

SOUTH ALBURGH FIRE DISTRICT NO. 2
ALBURGH TOWN SELECT BOARD
SPECIAL MEETING
Monday, March 21, 2022 at 6:00 PM
Municipal Conference Room

Alton Bruso, Donna Boumil, Josie Henry, Elliot Knight, Shawn Creller, John Fitzgerald, Danielle James Choiniere, Richard Ernst, Tony Speranza, George Boutah, Bob Brown, Charles Mackin, John Chesarek, Cheryl Dunn, Charles Kelly, Michele Kelly, Brian Bessette, Michael Poquette, Lance & Lisa Newman, Tom & Kelly Ward, Galen Hagen on Zoom, and others

No motions by either board were made at this meeting.

Select Board Chair Josie Henry opened the meeting at 6:05 held to address concerns about municipal water by some residents living on Route 129.

Charles Kelly and Brian Bessette presented a slide presentation (*hard copy attached to these minutes along with fishbone timeline*). They did not want their leg of the town to be pushed aside to obtain reliably potable water. They felt there were Open Meeting Law and other breaches with operating procedures.

Josie asked if people in the fire district were paying money toward it and the district's board confirmed yes, everyone in the fire district pays \$15.25 toward repayment of an engineering loan resulting from district voter bond vote approval in 2004. The State of Vermont allowed it to be rolled into the Phase I water project costs, rather than billing district residents for the \$575,000 engineering costs over five years. (*Scribe's note: by statute as a municipality, fire districts have the right to levy taxes and monies to operate which their voters vote on each year*).

Cheryl Dunn as Chair of the Village Trustees stated she was helping the fire district before it was even created by the State of Vermont. The fire district buys their water from, and works with, Alburgh Village. Their water plant is capable of handling expansions.

When asked, two members of the fire district's board have water, one does not, and neither does their treasurer. After receiving municipal water from Phase I, said members have continued to serve the board.

Lisa Newman stated after moving to Alburgh in 2005 she was approached to pay \$1,500 for municipal water then. Municipal water for her location has yet to happen and she asked why this isn't a town-wide project, instead of a fire district? Cheryl Dunn explained the town select board did start the process (having to create the fire district).

Brian Bessette explained he had provided information to the fire district, on more than one occasion, for project funding. Galen Hagen of DuBois & King had applied to be on a priority list for funding by the Vermont Drinking Water State Revolving Fund; knowledge of the application provided by Brian Bessette.

Galen did specify applying required a preliminary design and could be a loan versus grants¹. He also went into detail why Phase II was cheaper to reach a similar number of residents along Route 2 than 129. And that if bidding and construction were started this year, it would be completed in 2023 or 2024 for 8 miles of pipe and infrastructure.

Tom Ward asked engineer Hagen what the probability was Phase II would happen. Galen Hagen responded final design is at 60% and they are currently working with VTrans for working along Route 2 (a state road). Archaeology and wetland studies are done.

Charles Kelly asked Galen Hagen if he had heard of the Corel(sp) methodology? New Hampshire does a lot of this practice with the Army Corps of Engineers. It's a technique of burying pipe above the frostline. Galen expressed he

knew of the procedure, just not the technical term. 5-feet is the typical frost line. The engineer said it could benefit in some instances (like ledge) but not wetlands.

Brian Bessette asked if updated cost estimates were available, and Galen said not yet. John Chesarek asked if wetlands were managed by federal or state? Galen was not a wetlands specialist and did not know, but that permits were required for work in or around wetlands.

Melissa Long on Zoom asked why broadband internet and municipal water wasn't a town-wide issue, and if water plans existed for Summit Road. Chair John Fitzgerald said there has been some for those close to Route 2, but that there are not many homes on Summit Road, but a valve was included to be placed near its entrance and Route 129 for the future.

Shawn Creller asked about wetlands crossing before Wagner Point on Route 2. Galen Hagen said the design called for avoiding some wetlands when possible, to save permitting and construction costs. The area specified by Shawn is also much smaller than Route 129 wetlands.

Bringing water to Route 129 can be done with funding, which may or may not require another bond vote, and preliminary engineering (some of which has already been done).

After interruptions and comments about working together, Tony Speranza exited the meeting. Some members of the public and Elliot Knight reiterated we all must work together because everyone wants clean drinking water. Municipal officials, as largely volunteers, have some thankless jobs and each resident's help can make a difference.

