

Edward Farrar Utility District
Commissioners Meeting

Wednesday, February 12, 2025

Steele Community Room, 28 North Main Street, Waterbury, VT

Attendance: P.H. "Skip" Flanders, Natalie Sherman, Bob Finucane, Cindy Parks, Rick Weston
Staff: Tom Leitz, Bill Woodruff, Kia Winchell Nealy
Zoom: Anne Imhoff, Kenny Ryan, Grant McCracken

The monthly meeting of the Edward Farra Utility District was called to order at 4:37 pm.

AGENDA

* Town Manager - Tom Leitz - has requested a discussion of the Priority List Application. It is suggested the topic be discussed after the proposed water and waste-water budgets.
* There was also a request for an Executive Session to discuss labor relations.

R. Weston made the motion to go into Executive Session - after reviewing the monthly department reports - and to also add the discussion about the Priority List Application.
B. Finucane seconded the motion.
A vote was taken ... and passed unanimously.

MINUTES OF THE MEETING FROM JANUARY 21, 2025

N. Sherman made the motion to approve the minutes of the meeting from January 21, 2025 as presented.
B. Finucane seconded the motion.
A vote was taken ... and passed unanimously.

WATER AND WASTE-WATER BUDGET(S)

T. Leitz presented spreadsheets for the full debt for the water and waste-water departments for 2025.
* Some of the debt will drop off ... i.e.; the Park Row/Elm Street project/bond will be paid off this year.
* The waste-water department had a monetary advance from the water department for the past five years ... that debt has been paid and is now gone.
* The budget(s) presented did not ask for any increases in debt ... as there are no projects on the horizon that are being considered by the town or EFUD which would cause an increase in debt.
* Meter readings show a slow but steady uptick in usage of water at the State Complex.
* The Armory is also showing an increase in water usage.

In addition to reviewing the water and waste-water budgets, T. Leitz reports; as the result of new water lines being installed at Kneeland Flats Trailer Park there will be a decline in usage and revenue from those customers. As a result, to help offset the monetary loss, Leitz suggests a two percent (2%) rate increase in the water base rates and metered usage water rates.

After much discussion about notifying customers of an increase, it was suggested a billing insert go in with the next round of invoices (to be mailed out February 20, 2025) notifying customers of the two percent (2%) increase for the upcoming billing period May/June/July 2025, which will be mailed out August 20, 2025.

B. Finucane made the motion to approve the water and waste-water budget(s) as presented.
C. Parks seconded the motion.
A vote was taken ... and passed unanimously.

B. Finucane made the motion to approve a general rate increase of two percent (2%) on water base rates and usage rates beginning with the May billing cycle ... along with a note to be included with the invoices that are scheduled to go out on February 20, 2025.

R. Weston seconded the motion.
A vote was taken ... and passed unanimously.

WATERSHED SIGNAGE

Three watershed signs were presented.

- * It was suggested the two detailed signs could be posted together at the entrances of the watershed.
- * The generic "protect our watershed" sign could be printed on aluminum and posted throughout the watershed.
- * When questioned about the color blue, C. Parks said blue signifies drinking water.

R. Weston made the motion to approve the three sign designs as presented and delegated the Town Manager to have them made and distributed throughout the watershed.

B. Finucane seconded the motion.

A vote was taken ... and passed unanimously.

PRIORITY LIST APPLICATION

The State of Vermont has a Priority List for the Clean Water State Revolving Loan Fund. A municipality requests permission to apply to get on the list ... then once on the list ... it gets you in line for a loan or grant.

** After the last round of flooding, Alec Tuscany presented a report to the Town Manager with suggestions for strengthening the Waste-Water Treatment Plant lagoon walls. (See report).*

- * A. Tuscany and B. Woodruff are also working on a Sludge Study that could also be submitted to the state as a priority.

If these projects don't make the State's Priority List AND the Town and EFUD still want to do projects proposed, T. Leitz would come back with a proposed budget for 2026.

R. Weston made the motion to authorize the Town Manager to submit the project to the Clean Water State Revolving Loan Fund.

B. Finucane seconded the motion.

C. Parks recused herself as she is involved with the Clean Water State Revolving Loan Fund.

A vote was taken ... and passed without opposition

UDAG LOAN COMMITTEE

T. Leitz expressed the challenges of the current UDAG Loan Policy. Meetings with the loan fund committee, by law, are warned public meetings ... and it is difficult to follow the open meeting law while trying to make loan recommendations in a timely fashion. It is also an odd situation as the committee reviews private financial information, which would be discussed during executive session. Leitz has found this to be a difficult situation as we must warn public meetings that fundamentally will never be open to the public.

T. Leitz suggests the loan policy could be rewritten such that the town manager appoints the committee, rather than the EUUD board. That would make it an internal committee, and open meeting law would not apply. Leitz made it clear he is not suggesting the role of the EFUD board, which approves all loans, be diminished or modified in any way

B. Finucane suggested the Town's attorney take a look at the wording in the UDAG Loan Policy.

UVM STUDENT WATERSHED PROJECT

C. Parks and B. Woodruff recently visited UVM and met with five students involved in municipal projects. Both explained the importance of the watershed to the area, along with about construction and use of bike trails, unauthorized cutting, and the need to protect our resources. Waterbury's Watershed along with two other projects were pitched to and accepted by the students. (These are rising seniors with backgrounds in the outdoors, recreation, and hydrology) The students, along with Amy Marshall Carney - from the Conservation Commission - were provided with references and resources. The students will meet with Parks and Woodruff

Thursday, February 14, 2025 to visit with staff and snowshoe through the water shed. C. Parks informed the EFUD board, the deadline for the student's project proposal is Friday, February 15, 2025.

DEPARTMENT REPORTS

B. Woodruff reports the 100,000 gallon per day leak was finally located ... in the neighborhood of a previous leak along Howard Avenue in Waterbury Center. That section of the water line has been shut off ... and there is now a dead-end section between Howard Avenue and Reservoir Road. Fortunately, no customers will be affected by this section being shut off.

The project at 51 South Main Street has been progressing.

- * The property has been connected to the 6" valve.
- * Also connected the sewer line
- * Storm drains have been put in place on the property.
- * Workers have pulled out live powerlines to the street lights.

EXECUTIVE SESSION

R. Weston moved that the commission find that a matter to be discussed would, if given premature general public knowledge, could place the commission at a disadvantage.

B. Finucane seconded the motion.

A vote was taken ... and passed unanimously.

R. Weston moved that the commission enter into Executive Session for the purpose of discussing a labor relations matter.

B. Finucane seconded the motion.

A vote was taken ... and passed unanimously.

The Edward Farrar Utility District entered Executive Session at 5:54pm.

Executive Session ended at 6:12pm with no action taken.

R. Weston made the motion to adjourn the Edward Farrar Utility District's meeting at 6:15 pm

B. Finucane seconded the motion.

A vote was taken ... and passed unanimously.

A one-sheet of the State of Vermont's Code of Ethics was passed out. The Town Manager informed board members this applied to the Edward Farrar Utility district ... and mandatory training will be required.

Next meeting of the Edward Farrar Utility District: March 12, 2025
kia

Edward Farrar Utility District Commissioners Meeting

Wednesday, February 12, 2025

4:30 pm in person at Steele Room
28 North Main St, Waterbury VT

Join Zoom Meeting
<https://www.zoom.us/join>
Meeting ID: 822 9251 7551
Passcode: 053700

Dial by your location
(305) 224-1968 US

- 4:30 pm Call to Order/Approve Agenda
- 4:30 pm Public
- 4:35 pm Consider Minutes of ~~Jan 30~~ ^{Jan. 21st} meeting
- 4:40 pm Finish 2025 Water and Sewer Budget discussions
- 5:00 pm Discussion on wording for signs in the Watershed
- ~~5:10 pm Proposed Water and Sewer budgets for 2025~~
- 5:25 pm Discussion of potential revision to UDAG Loan Committee
- 5: 40 pm Update on UVM Student Watershed Project
- 6:00 pm Department Reports
- 6:10 pm Adjourn

SKIP - NEED TO ADD:
APPROVAL OF PRIORITY LIST APPLICATION
TO AGENDA

**Edward Farrar Utility District
Commissioners Meeting**

Tuesday, January 21, 2025

Steele Community Room, 28 North Main Street, Waterbury, VT

Attendance: P.H. "Skip" Flanders, Natalie Sherman, Bob Finucane, Cindy Parks

Staff: Tom Leitz, Bill Woodruff, Kia Winchell Nealy

Zoom: Kenneth Ryan

The special meeting of the Edward Farrar Utility District was called to order at 1:07pm

AGENDA

Town Manager Leitz requested a discussion on Ethics Law to be added to the agenda.

