

**North Branch Fire District #1
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Minutes of the Regular Meeting of the North Branch Fire District #1, Prudential Committee, April 20, 2016.

This Meeting, having been duly warned, was called to order at 1:00 p.m. by Administrative Manager, Linda Holland.

Members Present: Thomas Ferrazza, Hobie Terhune, Edward Barber and Daniel Facilla.

Absent: Cyndee Frere.

Also Present: Kenneth Westby, Steven Montello, Thomas Powell, Robert Harrington, Richard Werner, Bart Howes, Rebecca Snow and Linda Holland.

Public Comment: None.

Re-organization of the Prudential Committee: Holland asked for nominations for a Chairperson. Facilla nominated Hobart Terhune for Chairman. Seconded by Barber. Passed unanimously. Holland turned the meeting over to Chairman Terhune at 1:06 p.m.

Terhune asked for nominations for a Vice Chairman. Ferrazza nominated Daniel Facilla as Vice Chairman. Seconded by Terhune. Passed unanimously.

Select Official Publications: Ferrazza moved to use the Deerfield Valley News as our official publication and the Brattleboro Reformer, as deemed necessary, as our secondary publication. Seconded by Facilla. Passed unanimously.

Set Official Meeting Dates and Time: Ferrazza moved to keep the meetings on the second Wednesday of each month at 1:00 p.m. Seconded by Barber. Passed unanimously.

Hook-up Fee Rates: After careful consideration and comparing the costs of septic systems Ferrazza moved to charge \$30.00 per gallon for small gallonage and the "A" Priority List and increase the "B" Priority List to \$60.00 per gallon, effective immediately. Seconded by Facilla. Passed unanimously.

Letters: Dated March 14, 2016 an E-mail from Robert Rubin confirming a conversation he had had with Holland earlier that day. Rubin and Glennon would like to understand

what the process is of requesting a refund for seven (7) duplex units that remained unbuilt at Kingswood. The memo goes on to state “that at least for now, we have no plans to build these 14 units. We understand if we decide to take this refund now, and decide to build these units later, we will be subject to the new rate.”

Dated April 19, 2016 a letter from Kenneth Westby, President of the Kingswood Common (Association) requesting that gallons associated with the Kingswood of Vermont, Inc. contract not be released or the deposit returned at this time. The homeowners at Kingswood Common claim an interest in the gallons and in the deposit. The letter goes on to state “The Association is hoping to amicably resolve this issue with the developer.”

Dated April 18, 2016 a Certified Letter was mailed to 458 Shore Road, LLC, stating the owner has until May 3, 2016 to have a meter installed or be assessed fines of \$100.00 per day, for each day they are in violation.

Dated April 12, 2016 a letter from Lincoln Financial Group stating the Long Term disability claim for Kenneth Bartlett has been denied.

Dated March 28, 2016 notification from Rebecca Webber, regarding the North Branch Fire District #1 Indirect Discharge Permit. The Department of Environmental Conservation has determined that the application for renewal is timely and sufficient for the purposes of Title 3, Section 814.

Dated March 31, 2016 notification from Vermont Workers’ Compensation Insurance that a refund is due the Fire District in the amount of \$2,673.00.

Returned completed on March 14, 2016 the U.S. Census Bureau’s 2016 Government Survey, authorized by Title 13, United States Code, Sections 161 and 193. The survey gathers information on the basic characteristics of all local, general purpose and special district governments.

March 10, 2016 Certified Letters were sent to six engineering firms and The Dodge Report, as well as advertised in the Deerfield Valley News on March 19 and March 26, 2016. The Fire District is in the process of obtaining Statement of Qualification from qualified architectural engineering firms. The requests must be submitted no later than 12:00 p.m. on June 7, 2016.

Minutes: Ferrazza moved to approve the Minutes of March 9, 2016 and March 29, 2016 as submitted. Seconded by Facilla. Passed unanimously.

Ratify Decision to Place a New Meter in the Library/Day Care Building: Ferrazza moved to ratify the decision to place a meter in the Library/Day Care Building at cost. Seconded by Terhune. Passed unanimously.

Treasurer's Report: Ferrazza moved to expend \$150,297.91 to pay the monthly bills. Seconded by Facilla. Passed unanimously.

The last Operational check written is check #27336

The last Capital check written is check #1072

The last Petty Cash check written is check #854

Snow reported that the current prudent reserve is \$444,925.30.