Lisa and Lance Newman asked if work to help a Phase III could be started now, that Route 129 couldn't wait another eight years. John Fitzgerald said money and grants. None on the district board are grant writers. Josie Henry replied that could be a task for the Executive Assistant to the Town Select Board. John Chesarek asked about procedures and moving forward. Cheryl Dunn said water is important to her and Alburgh Village is in support of the South Alburgh Fire District. We need to help each other!

Meeting adjourned at 8:18 PM.

South Alburgh Fire District #2's usual 6:30 monthly meeting was pushed to 8:25 PM after the prior meeting ended. John Fitzgerald, Alton Bruso, Richard Ernst, Cheryl Dunn, and Danielle James Choiniere attended. John Fitzgerald called the meeting to order at 8:25 PM. Agenda adjustments included eliminating some normal business they had scheduled which another meeting had extended into.

Alton Bruso motioned to pay Endyne \$50 for water testing, Danielle \$360.66 for February admin. pay, \$342.50 to insurer VLCT Property & Casualty for general coverage, and \$23.20 to treasurer Richard Ernst for stamps. John Fitzgerald seconded, all in favor. So approved. They also reviewed Richard Ernst's treasurer's report.

Alton Bruso motioned to accept all minutes, with amendment to January 18th minutes with Charles Kelly suggestions and Danielle's clarification. John Fitzgerald seconded, all in favor. So approved.

John Fitzgerald motioned to adjourn at 8:50 PM. Alton Bruso 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 April.

¹ *(Scribe's note: Danielle James Choiniere also reached out to USDA Rural Development, who had recently advertised infrastructure monies were available for certain projects. It was to try to gain even more grant money from Rural Development than what the fire district had already received. Rebecca Schrader, Lead Community Programs Specialist, VT/NH of Rural Development, said "At this point, if you received additional grant funds (whether from us or other sources), it would reduce the grant from us that has already been awarded. You need to use all the loan funds, then all the grant funds, before you can receive additional grant funds.")*

RESIDENTS OF THE SOUTHWEST CORNER OF SAFD2 HAVE BEEN ELIMINATED FROM PHASE 2

ADDENDUM EXPLAINED JAN.10, 2022 BY SAFD#2 REGARDING TOWN
WATER EXPANSION PROJECT, PHASE 2 LEAVES RESIDENTS IN THE
SOUTHWEST CORNER LEFT OUT AND WITH CONCERNS FOR THEIR
FUTURE SAFE DRINKING WATER SOURCE

C. Kelly and B. Bessette

3/16/2022

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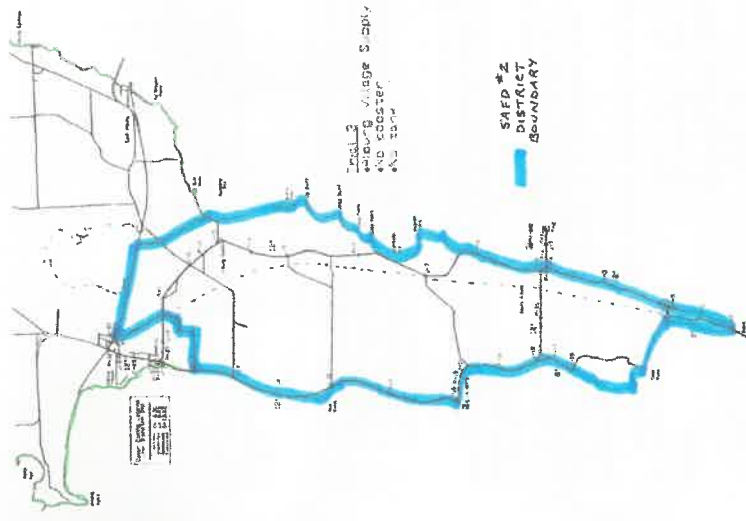
ORIGINALLY SAFD#2 PHASE 2 WATER EXPANSION PLAN INCLUDED HOMES ON RT.129 AND OTHERS IN THE DISTRICT'S SOUTHWEST CORNER

- THE ORIGINAL 2004 PLAN FOR SAFD#2 DEFINED MAP BOUNDARIES WHICH INCLUDED A SOUTHWEST CORNER FOLLOWING RT. 129.
- AT THAT TIME 60 RESIDENTS ALONG RT. 129 EXPRESSED INTEREST AND SOME SIGNED ON (REF. J. HIGGIN'S EMAIL 3/3/2012):
- AFTER PHASE 1 WAS COMPLETED IN 2014, SOUTHWEST RESIDENTS STILL BELIEVED THEY WERE NEXT AND A PART OF PHASE 2.
- NOT UNTIL 2018 DID THE SAFD#2 PUBLIC NEWS LETTER INDICATE THAT PHASE 2 HAD BEEN CHANGED AND WAS "A DONE DEAL" WITHOUT DUE PROCESS.

