

SOUTH ALBURGH FIRE DISTRICT NO. 2
REGULAR MEETING
Monday, June 19, 2022 at 6:30 PM

Present: Prudential Committee Members John FitzGerald, Alton Brusco, Tony Speranza
Treasurer Richard Ernst
Admin, Assistant Danielle James Choiniere

Guests: Tom Jacobsen, Elliot Knight, Carol Yarnell, 2 Point of Tongue residents

Meeting was called to order at 6:28 PM by Chair John FitzGerald.

AGENDA ADJUSTMENTS

Add contract discussion, letter for Alton Brusco.

MINUTES

Tony Speranza had a question about the construction permit in the last minutes. Alton Brusco motioned to approve. Tony Speranza seconded, all in favor. So approved.

VISITOR INPUT

None at this section of the meeting.

PHASE II UPDATES

Tony passed out a handout of easement statuses. Elliot Knight asked if the special \$5,000 fee to property owners who don't agree to sign easements was legally reviewed and the board answered it was. Alton Brusco was adamant the engineers did not need to enter his land for an easement, that it could fit in the town right of way. Tony Speranza was adamant the engineers said otherwise and delays have already ballooned the project's cost. Heated discussion.

Tony Speranza motioned to, per his handout,
4. Approve Plans (*):

- 1) Drive closure of remaining "open easements", but if any remain then:
- 2) 7/1 SAFD2 to make formal request to D&K to modify design (construction alternations)
- 3) Anticipate ~ 30 days engineering work & delay + 10% cost adder for engineering
- 4) Evaluate in detail, required alterations & provide SAFD2 w/ formal cost estimates for each change
- 5) Modify ordinance: Special assessment fee shall be greater of \$5000 or 75% costs difference (*)
- 6) Request Alburgh Town permission to modify as required @ next Select Board Meeting (date?)

Goals:

1. Request Construction Plans to accommodate Easement status by 7/7/23 (hopefully 100% & don't need)
2. Maintain current Phase 2 Project schedule: 2023 start & 2024 completion
3. Strategy avoids lengthy delays & costly litigation process, 2+ years & unknown costs

In accordance with Vermont State Law governing the construction and operation of public water systems (Title 24, Chapter 89, Section 3301) SAFD2 will charge a special connection fee for any property when its owner refuses to provide a requested permanent or temporary easement for Phase 2 construction. The special connection fee shall be the greater of \$5,000.00 or 75% of the estimated cost of changes in design & construction that were required to compensate for the absence of the requested easement.

This special connection fee may not be discarded unless paid in full and will be charged at the time of application for water service in addition to all other normal, existing fees and charges.

SAFD2 shall maintain a list and file a record against each property to which this special connection fee has been applied. The funds raised by this special connection fee will be applied directly towards debt service to reduce the financial burden of all other SAFD2 users that were subjected to higher costs incurred by the absence of requested easement.

Alton Brusio read a letter from Mallory Ovitt regarding her appreciation for his help and approach with easements. Audience members agreed and hoped Mr. Brusio would lead by example and sign one of the last few easements needed.

Tony Speranza wanted it documented in the minutes he suggested Alton Brusio recuse himself because he had a property subjected to the motion.

John FitzGerald seconded the above motion. Alton Brusio voted no. Majority vote passed, so voted.

The timing of year for the project was asked about, which only the deepest parts of winter actually deter construction. Carol Yarnell asked about a list of contractors the board could suggest and they affirmed there is one.

TREASURER'S WARRANT & REPORT

John FitzGerald read a contract from former board clerk Judy Higgins who spent significant time and efforts with the fire district years prior. The contract had a rate of \$25/hour as an independent contractor to help with the project, its bookwork, and organizing years of data and correspondence. Tom Jacobsen asked if she would be interacting with engineers and in what capacity? Would she have authority and liability as an independent contractor? John FitzGerald offered to be her point of contact so she's not taking direction from three board members. John FitzGerald motioned to hire Judy Higgins for \$25/hour. Tony Speranza seconded, all in favor. So voted.

John FitzGerald motioned to accept the M&T Bank balances of the treasurer's report. Alton Brusio seconded, all in favor. So approved.

Invoices were presented from the operating account: Admin. Assistant pay of \$360.66, \$25 to Endyne for water testing, \$84.50 to VLCT, \$4,938.60 to Alburgh Village, \$40 Islander. And project account: \$1,447.70 to ACS Aviation, and \$1,268.50 to Primmer Piper Eggleston Kramer. John FitzGerald motioned to pay the above bills, Alton Brusio seconded, all in favor, so voted.

WATER OR OPERATIONS ISSUES/ PHASE III/ CORRESPONDANCE/ MISC

August 16th was chosen as the date for the annual meeting.

Alton Brusio asked about have a board of five prudential committee members, which was statutorily possible. Tony Speranza and John FitzGerald weren't in favor, Alton Brusio was.

ADJOURN

John FitzGerald motioned to adjourn at 9:06 PM. Tony Speranza seconded, all in favor. So adjourned.

Respectfully submitted,
Danielle James Choiniere

These minutes are draft only, not slated for approval until the next board meeting in July.

Phase 2 Status:

1. Schedule:

2. Easements:

3. Engineering:

4. Approve Plans (*):

NO FIX

(*) Formal Motion(s) to be introduced by Tony Speranza tonight

See below - continues to "slip", working to "contain"?