Board Chair Flanders requested a change in the order of the agenda: Minutes, UVM Student Project, Ethics Law, Union.

Natalie Sherman made the motion to add the discussion of the Ethics Law and to adjust the agenda as proposed. Bob Finucane seconded the motion.

A vote was taken and passed unanimously.

MINUTES OF THE MEETING FROM JANUARY 9, 2025

B. Finucane made the motion to approve the Minutes of the Meeting from January 9, 2025.

C. Parks seconded the motion.

A vote was taken and passed unanimously.

UVM STUDENT PROJECT AND THE EFUD WATERSHED

C. Parks informed the EFUD board that the Unpermitted Trails in The Watershed Project has been presented to UVM students and Professor Laura Edling. (This project is on environmental and natural resource management). In addition to EFUD's project, there are two other projects under consideration (by other entities); Vermont Coverts – a project concerning the increasing encounters with bears ... and the Lake Champlain Sea Grant – a project which addresses residential storm water control.

As of today, we have not heard which project has been chosen. C. Parks' concern; If EFUD's project is accepted, classes are held on Fridays and Parks will not always be available. She has asked if the Town's Public Works Director B. Woodruff and/or EFUD employee Kenny Ryan would be available as contacts and to provide help if requested.

ETHICS LAW

There is a new multi-faceted Ethics law that is now in place in Vermont ... which needs to be reviewed and discussed at the next regularly scheduled EFUD meeting. With that said, there is one immediate action that needs to be taken by January 31, 2025; The Edward Farrar Utility District needs to name an Ethics Officer. The Officer needs to be a member of the governing body or officer of EFUD, or a municipal employee. The Waterbury Selectboard has chosen Town Manager Leitz with the Selectboard serving as the alternate.

B. Finucane made the motion to appoint the Town Manager as Ethics Officer for EFUD and "Skip" Flanders as the alternate.

N. Sherman seconded the motion.

A vote was taken and passed unanimously.

PETITION TO FORM A UNION

At 1:32pm, N. Sherman made the motion that a specific finding that premature general public knowledge would clearly place the public body involved at a substantial disadvantage.

C. Parks seconded the motion.

A vote was taken and passed unanimously.

N. Sherman then made the motion to enter into executive session for the purposes of discussion a labor relations agreement with employees.

B. Finucane seconded the motion.

A vote was taken and passed unanimously.

Executive Session ended at 2:08pm with no action taken.

B. Finucane made the motion to adjourn this afternoon's Edward Farrar Utility District's meeting at 2:10pm.

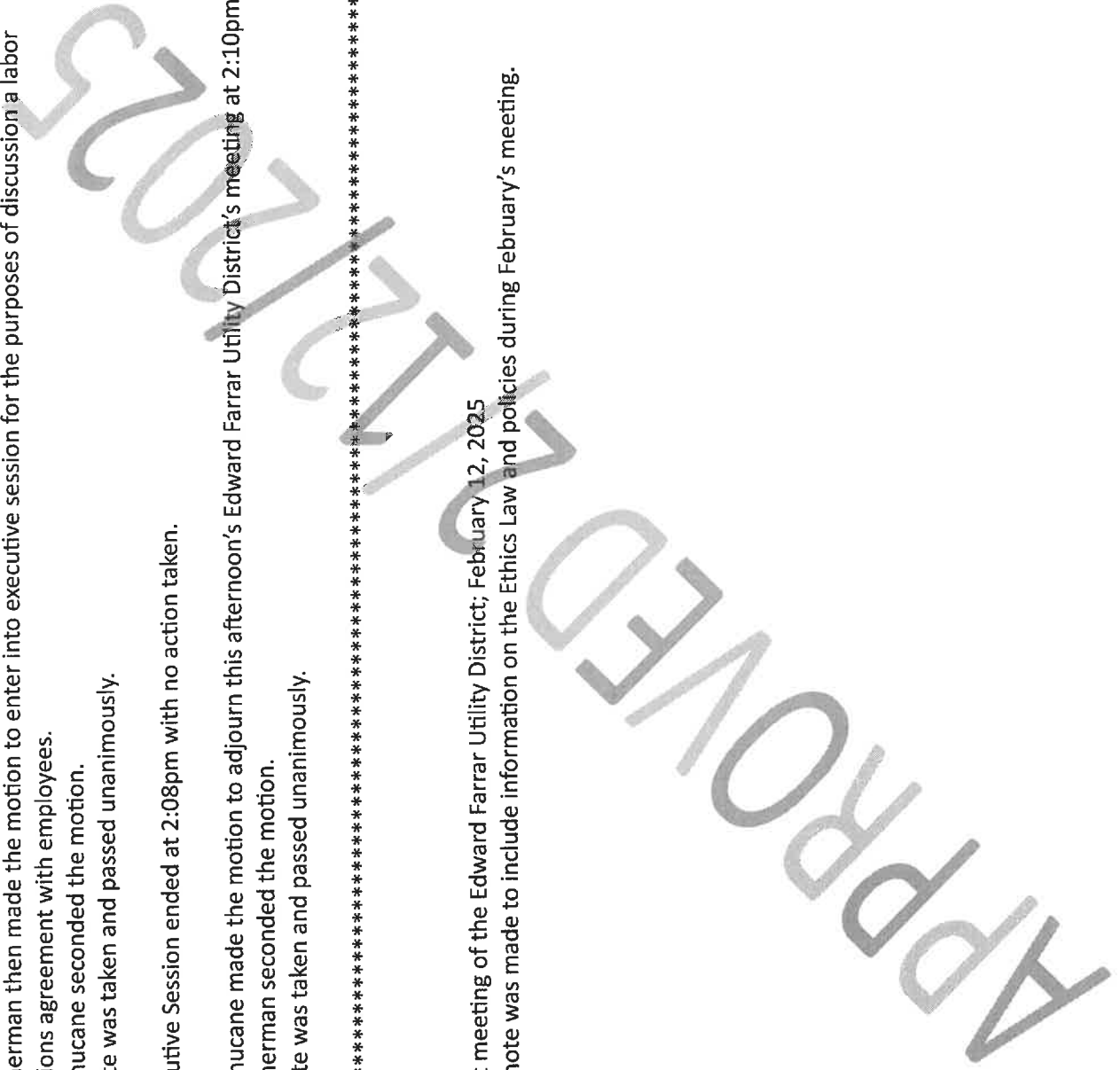
N. Sherman seconded the motion.

A vote was taken and passed unanimously.

Next meeting of the Edward Farrar Utility District; February 12, 2025

* A note was made to include information on the Ethics Law and policies during February's meeting.

