
CFD2 | Regular Meeting

09.11.2023 via Zoom 5:30-7:07pm

Attendees

Jonathan Ashley (D&K)
Ian Baldwin (Board Member)
Nicole Civita (Board Member)
Paula Davidson (Treasurer)
Christina Finkelstein (Secretary)

George Hall (Board Member)
Renee Rossi (Board Member)
Steve Smith (Systems Operator)
Jake Tracy (D&K)

ABSENT:

Gina Campoli (President)
Norm Hanson (Board Member)

Acronym Guide

DEC	Department of Environmental Conservation
D&K	Dubois & King, consultant engineers for CFD2
RCAP	The Rural Community Assistance Partnership
WL-01	Well polluted with PFAS
WL-04	Well with no detectable levels of PFAS
WL-05	Reference to potential primary source well or its location
WL-06	Reference to potential primary source well or its location
WL-07	Reference to potential primary source well or its location

Agenda

1. Changes/Additions to agenda
2. Approve minutes from last meeting
3. Well-07 permitting and design progress update
4. Status of easement agreement with Sterling College
5. Review action items from last meeting
6. Treasurer/Finance Committee Report
7. Other Business
 - a. Board Recruitment
 - b. Updates to class action lawsuit

1. Changes/Additions to agenda

None

2. Approve Minutes

MOTION: Christina made a motion to approve the minutes from August 7, 2023. Renee seconded. The motion passed unanimously.

3. Well-07 Permitting and Design Progress Update (Jon Ashley)

- Fieldwork for the topographic survey required for the design plan to connect WL-06 and WL-07 completed
- Scheduled the historic resources inventory with Polly Allen
- Ledge probes to determine depth to ledge along the proposed water main routes scheduled for September 19 and 20
- Underground utilities check conducted last week. Depth to ledge data collected using ground radar. No results on depth yet, but a lot of data gathered.

- Working on completing the analysis report from WL-07 water quality testing–high yield and no exceedances of any contaminants. D&K working to submit a report to DEC this week. This report is required for the DEC to issue the well permit.
- Next: “30% design drawings” - In order to expedite the review process, the state is asking D&K to submit 30% design drawings along with a draft environmental report and a nearly complete set of drawings as well as all the construction notes, details, etc. Normally this information would be reviewed in stages, but in the state’s effort to get CFD2 hooked up as soon as possible, they are going to review everything at once and much sooner. Outstanding items include the results of the ledge probing and an updated topographical survey. Fieldwork is complete but the actual mapping needs to be completed next.
- Jake noted that WL-06 will be hooked up at the same time as WL-07. WL-06 will serve as a back-up.
- **[See Attachment A for current status]**

Discussion

- Nicole asked what the invoices will look like since D&K is doing considerably more than typically required for this 30% stage. Jon confirmed that the future invoices will reflect the amount of front-loaded time required to get the additional information to DEC. He also noted that the big ticket items were in the road improvements and drilling.
- Nicole wanted to highlight and confirm that testing results do not indicate the water requires any treatment. Jon confirmed that is correct. He added that WL-06 did have some contaminants [NOT PFAS] that require treatment, but since CFD2 is eager to have a back-up source and a considerable investment has already been made in WL-06, that well will also be connected.
- Nicole noted that WL-06 [on Sterling College’s land] will also need an easement and that the well-protection area sits on private property of an adjoining property owner.
- Nicole asked if making WL-04 as the back-up source has been considered. Jon believes the state would be more supportive of connecting WL-06 rather than continuing to rely on WL-04. The contaminants in WL-06 are easily treatable and WL-04’s yield has been unreliable. Moreover, Steve reminded everyone that WL-04 has been offline for several months now due to an underground leak between the well and the pump house.
- Nicole recapped that if all went according to plan, WL-07 would be connected this year, WL-04 would continue to be offline, WL-06 would be connected next spring,

and then WL-04 would be abandoned. Jon confirmed that that's the plan but there are many potential blocks, like finding a contractor to do the work. He explained that he is reluctant to solicit interest in the work too soon in case there is a different stumbling block that would prevent the work from being completed this year. He'd like to get the 30% design plan submitted and get confirmation of funding as well as easements in place before engaging contractors.

- Jon said the ledge probing will be completed by the 20th so the design will be submitted (early on) the week of the 25th. Jon will give the reviewers a heads up that the report will be forthcoming and arrange for a review meeting for later that week.
- Jon noted that both wells are in the design plans and both wells will be permitted, but if we're able to start the connection work this year then WL-07 will be prioritized to be completed first. Connection of WL-06 can follow next year.
- Steve asked if D&K had a hook-up path for the pipes. Yes. Jon shared his screen and walked the Board through the plan. **[See Attachment B.]**
- Steve asked about whether an alternate route (which he described) was considered. Jon reported that the route had been studied but that there were wetlands, a historic structure, ledge, and invasives that took the route out of further consideration.
- Jon added that the state wants WL-06 and WL-07 to have completely separate connections so that they remain discrete and any issues can be isolated quickly. The water from the two wells would not come together until the pump house.
- Ian asked what the length of each route was. For WL-06 it is 1838 feet. For WL-07 it is 1867 feet.
- Nicole thanked Jon for the overview and suggested that the CFD2 Infrastructure Committee meet with Sterling College representatives and D&K to thoroughly review the specifics and sequencing of events. Nicole expressed concern about shallow ledge in areas that will affect Sterling's campus life and operations (e.g., the parking area by the pump house). Lori added that coordination will be required to accommodate classes and campus schedule. Having a detailed conversation about the sequence of events so that the campus can prepare will be important.