SAFD#2 DISTRICT BOUNDARY

ISSUED IN 2004

Attachment 1 - Water Service Area



SAFD#2 PLANS TO ELIMINATE ORIGINAL IN FAVOR OF NEW ALTERNATE



**Original plan
waterline via
route 129**

**More
permanent
residents
served in the
Original plan**

**From the
May 2016
survey: 165
potential; 68
yes; 16
maybe.**

C. Kelly and B. Bessette



**New
waterline
route via
Middle Rd.**

**More non-
residents
served in the
New Alternate**

**From the May
2016 survey:
166 potential;
61 yes; 13
maybe.**

5/2022

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RESIDENTS ATTENDED SAFD#2 MEETINGS

- A GROUP OF RT. 129 RESIDENTS ATTENDED AN SAFD#2 MEETING ON OR AFTER OCTOBER 2011 AND WERE TOLD WE WERE IN PHASE 2.
- E-MAIL CORRESPONDENCE WITH COMMITTEE MEMBER JUDY HIGGINS IN MARCH 2012 AGAIN ASSURED US WE WERE IN PHASE 2.
- THE 2018 SAFD#2 NEWS LETTER TALKS OF A D&K ENGINEERING FINAL DESIGN ADDENDUM 8/31/2018 DECLARING AN OPTION CHANGE TO A MIDDLE RD. ROUTE.
- ACTUAL COST BENEFIT ANALYSIS WAS NOT PROVIDED.
- IN MAY 2019 THE SAFD#2'S PUBLIC NEWS LETTER DECLARED THAT THE PHASE 2 ROUTE WAS CHANGED VIA OPTION 1 TO A MIDDLE RD. CROSSING OF THE PENINSULA TO RT. 2 THUS ELIMINATING THE SOUTHWEST CORNER OF THE DISTRICT.

OPTION 1 OF PHASE 2 VIOLATES THE MISSION STATEMENT OF THE SAFD2

- THE MISSION STATEMENT OF THE SAFD2 SINCE 2004 STATES THE “PURPOSE IS TO BRING SAFE DRINKING WATER TO THE RESIDENTS OF SOUTH ALBURGH”.
- THE 2018 ADDENDUM OPTION 1 CHANGE TO THE PHASE 2 PLAN IS BRINGING WATER TO SOUTHEAST RESIDENTS, AND ALSO, PURPOSELY TO NON-RESIDENT CORPORATIONS HEADQUARTERED IN BURLINGTON, VT AND NON-RESIDENT CAMPERS ON ROUTE 2.
- CORPORATE OFFICERS DO NOT LIVE IN ALBURGH AND THEREFORE FAIL THE SAFD2 CHARTER AND MISSION STATEMENT TEST.
- VOTERS APPROVED THE \$6.9M BOND FOR RESIDENT USE NOT NON-RESIDENT CORPORATION USE.

