

TOWN OF LYNDON  
SELECTBOARD MEETING  
April 3, 2017  
5:35 PM

Selectboard

Martha “Marty” Feltus  
Kermit Fisher  
Dan Daley

Press

Amy Nixon

Public

Dawn Dwyer, Justin Smith, Steve Gray, Paul Tomasi,  
Sylvia Dodge, Christian Thompson, Sean McFeeley,  
Dave Ceppetelli, Shannon Choquette

Before calling the meeting to order three agenda items were added: Aegis, executive session for personnel and executive session for a legal matter.

1. Appointments:

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the following appointments: Libre Drouin Rep to the Northeast Kingdom Waste Management District, Bill Phelps to the Police Advisory Committee, Lorraine Matteis as Deputy Town Health Officer, Edward Jarrosak to the Rural Community Transportation, Inc., and Dan Daley as Grand Juror. Motion carried 3-0.

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the following individuals to the Lyndon Bike and Ped Advisory Committee: Cathy Boykin, Benji Tessier, Harry Morrison, Lou Apgar, Collin Delong, Ben Rush, and Dan Daley. Motion carried 3-0.

2. Resignation:

Motion made by Kermit Fisher, seconded by Dan Daley, to reluctantly accept Russ Blake’s resignation as Lyndon’s representative on the Northeastern Vermont Development Association (NVDA) board. Motion carried 3-0. The Board asked Justin Smith to forward a letter of appreciation for his time.

3. Planning Commission Interviews:

The Board interviewed Sylvia Dodge & Sean McFeeley to fill vacant positions on the Planning Commission.

Motion made by Kermit Fisher, seconded by Dan Daley, to appoint Sylvia Dodge to the Planning Commission. Motion carried 3-0.

Motion made by Kermit Fisher, seconded by Dan Daley, to appoint Sean McFeeley to the Planning Commission. Motion carried 3-0.

4. Composting Totes Discussion:

Paul Tomasi, Director of the Northeast Kingdom Waste Management District, addressed the Board regarding the compost tote invoices received. The Board had questioned what mechanism was in place to determine the amount of food waste being deposited at the District by Lyndon residents. A two week monitoring period ending March 22, 2017 resulted in ninety seven individuals bringing in food scraps. Of those ninety seven, eighty seven were Lyndon residents. Paul explained that the vast majority are using five gallon buckets, but it was hard to say if they were full as the volume was not a part of the monitoring. Paul informed the Board that the January invoice was found to be over billed by two totes and if the Board would agree, the District would re-bill January (less the two totes) and February’s invoices at eighty-nine percent to reflect the results of the monitoring. The Board was in full agreement.

5. Tata & Howard WWTF Update:

Justin Smith informed the Board that the new blower is installed, running and is within the vibration threshold. This completes the contract work. There is one modification that was discussed by Public Works Supervisor Joe Dauphin, Utility Partners Operator Roger Sheldon and Tata & Howard Project Manager Dave Ceppetelli. The modification would be to pull non-chlorinated water from another location. Currently the water is chlorinated which is killing the bugs needed for the odor control and therefore is being treated with sodium bisulfite to remove the chlorine. By pulling from a non-chlorinated location it will eliminate the cost of the sodium bisulfite. The modification would cost approximately \$1,500 which could be covered by the money left over from the project. The Board does however feel that the piping of clear water modification is a more prudent use of the contingency funds. Per Jonathan Harries of USDA, three quotes are needed before he can approve the use of the funds for this project.

Another issue discussed was the additional costs billed by Tata & Howard in regards to the delays caused by the defective equipment. These costs amount to \$3,550 for follow-up calls and emails as well as conference calls. Justin Smith directed the Board to Article 9, Section 14.03(F) "Costs and Damages of the contract signed between the Town of Lyndon and T Buck Construction, Article 9. This explains the obligation of the contractor T Buck Construction. It was the consensus of the Board that they do not feel it is the Town of Lyndon's responsibility for any additional charges incurred due to defective equipment. That would be a discussion between Tata & Howard and T Buck Construction.

6. Approval of minutes:

Motion made by Dan Daley, seconded by Kermit Fisher, to approve the March 20, 2017 minutes with amendments. Motion carried 3 to 0.

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the March 31, 2017 minutes. Motion carried 2 to 0 with Marty abstaining as she was absent from that meeting.

7. Approval & Signing of Orders drawn on the Treasurer:

The Board approved and signed the orders drawn on the Treasurer for week's #12-14.

8. Highway Report and Quarterly Report:

At 25% through the year, payroll is 38% spent and the entire budget is 21% expended.

At 25% through the year, the general fund is 19% expended, the highway fund is 19% expended, the wastewater fund is 25% expended, and the sanitation fund is 18% expended.

9. Liquor License Approvals:

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the First Class Restaurant/Bar License to sell malt and vinous beverages for Blissrite Pizza & Pasta with standard conditions. Motion carried 3 to 0.

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the Second Class Licenses to sell malt and vinous beverages for Bryant Gas Holding, LLC with standard conditions. Motion carried 3 to 0.

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the Outside Consumption Permit for The Stepping Stones Inn with standard conditions. Motion carried 3-0.

10. Excess Weight Permits:

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the Single Excess Weight Permit for Kennedy Excavation with approval for Justin Smith to sign on behalf of the Board. Motion carried 3 to 0.

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the seven (9) Fleet Excess Weight Permits with approval for Justin Smith to sign on behalf of the Board. Motion carried 3 to 0. Permits are for Agri-Mark Inc., dba Cabot Creamery, Beacon Sales Acquisitions Inc., Brian Tallmadge/BIT Enterprises, Calkins, Feed Commodities Inc., Camp Precast Concrete, Feed Commodities Inc., Limlaw Chipping & Land Clearing Inc. and Darrell Mathews dba Mathews Excavating.

