

**North Branch Fire District #1  
78 Dorr Fitch Road  
West Dover, VT. 05356**

**Phone: 802-464-7560 x 110  
Fax: 802-464-3040  
E-mail: [nbfd1@myfairpoint.net](mailto:nbfd1@myfairpoint.net)**

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE  
PRUDENTIAL COMMITTEE**

Minutes of the Regular Meeting of the North Branch Fire District #1, Prudential Committee, January 4, 2017.

This Meeting, having been duly warned, was called to order at 1:00 p.m. by Chairman, Hobart Terhune. Terhune had to leave the meeting at 2:30 p.m.

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

**Absent:** Cyndee Frere.

**Also Present:** Adam Levine, Edward Floyd, Richard Caplan, Ashley Grande, Laurie Newton, Richard Deutsch, Rachel Marvin, Rebecca Snow, Bart Howes and Linda Holland.

**Public Comment:** None.

**Mount Snow Carinthia/Backwash Water:** Rachel Marvin, PE, representing vhb (Vanasse Hangen Brustlin, Inc.) e-mailed the Committee on December 27, 2016 requesting preliminary approval from the North Branch Fire District #1, to discharge approximately 883 gallons per day of backwash wastewater from Mount Snow's future water treatment process associated with the new Carinthia Development. Howes informed the Committee that we are already accepting this type of discharge from Deer Creek as well as the Matterhorn. Mount Snow will be charged for these gallons. Facilla moved to allow Mount Snow to discharge up to 883 gpd, every other day, into the municipal treatment system. Seconded by Ferrazza. Passed unanimously.

**Richard Caplan/Discuss Gallonage Reimbursement:** Holland had prepared, for the Committee, documentation dated December 2, 1975 showing that an application fee in the amount of \$50.00 was paid. At that time, it appears that any property listed in the original contracts I, II and III, were connected after paying an application fee. Payment based on square footage is not documented until 1980. An example of the square footage rate follows: 380 sq. ft. x \$20.00 per sq. ft. x 1% = \$76.00. When the Committee converted from square footage to gallonage an inspection was performed to determine what was in each building. At that time Andirons had a total allocation of 17,835 gpd.

Currently they are utilizing only 8,790 gpd leaving a difference of 9,045 gpd. Mr. Caplan is asking the Committee to purchase approximately 5,000 gallons back. Facilla explained to Caplan that nothing was paid for the gallonage, with the exception of the application fee. The Committee at that time was not thinking that down the road, 30 years from now the plant would need to be replaced. Caplan stated "that is irrelevant the gallonage is worth real dollars today. If I give the gallonage back to you, you can resell it." The Committee stated "No we cannot resell it". Howes explained when you purchase gallonage you go on our commitments list. Caplan went on to say "I think you are looking at that at this present time but when the time comes that you need the gallonage for another project I think you would be looking at, I think you are rationalizing today's situation but I look at it differently." Facilla pointed out that once the building is complete, you come off the commitments list and the gallonage is calculated in the daily flows. Caplan stated that a large portion of the building was torn down and does not contribute to any flows. Facilla said "That's okay, it did not exist one minute after you hooked up, it's all flow." Facilla stated "we can only pay back what you paid in, and that was nothing, because you only paid an application fee, there is nothing to give back. Ferrazza stated that if the applicant had paid based on square footage perhaps the Committee would consider reimbursement on the square footage paid. Caplan asked if this was written in policy, By-Laws or the Ordinance. Holland was asked to provide Caplan with the copies of the Ordinance highlighting the section regarding contiguous properties. Howes will contact the State to see what they have to say regarding the commitments and the resizing of the building. Levine stated "one day you will run out and you won't have the gallonage to sell, Rich like me I'm thinking, instead of that day coming where you have to say sorry there is not gallonage he's saying I'm making a conscious decision to say I am never going to use all that gallonage, I bought that commodity inclusive in my property. Now if you are telling me I can't sell it to the guy down the block and you're not going to buy it back, that amount of gallons will never be available to anybody." Ed Floyd said another way to look at it would be if everybody came that is hooked on to this sewer system and said "I want my gallonage back" it would be three times the gallonage that this plant sees now, because you hook on at a rate the State says when people are there 24/7, two people in every bedroom and that does not happen in reality. So you hook on at one rate, you see an actual rate come through and we realize we have a buffer that is sold to other people. You cannot give back what is not there. And what is not there is gallonage that is not used, bedrooms that are not occupied. Facilla informed Caplan that buying gallons does not increase the plant capacity. This will be discussed again at the February 8, 2016 meeting.

**Richard Deutsch/Mount Snow/Fee structure for Carinthia Project:** Ferrazza moved to go into Executive Session to discuss legal matters at 1:37 p.m. Seconded by Facilla. Passed unanimously. Ferrazza moved to come out of Executive Session at 2:51 p.m. Seconded by Facilla. Passed unanimously. **DECISION:** To hold a Special Meeting, Executive Session to discuss contractual/legal matters.

**Letters:** A copy of the scope of services for the engineering to be performed by Technicon P.C. as detailed in this agreement.