kia



	A	D	F	H	J	K	L	M	N	O
1	Water Department 2025 Budget									
2	Account	2021 Actual	2022 Actual	2023 Actual	2024 Adopted	2024 Actual		2025 Proposed	Change from 2024	% Change from 2024
3	Revenue									
4	21-6-00-2-001.00 FROM SEWER DEPT	35,965	30,185	30,185	29,880	29,880		63,478	33,598	112.4%
5	21-6-00-2-002.00 FROM TOWN HYW DEPT	48,440	63,250	36,680	69,647	60,148		65,377	-4,270	-6.1%
6	21-6-00-2-003.00 GAS TAX REFUND	732	465	588	500	869		800	300	60.0%
7	21-6-00-2-011.02 SOLAR LEASE	5,500	5,500		5,500	11,000		5,500	0	0.0%
8	21-6-00-3-001.00 WATER RENT BILLING	908,355	837,121	987,862	1,080,791	1,149,254		1,164,650	83,859	7.8%
9	21-6-00-3-001.01 LABOR/EQUIPMENT/MATERIALS	8,758	1,527	1,624	1,600	2,975		2,500	900	56.3%
10	21-6-00-3-002.00 WATER RENT INTEREST	0	0	5,640	5,500	6,062		6,000	500	9.1%
11	21-6-00-3-003.00 WATER PENALTY	1,469	1,485	4,919	5,000	5,624		5,500	500	10.0%
12	21-6-00-7-001.00 WATER OPERATIONS REVENUE	13,890	12,039	9,342	10,000	37,541		15,000	5,000	50.0%
13	21-6-00-7-002.00 SALE OF ASSETS/EQUIP	2,123	15,000	0	0					
14	21-6-00-8-003.00 LOAN PROCEEDS	0	0	516,431		750,000				
15	21-6-00-9-001.00 INTEREST	57,539	35,758	26,167	0					
16	Interest from Investment Funds				33,500	55,436		0	-33,500	-100.0%
17	21-6-00-9-001.01 SECURITIES GAINS/LOSS	54,057	-117,858	43,781	0				0	
18	21-6-00-9-003.00 SPECIAL PROJECT INCOME	0	0		0	-10			0	
19	21-6-00-9-002.01 Duxbury-Moretown Transfer			86,829	0				0	
20	21-6-00-9-021.01 INSURANCE PROCEEDS	0	88		0				0	
21	21-6-00-9-009.01 Use of Reserves - Roof Replacement			0	100,000			100,000	0	0.0%
22	21-6-00-9-009.01 Use of Reserves - 2023 Interest				22,600			0	-22,600	-100.0%
23	Sale of Real Property							69,000	69,000	
24										
25										
26	Total Revenue	1,136,827	884,560	1,750,047	1,364,518	2,108,778		1,497,805	133,287	9.8%
27										
28	Expenses									
29	21-7-31-1-110.00 WR-Regular Pay	239,582	260,627	283,712	317,928	344,118		380,860	62,932	19.8%
30	21-7-31-1-110.01 WR-Flood Wages			5,000	0	0		0	0	
31	21-7-31-1-115.00 WR-Commissioners Pay	3,125	3,125	1,200	3,125	3,125		3,152	27	0.9%
32	21-7-31-1-120.00 WR-Part-time Pay	0	0	56,208	500	42,225		20,000	19,500	3900.0%
33	21-7-31-1-210.00 WR-Ins-Health	43,068	39,824	16,221	24,500	16,226		15,000	-9,500	-38.8%
34	21-7-31-1-210.02 WR-Life, Disability LTC I	1,819	1,820	2,549	2,750	2,571		1,650	-1,100	-40.0%

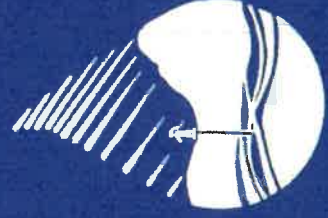
	A	D	F	H	J	K	L	M	N	O
1	Water Department 2025 Budget									
2	Account	2021 Actual	2022 Actual	2023 Actual	2024 Adopted	2024 Actual		2025 Proposed	Change from 2024	% Change from 2024
35	21-7-31-1-220.00 WR-Ins-Social Sec	18,298	19,813	27,178	24,599	29,833		30,907	6,308	25.6%
36	21-7-31-1-230.00 WR-Retirement	12,431	13,344	19,193	21,619	24,068		26,660	5,041	23.3%
37	21-7-31-1-250.00 WR-Ins-unemployment	485	3,192	314	3,250	325		350	-2,900	-89.2%
38	21-7-31-1-260.00 WR-Ins-workers Comp	16,680	14,742	19,481	19,000	14,839		15,000	-4,000	-21.1%
39	21-7-31-1-290.00 WR-Clothing Allowance	1,227	1,451	1,907	2,250	5,426		2,000	-250	-11.1%
40	21-7-31-2-330.00 WR-Engineering & Prof Ser	62,041	28,882	67,415	55,000	84,080		85,000	30,000	54.5%
41	21-7-31-2-330.01 WR-Lab Testing	3,770	2,635	4,540	5,500	4,500		5,000	-500	-9.1%
42	21-7-31-2-333.00 WR-Legal Fees	16,209	11,857	13,257	11,000	11,413		13,500	2,500	22.7%
43	21-7-31-2-340.00 WR-Clerical Services	465	455	650	500	440		500	0	0.0%
44	21-7-31-2-340.01 WR-Professional Ser-Other	27,498	16,227	20,978	21,000	17,409		23,000	2,000	9.5%
45	21-7-31-2-431.00 WR-Equip & Instru.Main Pl	491	25,658	62,093	15,000	31,738		20,000	5,000	33.3%
46	21-7-31-2-431.02 WR-Equip Maint-Blush Hill				0	1,500		0	0	
47	21-7-31-2-431.02 WR-Equip Maint-Old Plant	378	127	503	500	1,925		2,000	1,500	300.0%
48	21-7-31-2-431.03 WR-Equip Maint-Wells	428	1,647	5,062	7,200	0		10,000	2,800	38.9%
49	21-7-31-2-431.04 WR-Equip Maint-Other	186	598	889	1,000	957		1,000	0	0.0%
50	21-7-31-2-431.05 WR-Meter Repair & Replace	7,936	2,460	4,524	5,000	3,360		4,500	-500	-10.0%
51	21-7-31-2-441.00 WR-Lease Cv Railroad	170	0	0	400	0		400	0	0.0%
52	21-7-31-2-490.00 WR-Property Taxes	16,783	16,469	17,547	18,250	19,333		21,250	3,000	16.4%
53	21-7-31-2-530.00 WR-Utilities-Tele/Interne	4,920	5,527	6,706	7,000	9,707		10,000	3,000	42.9%
54	21-7-31-2-531.00 WR-Postage	1,463	2,001	2,326	2,450	1,644		1,500	-950	-38.8%
55	21-7-31-2-535.00 WR-Public Relations & Edu	0	100	0	100	0		0	-100	-100.0%
56	21-7-31-2-540.00 WR-Advertising	0	527	540	500	0		500	0	0.0%
57	21-7-31-2-610.00 WR-Office Supplies	1,837	1,489	2,072	2,150	2,332		2,150	0	0.0%
58	21-7-31-2-611.00 WR-Chemicals & Purificati	17,527	24,774	13,739	20,000	20,953		22,000	2,000	10.0%
59	21-7-31-2-611.01 WR-Lab Chemicals	2,382	2,631	4,205	4,500	4,567		4,150	-350	-7.8%
60	21-7-31-2-660.00 WR-State Fees	5,982	4,196	5,210	6,500	5,626		5,800	-700	-10.8%
61	21-7-31-2-741.00 WR-Small Tools	350	1,676	2,021	2,000	1,329		1,800	-200	-10.0%
62	21-7-31-3-424.00 WR-Grounds Maintenance	1,185	1,091	831	7,500	10,478		10,500	3,000	40.0%
63	21-7-31-3-430.00 WR-Building Maintenance	9,792	13,569	4,097	8,000	1,848		1,000	-7,000	-87.5%
64	21-7-31-3-622.00 WR-Utilities-Elect	54,123	52,629	60,202	60,000	93,566		87,500	27,500	45.8%
65	21-7-31-3-623.00 WR-Propane-Heat/Generator	0	6,330	130	130	1,874		2,500	2,370	1823.1%
66	21-7-31-3-623.01 WR-Propane-Well/Generator	6,515	755	6,317	6,500	8,458		8,000	1,500	23.1%