The Committee also took a few minutes to review the Profit and Loss Statement as well as the Capital Budget to date.

Chief Operator's Report: Howes submitted a written report explaining the reasons why the effluent did not meet the nutrient limits for the subsurface in February. Cold temperatures make the bugs less productive and responsive, therefore they are less efficient and the biological nutrient removal process more difficult when waste temperatures are below 20C and impossible if below 5C. Inconsistent flows due to second homeowners and the ski resort only compound the issue. Potentially the inability to utilize the subsurface for a month or two annually will be a reoccurring issue every year.

Howes notified the Committee that the RAS pump #2 has a cracked volute. The new volute has been ordered at a cost of \$2,184.00 with an eight week wait.

The pilot centrifuge will be here May 2, for a test run with our sludge.

Howes is in the process of compiling a list of cellular heads that will be installed at the District's expense, this year. The funds for this purpose have been spread out in the Capital budget over the next three years.

There are numerous commercial properties that have not installed new meters. These were to be installed by December 31, 2015. All commercial properties with hand read meters are in violation.

There were 66 estimated meters in the fall of 2015 and there are currently 54 estimated meters for the May 2016 billing. Some of these are the same meters that were estimated in the fall.

Ferrazza moved to have Holland send out Certified Letters of Violation giving each party thirty (30) days to have the meter installed/repaired or be fined \$500.00 per week starting from day one. Seconded by Barber. Passed unanimously.

Request for Possible Reimbursement/Kingswood in the amount of \$52,920.00: This item passed over as no representative was present and no specific written request for the funds.

Executive Session: Ferrazza moved to go into Executive Session at 2:30 p.m. to discuss legal matters. Seconded by Barber. Passed unanimously. At 2:40 p.m. Ferrazza moved to come out of Executive Session. Seconded by Barber. Passed unanimously. The Committee decided that they would need a letter signed by 100% of the shareholders in order to release the funds totaling \$52,920.00.

Kingswood Common representatives Montello, Westby and Powell, asked the Committee several questions, and made the following statements.

They will have an attorney file an injunction tomorrow. (4/22/2016)

They question the true ownership of the gallonage.

Can the Fire District delay in returning the \$52,920.00?

Can this issue be tabled for one month & the Fire District hold the funds?

Feel they own the gallons because they have been paying property taxes on the undeveloped properties.

Could the Fire District hold the funds because conditions of the contract have not been upheld. (Engineer sewer inspections).

Revised Contract for Clock Tower Development, LLC/Outlook at Mount Snow:

Robert Harrington and Richard Werner were present representing this project. Harrington explained that the State wanted a revised contract indicating the gallonage set aside originally for the amenities building will now be used for building 11 also known as building B3 on Overbrook Drive. This leaves a reserve of 520 gallons for the amenities building that will be constructed in a different phase. Ferrazza moved to sign the Clock Towner Development, LLC contract. Seconded by Facilla. Passed unanimously. (Note: also attached to the contract is a check in the amount of \$300.00)

Contract Extension for John & Joseph Angeleri/Blue Brook Road: The Committee agreed that the Angeleri's need to pay \$21,600.00 in order to continue their contract extension for the 4,320 gallons reserved in the contract. Holland will send a bill to the Angeleri's. Angeleri's have also attached a check in the amount of \$300.00 for the contract.

Executive Session: Ferrazza moved to go into executive session at 3:42 p.m. to discuss legal. Seconded by Facilla. Ferrazza moved to come out of executive session at 3:55 p.m. Seconded by Terhune. Passed unanimously. **DECISION:** Holland will send the information regarding the Kingswood matter to Robert Fisher to review and give his opinion.

Old Business: Send sample contract and the ordinance to Committee. Slate a period of time to go over the ordinance and contracts at the next meeting.

Other Business: None.

Terhune moved to adjourn at 3:55 p.m.

Respectfully Submitted:

Linda L. Holland,
Administrative Manager

cc: H. Terhune, D. Facilla, E. Barber, E. Floyd, T. Ferrazza, Cyndee Frere, Bart Howes, Ed Floyd, Joe Mahon, Amiee Pritcher, Arlene Palmiter, Donald Albano, Linda Anelli, Adam Levine, Jeannie Flanagan, Deerfield Valley News and the Brattleboro Reformer.

Posted: North Branch Fire District #1, Wastewater Treatment Facility & Administrations Building. Dover Town Office.