

Select Board Meeting, Monday, April, 10 in the Cavendish Town Office

Meeting Room at 6:30 pm

Present: Bob Glidden (Chairman), George Timko, Mike Ripley, Mark Huntley, Brendan McNamara (Town Manager), Bruce McEaney (Assistant Town Manager), Jen Leak (Recording Secretary), Ed McEaney of LPCTV and citizens as listed on the attached sheet

Absent: Jill Flinn

1. Call the meeting to order

Bob Glidden, Chairman, called the meeting to order at 6:37 p.m.

2. Act upon minutes of the meetings of March 13th, 2017.

George noted that Mike Ripley had been left out of the March 13th minutes under “Other Business.” Jen made the change to reflect that Mike had no other business to discuss.

George Timko moved/Mike Ripley seconded a motion to accept the minutes of the meetings of March 13th, 2017, as corrected. All voted in favor.

3. Sign Orders

Bob Glidden, Chairman, informed the Select Board that there were no orders to sign.

4. Review Correspondence

Bob Glidden, Chairman, instructed the Select Board to review correspondence at their convenience during the course of the meeting.

5. Adjust agenda

Brendan said that he had two items to add to tonight’s agenda:

7 .a. Review and consider for approval a 1st class liquor license and outside consumption permit for Murdock’s on the Green.

9.a. Consider approval of the Vermont State Revolving Loan Program application for Step 1 of the Sewer Aeration System Improvements.

6. Hear Citizens

Margo Caulfield was present and updated the Select Board on recent telecommunications developments. She said that she has been asked to serve on the State Telecommunications Board and will advocate for better service in the Cavendish area.

Margo also reminded the Board that 2018 will be the 100th birthday of Aleksandr Solzhenitsyn, and she expects there may be more visitors than usual to Cavendish next year. She said that there is a communist youth movement which has instigated some anti-Solzhenitsyn protests and vandalism in Russia. She

wants the Town to be aware that there could be similar events in Vermont, and encouraged residents to be mindful and report any suspicious activities they might notice.

7. Wesley Tice from Outer Limits Brewery to present plans regarding potential brewery in Proctorsville. (Informational Only)

Wesley Tice was present. He handed out an overview of his proposed brewery, with details on the water/sewer allocations he is requesting. Wesley said that he is requesting allocation for full production although it may be several years before the business reaches that level. He explained that the State requires breweries to have a pretreatment discharge permit. The pretreatment system will lower the BOD of the brewery wastewater so that it does not overload the Town's wastewater system.

Wendy Regier was present and asked for an explanation of BOD. Randy Shimp, Cavendish Wastewater Chief Operator, was present and explained that it stands for Biochemical Oxygen Demand, which is the amount of dissolved oxygen needed by bacteria in the wastewater to break down the organic waste materials. A higher BOD requires higher input of oxygen into the water, and a BOD which is too high for the system to handle would deplete the oxygen and kill the system.

Wesley said he plans to have a tasting room and serve pub-style food, and as well as selling bottled beer to the public and wholesale. The solid grains left over from the brewing process will be removed manually, and are typically sold or donated to a farmer or composter. Wesley said that he has not made an arrangement for those solids yet, but anticipates they will be removed daily or weekly.

George expressed his concern that the Town water and wastewater systems might not have enough capacity to supply the proposed brewery. Brendan said that he, Wesley, Mike Smith, Randy Shimp and a representative from VT ANR are working together to ensure that this project does not overload the town systems and to ensure that it will be a good addition to the Town and will not limit further growth.

Margo commented that there have been instances when the Town has asked users to limit their water use. She asked how those periods might affect the brewery and whether the brewery usage might impact other users. Randy said that, in the 4 years he has been employed by the Town, he has not hit maximum water production. He added that with the approval to use water from well #2 he has not had any difficulty maintaining adequate water levels in the storage tanks. Randy stated that he was not concerned about the Town's ability to supply the amount of water requested by the proposed brewery.

Wendy said that she felt it was important to have exact figures for water and sewer usage written down and agreed upon. Wesley and Brendan both agreed. Wesley said that he hoped construction would start in May, and hoped to be in production by this time next year.

The Select Board thanked Wesley for coming tonight.

7.a. Review and consider for approval a 1st class liquor license and outside consumption permit for Murdock's on the Green.

Brendan read Murdock's application aloud to the Board. He explained that their current license, which was approved by the Board in February, expires on 4-30-17.

Mike Ripley moved/George Timko seconded a motion to approve a First Class Restaurant/Bar License to Sell Malt and Vinous Beverages and an Outdoor Consumption Permit for Murdock's on the Green, LLC. All voted in favor.

8. Review and discuss updated Town Sewer Ordinance. (Mike Smith of Weston & Sampson will be present for discussion)

Brendan handed out copies for the Board to review. He suggested that the Board discuss the updated Sewer Ordinance draft tonight with Mike and Randy, and consider it for adoption at the monthly meeting in May.