11. Interlocal Police Agreement:

Motion made by Kermit Fisher, seconded by Dan Daley, to sign the renewal of the Interlocal Police Agreement. Motion carried 3-0. Chief Harris still feels a 50/50 split between the Town and Village is adequate.

12. Special Appropriations Procedure:

Motion made by Marty Feltus, seconded by Dan Daley that for the 2018 Budget Year, all organizations requesting a Special Appropriation will be required to submit a petition to the Selectboard with the required number of signatures (5% of the current voter checklist) by the due date set by 17 V.S.A. 2642 (a)(3)(A). Motion carried 3 to 0. A letter will go out to all agencies that have requested a Special Appropriation in the past few years to notify them of this policy.

Motion made by Kermit Fisher, seconded by Dan Daley that starting in 2018 all Special Appropriation requests will be voted on by Australian ballot. Motion carried 3-0.

13. Church Street Sewer Line Issue:

Rick & Jody Wheeler had a 02 sewer issue at 136 Church Street. They called a private contractor to snake the line which was unsuccessful. It has been suggested that either the line is plugged or the line was capped and not hooked back up to the Town sewer system. The only way to determine this is to dig up the line, which goes under Church Street. This cannot be done until weather permits. In the interim, a temporary septic system has been installed by the Public Works Department. The Wheeler's have incurred some expenses related to this issue and asked if the Town would cover them. The Board agreed that it is the Town's obligation to provide a service, which has been done with the temporary septic at the Town's expense. It was their decision to call the private contractor and not the Public Works Department, so they are not inclined to reimburse the Wheeler's.

14. Stormwater and Sewer Line Camera:

Vermont Rural Water Association has offered to sell to the Town and/or Village their 2007 Saturn III CCT Sewer Camera with TR2000 Tractor with spare parts for \$5,000. Rural Water paid \$32,500 and the cost for this type of camera now is approximately \$80,000. The camera could be utilized by both the Town Sewer department and the Village for Stormwater drains, so would share the cost if both entities approve. The Board was given information on the camera system and will make a decision at a future meeting.

15. VCDP Grant Agreement:

Motion made by Kermit Fisher, seconded by Dan Daley, to adopt the Grant Agreement Resolution. Motion carried 3-0. The Resolution states that the Town of Lyndon accepts and agrees to the terms and conditions of said Grant Agreement and gives Justin Smith, Municipal Administrator, administrative responsibility for the VCDP activities related to this Grant Agreement and as the Authorizing Official to execute the Grant Agreement and other such Documents as may be necessary to secure these funds. The Grant Agreement was approved in the fall of 2016.

16. Aegis:

Aegis has received another offer to purchase the power from the Route 5 net metering solar project and would like a decision from the Board as to whether they are interested. The project would result in approximately \$6,000 per year savings in electricity rates. The twenty year contract can be assigned to another party should the Town decide to do so. The Town can also get out of the contract should the energy needs change. Motion made by Dan Daley, seconded by Kermit Fisher, to pursue working with Aegis. Motion carried 3-0. The board would like the Town Agent to review the contract.

17. Other:

- a. Marty announced that there is an additional \$389,000 of PILOT money that will be distributed to all Towns.
- b. Justin spoke with the Lyndon Institute (LI) teacher regarding the ceiling at the Town House. Justin will try to get someone in to assess the damage and needed repairs while LI is on spring break.
- c. Justin has requested from D. Steen an end of season financial report from LI regarding the Ice Arena as stated in the Management Agreement. The request has been forwarded to the Business Office.
- d. Justin has received one quote for the asbestos abatement at the Cobleigh Public Library. Per policy they will need two more quotes before awarding the work.
- e. A meeting, with all parties, will be held at the Joint Highway Garage either next Tuesday, April 11<sup>th</sup> or Thursday, April 13<sup>th</sup>. Mark Stewart is not willing to approve the latest PCO's until that time. There has been another sewer issue that will be looked into. Road Foreman Rob Nutting is planning on moving into the new facility after mud season.
- f. Steve Gray announced the NEKWMD meeting will be held next week. He won't receive the agenda until the 7<sup>th</sup> of April so is unsure what will be discussed.
- g. The Sons of American Legion will be putting up the flag pole in the cemetery as soon as weather permits. The pole will be 40 feet tall. They have also been offered a granite bench and would like to place it near the flag pole. One corner of the monument where the flag pole and bench will be located has sunken and they hope to repair by pouring a cement foundation under it. The cemetery sexton will start working in the cemetery as soon as weather permits.

18. Executive Session: Personnel

Motion made by Dan Daley, seconded by Kermit Fisher, to enter into executive session at 7:30 PM to discuss a personnel matter pursuant to Title 1 Section 313(3)(a)(3) of the Vermont Statutes. Motion carried 3-0.

Upon coming out of executive session at 7:32 PM, the motion was made by Kermit Fisher, seconded by Dan Daley, to appoint Bob Gensburg as Town Agent. Motion carried 3-0.

19. Executive Session:

Motion made by Dan Daley, seconded by Kermit Fisher, to find that premature general public knowledge of confidential attorney-client communications made for the purpose for providing professional legal services to the body will clearly place the Town at a substantial disadvantage by disclosing its communications. Motion carried 3-0.

Motion made by Kermit Fisher, seconded by Dan Daley, to enter into executive session at 7:35 PM to discuss confidential attorney-client communications under the provisions of Title 1, Section 313(a)(1). Motion carried 3-0.

Upon coming out of executive session at 7:42 PM, no action was taken.