	A	D	F	H	I	J	L	M	N	O
1	Sewer Department 2025 Budget									
2	Account	2021 Actual	2022 Actual	2023 Actual	2024 Adopted	2024 Actual		2025 Proposed	Change from 2024	% Change from 2024
4	22-6-00-2-002.00 FROM TOWN HYW DEPT	1,115	1,140		-					
5	22-6-00-2-003.00 GAS TAX REFUND	219	138		-					
6	22-6-00-2-020.03 SW REVENUE				0	1,500				
7	22-6-00-2-011.02 Solar Lease		2,000	2,956	2,000	2,534		2,500	500	25.0%
8	22-6-00-2-020.05 Transfer In ARPA			150,000	0	0			-	
9	22-6-00-3-001.00 SEWER RENT BILLING	740,283	768,862	868,294	990,188	1,031,048		1,015,000	24,812	2.5%
10	22-6-00-3-002.00 SEWER RENT INTEREST	-	-	4,751	4,500	3,386		3,250	(1,250)	-27.8%
11	22-6-00-3-003.00 SEWER PENALTY	1,393	1,611	4,488	4,500	4,708		3,750	(750)	-16.7%
12	22-6-00-9-003.00 SPECIAL PROJECT INCOME			-	-	-			-	
13	22-6-00-7-001.00 SEWER OPERATIONS REVENUE	9,512	7,115	7,426	5,000	47,409		5,000	-	0.0%
14	22-6-00-7-002.00 Sale of Equipment				20,000	14,845		-	(20,000)	-100.0%
15	22-6-00-8-003.00 LOAN PROCEEDS	-			-				-	
16	22-6-00-9-001.00 INTEREST	2,040	1,129	(3,551)	-	4,242		3,500	3,500	
17	22-6-00-9-001.01 SECURITIES GAINS/LOSS	11,626	(8,440)		-				-	
18	22-6-00-9-021.01 INSURANCE PROCEEDS			566	-				-	
19	22-6-00-9-099.00 MISC INCOME					3,813			-	
20	Sale of Real Property							69,000	69,000	
21										
22	Total Revenue	766,188	773,555	1,034,929	1,026,188	1,113,484		1,102,000	75,812	7.4%
23										
24	22-7-32 SEWER DEPT	-								
25	22-7-32-1-110.00 SW-Regular Pay	115,172	139,635	152,765	180,403	143,792		150,221.16	(30,182)	-16.7%
26	22-7-32-1-110.01 Flood Appreciation			2,500	-	-		-	-	
27	22-7-32-1-115.00 SW-Commissioners Pay	3,125	3,125	3,125	3,125	3,725		3,125.00	-	0.0%
28	22-7-32-1-120.00 SW-Part-time Pay	455	-	952	1,000	-		1,000.00	-	0.0%
29	22-7-32-1-210.00 SW-Ins-Medical	27,853	29,005	22,505	36,250	36,271		40,000.00	3,750	10.3%
30	22-7-32-1-210.02 SW-Life Disability LTC I	1,005	1,551	1,332	1,332	1,286		1,300.00	(32)	-2.4%
31	22-7-32-1-220.00 SW-Social Sec	8,661	11,297	12,244	14,116	10,871		11,195.48	(2,921)	-20.7%
32	22-7-32-1-230.00 SW-Retirement	1,757	8,702	10,503	12,267	10,096		12,635.01	368	3.0%
33	22-7-32-1-250.00 SW-Ins-unemployment	375	271	198	250	179		184.40	(66)	-26.2%
34	22-7-32-1-260.00 SW-Ins-Workers Comp	9,525	6,938	11,647	12,000	8,090		8,375.00	(3,625)	-30.2%
35	22-7-32-1-290.00 SW-Clothing/Safety Gear	515	777	1,352	2,000	2,687		2,575.00	575	28.8%
36	22-7-32-2-330.00 SW-Engineering	2,588	8,607	8,726	10,000	6,563		7,725.00	(2,275)	-22.8%
37	22-7-32-2-330.01 SW-Testing Services/lab	5,693	3,744	5,727	7,000	5,416		5,978.89	(1,021)	-14.6%
38	22-7-32-2-333.00 SW-Legal Fees	1,708	1,856	50	2,000	500		2,000.00	-	0.0%

	A	D	F	H	I	J	L	M	N	O
1	Sewer Department 2025 Budget									
2	Account	2021 Actual	2022 Actual	2023 Actual	2024 Adopted	2024 Actual		2025 Proposed	Change from 2024	% Change from 2024
39	22-7-32-2-340.00 SW-Clerical Services	465	455	353	500	524		515.00	15	3.0%
40	22-7-32-2-340.01 SW-Profess Service-Other	15,711	15,919	17,598	20,000	17,817		25,000.00	5,000	25.0%
41	22-7-32-2-441.00 SW-Railroad Leases	587	776	796	800	817		775.00	(25)	-3.1%
42	22-7-32-2-530.00 SW-Utilities-Tele	6,630	6,594	7,372	7,372	8,726		9,000.00	1,628	22.1%
43	22-7-32-2-531.00 SW-Postage	766	1,029	1,265	1,265	1,324		1,327.99	63	4.9%
44	22-7-32-2-540.00 ADVERTISING	396	791	240	800	-		-	(800)	-100.0%
45	22-7-32-2-610.00 SW-Office Supplies	495	952	385	1,000	836		850.00	(150)	-15.0%
46	22-7-32-2-611.00 SW-Chemicals	59,186	56,022	62,067	70,000	65,015		75,000.00	5,000	7.1%
47	22-7-32-2-611.01 SW-Lab Supplies & Maint	5,093	5,676	3,708	5,400	3,064		4,000.00	(1,400)	-25.9%
48	22-7-32-2-660.00 SW-State Fees	3,800	2,530	1,870	2,800	1,530		1,600.00	(1,200)	-42.9%
49	22-7-32-3-411.00 SW-Water	4,053	3,065	3,685	4,000	4,519		4,000.00	-	0.0%
50	22-7-32-3-424.00 SW-Grounds	3,720	4,520	788	5,200	838		850.00	(4,350)	-83.7%
51	22-7-32-3-430.00 SW-Building Maintenance	11,972	15,119	5,348	15,000	10,676		7,500.00	(7,500)	-50.0%
52	22-7-32-3-622.00 SW-Utilities-Elect/Solar	89,322	82,271	83,769	84,250	116,477		110,000.00	25,750	30.6%
53	22-7-32-3-623.00 SW-Fuel-Propane	1,897	2,226	979	2,200	1,379		1,350.00	(850)	-38.6%
54	22-7-32-3-624.00 SW-Fuel-heat	3,258	7,649	9,160	9,600	7,535		10,000.00	400	4.2%
55	22-7-32-3-624.01 SW-Fuel-Equip & Service	768	2,958	730	2,500	4,412		3,250.00	750	30.0%
56	22-7-32-4-432.00 SW-Vehicle Maintenance	1,110	2,062	1,173	1,250	3,218		2,750.00	1,500	120.0%
57	22-7-32-4-626.00 SW-Fuel-Gas	2,268	2,109	2,562	2,600	3,109		3,150.00	550	21.2%
58	22-7-32-4-627.00 SW-Fuel-Diesel	884	-	1,125	1,200	1,275		1,300.00	100	8.3%
59	22-7-32-5-240.00 SW-Tuition	-	497	-	1,200	-		-	(1,200)	-100.0%
60	22-7-32-5-241.00 SW-Dues	960	402	1,167	1,167	1,749		1,450.00	283	24.2%
61	22-7-32-5-310.02 SW-Admin Service Fee-Wate	35,965	30,185	30,185	29,880	29,880		63,478.45	33,598	112.4%
62	22-7-32-5-320.00 SW-Training	453	758	971	1,000	463		2,000.00	1,000	100.0%
63	22-7-32-5-431.00 SW-Plant & Process Maint	86,173	72,452	116,880	100,000	73,779		95,000.00	(5,000)	-5.0%
64	22-7-32-5-431.01 SW-Equipment Maintenance	1,840	251	261	1,200	1,271		1,300.00	100	8.3%
65	22-7-32-5-460.00 SW-Collection Sys Maint	66,785	59,148	43,140	80,000	61,458		80,000.00	-	0.0%
66	22-7-32-5-460.01 SW-Coll Sys Emerg Rpr/Rpl		24,700	-	-	-		-	-	-
67	22-7-32-6-520.00 SW-Ins-Prop & Gnral Libil	14,985	13,365	14,253	15,000	14,330		16,000.00	1,000	6.7%
68	22-7-32-6-830.00 SW-Bank Charges	438	301		500			-	(500)	-100.0%
69	22-7-32-6-990.00 SW-Unclassified			34	100	1,404		1,000.00	900	900.0%
70	22-7-32-7-460.00 SW-Lagoon Cleanout	3,795	-		8,500	7,390		10,000.00	1,500	17.6%
71	22-7-32-7-460.05 SW-Sewer Main Repair/Repl	111,444	59,759		90,000	-		100,000.00	10,000	11.1%
72	22-7-32-7-460.06 SW-Aeration System	2,982	20,782	30,217	22,500	8,518		8,250.00	(14,250)	-63.3%
74	New - Mini Excavator							46,250.00	46,250	