Mike Smith gave some background information on the history of the wastewater treatment system. The Town's current sewer ordinance, dated 1969, does not take current clean water laws into account. He said that the Town would be liable if our discharge violates state laws. An updated ordinance makes it clear what can and cannot be put into the system while also providing some consequences for violations. Mike added that adopting these ordinances before the brewery permit is granted would be preferable. Mike Ripley commented that he would be in favor of giving Wesley advance notice of these changes. Mike Smith said that he didn't think the new ordinance would change the brewery plans, but agreed that could be done as a courtesy.

Randy added that the brewery wasn't the main reason behind updating the ordinance, and that the state permit will restrict the brewery output rather than anything the Town could impose. Mike Smith said that he has worked on several brewery projects, and suggested that the Select Board request a high strength wastewater agreement with the brewery which would outline the consequences in the event that their state pretreatment discharge permit is exceeded.

The Board, Mike Smith and Randy discussed the details of this draft with regard to management/oversight of the system, new construction hook-up requirements, sump pump connections and grease trap maintenance. Mike Smith suggested that not all aspects of this ordinance needed to be enforced right away, but having them in place gives the Town some flexibility to enforce them in the future. Mike Smith said that he strongly recommended against eliminating any parts of the ordinance as currently written.

George asked if a public hearing was needed before adoption. Brendan said it was not.

Mike Smith encouraged the Select Board members to look the draft over and send any questions to him. He said that, if he can answer questions by the 24th of April, he could incorporate desired changes and present a final draft for the Board to consider at the next monthly meeting on May 8, 2017. Brendan said that he would also start to plan how to present the new ordinance to the community in an informative rather than a punitive manner. He believed that a gradual enforcement would be advised, and that the updated ordinance is needed and will benefit the Town overall. Randy agreed, and said that users will also benefit if costs are controlled by better management and better regulation of the discharge coming into the wastewater treatment facility. Margo suggested involving the energy committee in distributing information about and advocating for the new ordinance.

9. Consider approval of the Step 1 Engineering Services Agreement from Weston & Sampson for the WWTF Aeration System Improvements.

Brendan said that the State requires the WWTF Aeration System Improvement project to be broken down into three steps. He handed out copies of the preliminary engineering agreement, which is the first step, for the Board to review. The cost for the preliminary report is \$9750.

George Timko moved/Bob Glidden seconded a motion to approve Step 1 Engineering Services Agreement from Weston & Sampson for the WWTF Aeration System Improvements in the amount of \$9750. All voted in favor.

9.a. Consider approval of the Vermont State Revolving Loan Program application for Step 1 of the WWTF Sewer Aeration System Improvements.

Brendan handed out copies of the Vermont State Revolving Loan Program application to the Board members for review.

George Timko moved/Mike Ripley seconded a motion to accept the Vermont State Revolving Loan Program application for Step 1 of the WWTF Sewer Aeration System Improvements. George confirmed that this application is only in the amount of \$10,000. Brendan said that there will be further applications for the other steps. All voted in favor.

10. Select Board to consider passing a corporate resolution appointing the Town Manager as the Town's Project Representative for the WWTF Aeration Replacement System project. (Allowing Town Manager to sign engineering and contractor agreements and to process payments and change orders)

Brendan said that this resolution was recommended by Mike Smith, so that payments and agreements can be approved in a timely manner. Brendan said that he would keep the Board informed of all change orders, agreements and payments made for this project.

Mike Ripley moved/Bob Glidden seconded a resolution to appoint the Town Manager as the Town's Project Representative for the WWTF Aeration Replacement System project, which allows the Town Manager to sign engineering and contractor agreements and to process payments and change orders. All voted in favor.

11. Discussion regarding investigation into the feasibility of replacing the Bridge #58 utility crossings with directional bore installations that would be separate from the bridge.

Brendan said that Bruce and Mike Smith met with Vtrans to discuss the Depot Street Bridge project. They discussed the possibility of replacing the existing utility lines, which are attached to the bridge, with lines running underneath the Black River. This option would eliminate the need for a temporary utility crossing while the bridge is being replaced. A feasibility study would cost approximately \$4500 and would be reimbursable by Vtrans.

Mike said that the water/sewer lines are currently under pressure, and that same system would serve if the lines were moved underneath the river bed, so no new equipment would be needed. Mike Ripley asked how deep under the river bed the lines would be placed. Mike Smith said that a scour study would be done, in order to place them below predicted flood scour levels. He guessed they would be placed at least 6 feet below the river's deepest point.

George asked how much of the existing water/sewer lines would need to be moved. Mike Smith said that would be part of the feasibility study. He said that it may turn out to be more expensive to change the design, but Vtrans felt that it was worth considering.

Mike Ripley moved/George Timko seconded a motion to approve an investigation into the feasibility of replacing the Bridge #58 utility crossings with directional bore installations that would be separate from the bridge. All voted in favor.

The Select Board thanked Mike Smith and Randy for coming to tonight's meeting.

