

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

Website:<https://www.northbranchfiredistrict.com>

Phone: 802-464-7560 x 110

Fax: 802-464-3040

E-mail: 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, September 4, 2019.

This Meeting, having been duly warned, was called to order at 12:00 a.m. by Chairperson, Cyndee Frere.

Members Present: Cyndee Frere, Edward Barber, Thomas Ferrazza, Daniel Facilla and Brendan Ryan arrived at 12:13 p.m.

Also Present: Ed Floyd, Michael McGillion, Rebecca Snow, Bart Howes and Linda Holland. Roger Bergeron via phone.

Public Comment: None.

Minutes: Ferrazza moved to approve the Minutes of August 8, 2019 as submitted. Seconded by Barber. Passed unanimously.

Letters: Dated August 15, 2019 from People's United Bank, acknowledgement that the commercial loan has been paid in full.

Dated August 22, 2019 an E-mail from Thomas Brown, CWSRF Project Developer, State of Vermont, requesting the status of the DUNS number. Holland informed him that the holdup was due to a breach of security within the GSA SAM System/Database in March of 2018. On August 1, 2019 Holland mailed a notarized document to the Federal Service Desk, Attn: SAM. Government Registration Processing, but has not heard back from SAM at this time. This paperwork is necessary for the \$75,000.00 funding.

Off Site Data Backup: Tabled until the Committee can review the information presented to them. Place on the October 10th. agenda.

Chief Operator's Report: Federal Construction.

Howes has been notified that this project will have to be AIS and Davis Bacon Act compliant retroactively and from this point forward. This will be discussed during the construction meeting tomorrow.

The centrifuge startup began today, September 4, 2019.

Construction on the headworks building has begun

Pond Project: Vermont Dam Safety has begun their final review of the holding pond. They had a site visit for their final completion meeting and inspection today, September 4, 2019.

Boulder Ridge REO, LLC/ Michael McGillion: Attorney Michael McGillion came before the Committee requesting an extension of the Boulder Ridge contract, for a reasonable period of time, as it existed in late 2017, giving the owners the opportunity to perform. The owners could not fulfill the contract dated December 22, 2017 because they could not obtain an Act 250. The above mentioned contract expired on December 22, 2018. The rate per gallon at the signing of the above contract was \$30.00 per gallon. Boulder Ridge has finished the three “shells” so part of the gallonage has been used. The new proposal is for six (6) additional units, contained in three (3) new buildings. Ferrazza asked “when did you apply for your Act 250 Permit”. McGillion replied “four or five months ago”, and went on to explain how difficult it is to obtain an Act 250. Wetlands became an issue as the regulations for wetland has changed since the project began and one of the new buildings was near the wet areas. The contract dated December 22, 2017 was for a total of 5,335 gallons, of that approximately 1,800 gallons was used to complete units 10, 11 and 12 leaving a remainder of approximately 3,535 gpd. Ryan stated that he does not see how we can make an exception in this case; fees are based on the needs of the plant. (See note under Executive Session)

Ferrazza move to go into deliberative session at 12:35 p.m. to discuss the Boulder Ridge contract. Seconded by Ryan. Passed unanimously. Ferrazza moved to come out of deliberative session at 12:48 p.m. DECISION: The Committee unanimously feels that they are not able to extend the Boulder Ridge REO, LLC contract at the \$30.00 rate. Ryan explained how these cases were treated in the past. This may have been considered if the request for an extension was near the expiration date, but because this request is nine months later we are not able to extend your contract. If Boulder Ridge does not want the remaining gallonage they may sign a “Revocation of Gallonage” and their funds would be returned to them. Before Attorney McGillion left he was handed a “Revocation of Gallonage” form as well as the “Application for Gallonage” form.

