

**North Branch Fire District #1
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**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, April 8, 2021

This Meeting, having been duly Warned, was called to order at 12:04 p.m. by Chairman,
Thomas Ferrazza.

Members Present: Thomas Ferrazza, Daniel Facilla, Jodi Keeler and John Snow.

Also Present: Bart Howes, Rebecca Snow, Linda Holland, Helen Krzeminski, Michael
Garber, Bob Stone, Ed Moran, Mike Eldridge, Scott Stein, Steve Montello, Ray Reed,
Ken Westby and Richard Werner.

Public Comments: Garber commented on the Ironstone Landing property and his
personal property at 3 Partridge Run, asking for an extension of the May 20th deadline
and a credit for difference between the \$12/gal. (of the Amnesty Program) rate and
\$30/gal rate paid on the Partridge Run house, for the added sleeping spaces. A temporary
extension was granted until June 30, 2021. New construction extension would be
indefinitely.

It was determined that the credit could not be retroactive and was not granted. It was
discussed and agreed upon to add Michael Garber to the agenda for the regular meeting
of the Committee, on May 13th.

Minutes: Facilla moved to approve the Minutes of March 11 and 19, 2021 as submitted.
Seconded by J. Snow. Passed unanimously.

Letters: Town of Wilmington agreed to credit NBFD for taxes on property owned by
NBFD as requested by Linda Holland due to the condition and accessibility of the
property. A total of \$778.24 will be credited towards next year's tax bill.

A bill from Arcomm communications for new installation of television, camera and new
employee set up of computer with programs.

Gary Henry requested an extension on his \$12/gal rate at his Tamarack property. It was decided to give him a temporary extension until June 30, 2021 and added him to the agenda for the May 13th regular meeting.

Ray Reed was present to go over changes in his contract. Changes will not affect content, only order of paragraphs. Nbfd will contact him to come back and sign it when ready in a few days.

*Ferrazza addressed the recent Amnesty Program and a letter that was sent to several customers of Nbfd by Rich Werner, who manages several associations in the district. Ferrazza declares that it was irresponsible and could possibly discourage customers to take advantage of the substantial savings.

Treasurer's Report: Keeler moved to pay the monthly bills in the amount of \$82,866.16. Seconded by Facilla. Passed unanimously.

Prudent Capital Reserve is at \$648,151.84

Chief Operator's Report: Howes informs the Committee that \$63,000 needs to be added to our 2021 Capital Expenditures, for the cost of the replacement of 1,020 endpoint meters. This is due to a need to replace existing meters bought in 2015 using older 3G technology. The new endpoints will be using 4G LTE technology. The availability of 3G by cellular providers is due to phase-out by February 2022, requiring us to replace 2/3's of our existing meters before the 2022 spring billing. The new meters will have significant savings for Nbfd and will come with a warranty which is under review for clarification. The new 4G LTE units will last 20 years, compared to our current meters, which have a 10-year life. Howes reminds the Committee that there needs to be an amendment to this year's Capital Expenditures Budget and the Article 7 Annual Warning will have to be amended from the floor at the Annual meeting.

Contracts: There was a motion by Facilla, to accept Ted Murphy's contract extension. It was seconded by J. Snow and passed unanimously.

There was a motion by Facilla to accept the Seasons on Mount Snow contract extension. It was seconded by J. Snow and passed unanimously.

There was a motion by Facilla to accept Bob Rubin's contract with an addition of a bedroom, at the \$40/gal rate. It was seconded by J. Snow and passed unanimously.

Tabby, from the Town of Dover, asked for clarification re: construction permits needing an Act 250 permit and the letter generated by Nbfd. It was explained that Nbfd will generate a letter for the applicant, confirming gallonage is available. That letter is then attached to the application that goes to the state, for approval.

Review/Approval of Budgets: There was a motion accept budgets, as is, from J. Snow. It was seconded by Facilla and passed unanimously. It was noted any amendments would be approved, from the floor, at the annual meeting.

Executive Session: At 12:41 p.m., Snow moved to go into Executive Session for legal matters. Keeler seconded the motion and passed unanimously. Facilla moved to come out of Executive session at 3:14 p.m., Snow seconded the motion and was passed unanimously.

DECISIONS:

The Committee discussed the requests of Gary Henry and Mike Garber as they relate to the legal settlement with Richard Caplan. No decision was made.

The Committee is adding the letter from Rich Werner to the minutes as an attachment in its entirety, acknowledging that nothing was discussed with Rich, who was allowed into the session when he arrived, other than a reading of the letter by Rich.

The committee announces that the attorney has approved as fair and equitable a potential new billing procedure.

