
CFD2 | Regular Meeting

05.02.2022 via Zoom 5:30-7:01pm

Attendees

Jonathan Ashley (Dubois & King)

Ian Baldwin (Board Member)

Gina Campoli (President)

Nicole Civita (Board Member)

Paula Davidson (Treasurer)

Christina Finkelstein (Secretary)

George Hall (Board Member)

Norm Hanson (Board Member)

John Kiernan (RCAP Solutions)

Renee Rossi (Board Member)

Rep. Katherine Sims

Steve Smith (Systems Operator)

Agenda

- Changes/Additions to the Agenda
- Updates from Special Projects Committees

Changes/Additions to the Agenda

- Changes to Dubois & King staffing
 - Review and discuss letter to state
 - Review and discuss the Community Services Agreement with John Kiernan of RCAP Solutions
 - Other outstanding items
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Dubois & King Staffing

Gina Campoli shared that Jeremy Rathbun left Dubois & King, effective last Friday, April 29th, to begin a new position for the town of Middlebury. Board members expressed their gratitude and appreciation for Jeremy's tireless work and efforts on behalf of the CFD2 Board and customers.

Letter to State/DEC

In response to the new requirements that the state announced via email to Jeremy last month, the Special Project subcommittee drafted a letter in response that captured key elements of the discussion at the Special Meeting on April 25th. Per the action items identified at that meeting, Jeremy compiled a timeline of activities to date that CFD2, under the guidance of the state, undertook to develop and successfully implement an interim plan until a permanent PFAS-free source well is operational.

Gina shared how Jeremy's narrative highlighted two things in particular: (1) his analysis of how the system can operate in compliance with the rules and (2) a timeline detailing the various steps and interactions with the state. She also noted that in conversation with Jeremy last week he thought there was a good chance the state would reimburse CFD2 for the full amount expended to date on equipment.

Gina emphasized that this is not our last opportunity to address the matter. In addition to the timeline, Gina noted that the letter emphasized the Board's concern that CFD2 is being treated unfairly and that there are significant economic and social consequences to an extended Do Not Drink Order. This letter is addressed to the section chief and the objective is to get him to see that there is an alternative technical solution. The purpose of the discussion now was to seek any comments from the full Board before sending the letter. [The letter was shared with the full Board on Saturday, April 30th.]

- Ian thought the letter was thorough and complete.
- Norm said it covered the points that we wished to make and served as a basis for future conversations.
- Representative Sims asked how she could see a copy of the letter. Gina noted that she is copied on the letter and listed the other people also copied, including the DEC Acting Commissioner and the ANR Secretary.
- Representative Sims noted that has a meeting scheduled with the section chief [Bryan Redmond] tomorrow [May 3rd] so it would be ideal if the letter went out before then

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- Nicole asked about meeting procedure and whether since the letter was being discussed in a public meeting, it could be shared now. Renee shared her screen so the letter could be reviewed together
 - Gina mentioned that it was important the section chief gets the letter before hearing anything from Representative Sims. Rep Sims agreed.
 - Paula asked about the 16ppt and whether Jeremy adjusted the system. Steve reported that he made adjustments to the set points last Thursday per Jeremy's instructions and adjusted today following additional recommendations from Jon Ashley.
 - Nicole noted that the "asks" on page 2 were sequenced as such because of the required timeliness of the matter [i.e., a written explanation may re decisionmaking may delay response] but that it was very important that we ask for a formal written explanation.
 - Gina added that she's had conversations with vegetable gardeners [since the Special Meeting] and they are very upset about the situation. CFD2 needs to have the interim solution [re]approved asap.
 - Ian added that the language about the PFAS levels being lower now than at any time since PFAS testing started should be in bold font and that DEC's ruling is unfounded. Gina added that if the DEC does not agree to the technical proposal that Jeremy laid out then we will be more aggressive in our approach and seek legal counsel.
 - Nicole added that she is still concerned about compliance and the effect these recent decisions by DEC will have on public trust.
 - Gina mentioned that we need to consider a formal reporting mechanism between CFD2 and Dubois & King.
 - John Kiernan added that he is familiar with the predicament of consultants being told one thing and then another and that based on his reading of the situation and DEC's very conservative approach to PFAS, how DEC would be less lenient about any solution that is not at very consistent levels. Gina added that the PFAS level is largely contingent on any spikes in usage.
 - Representative Sims commented that while she didn't want to wordsmith at the 11th hour, she wanted to offer a few suggestions. Sims noted that the last point on page 2 [about the differing MCL standards between the state of Vermont and CFD2] is a strong, compelling point and should be emphasized at the start of the letter.
 - Representative Sims also suggested copying the senators on the letter as well as providing additional context like how long this has been going on at the start (even though this information is already in the timeline)
 - Norm said the letter should go out right now. Nicole noted that if the letter goes out today, then we should demand a response to the technical proposal by the end of the week and that regardless we should include a reply by date in the letter.

- Discussion about signatures and who needs to sign and whether it needs to be mailed at all. John and Rep Sims both noted that most correspondence is attached via email these days.

