

Waterbury Village Water and Sewer Commissioners  
March 19, 2018  
4:30 pm, 28 N Main Street – Steele Community Room  
Minutes

Present: P. H. Flanders, C. Parks, R. Finucane Commissioners; B. Woodruff PWD, W. Shepeluk Municipal Manager, Karen King – secretary

Public: Don & Anne Einhorn, Eric Law, Caitlin Hollister, David DiDomenico – Waterbury Commons; Natalie Sherman; Gunner McCain

Flanders called meeting to order at 4:30pm

**Modifications to the Agenda:** R. Finucane requested a change to the order of topics to address the individuals from Waterbury Commons first.

**Update on Waterbury Commons Sewer Issues:** W. Shepeluk spoke to the Commissioners regarding his negotiations with developer P. Arnot. There were variations of the attached letter presented to the developer the final draft being sent on Friday March 16, 2018. P. Arnot was not present at the meeting. Section 8 of the proposed offer was specifically changed from the original draft due to objections by P. Krolczyk, including a concern that cameras will not be able to be introduced into the mains. P. Flanders referenced previous motions regarding the Commissioners stipulations to take over the sewer lines in Phase 1 and questioned why we're moving away from that? Speculations about whether the system will pass given what is already known. W. Shepeluk believes it's important to determine if any of the system will pass the mandrel test and isolate any areas that do not. P. Flanders stated the Commissioners have offered to pay for mandrel testing previously and the developer did not allow access. D. Einhorn spoke on behalf of himself and several homeowners stating it's his belief the homeowners can provide access to the sewer system based on the covenant. **R. Finucane made a motion for W. Shepeluk to send developer P. Arnot a certified letter stating the Water & Sewer Commissioners of the Village of Waterbury require mandrel testing be performed on the entire system (Phase 1 and Phase 2) by May 1, 2018. This is to be conducted and paid by the developer, who must coordinate with Bill Woodruff, PWD, to allow for observation of the testing. If all sewers allow passage of the mandrel through the lines the Village will take ownership provided the lines are deeded to the Village from Waterbury Commons, LLC. If the mandrel cannot pass through any section of the mains, the commissioners will consider a discussion with P. Arnot for a schedule of repairs to those mains and if the repairs are not accomplished in a timely manner the commissioners will consider taking action to revoke authorization to connect any unoccupied lots to the system. Refusal to perform the mandrel test may result in revocation of the allocation of wastewater capacity due to the potential threat to public health and the environment. If allocations are revoked, that action will be recorded in the Waterbury Land Records. C. Parks seconded the motion; a vote was held and passed unanimously.**

**Public:** G. McCain spoke to the Commissioners regarding a water allocation for Katherine Vose, Maple Street in Waterbury Center. G. McCain acting on Ms. Vose behalf has requested an increase to an

existing water allocation in order to obtain building permits for a 3 bedroom home with accessory dwelling. The request to accept a 10% deposit and final payment upon sale of the lot was denied by the Commissioners stating the invoice must be paid in full to secure the allocation request.

**Consider Conflict of Interest Policy:** W. Shepeluk presented the Commissioners with a copy of the Village of Waterbury Water & Sewer Commissioners Conflict of Interest Policy for their consideration and signatures. **R. Finucane moved to adopt the Conflict of Interest policy; C. Parks seconded the motion, a vote was held and passed unanimously.**

**Update on possible water line extension along Route 100 / Howard Ave:** B. Woodruff has received a final cost analysts of the project ranging from \$1.3 – \$1.5 Million. Commissioners are interested in the cost for bringing a water line from Guptil Road cross country to Route 100. B. Woodruff will follow up with engineers for these figures.

**Update on Legislative Passage of Charter Change:** P. Flanders and W. Shepeluk testified last week at the State House in Montpelier.

**Update on Inline Hydro:** System is on and producing power but still in a test phase. The installation went well beyond a shipping issue that delayed some necessary parts. Output is not yet what was projected but B. Woodruff is working with the engineers to correct.

**Monthly Reports:** P. Flanders wondered what caused the 2008 water increase on S. Guyette's report. Speculation but no one in attendance knew for certain. P. Krolczyk would like the Village Sewer Ordinance approved. B. Woodruff believed he had a draft copy which he will distribute to the Commissioners.