Ed Floyd/Technicon P.C./Construction Update: Floyd stated that the centrifuge is being tested right now with water. That is the last big piece of equipment. We are waiting for the State Engineer to come and perform the final inspection on the Holding Pond and then we will be able to impound water and use the Holding Pond. The last construction meeting Floyd gave Matias a very strongly worded message to take back to his boss. Because for a month he (Matias) has been saying that he is going to prepare a proposal and every month we are delayed. Matias told Floyd that the problem is not Travis Kingsbury, the problem is me. Travis Kingsbury has asked Matias several times for the paperwork and he (Matias) has just been too busy. Floyd was hoping to have a

proposal today for the Committee. Floyd informed the Committee that Roger Bergeron is coming tomorrow for the construction meeting to straighten out the confusion with the AIS and Bacon Davis Act. Floyd is changing the bill on the overage so his bill will show a zero amount. The bill will show the amount for the month including sub-contractor payments so the Fire District will have a record. Funding for the subs ran out four or five months ago due to the necessary changes. Ferrazza asked Floyd “at this point, what do we still owe Kingsbury”? Floyd replies “\$300,000.00 to \$400,000.00 and probably another \$300,000.00 after that”. These figures do not include resolving any conflict.

Roger Bergeron via phone: Bergeron explained to the Committee that under the directive of the EPA North Branch will have to abide by the AIS and the Davis Bacon Act. This will not be an easy thing to do, but we have to. Mr. Bergeron wants to see that the Fire District is not burdened by any extra costs. He will meet with the contractor, Ed Floyd, the Project Manager as well as the bookkeeper to see what can be done. Mr. Bergeron will keep communications open with Howes as well. The Committee unanimously agrees to have Mr. Bergeron continue talks with the contractor and engineer. Bergeron will send something in writing to the Committee.

Treasurer’s Report: Ferrazza moved to approve the expenditure of \$408,919.54 to pay the monthly bills. Seconded by Facilla. Passed unanimously.

Last Operational check written #29365
Last Capital check written #1314
Last Petty Cash check written #883
Last Construction check written #114

The Fire District’s current Prudent Reserve is \$ **(457,457.74)**.

The Committee asked Snow to check out the Bennington Bank Certificate of Deposit to see what the penalty is to withdraw funds.

Discuss Billing for Bond Payment Due June 1, 2020: Bart will make a call to see if this date can be changed because we are still under construction. Paperwork from the USA, State of Vermont, General Bond Obligation states the first payment is due June 1, 2020 in the amount of \$260,758.06. Facilla suggests borrowing from the “War Chest” (sinking fund) assigned the first bond. Ryan stated that if we don’t charge in the November billing we will always be behind. Ryan suggests calling a special meeting. Also suggested, placing an Article regarding this bond in the Annual Report for the Annual Meeting.

Holland will contact Paul Giuliani to see if the Committee has the right to borrow against a sinking fund.

Executive Session: Ferrazza moved to go into executive session at 1:17 p. to discuss legal and personnel. Seconded by Barber. Passed unanimously. Facilla moved to come

out of executive session at 2:25 p.m. Seconded by Ryan. Passed unanimously.
DECISION: Howes will move forward with the hiring process.

NOTE: Ferrazza stated that we neglected to tell Attorney McGillion that we have been sending letters to Boulder Ridge REO, LLC prior to the contract expiring and the letters keep coming back. Copies of the letters also went to Act 250 and the State Wastewater Division.

Old Business: None.

Other Business: Holland reported that she has an owner that has signed the “Meter Placement Agreement” to keep his meter in a crawl space. The owner just needs the new cell head installed. The property manager wants all the meters brought up to the “living” space. This places the Fire District in the middle. Committee wants Holland to get ahold of the President of the Homeowners Association to discuss this matter.

Frere moved to adjourn the meeting at 2:26 p.m.

Next meeting is October 10, 2019 at noon.

Respectfully Submitted:

Linda L. Holland,
Administrative Manager

cc: C. Frere, K. Braunbach, T. Ferrazza, E. Barber, B. Ryan, E. Floyd, B. Howes, H. Terhune, D. Facilla, J. Mahon, A. Pritcher, A. Palmiter, M. Himelson, L. Anelli, A. Levine, J. Flanagan, C. Helmstetter, Gray Ghost Inn, J. Desrochers, J. Gooch, Town of Dover, J. Densmore,, J. Redd, M. Garber, P. Fisher, R. Reed, S. Dupries, Y. Strus, L. Fraser, A. Perkins, L. Newton, R. Rubin, C. Turpin, R. Parker-Houghton, G. Golet, S. MacDougall, L Harkawik, R. William, P. Fitzpatrick S. Joyce-Albano, R. Caplan, G. Henry, Deerfield Valley News and the Brattleboro Reformer.

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