	A	D	F	H	I	J	L	M	N	O
1	Sewer Department 2025 Budget									
2	Account	2021 Actual	2022 Actual	2023 Actual	2024 Adopted	2024 Actual		2025 Proposed	Change from 2024	% Change from 2024
75	22-7-32-7-741.00 SW-New Equipment	-	3,890	101,027	10,000	1,215		1,300.00	(8,700)	-87.0%
76	22-7-32-8-820.00 SW-Principal Expenses	-	202,708	96,640	104,906	104,960		105,525.00	619	0.6%
77	22-7-32-8-830.00 SW-Interest Expenses	23,139	18,500	11,742	12,510	12,259		9,925.00	(2,585)	-20.7%
78	Contribution to Fund Balance/Contingency		-	-	28,244			51,989.00	23,745	84.1%
79									-	
80	Total Expenses	739,771	935,928	885,112	1,026,188	801,243		1,102,000	75,812	7.4%
81									-	
82	Net Gain (Loss)	26,417	(162,373)	149,817	(0)	312,241		(0)	0	0.0%

**DRINKING WATER
SUPPLY AREA**



Please protect it!

Please protect our watershed.

**The Edward Farrar Utility District does
not allow trail building or the cutting
of trees.**



Edward Farrar Utility District

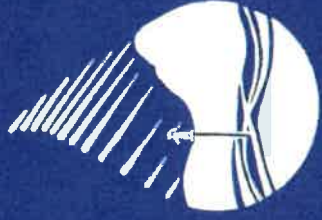
Public Water Supply Source Protection Area

Notice: 42 U.S.C. § 300i-1, Section 1432 of the Safe Drinking Water Act provides civil and criminal penalties against any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system.

The Edward Farrar Utility District does not allow trail building or the cutting of trees.

Contact the District Manager at (802) 244-4300 to report suspicious activity, or call 911 if an emergency.

DRINKING WATER SUPPLY AREA



Please protect it!

This land is owned by the Edward Farrar Utility District and its purpose is to protect the drinking water for several thousand residents of Waterbury, Duxbury and Moretown. While we allow public use of the land, please be mindful this land is part of a protected watershed. No trail building or cutting of trees whatsoever is allowed. The land is open to public hunting, but we do not allow discharge of firearms for purposes other than hunting. The District reserves the right to close the land to public use in the event the stated rules are not followed. Any violations should be reported to the District Manager at (802) 244-4300.

Preliminary Engineering Report

Strengthening WWTP Lagoon Berms

Existing Conditions

Existing WWTP

The original Edward Farrar Utility District (EFUD) WWTP, located along US Rte 2 west of Waterbury Village, was constructed in 1978 and replaced an extended aeration package WWTP located in the Village. Design flow was 0.51 MGD. The 1978 WWTP project included three (3) aerated lagoons of earthen berm construction followed by a chlorine contact tank and a control/laboratory building. Surrounding the WWTP are 16 acres of farmland where lagoon sludge has been land applied in the past. The three lagoons at full depth contain 12 million gallons (Lagoon 1-6 million gallons, Lagoons 2 & 3-3 million gallons each). In 2014, the ballasted flocculation process "COMAG" was constructed for phosphorus removal. In addition, eight sand drying beds were constructed for dewatering of the "COMAG" chemical sludge. Design flow remained at 0.51 MGD and WWTP effluent still discharges to the Winooski River. The secondary level of treatment achieved in the three lagoons is critical to the COMAG phosphorus removal process meeting the WWTP effluent phosphorus limit.

Existing Lagoon Construction

The top of berm elevation for all three lagoons is 426.5 and exterior toe of berm elevation varies from 418 on the easterly and south sides and elevation 416 to 412 on the westerly side of Lagoons 1 and 2. The previous expected 100 year flood elevation was 420 +/- . The berms are constructed with a 3:1 side slope. Total length along the toe of berm is approximately 1400 feet. Initially light rip rap was placed on the exterior side slopes of Lagoons 2 and 3. The light rip rap on Lagoon 2 only extends 80 feet north of the south east corner of the lagoon. No light rip rap was placed on the westerly side berm of Lagoon 1 with the assumption that minimal flood water velocity would occur that far from the Winooski River. Since 1978 trees/brush/hay-grass have been allowed to grow on the side slopes so actual condition of the light rip rap is unknown. The trees and brush may provide some level of flood erosion resistance. Two accesses to the 16 acres of farmland were constructed at the south easterly corner of Lagoon 3 and the south westerly corner of Lagoon 2. It should be noted that the easterly side of the COMAG process Building and the southerly side of the eight drying beds were armored with type 3 rock for flood protection during the 2014 COMAG process construction. The easterly side of Lagoon 1 is also protected by this rip rap.

Need for Strengthening of the Existing Lagoon Berms

During the 2011 Tropical Storm Irene, flood waters rose several feet on the westerly side of Lagoon 1 and 2 and reached at least the toe of slope on the easterly side of Lagoon 1 and 3 and southerly end of Lagoon 2 and 3. In the most recent July 2023 and December 2024 flood events flood waters rose several feet on the westerly side of Lagoon 1. Flood waters were at least at the toe of slope on the south west corner of Lagoon 2. Attached are pictures of the July 2023 and December 2024 flood events. The pictures show:

1. July 2023 at the northeast corner of Lagoon 1 with flood water several feet above toe of berm
2. July 2023 at the southeast corner of Lagoon 2, at the agriculture field entry, showing flood water at least at toe of berm
3. December 2024 (18th at 6:30 PM) on the westerly side of Lagoon 1, with the top of the 3 foot high field fence just above the flood waters

4. December 2024 (19th at 1 AM) showing 3 foot high field fence submerged.

In 2015 100 year flood elevations around the lagoons were projected, by SLR Consulting, to vary from 422.6 to 423.0. At the time, 500 year flood elevations were projected to vary from 429.2 to 429.6 which is 3 feet above the top of berms (426.5) These 2015 projected 100 year storm flood elevations are valid for this preliminary engineering phase but will be revisited, with latest flood projections, during the final design phase. These projected 2015 100 year flood water elevations are now only 3.5 feet below top of lagoon berm (426.5). With the higher 100 year flood elevation there is an increase for berm erosion during flood events. Failure of the berms would dump millions of gallons of partially treated or worst case raw wastewater down the Winooski River and shut down the EFUD WWTP.

Alternatives to Strengthen Lagoon Berms

Do Nothing

This alternative assumes the existing light rip rap will be sufficient to maintain berm structural integrity. Light rip rap is defined as stones having a minimum volume of $\frac{1}{2} \text{ ft}^3$. As a comparison, in alternatives noted below, Type 3 stone is recommended in place of the light rip rap. Type 3 stone is defined as stone with the longest dimension of the stone varying from 3 to 48 inches and at least 50 percent of the volume of the stone in place having a least dimension of 16 inches. This is a significant difference in material size. As noted since 2011, projected flood elevations (100 year and 500 year) have been increased from pre 2011 elevations which certainly brings into question the assumption that light rip rap may be adequate. This alternative is not recommended.

Increase Rip Rap Stone Size

This alternative leaves the light rip rap in place and builds on top of the light rip rap with type 3 stone. During past land application of lagoon sludge on the 16 acres of farmland the farm equipment did not become mired in the agricultural soils. However, delivery of type 3 stone in tandem dump trucks may become mired as the trucks go back and forth on the farm land. This alternative assumes a gravel road will be added to the end of the existing gravel road behind the existing sand drying beds and extend around the three lagoons adjacent to the toe of slope. Trees and brush will be removed prior to the placement of the type 3 stone. Tree root balls will not be removed as it is assumed the roots have since 1978 grown into the berms in search of moisture/nutrients from lagoon waters. The berm side slope at 3:1 will not require the contractor to excavate into the berm to place/stabilize the type 3 stone. Type 3 stone will be placed on the exterior surface of the berm from toe of slope to the top of the berm. Stone depth is assumed to be 3 feet. The final depth of stone will be decided during the start of final design phase. Obviously less stone depth less cost. Since the temporary road is in the flood plain the cost assumes the temporary road material will be removed. If road material does not have to be removed there would be a slight reduction in cost.

