

Edward Farrar Utility District
August 14, 2019
Minutes

Present: P.H. Flanders, R. Finucane, C. Parks, L. Sayah, Commissioners; W. Woodruff, W. Shepeluk, staff; A. Imhoff, public; J. O’Gorman, Waterbury Record

Chairperson Flanders called the meeting to order at 4:30 p.m.

R. Finucane made a motion to approve the agenda and it was seconded by L. Sayah. The agenda was approved as written.

No public comment was made.

The commissioners discussed the prospect of upgrading the water service to Oakwood Estates and extending service to other areas on Blush Hill. Flanders spoke to the discussion at the last meeting about an RFP for an engineering consultant to study the system and wondered if it was necessary. B. Woodruff, PWD, reported on a conversation he had with municipal engineer, Alec Tuscany about the issue. They recommended negotiating a contract with Red Dufresne of Dufresne Associates to do the work. Dufresne designed much of EFUD’s municipal system that was built post-1990 and he did work for the developer of the apartments on Kimberly Lane to make improvements to the municipal system to get water with adequate pressure to the apartment complex. **The commissioners agreed with the recommendation and directed staff to move forward with the discussions with Dufresne Associates.** The manager reported that he had found records that showed that Neil Pendergast, developer of Oakwood Estates, had indeed turned over to the Village of Waterbury ownership of the sewer mains that had been built to serve Oakwood Estates.

The municipal manager updated the commissioners about the status of the solar array proposed by C. Parsons for the rooftop of the drying bed structure at the wastewater treatment plant. Parsons had sent a draft lease for review by the manager. Shepeluk made some comments and expressed some concerns about the proposed language. He shared those with Parsons and sent the draft to EFUD’s attorney, Paul Giuliani. Shepeluk recommended that Parsons and his lawyer should provide a lease that is satisfactory to Giuliani. When complete and after Giuliani recommends the lease to the commissioners, the district can allow Parsons to move forward with the project. **The commissioners agreed with the recommendation and directed the manager to move forward with that plan.**

B. Woodruff updated the board about the deconstruction of the former municipal building at 51 S. Main Street and its transition to a parking lot. The building has been completely removed, including the vault. J.A. McDonald, the Main Street project contractor demolished the vault and helped with filling the cellar hole. The district is allowing them to use the footprint of the building and some of the area immediately surrounding it for a staging/storage area while construction on the street is in the immediate vicinity. Public parking is available on the existing paved area. When McDonald moves off the site, Woodruff recommends surfacing the remainder of the site with temporary asphalt pavement. He believed that would allow for easier winter

maintenance of the parking area and more efficient use of the entire lot for parking. He also recommended installing some lighting to allow for safe parking and security during nighttime hours. Shepeluk reported that about \$53,500 had been spent to date on the deconstruction/parking lot project. Woodruff stated that \$2,000 to \$3,000 more still need to be paid for asbestos removal that was completed within the last month and then expenses for the paving and lighting just discussed would need to be made.

Paul Hutchins representing Capital Soccer Club appeared to discuss the renewal of the lease for the existing soccer field near the Ice Center on River Road that was built and is used by the club. The manager reported the lease was first approved for a 10 year period commencing September 15, 2009. The lease expires next month, but can be renewed on the same terms at the discretion of Capital Soccer Club. Mr. Hutchins reported the club's desire to renew the lease for another 10-year period when the current term of the lease expires. **The commissioners, on a motion made and duly seconded (Finucane/Parks), voted to renew the lease for 10 years on the same terms as the current lease, effective September 15, 2019. The manager was directed to update the language, as necessary.** There was some discussion about an additional field that Capital Soccer would like to see developed on land adjacent to the current field. The club is working with EFUD through Steve Lotspeich, Community Planner, to sift through the provisions of the existing ACT 250 Permit and to produce a grading plan that will likely require the protection of prime agricultural soils. Mr. Hutchins will return for more discussions about the hoped for additional field when more information becomes available.

During a brief break in the meeting, Anne Imhoff thanked Bill Woodruff for the placement of a fire hydrant at the dog park. She stated that it was a "much appreciated amenity" by the dogs and their owners.

