

TOWN OF LYNDON
SELECTBOARD MEETING

May 2, 2016
5:30 PM

Selectboard

Dan Daley, Chair
Kermit Fisher
Martha “Marty” Feltus (by phone 6:06 PM)

Press

Public

Dawn Dwyer, Justin Smith, Steve Gray
Gary Leach, Grant Spates, Oscar Thayer
Mark Stewart

Added agenda item: DRB Appointment.

1. Approval of minutes:
Motion made by Kermit Fisher, seconded by Dan Daley, to approve the April 18, 2016 minutes. Motion carried 2 to 0.
2. Approval & Signing of Orders drawn on the Treasurer:
The Board approved and signed the orders drawn on the Treasurer for weeks #17 & 18.
3. Warrant # 2 Lyndon Darling Senior Housing, LP.:
The Board approved and signed the order drawn on the Treasurer for Warrant #2.
4. Warrant # 4 Gilman Housing:
The Board approved and signed the order drawn on the Treasurer for Warrant #4.
5. Highway Report:
At 33% through the year, payroll is 35% spent and the entire budget is 25% expended.
6. Wastewater Treatment Facility Upgrade Update:
Gary Leach of Tata & Howard explained to the Board that he was able to negotiate with the low bidder, T. Buck Construction, which is within USDA rules, to lower their bid within our budgeted amount. Gary outlined the process of awarding the original bid, in the amount of \$537,211 and at the same time, signing a deductive Change Order for \$242,767. Jonathan Harries, from USDA, has requested an opinion from the Town’s Attorney on the award process. Gary has submitted the process to Paul Giuliani for his opinion. The total Estimated Project Cost was presented at \$391,250 which includes T. Buck Construction’s bid, Engineering (Bid Phase & Construction Administration) for \$58,450, Small Purchases (Biofilter Media and Miscellaneous) for \$8,000, Miscellaneous (AMBIO Bio filtration Consultant) for \$5,000, and Contingency for \$25,356. Kermit asked Gary if he anticipated any additional change orders or run-overs and Gary did not. It was clearly stated by both Kermit Fisher and Dan Daley that they “want no surprise costs and we are not going back for more money”. Gary asked that the board make and pass the motion tonight to accept the bid with the deductive change order pending attorney and USDA approval. Justin also asked for a formal motion by the Board authorizing himself as authorized signor on behalf of the Board, due to the amount of the project.

Motion made by Kermit Fisher, seconded by Dan Daley, to award the Wastewater Treatment Facility upgrade to T. Buck Construction, in the amount of \$537,211 with a deductive Change Order for \$242,767 for a final bid of \$294,444, pending approval from Attorney Giuliani and Jonathan Harries

from USDA, with Justin Smith, Municipal Administrator as authorized representative for the project. Motion carried 2-0.

Gary will be holding a pre-construction contract signing meeting and will let Justin know the date and time. The project completion date is 180 days from the start of the project.

7. Excessive Weight Permits:

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the Single Excess Weight Permit for Larry Flood with approval for Justin Smith to sign on behalf of the Board. Motion carried 2 to 0.

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the two (2) Fleet Excess Weight Permits with approval for Justin Smith to sign on behalf of the Board. Motion carried 2 to 0.

Permits are for Connecticut Valley Trucking Inc. and Darrell Mathews dba Mathews Excavating.

8. DRB Appointment:

Motion made by Kermit Fisher, seconded by Dan Daley, to appoint Kevin McKeon to the Development Review Board (DRB). Motion carried 2-0.

9. Other:

- a. Justin shared a letter from the State of Vermont regarding the application for a grease trap to be installed at the Ice Arena. Copy attached.
- b. Justin also shared the correspondence to Andre Deos regarding the property at 121 Ingalls Lane. Copy attached.
- c. Justin reported that Joe Dauphin, Public Works Supervisor, Dawn Dwyer, Clerk & Treasurer, Richard Lawrence, President of the Fair Association and he met at the Fairgrounds to inventory all the water and sewer hookups in anticipation of the meter pit installation that will happen this spring. The Fair Association had some questions and concerns that were answered during the walk through of the grounds.

10. Executive Session:

Motion made by Kermit Fisher, seconded by Dan Daley, to find that premature general public knowledge of the pending contract with Spates Construction will clearly place the town of Lyndon at a substantial disadvantage by disclosing its negotiation strategy. Motion carried 2 to 0.

Motion made by Kermit Fisher, seconded by Dan Daley, to enter executive session at 5:57 PM to discuss the Town's contract with Spates Construction under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes. Motion carried 2 to 0.

Marty Feltus joined the Executive Session by phone at 6:06 PM.

Upon coming out of executive session at 6:37 PM, no action was taken other than scheduling another Executive Session on Thursday, May 5th at 10:00 AM.

Meeting adjourned at 6:40 PM

Minutes taken by Dawn Dwyer

Approved by the Selectboard: May 16, 2016