Total construction cost is estimated at \$258,150. See attached table. The following cost savings could be considered:

- Leave trees in place and slight reduction of type 3 stone -\$15,000
- Reduce type 3 stone depth from 3 feet to 2 feet (2400 CY) -\$76,800
- Do not remove temporary road material -\$5,100

**Edward Farrar Utility District
Preliminary Engineering Report
Cost Estimate Strengthening WWTP Lagoon Berms**

11-Feb-25

Item/Description	Bid Unit	Quantity	Unit Bid	Amount
Mobilization	LS	1	\$ 3,000.00	\$ 3,000.00
Tree Clearing	LS	1	\$ 3,200.00	\$ 3,200.00
Type 3 Stone	CY	3,600	\$64.00	\$ 230,400.00
Fabric Under Stone	SY	3,700	\$ 1.50	\$ 5,550.00
Temporary Road (install and remove)	LS	1	\$ 16,000.00	\$ 16,000.00
				\$ -
			Total	\$ 258,150.00



Waterbury Revolving Loan Fund Policy

Authority for Lending

The authority for the lending from the fund rests with the Commissioners of the Edward Farrar Utility District (EFUD). In order to better evaluate requests for loans, the commissioners have established a five-member Loan Fund Committee. Four members of this committee shall be appointed by the EFUD Commissioners. The chair of the committee shall be the Municipal Manager, who shall be a member of the committee.

One member shall be an "at large" appointment by the Commissioners. The three other members of the Loan Fund Committee shall be members of the Waterbury Area Development Committee, a sub-committee of Revitalizing Waterbury. The EFUD commissioners shall appoint these four members as follows:

- One member shall have a one-year term.
- One member shall have a two-year term.
- Two members shall have a three-year term.

Purpose

The purpose of the Revolving Loan Fund (RLF) is to incentivize new and existing businesses to locate or expand in Waterbury, Vermont, or in areas within the EFUD water distribution and/or wastewater collection areas. In addition, the RLF may be used to enhance opportunities to expand the number and to improve the quality of housing units available for ownership or for rent in the community. The creation of new revenue for EFUD utilities through the addition of customers or increased sales to existing customers is the primary goal for making loans from the RLF. Additional goals include job creation and retention in the community, increasing grand list values, and supporting vitality in local businesses.

Uses

Uses for loan funds may include, but are not limited to, financing the following:

1. Equipment/machinery, including vehicles
2. Working capital for start-up or expansion including the purchase of raw materials, inventory, licensing, marketing, payroll, etc...

Revolving Loan Fund Policy

3. Real estate acquisitions and improvement or Leasehold improvements related to the operation of the borrower's business
4. Business acquisition
5. Development of or improvements to multi-family residential housing stock
6. Improvements to commercial or residential (single-family and multi-family units allowable here) façades, removal of barriers to accessibility, code improvements, building envelopes, and mechanical/electrical systems to enhance aesthetics, weatherization or energy efficiency

Eligibility Requirements

To apply for funding, an applicant must:

- Provide documentation that 100% of necessary financing is not available through a loan from a commercial bank and also must provide documentation of a primary lender's willingness to allow borrower to work with EFUD to secure financing for the remaining sum to allow the project to be viable.*
- Possess sufficient capital to invest into the project to satisfy "equity requirements" of the primary lender to allow the project to move forward.
- Be in compliance with the municipal, state and federal permits already issued to the business or for a project. Applicants for prospective business do not need to possess all permits, but must be able to demonstrate the necessary permits for the project as presented can be obtained.
- Be at least eighteen (18) years of age.

*EFUD Commissioners may waive the requirement for a loan from a "primary bank" for loans to projects described in #6 in "Uses" Section (above) or for loans that will have terms of 60 months or less.

Loan Terms

- The maximum loan amount is \$75,000. The Commissioners reserve the right to make loans exceeding the \$75,000 limit if the applicant can demonstrate the project will generate at least \$5,000 per year in water and sewer revenues combined, creates or preserves 5 or more jobs or adds \$1 million or more to the Waterbury grand list.
- The interest rate will be set no lower than 1% per annum and no higher than current prime rate plus 1%. For loans to businesses or for projects where other lenders are providing some financing, consideration shall be given when setting the interest rate on the loan to the interest rates being charged by other lenders, in order to keep the "melded rate" for the borrower as low as practicable to best ensure success for the business.
- Loan terms, while not expressly limited, generally will not exceed 10 years.

Revolving Loan Fund Policy

- Collateral may include a security interest on furniture, fixtures, equipment, inventory, etc. according to the Vermont UCC codes or a duly recorded mortgage on property owned by the applicant. It is expressly permissible for EFUD to take a subordinate position for all collateral and mortgages.

Application Process and Evaluation Criteria

Completed loan applications must include the following items:

- Loan Application Cover Page
- A business plan, preferably spanning five years, but no less than a three-year plan
- For existing businesses, three years of business tax returns
- Personal financial statement
- \$50 application fee.

Applications deemed complete will be evaluated by the Loan subcommittee. Proposals will be evaluated on a scale of 1-5 (1 being low) to assess:

- Business fundamentals (business viability, potential for success in Waterbury)
 - New business applicants who have taken a business planning course, such as those offered by the Small Business Development Center or Center for Women in Enterprise, will be given preferential consideration.
- Benefit to the community (generating utility revenue, number of jobs created, growth to grand list value, assists underrepresented communities, fulfillment of community need, improves economic diversity)
- Appropriateness of RLF funding (use of multiple funding sources, existence of other more appropriate funding sources, necessity of loan funds for project completion)
- Viability/risk (considering the inherent risks and overall purpose of the fund, is there undue risk from the given proposal?)

Applicants whose proposals receive an average score of 3.5 or above shall be recommended for a loan by the subcommittee. Applicants whose proposals receive an average score of 2.5 shall not be recommended for a loan by the subcommittee. For applicants whose proposals receive average scores between 2.5 and 3.5, the subcommittee may agree, after reviewing additional information, to make a conditional recommendation to the EFUD Commissioners.

Recommendations for loans by the subcommittee will be transmitted to the EFUD Commissioners, who shall consider them at a warned meeting of the EFUD Commissioners. The final decision on all requests for loans from the Waterbury RLF is reserved to the EFUD Commissioners and no loan shall be made from the Waterbury RLF without approval from the EFUD Commissioners. The terms and conditions of all loans shall be approved by the commissioners. Loan funds shall not be disbursed to borrowers until all loan documents are prepared, signed and recorded.

Revolving Loan Fund Policy

Loan recipients may be required to submit tax returns and financial statements and other reports detailing business activity to the municipal manager by April 30th of each year. These reports may be required to include information regarding staffing changes, working capital changes, change of location, and other relevant updates.

EFUD Commissioners reserve the right to deviate from these “standard terms” to issue loans to community-based organizations when such a loan is deemed by the commissioners to be in the interest EFUD or the community as a whole.

Approved by the Edward Farrar Utility District Commissioners via voice vote this 8th day of February, 2023.