Bill Woodruff reported on the progress of the Main Street Construction Project. He was happy to report that it was proceeding as planned. He complimented the staff of J.A. McDonald, the project contractor, for their work, for their responsiveness to concerns and for their efforts to have good relations with the public. In addition to reporting on the progress of work on water and sewer infrastructure, he reported some interesting "finds", including a wooden water main buried about 14 feet below street level near the Northfield Savings Bank. The commissioners thanked him for the report and expressed approval and appreciation for progress made to date by the contractor and for all the efforts extended by municipal staff towards a successful project.

Flanders asked about the status of policies pertaining to the UDAG Fund. The manager reported that a draft of amendments to the current policy, along with a draft of a formal application, had been presented for consideration by Revitalizing Waterbury. He indicated there was value to the proposal, but more time was needed for a review. Once completed, the draft policy would be put on a future agenda for consideration. The manager presented the current balance sheet for the UDAG Fund and discussed cash, investments and outstanding loans with the board. See attached.

Shepeluk reported to the commissioners about the development proposed by Perry Hill Properties at 28 Stowe Street and 11 N. Main Street and the UDAG loan for the project that the commissioners had given preliminary approval to in June. He has been working with attorney

Chris Nordle who is representing EFUD and who has been working on the loan documents. Staff and Nordle recommend proceeding with the loan, first as a construction loan, distributing proceeds in partial payments, converting to a permanent loan for 180 months at a time determined by legal counsel and the municipal manager. The interest rate for both the construction loan and the permanent loan is recommended to be 4.5%. **A motion was made by Bob Finucane, which was seconded by L. Sayah, to authorize a loan from the UDAG Fund of the Edward Farrar Utility District in the amount of \$200,000 at an interest rate of 4.50% for a term of 180 months to Perry Hill Properties, LLC, commencing on a closing date yet to be determined, while also authorizing the municipal manager and legal counsel to distribute up to said amount in partial payments as a construction loan carrying the same interest rate of 4.50% prior to the commencement of the 180 month term. The mortgage for the construction loan will be subordinate to mortgages held by either (1) North Country Federal Credit Union and Stephen T. Van Esen, Trustee of the Stephen T. Van Esen Revocable Trust; or (2) Union Bank. At a time satisfactory to the municipal manager and legal counsel, the construction loan may be converted to a 180 month mortgage at 4.50% per annum, with the understanding that the mortgage to EFUD may be subordinate to no more than two other mortgages. Before the closing of the 180 month loan, the borrowers shall pay to EFUD the accrued interest on the construction loan and the legal fees related to these loans billed to EFUD OR the borrowers may choose to add to the principal of the loan the amount of all or a portion of the accrued interest on the construction loan and the legal fees. The municipal manager is authorized to execute the loan documents on behalf of EFUD. The motion passed unanimously, 4-0.**

Chairperson Flanders discussed an opportunity for a field trip into the watershed with the Conservation Commission. He gave a brief report about a bird watching trip the Conservation Commission hosted earlier this year. Flanders will coordinate with Steve Hagenbuch to try to schedule a walk sometime in September.

Flanders distributed a list of properties owned by EFUD. He said he will do some research on the properties to determine how and why the properties came to be acquired by the former Village of Waterbury and to begin discussions about whether the district has the need to continue owning each of them.

R. Finucane left the meeting at 5:49 p.m., however a quorum of the board remained.

B. Woodruff led a brief discussions about the potential hook-up to the sewer system of the property in Colbyville owned by Mad River Cabinet Works. Shepeluk suggested doing some research to determine what the municipality was willing to offer to allow the connection to happen. The commissioners agreed to discuss the issue again at a future meeting.

Cindy Parks moved to approve the minutes of the commissioners' meeting held on July 10, 2019. L. Sayah seconded the motion, which passed 3-0.

L. Sayah made a motion to adjourn at 6:20 p.m. C. Parks seconded the motion and it was approved unanimously.



A handwritten signature in cursive script, likely belonging to L. Sayah, is written over the date 9/11/2019. The signature is written in dark ink and is somewhat stylized.