A letter from Terisa Thomas approving the North Branch Fire District #1's draft Engineering Services Agreement (ESA) for the proposed plant upgrade.

Dated December 28, 2016 a letter from Dr. Jenny Frances stating one of our employees is to continue light duty, no lifting with the right hand for the next 3-4 weeks.

A letter dated December 10, 2016 from Catherine Kaufmann stating she was shocked to receive a letter from the Fire District telling her that she has to replace her water meter by January 1, 2018. She is hoping the Committee will reconsider and stick with replacing meters as they fail.

**Minutes:** Ferrazza moved to accept the Minutes of December 7, 2016 as submitted. Seconded by Barber. Passed unanimously.

**Edward Floyd/Technicon PC:** Ferrazza stated that he thought the problem with the last public hearing was that we were allowing people to bring up other topics such as hookup fees, meters etc. Floyd stated that he thought we were discussing whether the whole Fire District was going to pay or just the users. Ferrazza feels that if we have the whole Town pay it will be defeated in a second. Facilla asks "why?" Ferrazza explained that if you own a vacant lot up the road and can't build you are paying a bond bill. Holland reminded the Committee that if the bond is voted by Australian Ballot, the Committee cannot discuss the bond during the open portion of the meeting. The Committee asked if it could be discussed if it were an article. The answer is "yes". The Committee wants Holland to ask the State/VLCT if it makes sense to have two different articles and does it make sense to have it spread out over the Fire District. If the Bond is voted down, the only way to make the repairs is to pass it on to the users. Ferrazza stated that it is important the people at this hearing understand we can do this at 1% now or pay 5% on a loan later. Floyd stated we are trying to be proactive instead of reactionary. Ferrazza suggests asking the question at the hearing "if you are not connected to the sewer line would you vote in the affirmative to pay for the bond?"

**Boulder Ridge/Ratify Corrected Figures:** Ferrazza moved to ratify the corrected figure of \$58,224.00 as available funds for the Boulder Ridge project. Seconded by Barber. Passed unanimously.

**Treasurer's Report:** Ferrazza moved to approve an expenditure of \$95,755.40 to pay the December monthly bills and \$35,103.18 for the January 2017 bills. Seconded by Barber. Passed unanimously.

The last Operational check written is check #27734

The last Capital check written is check #1118

The last Petty Cash check written is check #862

Snow reported that the current prudent reserve is \$515,903.81.

**Chief Operator's Report:** Howes reported that the north clarifier was repaired and placed back into service on December 16, 2016. Repairs were performed by VT Sewer and Drain at a cost of \$15,000.00. It is currently working as well as it did before it broke however it still lacks skimmer arms.

Due to the holiday flows and the clarifiers without the skimmer arms, our subsurface disposal had to be turned off due to the strainer habitually clogging. Because of this we lost three days of discharge.

The bid deadline for the Route 100 and Mount Snow Pump Station roofs has passed as well as the bid deadline for rebuilding the Ellis Brook pump station. Howes contacted numerous contractors but only VT Sewer and Drain replied. Holland contacted eight contractors but only Gloeckner Construction replied. Ferrazza moved to accept the proposal from Gloeckner Construction to do both roofs for \$1,800.00 and the proposal from VT Sewer and Drain in the amount of \$9,350.00 to refurbish the Ellis Brook pump station. Seconded by Barber. Passed unanimously.

The commitments list is still a work in progress with the ad hoc committee. Two specifically are within the recent years and are currently still constructing under an expired contract. Boulder Ridge and Trails Edge. The ad hoc committee recommended a letter be sent out with a deadline to renew the expired contracts at the current rate. Boulder Ridge has been finalized so they should be sent a letter immediately. Trailsedge can be sent one once all their funds are finalized at the next ad hoc meeting. Draft letter will include a 30 day deadline, with a specific date and time in the letter and explain that after business hours on that date their municipal agreement will expire and all construction must halt. The Town Zoning and the VT State Regional Permit office will be notified of the update voiding their local and state wastewater permit.

**Old Business:** None.

**Other Business:** Holland brought to the Committee's attention that it was reported to her that a local realtor was removing sleeping spaces and after the inspection placing the sleeping spaces back into the unit; in some cases asking the property manager to participate in the removal of the furnishings. Holland has found out that this is a fraudulent practice and the realtor as well as the property management can be brought up on charges. The Committee asked Holland if she knew the unit involved and she responded "yes". The Committee agreed to bill the owner for the 3 extra sleeping spaces once the inspection has been performed. Howes suggested inspecting units as the cell heads are being installed.

January 9, 2017 at 7:00 p.m. Public Hearing at the Dover Town Hall at 190 Taft Brook Road. To discuss the proposed plant upgrade.

January 23, 2017 at 7:00 p.m. Public Hearing at the Dover Town Hall at 190 Taft Brook Road. To discuss the Cellular Meters.

Facilla adjourned the meeting at 4:00 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, Leslie Fraser, Ashleigh Perkins, Laurie Newton, Robert Rubin, Ray Reed, John Densmore, Cliff Turpin, Rolf Parker-Houghton, G. Golet, S. Mac Dougall, L. Harkawik, R. William, Deerfield Valley News and the Brattleboro Reformer.

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