Waterbury Water Monthly Report January 2025

Items of Interest

Sampling

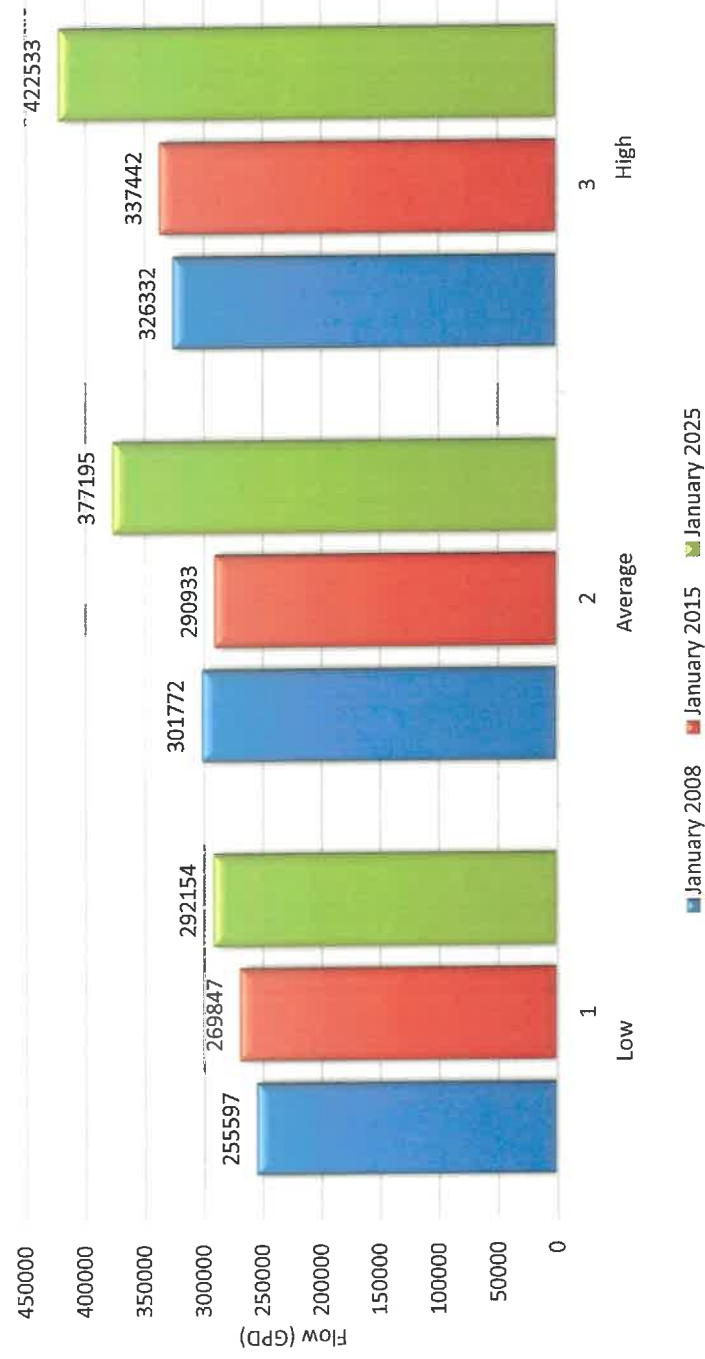
Maintenance

Weather

Flow Data

High Day	Low Day	Average Day	Peak Flow
1/15/2025	1/30/2025		1/4/2025
412502 Gallons	292154 Gallons	377195 Gallons	1136 GPM

Low, Average and High Flow (GPD) for January 2008, 2014 and 2025



Sampling

All Seven monthly coliform samples were submitted and came back favorable. The weekly fluoride samples were sent to the state lab and although waiting on some results, so far all have come back favorable. Yearly proficiency tests were conducted for the new discharge permit. Those results have not come back yet.

Maintenance

I am happy to share that the water leak that we have been looking for over the past few months has been identified. Kyle Guyette with the help of some equipment from Vermont Rural Water was able to find the leak on January 24th. The leak is located in the same stretch of water main between Howard Ave and Rt100 that broke in April of 2023. Thanks to the work done to make the valves accessible after the 2023 break, the operators were able to isolate that section of water main without shutting off water supply to any users on January 27th. That section of water main will remain shut off until the spring when the repair can be done. The operators have already seen a significant drop in daily water usage. The first 27 days of the month averaged 390,000 gallons a day. After the leak was isolated the average daily usage has dropped to 298,000 gallons a day.

The Tier 2 report was completed and submitted to the state on January 7th.

The Emergency Exit signs were replaced at the main plant. This was done due to the original signs no longer functioning properly.

The fire hydrant adjacent to the Ice Center was struck by a car on January 12th. The water department is in contact with a supplier to source the parts to bring that hydrant back into service.

Peter Elwell from TiSales was at the Main Plant on January 15th to instruct the water operators on how to use the new drive-by meter system that has been installed at Kneeland Flats Trailer Park. The operators have taken meter readings from all 68 meters at the park multiple times. The system is easy to use and the data has already been helpful in identifying some issues regarding water usage. There is still some work that needs to be done to enable the billing and utility clerk to transfer meter readings from the online software to the billing software EFUD is currently using.

Meter readings were conducted and completed January 21st through 29th. During the course of meter reading the operators identified and changed out a meter at the Auction Barn on Guptil Rd that had frozen. Once the meter thawed out it poured water into the building for an unknown number of days.

The water operators have been in contact with the builders at 51 S Main St. They have attached to the water line running into that property. There have been no unforeseen issues.

Weather

During the month of January, the temperature ranged from -6.6°F as the low and 36.3°F as the high. Our average temperature for the month was 17.5°F. Humidity high was 95% and the low was 32% with an average of 73%.

Wastewater Progress Report

January 2025

- **Process and Operations:**

- Process running well and meeting permit limits.
- Used Manosh to haul 34,099 gallons of liquid sludge to Montpelier WWTP. Average percent solids was 1.06.
- Aerators have been on and off throughout the month due to freezing conditions. There is a prop available that should not get entangled with rags operators are going to look at in the spring.
- January 2025 Flows:
 - Influent average: .192 MGD
 - Influent total: 5.939 MG
 - Effluent average: .336 MGD
 - Effluent total: 4.363 MG
 - Precipitation: 2.85 inches/month
 - Maximum daily precipitation: .58 inches
 - Discharging days/month = 13

- **Collection System:**

- Hydraulic fluid was found in the Ice Rink pump station. Absolute Spill Response was called in to remove the hydraulic fluid. No indication that oil made it to the collection system since the pumps feed off the bottom.

- **Office & Personnel**

- **2025 Projects List**

- Manhole infiltration repairs-
- Park Row West- new manholes and change to PVC line
- Union St N Main St line repair MH 122-121
- Stream bank stabilization around MH 116-27 Dac Rowe Field
- Install manhole and plug valve leaving ball field bathrooms

Sec. 22. 24 V.S.A. chapter 60 is added to read:

CHAPTER 60. MUNICIPAL CODE OF ETHICS

§ 1991. DEFINITIONS

As used in this chapter:

- (1) "Advisory body" means a public body that does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.
- (2) "Candidate" and "candidate's committee" have the same meanings as in 17 V.S.A. § 2901.
- (3) "Commission" means the State Ethics Commission established under 3 V.S.A. chapter 31, subchapter 3.
- (4) "Confidential information" means information that is exempt from public inspection and copying under 1 V.S.A. § 315 et seq. or is otherwise designated by law as confidential.
- (5) "Conflict of interest" means a direct or indirect interest of a municipal officer or such an interest, known to the officer, of a member of the officer's immediate family or household, or of a business associate, in the outcome of a particular matter pending before the officer or the officer's public body, or that is in conflict with the proper discharge of the officer's duties. "Conflict of interest" does not include any interest that is not greater than that of other individuals generally affected by the outcome of a matter.
- (6) "Department head" means any authority in charge of an agency, department, or office of a municipality.
- (7) "Designated complaint recipient" means:
 - (A) a department head or employee specifically designated or assigned to receive a complaint that constitutes protected activity, as set forth in section 1997 of this title;
 - (B) a board or commission of the State or a municipality;
 - (C) the Vermont State Auditor;
 - (D) a State or federal agency that oversees the activities of an agency, department, or office of the State or a municipality;
 - (E) a law enforcement officer as defined in 20 V.S.A. § 2358;
 - (F) a federal or State court, grand jury, petit jury, law enforcement agency, or prosecutorial office;
 - (G) the legislative body of the municipality, the General Assembly or the U.S. Congress; or
 - (H) an officer or employee of an entity listed in this subdivision (7) when acting within the scope of the officer's or employee's duties.
- (8) "Domestic partner" means an individual in an enduring domestic relationship of a spousal nature with the municipal officer, provided the individual and municipal officer:
 - (A) have shared a residence for at least six consecutive months;