SAFE DRINKING WATER IS IN PERIL

Juvenile Ribbon Leach shown, infants are pinhead size



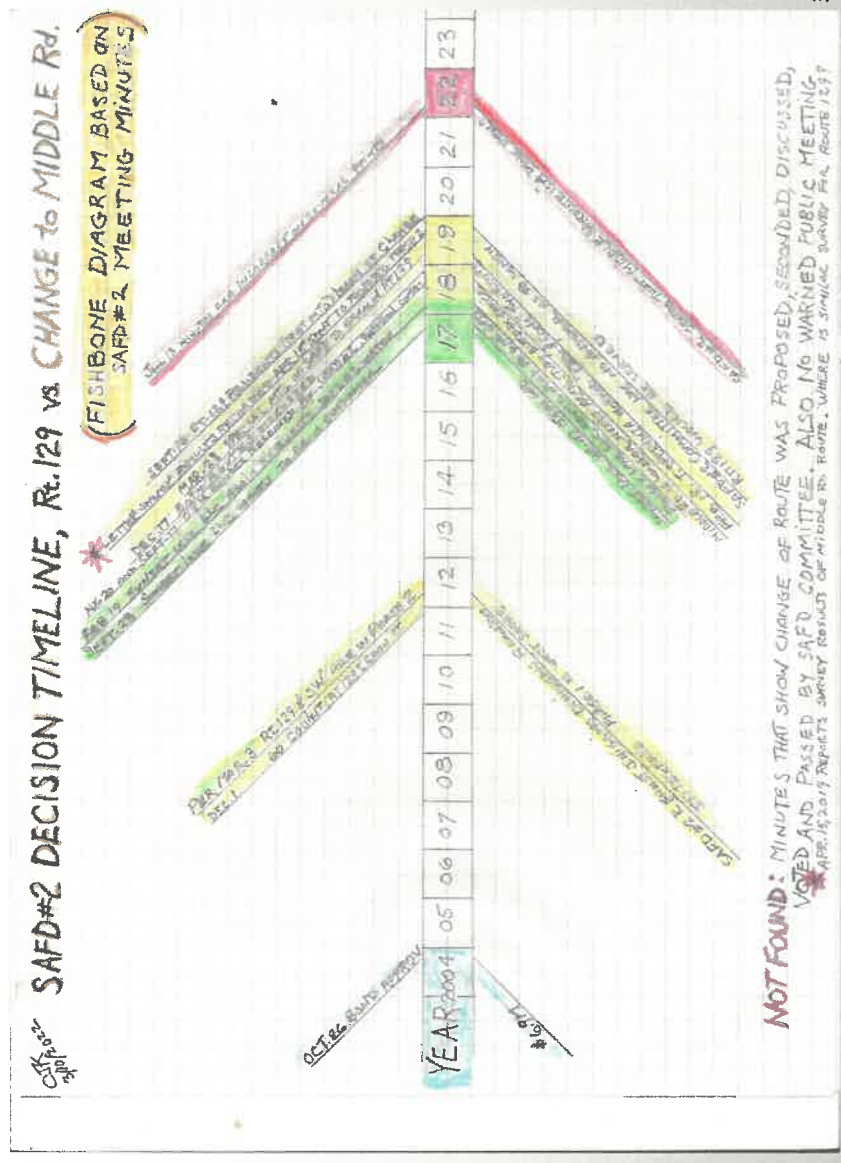
- Discharges of raw sewage from Burlington.
- Toxic Blue Green algae blooms.
- Zebra mussels clog intakes.
- Drought conditions endanger self-supplied water.
- Sulfurized well water. Offensive taste and smell.

- Banks hesitate to finance buyers without Town Water source.
- Value of homes are diminished.
- Insurance is more expensive.
- Many residents are without adequate self-filtration systems.
- Self-filtration systems are expensive to maintain.

FISHBONE TIMELINE OF SAFD#2 DECISION TO GO MIDDLE RD.

In no place do we see where the SAFD#2 Committee actually motioned a proposal, seconded it and voted to make this change to a Middle Rd. route within their own committee.

C. Kelly and B. Bessette



Minutes of Apr. 15, 2019 indicate a Letter of Intent (LOI) was sent to people in the proposed Phase II location. Of 200 +/- letters, the local outreach, results were: 26 no reply, 36 yes with a few maybes depending on rate.

We did not receive the letter, who did?

MAJOR CHANGE TO SAFD#2 PHASE 2 WITHOUT SPECIAL MEETING

- THE SAFD#2 MAY 2019 YEARLY NEWS LETTER GAVE NOTICE OF A MAJOR ROUTE CHANGE FOR PHASE 2. THIS IS OF CONCERN ON SEVERAL FRONTS:
 1. SAFD#2 MINUTES OF MEETING INDICATE AN INTEREST IN PROVIDING POTABLE WATER SUPPLY FOR COMMERCIAL NON-RESIDENT USE RATHER THAN SOUTHWEST RESIDENTIAL USE. THE NUMBER OF RESIDENTIAL USERS IN THE SOUTHWEST CORNER OF THE DISTRICT OUTNUMBER MIDDLE ROAD USERS BY FAR.
 2. THE ORIGINAL PHELPS ENGINEERING PLAN APPROVED BY REFERENDUM HAD A WARNED PUBLIC MEETING WITH TAX PAYER APPROVAL WHICH THEN PASSED A \$6.9M BOND. THE APPROVED BOND WAS TO SUPPLY SAFD2 WATER TO ALL OF THE DISTRICT. THE AMENDED D&K PLAN DID NOT HAVE A WARNED PUBLIC MEETING. THE SAFD2 SAID ON MAY 2019 THE MIDDLE RD. ROUTE WAS FIRM (REF. NEWS LETTER SAME DATE) .
 3. THIS CHANGE WAS NOT MINOR. THE WHOLE SOUTHWEST OF THE DISTRICT WAS ELIMINATED. THE CHANGE WAS SIGNIFICANT AS DESCRIBED IN THE AMENDED ENGINEERING PLAN WHICH REVISES BOTH THE WATERLINE ROUTE, ADDS INCREASED MILES OF PIPE INSTALLATION AND PROVIDED ONLY A ROM COST ESTIMATE.
 4. THIS CHANGED PLAN BENEFITS MOSTLY COMMERCIAL CORPORATIONS THAT HAVE NO ALBURGH OWNER RESIDENCY.

