

**TOWN OF WILLISTON
SELECTBOARD
MINUTES OF MEETING
June 6, 2017**

DRAFT

MEMBERS PRESENT: Terry Macaig (Chair); Jeff Fehrs, Ted Kenney, Theresa Zittritsch, Joy Limoge.
ADMINISTRATION: Rick McGuire, Town Manager; Jennifer Kennelly, Director of Finance Director; Bruce Hoar, Public Works Director; James Sherrard, Stormwater Coordinator.
OTHERS PRESENT: Pam & Mike Kozikowski, Sandy Miller, Gary Sweeney, Nathan Andrews, Michael O'Connor, Art Seone, Todd Henry, Sarah Mason, Chapin Kaynor, Chris Belanger, Jason Starr (Williston Observer), Scott Moody (Channel 17).

1. Call to Order

Chairman Terry Macaig called the meeting to order at 7 PM.

2. Minutes

May 9, 2017

MOTION by Joy Limoge, **SECOND** by Jeff Fehrs, to approve the minutes of May 9, 2017 with the following correction(s)/clarification(s):

- **Page 3, Residential Expired Permits, Public Comments, 3rd bullet – change “four bay pond” to “fore bay pond”;**
- **Page 4, Storm Water Loan Policy, paragraph beginning “There was discussion of the town charging...” – insert “Theresa Zittritsch suggested 2% plus service fees are excessive for use of town ratepayers’ money. Jennifer Kennelly said the town receives less than 1% on savings.**

VOTING: unanimous (5-0); motion carried.

May 16, 2017

MOTION by Ted Kenney, **SECOND** by Theresa Zittritsch, to approve the minutes of May 16, 2017 as written. **VOTING: 4 ayes, one abstention (Joy Limoge); motion carried.**

May 25, 2017

MOTION by Ted Kenney, **SECOND** by Joy Limoge, to approve the minutes of May 25, 2017 as written. **VOTING: 4 ayes, one abstention (Theresa Zittritsch); motion carried.**

3. Public Comment – General Issues

None.

4. Board Interviews/Appointments

MOTION by Theresa Zittritsch, **SECOND** by Ted Kenney, to reappoint the individuals currently serving in town positions with the exception of the Fire Warden to another term as indicated on the spreadsheet, dated May 2, 2017.
VOTING: unanimous (5-0); motion carried.

Rick McGuire noted every individual has agreed to continue in their term. Jeff Fehrs requested a list of current committee, board and commission members serving the town.

5. Fire Warden Appointment

MOTION by Theresa Zittritsch, **SECOND** by Ted Kenney, to appoint Ken Morton as the Town Forest Fire Warden for a five year term beginning July 1, 2017.
VOTING: unanimous (5-0); motion carried.

6. Health Officer and Deputy Health Officer Appointments

MOTION by Theresa Zittritsch, **SECOND** by Ted Kenney, to appoint Cindy Thurston as Town Health Officer for a three year term beginning July 1, 2017.
DISCUSSION: Jeff Fehrs said he is satisfied with the qualifications of Cindy Thurston as Health Officer and having Terry Macaig provide assistance as necessary.
VOTING: unanimous (5-0); motion carried.

MOTION by Joy Limoge, **SECOND** by Ted Kenney, to appoint Terry Macaig as Town Deputy Health Officer for a three year term beginning July 1, 2017.
VOTING: unanimous (5-0); motion carried.

Jeff Fehrs recognized Terry Macaig's 27 years of service as the Town Health Officer.

7. Neighborhood Storm Water Grant Policy

Stormwater Coordinator, James Sherrard, and Public Works Director, Bruce Hoar, reviewed four options for distributing grant funds. Mr. Sherrard noted the staff recommendation is Option 1. In sum the options are:

- Option 1 – treated impervious surfaces
- Option 2 - construction cost
- Option 3 – average of impervious cover and construction cost
- Option 4 – tie to prioritization matrix created for loan program

Theresa Zittritsch asked if an analysis of the different options versus the expense to neighborhoods was done to determine the most equitable approach (i.e. equalizing cost per household). James Sherrard said the matrix option takes into account cost per household and varies from 2% to 10% maximum for cost distribution. Staff did not calculate direct cost per household. There was continued discussion of addressing construction cost and treatment of impervious surface and equalizing the burden.

PUBLIC COMMENTS

Sandy Miller, resident, asked about combining projects to maximize funding opportunities. Mr. Miller said Meadowridge development is ready to undertake their project.

There were no further comments.

MOTION by Theresa Zittritsch, SECOND by Ted Kenney, to adopt the Neighborhood Storm Water Grant Distribution Policy based on Option 3 as outlined in the memo from James Sherrard, dated May 25, 2017. VOTING: unanimous (5-0); motion carried.

8. Residential Expired Permit Policy

Jennifer Kennelly reviewed her memo showing rates at Year 5, Year 10, and Year 20 intervals, noting that 80% of the expired permits would be done in Year 5 based on cash flow and 100% would be done by Year 10 per the Flow Restoration Plan. The 10 Year fore bay dredging would be done at the 10 year point and the main pond dredging would be done at the 20 year point. James Sherrard added farms, single family residences, commercial/industrial, town roads and surfaces, and the general fund increase were considered.

Theresa Zittritsch questioned why the cost of maintenance does not show up as having an impact. Jennifer Kennelly explained all the systems have the same maintenance so the impact would apply similarly. James Sherrard added the ERU increases do not include major upgrades. Jeff Fehrs asked about the impact with a modified version of Option 3. James Sherrard estimated 9% of the expired permits would go up slightly if the town was not contributing based on a 60/40/split. Mr. Sherrard said further clarification of the figures can be requested from the consultant.