- (B) are at least 18 years of age;
 - (C) are not married to or considered a domestic partner of another individual;
 - (D) are not related by blood closer than would bar marriage under State law; and
 - (E) have agreed between themselves to be responsible for each other's welfare.
- (9) "Illegal order" means a directive to violate, or to assist in violating, a federal, State, or local law.
- (10) "Immediate family" means an individual's spouse, domestic partner, or civil union partner; child or foster child; sibling; parent; or such relations by marriage or by civil union or domestic partnership; or an individual claimed as a dependent for federal income tax purposes.
- (11) "Legislative body" means the selectboard in the case of a town, the mayor, alderpersons, and city council members in the case of a city, the president and trustees in the case of an incorporated village, the members of the prudential committee in the case of a fire district, and the supervisor in the case of an unorganized town or gore.
- (12) "Municipal officer" or "officer" means:
- (A) any member of a legislative body of a municipality;
 - (B) any member of a quasi-judicial body of a municipality; or
 - (C) any individual who holds the position of, or exercises the function of, any of the following positions in or on behalf of any municipality:
 - (i) advisory budget committee member;
 - (ii) auditor;
 - (iii) building inspector;
 - (iv) cemetery commissioner;
 - (v) chief administrative officer;
 - (vi) clerk;
 - (vii) collector of delinquent taxes;
 - (viii) department heads;
 - (ix) first constable;
 - (x) lister or assessor;
 - (xi) mayor;
 - (xii) moderator;
 - (xiii) planning commission member;
 - (xiv) road commissioner;
 - (xv) town or city manager;
 - (xvi) treasurer;
 - (xvii) village or town trustee;
 - (xviii) trustee of public funds; or
 - (xix) water commissioner.
- (13) "Municipality" means any town, village, or city.

(14) "Protected employee" means an individual employed on a permanent or limited status basis by a municipality.

(15) "Public body" has the same meaning as in 1 V.S.A. § 310.

(16) "Retaliatory action" includes any adverse performance or disciplinary action, including discharge, suspension, reprimand, demotion, denial of promotion, imposition of a performance warning period, or involuntary transfer or reassignment; that is given in retaliation for the protected employee's involvement in a protected activity, as set forth in section 1997 of this title.

§ 1992. CONFLICTS OF INTEREST

(a) Duty to avoid conflicts of interest. In the municipal officer's official capacity, the officer shall avoid any conflict of interest or the appearance of a conflict of interest. The appearance of a conflict shall be determined from the perspective of a reasonable individual with knowledge of the relevant facts.

(b) Recusal.

(1) If a municipal officer is confronted with a conflict of interest or the appearance of one, the officer shall immediately recuse themselves from the matter, except as otherwise provided in subdivisions (2) and (5) of this subsection, and not take further action on the matter or participate in any way or act to influence a decision regarding the matter. After recusal, an officer may still take action on the matter if the officer is a party, as defined by section 1201 of this title, in a contested hearing or litigation and acts only in the officer's capacity as a member of the public. The officer shall make a public statement explaining the officer's recusal.

(2)(A) Notwithstanding subdivision (1) of this subsection (b), an officer may continue to act in a matter involving the officer's conflict of interest or appearance of a conflict of interest if the officer first:

(i) determines there is good cause for the officer to proceed, meaning:

(I) the conflict is amorphous, intangible, or otherwise speculative;

(II) the officer cannot legally or practically delegate the matter; or

(III) the action to be taken by the officer is purely ministerial and does not involve substantive decision-making; and

(ii) the officer submits a written nonrecusal statement to the legislative body of the municipality regarding the nature of the conflict that shall:

(I) include a description of the matter requiring action;

(II) include a description of the nature of the potential conflict or actual conflict of interest;

(III) include an explanation of why good cause exists so that the municipal officer can take action in the matter fairly, objectively, and in the public interest;

(IV) be written in plain language and with sufficient detail so that the matter may be understood by the public; and

(V) be signed by the municipal officer.

(B) Notwithstanding subsection (A) of this subdivision (2), a municipal officer that would benefit from any contract entered into by the municipality and the officer, the officer's immediate family, or an associated business of the officer or the officer's immediate family, and

whose official duties include execution of that contract, shall recuse themselves from any decision-making process involved in the awarding of that contract.

(C) Notwithstanding subsection (A) of this subdivision (2), a municipal officer shall not continue to act in a matter involving the officer's conflict of interest or appearance of a conflict of interest if authority granted to another official or public body elsewhere under law is exercised to preclude the municipal officer from continuing to act in the matter.

(3) If an officer's conflict of interest or the appearance of a conflict of interest concerns an official act or actions that take place outside a public meeting, the officer's nonrecusal statement shall be filed with the clerk of the municipality and be available to the public for the duration of the officer's service plus a minimum of five years.

(4) If an officer's conflict of interest is related to an official municipal act or actions considered at a public meeting, the officer's nonrecusal statement shall be filed as part of the minutes of the meeting of the public body in which the municipal officer serves.

(5) If, at a meeting of a public body, an officer becomes aware of a conflict of interest or the appearance of a conflict of interest for the officer and the officer determines there is good cause to proceed, the officer may proceed with the matter after announcing and fully stating the conflict on the record. The officer shall submit a written nonrecusal statement pursuant to subdivision (2) of this subsection within five business days after the meeting. The meeting minutes shall be subsequently amended to reflect the submitted written nonrecusal statement.

(c) Authority to inquire about conflicts of interest. If a municipal officer is a member of a public body, the other members of that body shall have the authority to inquire of the officer about any possible conflict of interest or any appearance of a conflict of interest and to recommend that the member recuse themselves from the matter.

(d) Confidential information. Nothing in this section shall require a municipal officer to disclose confidential information or information that is otherwise privileged under law.

§ 1993. PROHIBITED CONDUCT

(a) Directing unethical conduct. A municipal officer shall not direct any individual to act in a manner that would:

(1) benefit a municipal officer in a manner related to the officer's conflict of interest;

(2) create a conflict of interest or the appearance of a conflict of interest for the officer or for the directed individual; or

(3) otherwise violate the Municipal Code of Ethics as described in this chapter.

(b) Preferential treatment. A municipal officer shall act impartially and not unduly favor or prejudice any person in the course of conducting official business. An officer shall not give, or represent an ability to give, undue preference or special treatment to any person because of the person's wealth, position, or status or because of a person's personal relationship with the officer, unless otherwise permitted or required by State or federal law.

(c) Misuse of position. A municipal officer shall not use the officer's official position for the personal or financial gain of the officer, a member of the officer's immediate family or household, or the officer's business associate.

- (d) Misuse of information. A municipal officer shall not use nonpublic or confidential information acquired during the course of official business for personal or financial gain of the officer or for the personal or financial gain of a member of the officer's immediate family or household or of an officer's business associate.
- (e) Misuse of government resources. A municipal officer shall not make use of a town's, city's, or village's materials, funds, property, personnel, facilities, or equipment, or permit another person to do so, for any purpose other than for official business unless the use is expressly permitted or required by State law; ordinance; or a written agency, departmental, or institutional policy or rule. An officer shall not engage in or direct another person to engage in work other than the performance of official duties during working hours, except as permitted or required by law or a written agency, departmental, or institutional policy or rule.
- (f) Gifts.
- (1) No person shall offer or give to a municipal officer or candidate, or the officer's or candidate's immediate family, anything of value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the municipal officer or candidate would be, or had been, influenced thereby.
- (2) A municipal officer or candidate shall not solicit or accept anything of value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the municipal officer or candidate would be or had been influenced thereby.
- (3) Nothing in subdivision (1) or (2) of this subsection shall be construed to apply to any campaign contribution that is lawfully made to a candidate or candidate's committee pursuant to 17 V.S.A. chapter 61 or to permit any activity otherwise prohibited by 13 V.S.A. chapter 21.
- (g) Unauthorized commitments. A municipal officer shall not make unauthorized commitments or promises of any kind purporting to bind the municipality unless otherwise permitted by law.
- (h) Benefit from contracts. A municipal officer shall not benefit from any contract entered into by the municipality and the officer, the officer's immediate family, or an associated business of the officer or the officer's immediate family, unless:
- (1) the benefit is not greater than that of other individuals generally affected by the contract;
 - (2) the contract is a contract for employment with the municipality;
 - (3) the contract was awarded through an open and public process of competitive bidding; or
 - (4) the total value of the contract is less than \$2,000.00