**Minutes:** **R. Finucane moved to approve the meeting minutes from the February 26<sup>th</sup>, 2018. C. Parks seconded the motion, a vote was held, and passed unanimously.**

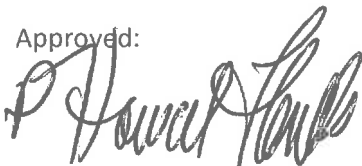
**Adjourn:** **C. Parks moved to adjourn the meeting at 6:31pm. R. Finucane seconded the motion; a vote was held and passed unanimously.**

The next meeting is scheduled for Monday April 30<sup>th</sup>, 2018 beginning at 4:30pm at the Waterbury Municipal Center.

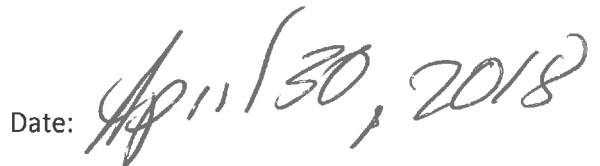
Respectfully submitted,

Karen King, Secretary

Approved:



Date:



# Waterbury Village Water and Sewer Commissioners

Monday March 19, 2018 4:30 pm  
28 North Main Street - Steele Community Room  
Waterbury

- |         |  |
|---------|--|
| 4:30 pm | Opening  |
| 4:30 pm | Consider any Modifications to the Agenda                                       |
| 4:31 pm | Public   |
| 4:35 pm | Consider Conflict of Interest Policy   |
| 4:37 pm | Update on Waterbury Commons Sewer Issues                                       |
| 4:55 pm | Update on Possible Water Line Extension Along Route 100 or Cross Country Route |
| 5:10 pm | Update on Legislative Passage of Charter Changes                               |
| 5:20 pm | Update on Inline Hydro   |
| 5:30 pm | Staff Monthly Reports  |
| 5:40 pm | Minutes  |
| 5:45 pm | Adjourn  |

**VILLAGE OF WATERBURY WATER & SEWER COMMISSIONERS**  
**CONFLICT OF INTEREST POLICY**

[For adoption by legislative body as a policy; applies to all public officers and employees]

**Article 1. Authority.** Under the authority granted in 24 V.S.A. § 2291(20), the Waterbury Village Water & Sewer Commissioners hereby adopts the following policy concerning conflicts of interest.

**Article 2. Purpose.** The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public official of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved. It is also the intent of this policy to insure that all decisions made by municipal officials are based on the best interest of the community at large.

**Article 3. Definitions.** For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

1. A personal or financial interest of a public officer, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the officer or before the public body in which he or she holds office or is employed. "Conflict of interest" does not arise in the case of votes or decisions on matters in which the public officer has a personal or financial interest in the outcome no greater than that of persons generally affected by the decision, such as adopting a bylaw or setting a tax rate.
2. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue; and
3. A situation where a public officer has not disclosed ex parte communications with a party in a quasi-judicial proceeding.

B. **Emergency** means an imminent threat or peril to the public health, safety or welfare.

C. **Official act or action** means any legislative, administrative or judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.

D. **Public body** means any board, council, commission or committee of the municipality.

E. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.

F. **Public officer** or **public official** means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the municipality.

G. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, the result of which is appealable by a party to a higher authority.

#### **Article 4. Disqualification.**

- A. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- B. A public officer shall not personally, or through any member of his or her household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the public body in which the officer holds office or is employed.
- C. In the case of a public officer who is an appointee, the public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter.
- D. Public officers shall not accept gifts or other offerings for personal gain by virtue of their public office that are not available to the public in general.
- E. Public officers shall not use resources not available to the general public, including but not limited to Village staff time, equipment, supplies, or facilities for private gain or personal purposes.

#### **Article 5. Disclosure.**

- A. A public officer who has reason to believe that he or she has or may have a conflict of interest but believes that he or she is able to act fairly, objectively and in the public interest in spite of the conflict of interest shall, prior to participating in any official action on the matter disclose to the public body at a public hearing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest.
- B. Nevertheless, the person or public body which appointed that public officer retains the authority to order that officer to recuse him or herself from the matter, subject to applicable law.

#### **Article 6. Recusal.**

- A. A public officer shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:
  - 1. Any person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself;
  - 2. A public officer who has recused him or herself from a proceeding shall not sit with the board, deliberate with the board, or participate in that proceeding as a board member in any capacity;
  - 3. If a previously unknown conflict is discovered, the board may take evidence pertaining to the conflict and, if appropriate, adjourn to a short deliberative session to address the conflict; and
  - 4. The board may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the board. The board may then resume the proceeding with sufficient members present.

B. In the case of a public officer who is an appointee, the public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter, subject to applicable law.