Gina said she would make the adjustments as suggested and send via email to the DEC after the meeting. [Update: Letter emailed to Bryan Redmond, DWGPD Division Director evening of May 2.]

John Kiernan also noted that he is able to help us navigate the process as he is familiar with all the players. The CFD2 Board is delighted to accept any support and guidance he can offer.

Community Services Agreement

John Kiernan of RCAP outlined the Community Services Agreement sent to the Board last month. RCAP does not charge for its services [which are covered by grants] and rather allocate time based on the scope of the project. Based on a self-assessment John conducted with members of the Board in March, he thinks that approximately 80 hours should cover his time to help CFD2 with the following tasks:

- Review and draft revisions, if any, of the by-laws (with final review by CFD2 legal counsel)
- Review and draft revisions, if any, of the ordinance (with final review by CFD2 legal counsel)
- Draft formal job descriptions for systems operator and bookkeeper
- Develop written policies re financial management of the system (e.g., schedule of water rate increases, policies around expenditures)
- Develop written policy re how and when the reserve fund is used

Discussion

- Norm thanked John for his concise summaries to date and his guidance on past conversations
- Norm asked whether specific Board members should be designated to help with the tasks as described above. How do we move forward after the services agreement is signed?
- John noted that the next step will be additional information gathering and will make a note when he needs specific assistance
- Paula commented that John's expertise will be invaluable
- Gina suggested that the existing Financial Planning subcommittee work with John on the tasks and report back to the Board

MOTION: Gina made a motion to accept the agreement with RCAP Solutions as presented to the Board. George seconded the motion. The Motion passed unanimously.

Special Subcommittee Updates

Financial Planning

Paula expressed concern that there are insufficient funds to cover the most recent Dubois & King invoice unless we extend the line of credit.

Discussion

- No one was expecting the Do Not Drink Order to go for this long. Paula expressed concern that since we don't know how much longer this will go on, we will need to increase our line of credit.
- Other sources of spending include additional time for Steve and Dubois & King
- Bottled water payments will not be reimbursed until after the new year as it will part of the state's next budget cycle
- To date it appears that the recent rate increase seems to be helping close the gap on normal operating expenditures in large part because we do not have many unexpected repairs
 - Steve noted that one of the two pumps has a leak and needs to be repaired. It will cost \$200-300. George and Norm emphasized that Steve should assume that any maintenance related expenditure less than \$500 can be procured without need for full Board approval.
- Nicole asked by how much the credit line should be increased. Paula said she had been holding off on paying the most recent Dubois & King bill and thinks that an additional \$20,000 should cover us bills for the next few months.

MOTION: Norm made a motion to authorize Paula Davidson to increase CFD2's line of credit with Union Bank by twenty thousand dollars (\$20,000). Ian seconded the motion. The Motion passed unanimously.

Bottled Water

- Gina asked if we've been able to locate any empty bottles on Sterling's campus [outside of the designated drop-off location]. Nicole reported that she's done several sweeps of the campus and will conduct another one after the graduation.
- Nicole wonders if there have been any recording errors.
- There are 272 jugs that are still outstanding-125 5g and 147 3g

- Christina asked if invoices for the bottled water pick-ups have been received. Paula responded she has them and they are up to date.

Other Business

- Question about the status of the water meter at the Strong Farm. Steve said he has not had a chance to look at it but the Strongs are using water from the house for their livestock. Previously when they had dairy cows, the cows consumed enough water to keep the pipes/water meter from freezing. Since the need is now significantly lower, Steve thought it made sense to bring the water through the house so a freeze-up is less likely.
- Question about June Cook's meter. Multiple reports that she figured out the source of her leak and the problem is resolved, but George or Steve will follow-up.
 - Steve mentioned that a dye test is very easy to do and a great way to determine whether there is a leak in the toilet. [Google or inquire with Steve for more information.]
- Paula asked if Jeremy submitted the permit application for WL-05. Gina reported that he did.
- Paula asked if any movement was made toward WL-06 [location on southern border of Sterling College property] . Gina reported that were no additional conversations to date.
- Christina mentioned the review of CFD2 insurance policies and her email correspondence with the insurance agent. Discussion tabled for next meeting.

Action Items

1. Pencil in a Special Meeting on May 16th at 5:30 contingent on the nature of DEC's response to the Board's letter
2. George will hand-deliver any announcements to customers without email

Next Meeting(s)

A **Special Meeting** is tentatively scheduled for **Monday, May 16th**. An announcement with the Zoom link (<https://us02web.zoom.us/j/87324152544>) will be posted on Front Porch Forum.

The next **Regular Meeting** is scheduled for **Monday, June 6th**. A reminder announcement with the Zoom link (<https://us02web.zoom.us/j/87324152544>) will be posted on Front Porch Forum.

NOTE: The Zoom link and call in details are the same for both (and all remaining 2022) meetings.

Call in Details:

Meeting ID: 873 2415 2544

One tap mobile

+13017158592,,87324152544# US (Washington DC)

+13126266799,,87324152544# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

Meeting ID: 873 2415 2544

Find your local number: <https://us02web.zoom.us/j/87324152544>