**Edward Farrar Utility District
Commissioners Meeting**

Wednesday August 14, 2019
4:30 pm at Steele Community Room
28 North Main St
Waterbury VT

Agenda

- 4:30 pm Opening
- 4:30 pm Consider any modifications to agenda.
- 4:31 pm Public
- 4:36 pm Discussion on Eng. study of Blush Hill extension and upgrade of Oakwood Estates
- 4:50 pm Update on Agreement with Parsons Concerning Solar Array
- 5:05 pm Update on costs and finishing 51 South Main for Parking.
- 5:20 pm Discussion of contract with Capital Soccer on River Road.
- 5:35 pm Update on Main Street reconstruction.
- 5:50 pm Update on UDAG Fund and possible schedule to review the policy.
- 6:00 pm Consider UDAG Loan for Wulff/Flint
- 6:10 pm Possible Watershed field trip with Conservation Commission on a Saturday in Sept.
- 6:15 pm Discussion on EFUD Property
- 6:30 pm Department Reports
- 6:40 pm Minutes
- 6:45 pm Adjourn



May 1, 2019

William Shepeluk, Municipal Manager
Town of Waterbury
28 North Main St., Suite 1
Waterbury, VT 05676

RE: Lease Extension

Dear Bill:

Per Article 2 of the lease agreement between Capital Soccer Club, Inc. and the Village of Waterbury dated August 28, 2009, please accept this letter as notice of Capital's desire to exercise our option to renew the lease for another ten years under the same terms and conditions as the in-force lease. Please provide us with a lease extension agreement at any time prior to the expiration of the in-force lease which occurs on September 15, 2019.

On behalf of Capital Soccer and the many families who make up our club, we offer our sincere thanks to you and the Town for providing this open space for us. We look forward to another ten years of great soccer at the Ice Center in Waterbury.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Paul Hutchins", written over a horizontal line.

Paul H Hutchins, Chair
Capital Soccer Club, Inc.

08/14/19
05:15 pm

EDWARD FARRAR UTILITY DISTRICT General Ledger
Balance Sheet Current Year - Period 8 Aug
UDAG

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wshepeluk

Account	Curr Yr Pd 8 Aug Actual
ASSET	
45-1-00-0-110.50 UDAG MMK	50,432.37
45-1-00-0-110.51 UDAG SECURITIES	247,122.82
45-1-00-0-110.52 CTC UDAG MMK	0.00
45-1-00-0-130.00 DUE FROM/TO OTHER FUNDS	357,680.59
45-1-00-0-150.00 MISC ACCOUNTS RECEIVABLE	0.00
45-1-00-0-151.00 BRYANT & BRYANT	31,682.29
45-1-00-0-151.01 REVTL WTBY TERM 12/31/12	0.00
45-1-00-0-151.02 REVITAL WTBY LOC	94,560.24
45-1-00-0-151.03 ICE CENTER	529,913.12
45-1-00-0-151.08 SUNJA'S ORIENTAL FOOD	0.00
45-1-00-0-151.11 REVITALIZING WATERBURY	202,500.00
45-1-00-0-151.13 TAX ANTICIPATION LOAN	0.00
45-1-00-0-151.14 BLUE STONE, LLC	0.00
45-1-00-0-151.15 LADD HALL LIMITED PARTNER	169,787.47
45-1-00-0-151.16 PROHIBITION PIG	0.00
45-1-00-0-151.17 NICOLE GRENIER-STOWE ST C	10,547.73
45-1-00-0-151.18 WATERBURY SPORTS LLC	15,954.50
45-1-00-0-152.00 ACCURED INTEREST RECEIVAB	60,434.00
Total Asset	1,770,615.13
LIABILITY	
45-2-00-0-481.00 DEFERRED REVENUE	1,118,117.89
Total Liability	1,118,117.89
FUND BALANCE	
45-3-00-0-770.00 Fund Balance	604,520.40
Total Prior Years Fund Balance	604,520.40
Fund Balance Current Year	47,976.84
Total Fund Balance	652,497.24
Total Liability,Reserves,Fund Balance	1,770,615.13