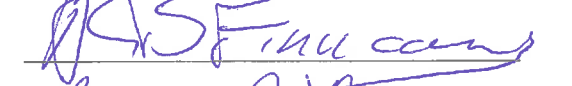

**Article 7. Enforcement; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures.** In cases where the conflict of interest procedures in Articles 5 and 6 have not been followed, the Village Water & Sewer Commissioners may take progressive action to discipline an offending public officer. In the discipline of a public officer, the board shall follow these steps in order:

- A. The chair shall meet informally, in private, with the public officer to discuss possible conflict of interest violation.
- B. The board may meet to discuss the conduct of the public officer. Executive session may be used for such discussion, in accordance with 1 V.S.A. § 313(4). The public officer may request that this meeting occur in public. If appropriate, the board may admonish the offending public officer in private.
- C. If the board decides that further action is warranted, the board may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.
- D. Upon majority vote, the board may request that the offending public officer resign from the board.
- E. In addition to any other remedies provided by law, the Village Water & Sewer Commissioners may seek injunctive relief in superior court, which may include, but not be limited to, an order to negate any vote or other action taken by the officer in the matter.

**Article 8. Exception.** The recusal provisions of Article 6 shall not apply if the legislative body of the municipality determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

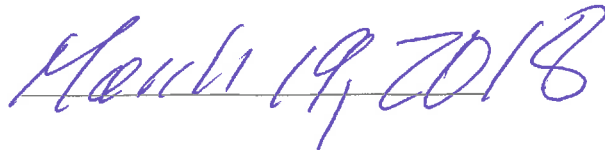
**Article 9. Effective Date.** This policy shall become effective immediately upon its adoption by the Waterbury Village Water & Sewer Commissioners.

Signatures:

  
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\_\_\_\_\_  
  
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Waterbury Village Water & Sewer Commissioners

Date:



## Karen King

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**From:** William Shepeluk <wshepeluk@waterburyvt.com>  
**Sent:** Wednesday, February 14, 2018 4:19 PM  
**To:** kking@waterburyvt.com  
**Subject:** FW: Vose allocation

FYI

William A. Shepeluk  
Waterbury Municipal Manager  
(802) 244-7033



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**From:** William Shepeluk [<mailto:wshepeluk@waterburyvt.com>]  
**Sent:** Wednesday, February 14, 2018 4:18 PM  
**To:** 'Gunner McCain' <[gmccain@mccainconsulting.com](mailto:gmccain@mccainconsulting.com)>  
**Subject:** Vose allocation

Hi Gunner,

I have reviewed your request for allocation for the Vose property. I agree with your calculations for the necessary capacity. The village does not typically allow for down payments of the fee on projects as simple as this one. We have allowed for a down payment if a project requires an Act 250 permit, which may take some time or when a developer proposes a multi-lot subdivision where houses will be built over a period of years. In this case, an existing allocation is in need of increase in order to build a house with an accessory apartment in place of a removed mobile home that retained its allocation.

I'll write the letter, but we'll send a bill for the entire amount due for the allocation. We will save the \$160 bill for the meter until we deliver the meter for installation.

**I am willing to offer allocating a lower capacity, however.** If you will send a letter stating that the fixtures in the existing 3-bedroom house are low flow fixtures, I'm willing to offer the 10% discount for them for the existing house. That would lower its allocation to 405 gpd and the total required for the project will be 945 gpd. The necessary additional capacity would be 195 gpd rather than the 240 gpd you suggested. At \$3.75 per gallon, the allocation fee will be \$731.25 rather than the \$900 you proposed.

I understand the toilets in the house may be older and the volume per flush higher than what would be considered low flow. However, if they have changed or are willing to change shower heads and faucets in sinks and lavatories, I'll be satisfied with that. I'm willing to allow this as I know anything new they buy whenever they remodel, including toilets, will meet low flow standards. In the long run, 405 gpd will be more than adequate.

Let me know if this is acceptable and I'll try to get the letter and bill out this week or early next.