TASK CHECKLIST OF REQUIREMENTS

AS OF MARCH 21, 2022

ROUTE 129

MIDDLE ROAD

- PATH APPROVED IN COMMITTEE YES • PATH APPROVED IN COMMITTEE NO
- PATH PRESENTED TO PUBLIC YES • PATH PRESENTED TO PUBLIC YES*
- PRELIM. ENGINEERING PLAN YES • PRELIM ENGINEERING PLAN YES
- PROBABLE CONSTRUCTION COST YES • PROBABLE CONSTRUCTION COST NO
- ARCHEOLOGICAL STUDY YES • ARCHEOLOGICAL STUDY NO

*FINALLY PRESENTED PUBLICALLY JAN.10, 2022

CONCLUSIONS

- RESIDENTS IN THE SAFD2 SOUTHWEST CORNER HAVE BEEN BYPASSED AND LEFT BEHIND IN ANY FORESEEABLE WATER EXPANSION PLANS.
- AS RECENTLY AS JAN.18, 2022 THE SAFD2 STATED THAT THE SOUTHWEST CORNER TERRAIN WAS TOO DIFFICULT, “...IN ADDITION TO OTHER FACTORS LIKE A WETLAND CROSSING, LARGE HILL, REDUCED SURVEY RESPONSES, LEDGE, ETC. MADE 129 LESS FAVORABLE.”
- THESE TERRAIN “FACTORS” HAVEN’T CHANGED IN MILLIONS OF YEARS AND WON’T CHANGE IN PHASE 3 OR PHASE 33. TERRAIN IS NOT AN EXCUSE FOR IGNORING THE SOUTHWEST OF THE DISTRICT. THE 2016 SURVEY WAS FLAWED IN THE MAIL OUT PROCESS.
- THE FINANCIAL ANALYSIS COMPARISON BETWEEN THE ORIGINAL PLAN AND THE AMENDED PLAN NEEDS SCRUTINY. THERE IS A REAL LIKELIHOOD THE VILLAGE WATER TREATMENT PLANT WILL NEED COSTLY UPGRADES TO HANDLE ANYTHING BEYOND THE NEW PHASE 2.
- THE SAFD#2’S VT DEPT. OF ENVIR. CONSERVATION, DRINKING WATER & GROUNDWATER PROTECTION DIV. PERMIT #20964-14.0 SHOWS THAT THEIR LONG RANGE PLAN IS OBSOLUTE.

UNANSWERED QUESTIONS

- WAS IT AN OVERSIGHT TO NOT HAVE A WARNED MEETING WITH THE EXPRESSED PURPOSE OF EXPLAINING TO THE VOTERS THE CHANGED DESIGN AND COST IMPACT TO THE SAFD#2 WATER EXPANSION PLAN, PHASE 2?
- WHY IS THE SAFD#2 NOT FOLLOWING ROBERTS RULES OF ORDER AS REQUIRED BY THEIR PERMIT?
- WHY IS A CHANGE IN DIRECTION MADE FOR THE BENEFIT OF NON-RESIDENT CORPORATIONS AT THE EXPENSE OF TAXPAYING RESIDENTS?
- DO CURRENT SAFD#2 COMMISSIONERS HAVE PLANS TO EVEN REMAIN ON THE COMMITTEE BEYOND THE COMPLETION OF PHASE 2 AND SUPPORT A THUS FAR UNPLANNED PHASE 3?
- IF A RT. 129 TRAVERSE IS TOO DIFFICULT NOW, HOW WILL DOING IT LATER CHANGE ANYTHING?
- IS IT NOT UNJUST TO CONTINUE TO COLLECT A SAFD#2 TAX WHEN THERE IS NO PLAN BEYOND THE NEW PHASE 2 PLAN. WHILE WE WAIT ANOTHER ????? YEARS?

WE REQUEST A STOP WORK ORDER ON PHASE 2

UNTIL THE AMENDED PHASE 2 WATER EXPANSION PLAN CAN BE INVESTIGATED AND JUSTIFIED FOR ELIMINATING THE RESIDENTS OF THE SOUTHWEST OF THE SAFD2 DISTRICT WHEN INITIALLY THE SOUTHWEST HAD BEEN INCLUDED AND PROMISED IN THE 2004 \$6.9M BOND VOTER APPROVED PLAN.

C. Kelly and B. Bessette

3/16/2022

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