Business: There was no additional old/new business discussed.

Lloyd Hughes made the motion at 9:00 p.m. to adjourn the meeting of the Board of Sewage Commissioners and convene the meeting of the Selectboard. The motion was seconded by Linda Doty and unanimously approved.

VIII. FY2011 Budget Planning

- December 28, 2009 Draft: The Selectboard received the December 28, 2009 draft. The only revisions in this version of the budget were to increase the budget for electricity by 25% due to an anticipated rate increase from the Vermont Marble Power Division in 2010.
- Town Report Contents: The Selectboard discussed possible options for the report cover. No changes to the Town Report contents were made at this time.

IX. Standing Committees

- Reports:
 - *Parks and Recreation Committee*: There was no report.
 - *Finance Committee*: The Selectboard received the December 17 and 21, 2009 meeting minutes and the FY11 budget recommendations.
 - *Community Development Committee*: There was no report.
 - *Public Works Committee*: Lloyd Hughes indicated that the committee is planning for their next meeting.

- Continuance of Community Development Committee: The Selectboard discussed Rick Anderson's suggestion for the Selectboard to assume the responsibilities of the Community Development Committee and appoint Linda Doty as the Selectboard liaison for economic development matters. Lloyd Hughes made the motion to approve Anderson's proposal, appoint Linda Doty as the Selectboard liaison for economic development, notify the Community Development Committee of the new direction, and provide the draft offer letter for the 5-corners property to the town attorney for review. The motion was seconded by Susan Feenick and unanimously approved.

X. Additional Items Requiring Action from the Board

- Welcome Advertisement for Carris Reels: The Selectboard agreed to publish a welcome advertisement in the Rutland Herald.
- Omya Property Listing Map – Next Steps: Discussion of this matter was postponed until January 11, 2010.
- Certified Equalized Education Property Value: The Selectboard received the report from the Department of Taxes.
- VLCT 2010 Legislative Priorities: The Selectboard received the notice from the VLCT.
- Other New and/or Old Business: No one has expressed interest in filling the vacant seat on the Selectboard. Anyone interested in filling the vacancy until the annual elections in March 2010 should submit a letter of interest to the attention of the Selectboard or attend a regular Selectboard meeting.
- Review of Bills and Signing of Selectboard's Orders: The Selectboard reviewed the bills and signed the orders totaling \$54,870.23.

XI. Executive Session

Susan Feenick made the motion at 9:35 p.m. to enter executive session to discuss personnel. The motion was seconded by Lloyd Hughes and unanimously approved. Susan Feenick made the motion at 9:40 p.m. to resume the public meeting. The motion was seconded by Lloyd Hughes and unanimously approved. No action was taken.

XII. Adjourn

Susan Feenick made the motion at 9:40 p.m. to adjourn the December 28, 2009 meeting of the Selectboard. The motion was seconded by Linda Doty and unanimously approved.

Action Items from December 14, 2009

Task	Responsible Party	Schedule	Status
Obtain estimates for repairing front steps at Town Office	S Feenick		In progress
Research if new salt shed could be built in SPP	S Feenick		Complete – provided WSD recommendation 12/28/09
Work on municipal website	Feenick/Bourque		

Outstanding Action Items from November 9, 2009

Task	Responsible Party	Schedule	Status
Follow-up with Warren McCullough on road book project	L Hughes		
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

Task	Responsible Party	Schedule	Status
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

Task	Responsible Party	Schedule	Status
Address storm water on West Street/Columbian Avenue	B Sanderson	FY09 Budget	Assigned September 10, 2007

Outstanding Action Items from FY2006

Task	Responsible Party	Schedule	Status
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