Bill

# MONTHLY Report February 2018

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## Items of Interest

Meter Repairs / Changes

Leak at People's United Bank – South Main Street

Fire Department Tour

Reporting – Tier II & Source Protection Plan

Ties on Elm Street

Meter Reading

Cross Training & Wastewater Coverage

## Chemical Deliveries

None

## Maintenance

*Regular*

Scheduled Monthly Analyzer Maintenance

## Water Sources Used

All Surface Sources

Well 1

Sweet Wells



## Flow Data

**High Day**  
2/21/18

**Low Day**  
2/26/18

**Average Day**

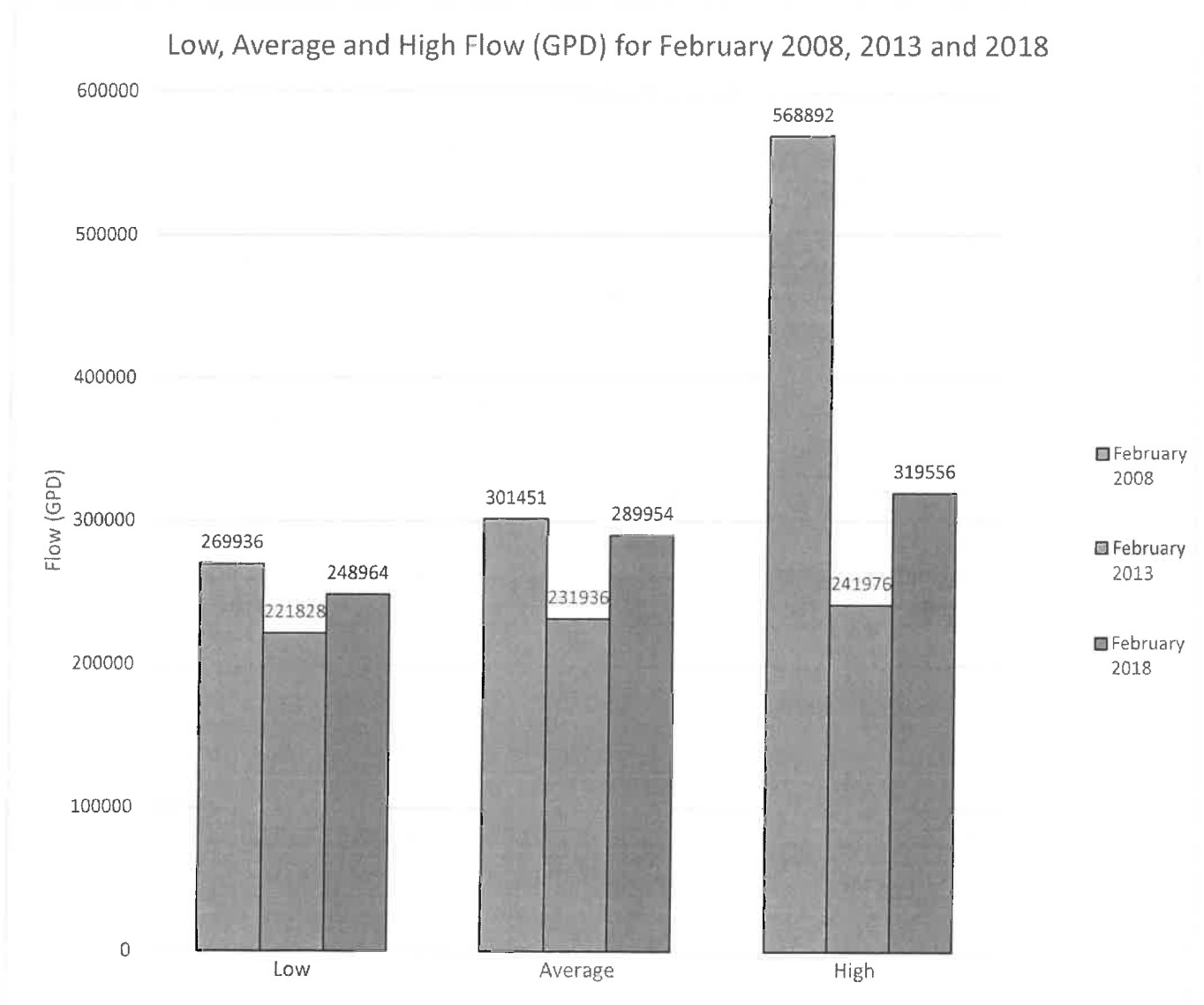
**Peak**  
2/5/18

319556 gal

248964 gal

289954 gal

505 GPM



**Notes:**

- Data collected from electronic records dating back to 2008

## Summary:

February began with finishing up winter meter reading. As described in the January report, this went smoothly and all were completed on time without issue.

We made a concerted effort in February to begin tackling some of the persistently broken meters in the system. While we have relatively few overall, we wanted to get as many repaired as possible this year. We repaired 3 meters towards the end of the month, and have been working with Karen to coordinate more repairs into March and beyond.