Significant progress w/recent Ordinance, ~63 on track. Official package -> "hold outs" (review tonight)
Tony -> D&K for 2hr review 6/14, Jon & Scott. My abatement proposal was "accepted"

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(*) Permit Application Status (Scott & Team @ D&K):

1. Construction application – submitted, John F to sign & Dick to pay VT fees

2. Wet Lands – focus this week

3. Shore line - focus this week

4. VT Trans – submit current design asap

5. ACT250 – public hearing required

Schedule (4/17):

<u>Month</u>	<u>Benchmark</u>
April	Submit all applications: Construction permit, Wetlands, Archeology, Shoreline, VTran & Act250 (dependencies)
June	All approvals, complete (very tight)
August	RFQ – request for bids go out
September	Bids in & evaluated, contractor selected
October	Contract signed
November	Construction started
2024	Construction completed & system qualified

06/07/22 Easement Overview:

SAFD2 – is a legally sanctioned municipal enterprise charged with constructing the Phase 2 expansion to South Alburgh Fire District Number 2, a public water system. As such, it is legally entitled purchase or take property as necessary to construct this project (see below). It must obtain easements from property owner affected by its construction and has been working proactively with all required owners, for the past 12 months. Many people recognize the benefit of clean, safe drinking water, want the project to succeed, appreciate the hard work of SAFD2's Team & volunteers and have donated their land for use. Over the past year we've obtained about 65 easements. Thank you to all who have cooperated. But we are in need of 77 signed & recorded before project can go out for bids (August 2023). Several property owners (5), despite of our best efforts, have refused to cooperate & have refused to sign their easements. SAFD2 is reviewing changes to accommodate easement issues. This will result in additional project costs & may result an increased to the special assessment fee (construction changes are very).

Advantages: If you do sign your easement:

1. Make available clean, safe drinking water for you & your neighbors
2. May be eligible for up to a \$1500 credit which may be applied toward your "tap fee"
3. If you sign up for water (whether active or inactive account), we'll bring the water service line onto your property
4. Absolutely no charge or payments if you don't need the water now, it's there ready to go if you do in the future (inactive account)

Disadvantages: If you do NOT sign your easement by June 21, 2023 deadline:

1. Clean, safe drinking water may NOT be available, if Phase 2 is NOT built
2. If NOT built, everyone within SAFD2 will be assessed a "special fee" to repay the approximately \$300,000.00 borrowed to date (1)
3. If Phase 2 is built, you will NOT be eligible for the up to a \$1500.00 credit from SAFD2
If you want water, you will have to follow steps below & incur the additional costs outlined:
4. Your "tap fee" will be \$2500.00
5. You will also be assessed a "special fee" of an additional \$5000.00 (2)
6. You will have to apply to the State of Vermont for construction permit (additional \$300.00) & may NOT be approved (3)
7. This "special assessment" will be recorded in Town records & remain with property, even when property is sold or transferred
8. You will face additional construction costs as you will have to go further & off your property to hook up the line, if approved?

Notes:

- (1) Loans from State of Vermont to SAFD2 to complete: design, development, engineering & approval processes.
- (2) This fee may increase depending on the cost of required design changes
- (3) Depends on construction modifications. If a direction bore is required or under roadway, VT may NOT approve construction

6/19/22 Easement Status: critical path parcels & parcels with known issues (5).

Parcel ID	Owner Info	Issues	Comments	Recommendation	Cost Impact
RS802	Bob & Sandra Signor	Health & TBD	Met Sat 6/17, considering	Extend "jack & bore"	+\$25K
RS474	Tom & Chris Hansen	Communication, don't need	Kathy visits, special fees?	Directional bore	+\$77K
RS512	Burbo / Tourville,	Communication, Attorney's	Have ROW either side	Directional bore	+\$76K
SU148	Snedecker in CA	Demands, flexible approach...	Have ROW either side	Directional bore	+\$51K
VS293	Alton Brusco, says don't need?	Road not centered on ROW.	2000' DB or dig up one lane?	Must refine analysis, field?	+\$60K +\$18
	Build Costs Difference				+\$289K
	Engineering & Permits				\$30K
	Total Costs Difference (1)				\$319K (2)

Notes:

- Cost Estimate Method / basis:
 Open cut (normal) ~ \$60/ft
 Directional bore ~\$177/ft
 Delta is ~\$120/ft (cut -> Bore)
 Jack & Bore ~\$650/ft (6" is worse case, w/sleeve, required under VT State Roads)
 Cost to dig up road & replace one entire lane is TBD (Bruso)
 Cost Impact – this is the estimated difference in cost to construct Phase 2 expansion as direct result of property owners refusal to work with SAFD2 & provide the requested Easement as legally required per Vermont Statutes Title 24, Chapter 89, Section 3301.
- Above totals could be modulated, either up or down, depending on further engineering evaluation of Brusco Easement & impact?
- An increase of \$319K represents an additional 5% to baseline \$6.5M base cost. By comparison, the project cost has seen a project increase of 35% over the past several years, due to inflation (baseline of \$4.8M).

Following Owner's have agreed to sign, expected to "close":

F007-2	Powell, Chris (agreed, temp only)	Obtain once all permanent's are closed	Tony spoke w/him, need to verify septic & pic
F007-3	Paul Valiquette (agreed, temp only)	Obtain once all permanent's are closed	Tony spoke w/him, should be OK
RO003	Warren Wright, signed, wife? VM's?	Warren picked up for wife?	+\$20K, Request work start w/D&K on 7/1
RS618, SU132	Deyo, Mickey signed, lost in our Office, Donna?	May have to wait until Mickey returns?	Should close w/o issue

Also motion
Tony

Ordinance Motion (Rev B, 06/19/23):

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