12. Select Board to consider approval of Town properties for use during Town Tag Sale.

Margo said that she thought this summer will be the 7th year the Town Wide Tag Sale has been held. The hours will be from 9 a.m. to 2 p.m. She added that the Energy Committee had an information booth on the Proctorsville Green last year which attracted a lot of visitors, and thought that would be a good place to distribute information on the updated sewer ordinance.

George Timko moved/Bob Glidden seconded a motion to approve use of the Town Greens for the Town Wide Tag Sale, to be held the last Saturday of July from 9 a.m. to 2 p.m.. All voted in favor.

13. Review and consider adoption of 2016-2021 Town All Hazard Mitigation Plan.

Brendan said that he had emailed this document previously to the Select Board, which had been prepared by the Southern Windsor County Regional Planning Commission in cooperation with the Town.

Mike Ripley moved/Bob Glidden seconded a motion to approve the adoption of the 2016-2021 Town All Hazard Mitigation Plan. All voted in favor.

14. Bruce McEnaney to update Board on upcoming Memorial Day activities.

Bruce said that this year the Memorial Day parade will be in Cavendish on Tuesday, May 30, 2017, and will start at 11 a.m. at the Town Garage and proceed to the Cavendish Village Cemetery. He said that lunch will be served at the Cavendish Baptist church afterwards, starting around 12:30. Bruce said that he would like a fresh wreath rather than a plastic one to throw into the Black River from the Mill Street Bridge. Bruce and Margo said that they will be working with the CTES 6th grade class to place the flags on veterans graves and to do some clean-up in the cemeteries. Jim Hasson will be the speaker for the presentation at the Elementary School before the parade.

15. **Consider resignation of Ginger Wilk from position as Justice of the Peace.**

Brendan read Ginger Wilk's letter of resignation to the Board. Mike Ripley asked if anyone had expressed interest in being appointed Justice of the Peace in her place. Brendan said no one had.

Bob Glidden moved/Mike Ripley seconded a motion to accept the resignation of Ginger Wilk from the position of Justice of the Peace with regret. All voted in favor.

16. **Consider resignation of Jill Flinn as Animal Control Officer.**

Brendan said that Jill had verbally expressed her intent to resign. However, she did not write a letter of resignation and she was not in attendance tonight. The Select Board decided that they will consider the issue at the next monthly meeting if she is in attendance or submits a letter of resignation.

17. **Town Manager to update Board on various ongoing Town projects.**

Tax Sale - Brendan reported that the sale of the North Country Condo which was purchased by the Town at tax sale was finalized recently. It was purchased by the North Country Condo Association for \$13,985, which will reimburse the Town for all expenses incurred.

Town Garage Fire Repairs - Brendan said that he and Bruce spoke with the insurance adjuster earlier today, and are still waiting for an appraisal of the contents of the garage. He hoped to have that by the end of the week. The oil contaminated waste on the garage floor has been cleaned up and the tools have been moved out. Brendan said that the quote for asbestos removal is \$21,000 and will be covered by our insurance. Brendan said that once he gets the final settlement amounts from the insurance company he will pass it along to the Board members, and then they can begin to discuss repair/rebuilding options.

Bruce said that Truck #3 (2017 International 7500) didn't sustain too much damage in the fire and is ready to be picked up from S.G. Reed's. Once that truck is returned, he will return the truck which Ludlow has generously let us borrow.

Brendan again thanked the Town Highway crew for handling the recent snowstorm amidst challenging work conditions. Bruce added that other townspeople have helped out as well, which is much appreciated.

Highway Structures Grant - Bruce said that Bridge #21, at the intersection of Greenbush and Stevens Roads, will be replaced this construction season. He said that Bridge #22, at the intersection of Old County and East Roads, also needs to be replaced. Bruce said that he has applied for a Vtrans structures grant for Bridge #22 and, if it is approved, he would like to put out an RFP for both bridges together. He said that Cavendish will not receive a paving grant this year but should get one next year. Bruce said that the Town is aware that several paved roads need repairs.

18. **Other business**

Mark Huntley – none.

Mike Ripley – none.

George Timko – George asked if the Planning Commission still had an open position. Jen said there was one open position, to serve the remaining 2 years of a 3 year term which expires in March 2019 . George said that Wendy Regier had submitted an email indicating that she was willing to serve on the Planning Commission.

George Timko moved/Mark Huntley seconded a motion to appoint Wendy Regier to the position of Town Planning Commission for the remaining 2 years of a 3 year term. George Timko, Mark Huntley and Bob Glidden voted in favor, Mike Ripley voted no. The appointment was approved.

George also said that he thought the owners of the proposed brewery should meet with the Planning Commission. Brendan said that he had spoken with both Etienne and Wesley on that subject. George asked if the town roads were posted yet. Bruce said that they were. He said that conditional permission for heavy loads could be granted on a case by case basis.

Bob Glidden – none.

19. Adjourn

George Timko moved/Mike Ripley seconded a motion to adjourn at 8:40 p.m. All voted in favor.

Minutes Approved: _____

Date: _____