There was continued discussion of the options. James Sherrard read a portion of his memo from May 31, 2017 regarding staff's recommendation to remain with Option 1 due to the level of risk and uncertainty in the regulatory landscape and growing ERU rates for the town. Jeff Fehrs expressed concern one group of permit holders is being treated differently from another group. James Sherrard said expired storm water permits are treated differently by the state. The town made a generous offer to incorporate permits into the town's MS-4 permit once the systems are brought into compliance. Valid permits do not have the same issue. Option 1 is a good deal in the long term and meets all the state requirements. Ted Kenney commented "fair does not mean equal" and the program is voluntary. The current policy is the best balance in a turbulent environment. Theresa Zittritsch contended the town created the situation by pushing housing into PUDs (planned unit developments). The primary runoff from the roads is what is filling the ponds in the neighborhoods, not runoff from the residences so the cost the neighborhoods pay for the storm water pond is a public benefit in terms of improving water quality. The burden of water quality should be spread across the entire town. Joy Limoge interjected the issue is complying with the permit that is in place, not overall public service. Theresa

Zittritsch said the perspective is one of equity and the benefit received from the utility fee.

PUBLIC COMMENTS

Nathan Andrews, Meadowridge, questioned why the town is not legally and philosophically responsible for the roads in neighborhoods that are owned by the town.

Mike O'Connor, Indian Ridge, said the state cashed the check for the Indian Ridge permit, but never issued the permit and for the past 15 years the neighborhood has hired consultants to ensure compliance with the permit. Conservation Law Foundation brought a lawsuit against the Clean Water Act by the state and now everyone is stuck. There is value in all working together. The town is providing water quality protection to Allen Brook, but not getting any credit. Indian Ridge residents pay \$2,000 per household in addition to taxes and the storm water fee. Mr. O'Connor asked if the Town Attorney has asked ANR and DEC if the storm water requirements are legal. The state implemented the billboard law years ago and it did not cost each resident additional money.

Sandy Miller, resident, asked if grants are considered in the calculations because if the town takes over the roads then about 40% of the grant proceeds would benefit the town and decrease the impact on the Storm Water Fund and the ERU. Jennifer Kennelly said if grants are received the grants are applied directly to capital costs. Mr. Miller asked if the financial analysis considers loans to neighborhoods. Jennifer Kennelly said loans were not included. Mr. Miller asked if staff will be working to maximize grants and work with the neighborhoods. Rick McGuire said decisions on the policy are needed before moving forward.

Chris Belanger, resident, referred to the estimated numbers on dredging, brush hogging, and inspections he submitted to the town that show the numbers in the report from the consultant for annual maintenance costs to be inflated yet the Selectboard is using this information to make a decision. Mr. Belanger read from the Hoyle Tanner report regarding homeowner associations not having the experience with storm water facilities versus the town with staff and experience and questioned why Hoyle Tanner was contracted for the analysis and who the consultants and contractors were who were contacted for costs. Bruce Hoar, Public Works Director, said three well known contractors who are familiar with the work and the town as well as town staff did the analysis.

Chapin Kaynor, resident asked if more permits have expired since the batch of 18 were identified. James Sherrard said he is not aware of any other permits that have expired in the Allen Brook watershed. Mr. Kaynor commented other communities will be facing the same issues as Williston in the future if Williston does not take on the responsibility of expired permits. Chapin Kaynor said it would be nice to know if the state is renewing permits and how many are coming up in the next few years.

Theresa Zittritsch requested refined maintenance cost figures for the storm water facilities. James Sherrard pointed out the numbers provided were from town staff and

storm water professionals from the City of South Burlington. The figures are supported by the consultant, Hoyle Tanner. More refined figures will mean Hoyle Tanner will have to do another set of analyses. Theresa Zittritsch stressed the financial analysis needs to be revisited. The large increase in ERU cost in Year 10 to Year 20 is unsatisfactory especially when there are no major improvements. Jennifer Kennelly said the increase is because the main pond dredge is done in Year 20 and the fore bay dredge is done in Year 10 and Year 15.

Ted Kenney asked if a change in policy at this time would disqualify the town for grants. James Sherrard said a change in policy would make it more difficult to plan. There is a 50% match with the grants so the budget and the storm water rate would have to be reviewed. Ted Kenney suggested having a special meeting after receiving the additional information that was requested by Theresa Zittritsch (i.e. additional quotes from individuals who do dredging, brush hogging, and inspections). James Sherrard pointed out a detailed analysis and discussion of inspections and quotes has been provided to the Selectboard. There was continued discussion of getting further information, rescinding the current policy, and adopting a new policy. Staff will get quotes on brush hogging, dredging, and inspection. Jeff Fehrs asked for a modification to the table titled “Ratepayers Estimated Payment” to include a modification to the “all-in” option (Option #3). Jeff Fehrs will do his own recalculation of the splits of 40% to 0% and 60% to 100%.

9. Town Manager’s Report

Rick McGuire reported:

- Police Chief recruitment process continues. Seven interviews are scheduled out of over 75 responses.
- Industrial Avenue Bridge work is nearly complete. The cost of the work is within the money available, but is over the original estimate due to unforeseen circumstances.
- Carpenter ant damage was found while doing maintenance work on the Town Hall bell tower. Quotes are being solicited.
- The town received a significant grant for the purchase of the Catamount property for a community forest. The town is one of seven across the country to be awarded the grant.
- Judges are needed for the floats in the annual Fourth of July parade. [Joy Limoge volunteered.]

10. Other Business

None

11. Adjournment

With no further business and without objection the meeting was adjourned at 9:25 PM.