

**TOWN OF FAIR HAVEN, VERMONT
SELECTBOARD
WATER AND SEWER COMMISSIONERS
LIQUOR COMMISSIONERS-CEMETERY COMMISSIONERS
Regular Select Board Meeting
September 15, 2015**

Members Present: Robert Richards, Dick Frazier, Jeff Sheldon, Rod Holzworth II, Sean Galvin.

Others Present: Town Manager Herb Durfee, Police Chief William Humphries , Minute Taker Claire Stanley, Emily Cutts, Rutland Herald, John Lulek, Glen Roberts, Neil Robinson, Andrew Bolduc, Kandi Ramey, Karla Ramey, Fred Bova, Mike Stannard,

Call to Order: Chairman Bob Richards called the meeting to order at 7:00 p.m. and led the assembly in the Pledge of Allegiance.

Amendments to the Agenda: Mr. Frazier made a motion to add to the agenda: New Business, Letter from Karla Ramey requesting Water/ Sewer abatement; delete item 7.a. Elisabeth Kulas who will attend the next meeting. The motion was seconded by Mr. Galvin and carried unanimously.

Approval of Minutes: Mr. Frazier moved to approve the minutes of the 9/1/2015 meeting; seconded by Mr. Holzworth and carried unanimously.

Five Minutes for Public Comment: Kandi Ramey reminded members that Applefest is this Saturday, 9/19/15 in the Park. Eight vendors have requested electricity. Public Works Superintendent Bud Panoushek will be notified to provide electricity as in the past.

Department Heads & Committee Reports: Town Manager Durfee reported;

- Heating oil bids have been sent
- Sand and gravel bids will be re-issued -- bids were incomplete (no samples included)
- The Town Plan has been returned from the Regional Planning Commission – some paragraphs need work. Next step is Board review and public hearings
- Regional Planning meeting minutes are available to copy to members
- Health Care Plan rates for the two programs available to union employees are in members' packets
- Solid Waste Alliance Communities (SWAC) meeting will be Thursday, October 22nd, 6:00 P.M. at the Rutland Town Office
- Household hazardous waste collection is this Saturday the 19th, 1:00 – 3:00. Also listed on the Town web page
- Latest fund balance charts were e-mailed to members
- The application to the Revolving Loan Fund has gone out. Should hear back within 30 days

- A thank you letter to the Police Department was received from Benson
- The VLCT Annual Meeting is October 8th at the Killington Grand
- Municipal Policy recommended changes in packets

Police Chief Humphries reported there was an armed robbery last Thursday evening at Dunkin' Donuts. It is an active case, no arrests have been made.

Karla Ramey, Lockburn Ave. – Request for Water/Sewer Abatement: Mr. Frazier made a **motion to abate \$556.92 (water portion)** as requested by Ms. Ramey; seconded by Mr. Holzworth. It was noted that the water went through the meter. The motion carried unanimously.

Status of 5 & 7 Union Street with Joseph Farnham, Esq. (Possible Executive Session): Mr. Frazier **moved that the Board make a specific finding** that premature general public knowledge of the matter which concerns 5 & 7 Union Street, would clearly place a public body or person involved at a significant disadvantage; seconded by Mr. Sheldon.

Chairman Richards stated: It is moved and seconded that the Board does make a specific finding that premature general public knowledge of the matter which concerns 5 & 7 Union Street would clearly place the Board or a person involved at a significant disadvantage. **The motion carried unanimously.**

Mr. Frazier made a **motion that the Board enter into executive session** at 7:23 P.M. to include Town Manager Herb Durfee, Police Chief Bill Humphries and Andrew Bolduc, Esq., for the purpose of providing professional legal services to this body in the matter of 5 & 7 Union Street. The motion was seconded by Mr. Holzworth and carried unanimously.

Mr. Frazier moved the Board **out of executive session** at 7:45 P.M.; seconded by Mr. Sheldon and passed unanimously.

Mr. Frazier made a **motion to direct the Town Manager to continue the same negotiations and enter into discussion with the Town Attorney. Any agreement must meet with Board approval.** The motion was seconded by Mr. Holzworth and carried unanimously.

