



**Town of Whitingham
Office of the Selectboard**

MINUTES OF SEPTEMBER 22, 2021

These Minutes are considered a DRAFT until accepted into the public record (with any corrections noted) at a future meeting of the Whitingham Selectboard.

The Whitingham Selectboard held a regular meeting at 6:30pm in the Selectboard Office of the Whitingham Municipal Center on Wednesday, September 22, 2021.

Selectboard members present: Scott Reed, Chair; Craig Hammer, Vice Chair; Chris Walling, James Weber, and Greg Brown.

Others present: Gig Zboray, Selectboard Office Administrator; Stan Janovsky, Jr., Road Commissioner.

Others attending remotely: Lynnette Claudon, ANR Waste Water Division; Tom Brown, ANR Funding, Don Haddox, ANR Construction Division; Mike Smith and Shane Mullen, W&S Engineers; Mark Johnson, RCAP Solutions; Dave DiCantio, Whitingham Chief Operator; Tyler Lederer from Valley News.

Call to Order. Additions or Changes to Agenda

Scott Reed called the meeting to order at 6:30pm. There were a few additions to the agenda since it was posted.

Hearing of visitors (for concerns not on the agenda)

None

Sewer: next steps to move the project forward

Mike Smith started with a summary to date of the project. Project will not likely meet the engineers estimated cost. We need more state funding (grants or subsidy) to bring this project to construction.

Tom Brown spoke with his director today to discuss if there was additional grant and or subsidies for this project. They had set aside 40% construction subsidy which was based on the original engineers estimate of cost. There is no more construction subsidy available. The state will be getting another grant soon. They are thinking about proposing continuing projects in their next intended use plan. There are a lot of "ifs"; they can't give us a dollar amount right now.

The Pollution Control Grant is \$1,046,762 based on final design approval. With the project going up in cost, we are eligible for 27% grant against cost, room for this to go up. Capped at \$2 M maxed. Mr. Tom Brown wouldn't call that a guarantee.

Mr. Greg Brown questioned if we can just do an “in-chassis” rebuild. Mr. Smith replied that equipment has a 20-year design life, we were able to squeeze an additional 20 years out of the initial equipment. Mr. Smith thinks it conceivable to get 40 years out of the new equipment. Mr. Smith doesn’t think we can get another 20 years out of the existing equipment. The best long-term solution for the town is to get the equipment as specified in the engineering report.

The clarifiers are obsolete and need extensive rehabilitation. Mr. Smith explained how the clarifiers would be rehabbed and he felt it would cost more than the new RBC system. Mr. Mullen noted the cost of \$263,000 for Jacksonville and \$157,000 for Whitingham based on pricing put together for final design for 2020/21. Mr. Greg Brown asked if that includes the tanks and everything. Yes.

James Weber questioned grants and asked for clarification. The loan forgiveness is not a grant it is 40% of what ever the construction cost is. Pollution Control is a grant but it caps at 27% of the entire project costs including planning, final design and construction.

Mr. Walling questioned if there is a date when we can get a final YES on these proposed amounts. The engineers need to submit more documentation to Tom Brown before he can complete the final loan agreement terms.

The cost to rebid the project if it is just Jacksonville will be more or less the same if we bid it for both plants.

Mr. Greg Brown noted that we can get retrofitted parts for the LYCO RBCs that we currently have. Mr. Mullen noted that the replacement parts aren’t going to last another 20 years. Mr. Smith noted that the funding package available is for new construction, he doesn’t think replacement parts would be covered with any funding. He asked if there was any funding available to us. Mr. Tom Brown noted that they do fund rehabilitation, but it will have an impact on subsidies for loan and on the pollution control grant.

James Weber questioned what Mr. Smith would recommend to bring the price of the project down. Mr. Smith noted as designed the project is the most cost-effective way to move forward. If we can’t get additional funding, we can just put Jacksonville out to bid.

We might need to change the PER (preliminary engineering report) in order to qualify for state funding if we want to only change the RBC in Jacksonville.

Lynnette Claudon said it is allowed to replace equipment under the 1272 order. There are risks with small purchase options and staying with the funding options. The small purchase program is a way for owners to obtain small items without additional engineering needs or involvement. Don Haddox explained that small purchases are most typically managed at the local level. The main hoop to jump through is the solicitation process, we would need to try to get three prices, typically capped at the \$100,000 range but he also mentioned a \$250,000 range. The challenge is that we would be buying a significant piece of wastewater equipment, he is not an engineer that could spec that for us, we would be fully responsible for it without additional engineering involvement because engineering is not covered in the small purchase process. Mr. Haddox thinks the process is fraught with risk and very challenging.

We have spent \$69,400 the for PER and \$220,700 for design; the construction phase was going to be \$385,700 of which \$19,000 has been spent so far. How much are we on the hook for if we back out of this? \$309,100 in engineering would have to be paid back over 5 years if we do not move forward to construction.