We were made aware of a substantial leak at the People's United Bank on South Main Street. It appeared the leak had been going for some time, though no water was surfacing. A sinkhole formed in the drive through lane which drew attention to the leak. We worked with the owners of the property, Pomerleau, to oversee the line repair. Around the same time, the known leak on Barb Parker's service line running on Rt. 100 near Ben & Jerry's began causing the pavement to sink, and water began bubbling up in the traveled lane. We subsequently shut down that service line as well. After addressing both leaks, we saw a drop in effluent flow of around 40,000gpd.

We hosted the Fire Department for a tour of the facility. This was to ensure they are all familiar with the chemicals and substances housed at the plant, as well as the layout and systems we have.

With reporting dates in March, we spent a lot of time in February preparing our Tier II reporting (chemicals/amounts, emergency contacts, etc) for the state, as well as our source protection plan. The Tier II was submitted to the appropriate folks, and the source protection plan will be finalized and submitted in March.

In preparation for work on Elm Street, we physically located sewer lines in every building on the street, as well as determining where water service lines entered buildings. Using this information, we created ties including line depths for every building to (hopefully) avoid breaking lines during the project.

Cross training between the Water and Wastewater departments continued, and in fact increased in February. Pete has been out for an extended time as a result of an injury. Matt was able to coordinate with him to help provide coverage and assistance on some projects during his absence. In all, he was at the Wastewater Department on 9 days in February. Brandon worked some Friday's at the WTP, as his schedule allowed. This process is proceeding well, with increased operations capability in both departments.

Well 1 and the Sweet Wells were used in February for LT-2 testing, and due to turbid surface water as a result of high runoff, respectively. Well 1 was on for 8 hours at ~210gpm, for a total flow of ~100,800 gallons. The Sweet Wells were used on 2 days in February, totaling ~28 hours, at ~210gpm for a total estimated flow of ~352800 gallons.

# Wastewater Progress Report

February 2018

- **Process:**

- Drained the clarifier, T2 and T3 to inspect and clean them. Slightly lowered the rake arms in the clarifier to reduce sludge buildup. All inspection results were good, with no major issues detected.
- Phil Laramie was on site several times throughout the month to perform service and maintenance on motors and pumps, as well as assisting with the clarifier cleanout.
- Mountain Air on site to install a new port for turbidimeter on the clarifier, as well as to install a new drain line out of the clarifier.
- Moved PAC injection point back to original location in static mixer to improve PAC efficiency.
- Removed SolarBee from Lagoon 1 and replaced the motor.
- Installed additional emergency aerator in Lagoon 1 in response to low DO. DO levels rebounded back to normal with the addition of the aerator.
- Flow totals for February are:
  - Influent: 5.55 MG, average 0.198 MGD
  - Effluent: 6.01 MG; process ran 14 days/month; avg. 0.429 MGD
  - Precipitation: 2.97 inches
- Insulation of Drying bed garage completed.

- **Collection System:**

- *Completion date* for the updated Sewer Ordinance.

- **Personnel**

- Pete remains out of work due to an injury suffered on 1/31/18. He is able to assist as needed from home, though in a limited capacity.

- **2018 Projects:**

- Organic Capacity Study, Phase II to increase BOD capacity from 170 lbs./day
- Sludge removal to Casella Coventry
- MPS Grit Removal Screen Project
- 2018 Collection system flushing, pump station cleaning, and TV work
- Bay one enclosure heating and insulation – *Spray foam insulation installed in Feb*
- Man-hole repairs
- WWTP pipe and wood shed upgrade – *now in permitting process*
- WWTP and MPS exhaust fan upgrade

## MONTHLY ALLOCATION REPORT FOR COMMISSIONERS

### Applications received and processed in February:

Allocation in process:

Staff is working with Cathy Cummings to refine the allocation of 17-19 Stowe Street to accommodate a hair salon that just relocated there. It appears to require a slight increase.

Waterbury Commons:

Secured an allocation for 164 Carrie Lane

\$1,367.46 Water

\$1,242.94 Sewer

\$160 Meter

Total \$2,770.40 (plus deposit)

### Additional notes

Bills are due TOMORROW!

4 leak letters were mailed with the invoices in February: Georgiana Bjornlund was the only person to call; she stated she didn't know why it was high.

I also sent requests to 20 customers with broken (or assumed broken) meters requesting access for repairs. Scott and Matt have done an amazing job cleaning many of these up. Of the 20 letters mailed 8 have been repaired, 3 have pending appointments and 1 has called but no appointment was made (tenant at property). I will continue to mail letters – are we able to issue a fee for failure to comply with a request for repair?

All the delinquents are still delinquent