Fred Bova, President, Stella Power – Discuss Idea of Solar Power Project at Air Park: Mr. Bova presented a handout highlighting the proposal of a 3.4 acre solar array at the South end of the Air Park that potentially would generate 889,000 kWac and \$170,000 revenue the first year with minimal exposure by the Town. Mr. Bova expounded on the financial benefits; that the energy produced is credited back to the Town; federal credits end at the end of 2016; handout includes a letter of intent and a draft site lease agreement; a successful hydro project would negatively impact this project's savings to the Town; looking for a response in 30 days. Lengthy discussion followed.

Cemetery Deed, Neil & Shirley Robinson, Cedar Grove Cemetery, Lot 71N, Section 11, 1 Grave:

Mr. Frazier made a motion to approve a cemetery deed in Cedar Grove Cemetery, Lot 71N, Section 11, 1 Grave as requested by Neil & Shirley Robinson; seconded by Mr. Holzworth and passed unanimously.

Appoint VLCT Annual Meeting Voting Delegate: Mr. Frazier moved to appoint Town Manager Durfee as voting delegate to the VLCT Annual Meeting; seconded by Mr. Sheldon and passed unanimously.

Chairman Richards declared a five minute recess at 8:23 P.M.

The Board returned to session at 8:29 P.M.

Water/Wastewater Rate Structure Discussion: An updated/corrected rate comparison spreadsheet was in members' packets that determined the current median usage is 34,000 gallons/qtr. and highlights comparison of current rates vs proposed flat rate. There was lengthy discussion re: most costs are base rate related; conservation causes problems; low usage is one cause of poor water quality and freezes (low flow causes stagnancy requiring more chemicals); insurance rates are positively impacted with hydrant availability; anticipate that a flat rate structure would increase usage; now using 40 million gallons less than five years ago; how to reasonably adjust the impact of flat rate structure on low usage rate payers and/or fixed incomes; need to be diligent with cost control. Members scheduled a work session for October 6th at 7:00 P.M. to brain-storm this issue. They asked for a model of changes as a starting document for the work session.

Vermont Structural Slate Legal Status – Possible Executive Session with Action Resulting:

VLCT has no response re: liability protection without a site visit. The feeling is insurance should not be paid on property not owned. Mr. Frazier made a motion to offer to pay \$2500 to Vermont Structural Slate to relinquish all their rights to the Water Street dam, the Slate Factory dam and the Shirt Factory dam; seconded by Mr. Sheldon. Mike Stannard reported the Energy Committee is approaching the sixth year of feasibility study for a hydroelectric generating facility at the dam under the Depot Street Bridge. The State has visited and unofficially states that it is a viable project. The Legislature holds a positive hydro outlook. The State Historian needs to sign off on the project for the permitting to begin. The Town does not own the land, but negotiation is possible. Ownership of the dam has not been determined through a very thorough title search. This long term investment would realize substantial income by year 15. Many companies are interested in solar at the Air Park. A smaller solar array than was proposed this evening would have less impact on the hydro project. **The motion carried unanimously.**

The Energy Committee is asked to compare the economics of the proposed solar project (with nearly zero exposure) vs. the hydro project return on investment and make recommendations.

Board Roundtable Discussion: Mr. Holzworth expressed concern re: Manager's vacation time. Mr. Durfee explained that the time was prescheduled and he did e-mail members that he would miss the last meeting. Mr. Durfee explained the policy/practice of the Town Manager's time and stated that he is back to full time as of September 7th.

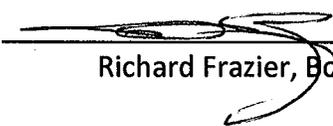
Mr. Richards is concerned that there should be a contingency practice, to inform businesses in the event of criminal activity (recent armed robbery). Chief Humphries stated it was felt there was no emergency at the time – the event was contained. Mr. Richards will inform Sean Tomasi about the Code Red system.

The **checkbook status** is \$594,297.09

Mr. Sheldon **made a motion to sign warrants:** General Fund, \$131,595.64; Payroll, \$27,121.84; seconded by Mr. Frazier and passed unanimously.

Motion to **adjourn** at 10:13 P.M. by Mr. Frazier; seconded by Mr. Sheldon; passed unanimously.

Respectfully submitted,
Claire Stanley


Richard Frazier, Board Clerk