James Weber questioned if there was another million dollars that could become available to the Town of Whitingham. Ms. Claudon noted that there is potential for a lot of additional subsidies available. The funding they were talking about is not the same as ARPA, however, the towns allotment of ARPA could be used for this project. Mr. Weber questioned if 6 months is a long enough time to wait to find out if we could get more funding? Tom Brown noted the funding cycle starts in December, then a public meeting in May; so, we are looking at June 2022 to know if we would receive any additional funding.

Mr. Smith said there would be no further engineering costs incurred until the project goes out to bid. They have been chasing funding and had many discussions on their own, they haven't billed the town for it (**1:13 on the zoom recording**).

Mark Johnson of RCAP Solutions thinks the state is offering a good package especially if we get ARPA funding. He spoke about the cost of septic systems versus the rate increases. He encouraged us to keep going on the state path.

Tom Brown noted we could consider splitting the projects.

With no clear answers or path to take that is financially responsible for the sewer users, this topic continues to be ongoing.

Highway:

open sand bids

Mr. Janovsky sent out 5 sand bids, only one was returned. The board suggested that Mr. Janovsky reach out to sand suppliers again, hopefully we will receive more bids to be opened at the next meeting.

Hazard Mitigation

Discuss and sign contract amendment with MSK Engineers for extension of completion date

We already extended the contract with WRC and the state grant on this project, now we need to extend it with the engineers. **A motion was made by Greg Brown to approve the contract amendment with MSK Engineers to extend the project to March 30, 2022 and to appoint Scott Reed to sign the document, seconded by Craig Hammer, all in favor.**

Review and sign Municipal Resolution for MPG 22

We will be applying for another Municipal Planning Grant to pay for WRC staff to act as manager for our complicated flood hazard mitigation projects. In order to apply, we need to adopt and sign the Municipal Resolution document. **A motion was made by Chris Walling to adopt the Municipal Resolution for Municipal Planning Grant and to sign the document, seconded by Scott Reed, all in favor.**

Review and sign letter of support for buffer planting

As property owner of the parking lot along the riverbank on Route 112 the town needs to send a letter of support of a flood resiliency project. This project is listed in our Hazard Mitigation Plan and the River Corridor Plan (project NR 15), to do buffer planting. WISPr funds can pay for this project, we just need to send a letter of support. **A motion was made by Greg Brown to sign the letter of support for the buffer planting project along Route 112 on town property, seconded by Chris Walling, all in favor.** The board will review an operation and maintenance agreement when it becomes available and make a decision at that time if they want to continue with the project.

Public Safety – recent break-ins

A complaint was received from Alan Sousa who owns property on Plumb Road, that his tenant experienced a break-in; the suspect was standing in his tenant's bedroom on the second floor at 4am. It was later discovered that the suspect lives on Plumb Road. Another incident involved a break-in on Sadawga Lake Road with the kitchen being ransacked. Video proved it to be the same suspect. A third incident, that could be unrelated, was a break-in of a vehicle parked at the Harriman Dam. Mr. Sousa reported that the suspect is a deaf male with autism, he is concerned that this man may be harmed by a resident of a home he breaks into. Mr. Sousa has threatened to sue the town over the matter. The town attorney responded to the Selectboard Office that this is a police matter. The state police are aware of the incidents.

Approval of Payables Warrant – September 23, 2021

A motion was made by James Weber to approve Payables Warrant #W2214 dated September 23, 2021, seconded by Craig Hammer, all in favor.

Approval of Payroll Warrant – September 23, 2021

A motion was made by James Weber to approve Payroll Warrant #W2213 dated September 23, 2021, seconded by Greg Brown, all in favor.

Approve Minutes of September 8 and 13, 2021

A motion was made by Greg Brown to accept the Minutes of September 8 and 13, 2021, as written, seconded by Craig Hammer, all in favor.

Other Business

Resident's questions about ARPA funds use and Front Porch Forum Mrs. Robohm sent an email requesting that all ARPA information become widely distributed to community members and that residents are part of deciding how these funds should be used. She also suggested that the information be distributed on Front Porch Forum because of its "wide readership". At this time the treasurer and the board are not completely clear on how ARPA funds can be spent. The treasurer has several trainings on ARPA lined up. The board does not feel that Front Porch Forum is widely used. The board feels that more information is needed before any decisions are made.

Review and sign letter to school board We received a notice from the school board about changes in Whitingham representation. The board is so thankful for the line of communication they sent a thank you letter.

Executive Session to discuss Great River Hydro tax appeal

James Weber made a motion to find that premature general public knowledge regarding the town's litigation with Great River Hydro would clearly place the town at a substantial disadvantage if its negotiation strategy was made public, seconded by Greg Brown, all in favor.

James Weber made a motion to enter into executive session to discuss the town's lawsuit against Great River Hydro under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes to included Bob Fisher and Gig Zboray, seconded by Greg Brown, all in favor.

With no decisions made executive session was exited at 8:35pm

A motion was made by Greg Brown to approve the settlement offer; the signing of the stipulation will be at the next meeting, seconded by James Weber, four in favor, Mr. Hammer abstained.

Adjourn

A motion was made by Greg Brown to adjourn, seconded by James Weber, all in favor.

Scott Reed adjourned the meeting at 8:54 pm.

Respectfully submitted,

~Gig Zboray