NBFD will conduct an Informational Meeting on April 27th, 2021, for the public to address any questions or concerns. The meeting will be warned, in the Deerfield Valley News, the week of the 19th and on the NBFD website. A link to attend by Teams, will be available, on the website.

Other public comments via Teams: Steve Montello asked about proxy ballots. It was explained that according to Title 24 of State Statutes, towns cannot vote by proxy for articles. Absentee ballots are available for voting on elections.

Bob Stone asked if non-voters could speak at the Informational Meeting on April 27th. Committee responded yes and their input is welcome. Mr. Stone expressed concern that second homeowners cannot vote in the district. It was explained that it is Vermont State law. He asked if Rich Warner's letter would be put into the record. The Committee stated that the letter would be attached to the minutes of this meeting that is posted on NBFD's website.

Ken Westby (resident) expressed concern that the budget was discussed with Rich Werner under executive session. It was clarified that was not the case, but that he was given a copy of the Annual Report to take with him, as he left, with the budget in it, which is available to the public.

Ferrazza adjourned the meeting at 3:21 p.m.

Respectfully Submitted:

Helen Krzeminski,

Administrative Assistant

cc: T. Ferrazza, D. Facilla, J. Keeler, J. Snow, K. Braunbach, E. Floyd, B. Howes, H. Terhune, R. Stone, A. Pritcher, A. Palmiter, A. Perkins, A. Havreluk, C. Helmstetter, C. Turpin, G. Henry, G. Golet, Grayghostinn, J. Gooch, J. Eckert, J. Flanagan-Marchese, J. Mahon, J. Densmore, J. Brunen, J. Redd, L. Harkawik, L. Fraser, M. Hamilton, M. Formel, M. Hathaway, M. Garber, P. Fisher, P. Fitzpatrick, R. Reed, R. Caplan, R. Rubin, W. Ruane, S. MacDougall, S. Dupuis, S. Joyce-Albano, T. House, Weathervane Lodge, Y. Strus, Deerfield Valley News and Brattleboro Reformer.

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

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April 8, 2021

North Branch Fire District

I recently became aware of concerns that many area users have expressed with the Fire District. I have been authorized by many of our customers to speak to you and see if some of these concerns can be remedied. Some of these concerns I believe can be addressed with some minor changes-

First, I would like to stress that I as a resident of Dover who has been in an elected position for over 25 years I do understand, as many of you Board members do, that it is not an easy task to serve on one of these boards. I do not believe that any action that the Prudential Committee has done is illegal, immoral or with intent to harm anyone.

Some of these concerns are as follow-

- **Cost of Operations. Rates have gone from to .016 in 2015 to 032 cents per gallon in 2021.This include the new \$5,000,000 bond.**
- **Charges for new hook ups to NBSD have gone from \$7 to \$40 per gallon today scaring away any new developments. Any new development would reduce overall costs to current users.**
- **Guidelines for additional sleeping spaces continues to change with a direct impact on Real Estate transactions.**
- **At each NSBD Annual Meeting, the sewer charges are waived for all Town Buildings putting an undue burden on the NBSD users rather than the town taxpayers.**
- **At the February 19th NBSD, two members of the Board resigned and got re-appointed to longer terms. (see attached minutes) We believe that all 5 seats should come up for election.**
- **There was no Annual Meeting in 2020.**

One of the common issues I feel in looking at the concerns expressed above is communications. As Adam Levine has expressed many times “we are lousy communicators”, me included. As noted above -

The cost of operation, charges for hook ups, sleeping area guidelines, sewer charges for Municipal buildings and the Board resignations all may not be an issue if there was better communications. There seems to be difficulty with

people requesting information from the Fire District. I had gone to the web site and although there are several sets of minutes there are no agendas. The last minutes on the web site are from January 2021 (this was at the end of March). I did stop at the Town Office and the notice of meeting as well as the three more recent sets of minutes were posted there, which appears to fulfill your legal requirements. I was also informed and see at the bottom of the minutes that there are over 40 people that are e-mailed the agendas and minutes as soon as they are completed. The Web Site is very well done; however, it does lack a lot of information that would be especially useful.

I also know for a fact that many correspondences that the fire district sends out are very confusing, and also result in a lot of angst and anger amongst the consumers. As an example, the post card sent out twice during the ski season advising users that they be aware of decreased plant capacity resulted in numerous calls made to our office by customers who thought that they would have their water shut off during the holiday period. The more recent letter about bedrooms and sleeping spaces had many errors and was confusing that we received over 50 calls and emails so far to ask about this letter. I do realize that there is only so much information that you can fit on a post card, there could be a reference to direct people to the web site for a more complete explanation, which would make the, with many ask that. The post card and letter also give the fire district contact however many owners will contact their property manager or Association Board to find out what this means.

I would like to suggest as an immediate partial remedy to the concerns the following-

1-A better explanation of what happened with the Prudential Committee seats, as well as publishing or making available the letter from the Attorney in regard to the seats that was discussed at the March 2021 meeting. There is a lot of confusion and some people feel that Prudential Committee members resigning and being appointed is confusing, and hard to determine what happened and who is serving for what terms. Also, although your bylaws allow for an appointed person to serve the remainder of the term, this is not clear to many people and publishing the Attorney Opinion which as discussed in open session would help answer a lot of questions for people.

2-That the Fire District look into the feasibility of recording their meetings through either Duncan Cable or BCTV so that the meeting would be available on-line for any user to be able to review and keep up to date on what the Fire District doings. This would make many of the decisions more transparent, and although the results of votes are memorialized in the minutes, this give everyone a flavor of why those decisions were made. These can also be made available on the NBFD Web Site.

3-Committ at the annual meeting to accomplish/ explain and memorialize the following -

A-That the Prudential Committee make easily available to the users of the Fire District a detailed report on the cost per gallon hook up fee and contemplate the feasibility in future years the hook up fee be voted on annually by the electorate.

B-That the Prudential Committee over the next year look into a program to recommend to the Electorate that would allow non-voting district users to be able to have more involvement in the supervision of the Fire District either through a situation similar

to the Student Board Member on some school districts or a user advisory group to the Board- the make up or appointment options to be decided by the electorate and or Prudential Committee.

C-That the Prudential Committee have at the Annual Meeting what the Town of Dover would pay to the Fire District if the water fees were not waived, as well as what the Town does for the Fire District that it does not charge for, so that the electorate know the true cost of the article when they are voting on it.

D-That the Prudential Committee have discussion with the electorate on how voting to approve the annual budget relates to what the rates will be for the following year. Many people do not understand the relationship of approving the operational budget and how this works into determining the per gallon charge to the users. Maybe having in the discussion, the answer to “what will the charge per gallon be if we approve this budget”.

E-That the Prudential Committee explain why there was no 2020 Annual Meeting. There is a lot of confusion for many people since the Town and School District did hold annual meeting last year- the lack of a 2020 NBFD annual meeting stands out. *

F-That the Prudential Committee explain the reserve funds, the capital fund, and how much money is in each of the accounts, and what, if any formulas are being used to determine how much and what funds are appropriate to have in the accounts.

G-That the Prudential Committee explain the “one week” flow rates and the impact that this could have on the District if that number was exceeded consistently.

H-Finally, what I believe would be the most important item for the annual meeting- commit to the formation of a task force composed of a varied stakeholder group including Prudential Committee members, realtors; local management companies; consumers and business owners, be they voters or not, the make up and appointment by the Prudential Committee to formulate and present to the electorate a proposal that addresses the following concerns-#

- 1- A Policy on how the hookup fees are determined, and what method and how often should those fees be reviewed to make sure that they balance the financial needs of the NBFD and allows for affordable future development in the District.
- 2- Review the bedroom definition and sleeping space in the bylaws, along with gallons relate to each other and devise a plan that uses the actual construction of the structure to determine flow, which is usually consistent, instead of furniture in a unit that can change several times a year and creates more difficulty for everyone involved, along with being so difficult to enforce/ accurately track that it does not accomplish the purpose for which it was intended.
- 3- That instead of notifying users of their bedroom count/ sleeping spaces the District notify the users of their gallons per day or gallons per week usage, and to utilize the new high-tech meters everyone installed to monitor daily or per week usage.
- 4- How the per gallon fees are determined, and if those should be tiered for usage, as well as possibly creating a sur-charge for users who use more than their allotted “daily/weekly” gallonage allotment

The formation of this group would also assist the Prudential Committee in explaining the system as well as giving buy in from a broader group of users.

I do understand that there is a lot of voter apathy at the Nbfd annual meetings, and that again this year there may not be a lot of people attending in person, however if this meeting is recorded, and the information on the Web Page, it is much more readily available to the public. Again, going back to communications, this would help alleviate questions and concerns many people have.

Thank you for your time-

Richard J. Werner

*The school district annual meeting was in February and the Town meeting was the first Tuesday in March. It was shortly after Town Meeting that Mt. Snow closed, March 14(?) and the Governor shut down all but essential business shortly after that. It was almost impossible to have an annual meeting.

#This is not a detailed charge of to the group but more of an expression of concerns that could be addressed by this group- the charge would be up to a collaboration of the appointed group and the Prudential Committee.