4. Status of Easement Agreement with Sterling College

- Nicole noted the Infrastructure Committee is working with Lori Collins-Hall. Since Nicole is part of the Infrastructure Committee she recused herself from any discussions and Paula has stepped in.

- Lori said it would be helpful to hear what the Infrastructure Committee knows. Renee reported that there were some changes as of a few hours prior to the meeting and that the Infrastructure Committee will need to meet at the end of this meeting to discuss further.
- Renee recapped that Gina had been working on locating an appraiser who is able to conduct a very specific and uncommon appraisal (easement and right of way on agricultural land). She had difficulty locating anyone immediately but did get one appraiser who sent an engagement agreement last week. The Infrastructure Committee hoped to reach a decision on whether to proceed with this appraiser by the conclusion of this meeting, but a second appraiser with whom Gina spoke to reached out just today. The follow-up Infrastructure Committee meeting this evening would be to discuss the two appraisers.
- Lori said that Sterling College's attorneys have been on hold regarding the easement because they are waiting for some drawings from D&K and for the appraisal but as these approach completion it will make sense to get the easement review moving forward. Nicole did not think they were quite at the drafting stage yet.

Discussion

- Ian asked what is in an assessor's report. Nicole said her understanding is that the state will finance the fair market value of the easement as part of the forgivable loan program. The assessor needs to assess the value of the easement area in order for the amount to be reimbursed by the state. Christina said she thought the reimbursable amount was up to 2% of the project costs, but others said that the 2% figure applies only to the actual cost of the appraisal, legal, and other administrative fees and not the purchase of the easement itself.
- Nicole recapped the discussion and next steps. The Infrastructure Committee needs to meet to review the two assessors, costs, and any open questions. She suggested that the Board vote to give authority to the Infrastructure Committee to approve an appraisal agreement so that we do not have to wait until the next meeting.

MOTION: Christina made a motion to grant the Infrastructure Committee the authority to select and engage an assessor for the purposes of evaluating the value of the easement from Sterling College. Renee seconded. The motion passed unanimously.

[Secretary's note: following discussion occurred during review of action items, but is more relevant here]

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- Jake said that after the source permit is submitted and approved, WL-07 could be used for water without it being connected. The logistics need to be worked out but WL-07 could serve as an alternative to bottled water.
 - Christina asked by what date would the easement need to be executed so that WL-07 can get connected this calendar year. Jon explained that what is required is a certificate [as to Title to Property and Certificate as to Easements and Rights of Way] from the CFD2 attorneys. In order for them to complete the certificate, they will need documentation that all the affected parcels have been cleared.
 - Jon said the certificate can be in the review process while the project is out to bid.
 - Jon said the easements need to be done and the certificate completed by the end of October. Nicole estimates 8 weeks to get the easements and certificate completed (5 for the appraisal, 1 for the easement, 1 for signing, 1 for the certificate). Jon said with overlap and a mild winter the WL-07 connection is still possible. Nicole and others concurred.
 - Discussion about whether any modification is needed to the Simmons easement. Gina will need to follow-up with lawyers to confirm if she hasn't already.

3. Review Actions Items from Last Meeting

Highlights

- Steve reported that he did speak with the systems operator in Hardwick and he is interested in serving as a back-up. A meeting will be scheduled.
- Jake reported that WL-05 has been capped.
- Ian reached out to Curtis Funeral Home and confirmed that they do not have a well under their property.
- Paula did not file a claim with VLCT for the failed pump for WL-01 during the July 11th storm because she is still waiting for a report from Manosh on why it failed. She will try submitting a claim without it because it's unclear whether the report is even necessary and it's unlikely the firm who got the Well 1 pump from Manosh for analysis is even working on it.

5. Treasurer/Finance Committee Report

Paula shared with the Board the latest financial reports. Key highlights include:

- A new line of credit is needed to cover a \$140,000 bill from D&K for drilling well-07 and for the road improvements at Sterling College to access the site.
- Paula initiated the paperwork for a new line of credit of \$120,000 to cover bills while waiting for state reimbursement.
- Aside from new well construction bills, the finances are pretty basic.
- Paula noted that the new line of credit will need to be paid back with interest by September 12, 2024.
- Paula noted that if WL-07 is not connected in time, we'll have to submit another application for funding.

MOTION: Paula made a motion authorizing CFD2 to apply for a Current Expense Note in the amount of \$120,000 with the interest rate of 5.89% per annum. Christina seconded. The motion passed unanimously.

Discussion

- Nicole noted that based on the timeline discussed if things have not progressed by the next meeting, we will need to take steps to secure funding for bottled water.

6. Other Business

Board Recruitment

- Discussion of everyone having approached at least one or several community members to join. No affirmative responses to date.
- Agreement that a continuous in-person campaign to solicit members is needed. [If you're reading this, watch for (or run from) Board Members.]
- Acknowledgement that everyone is busy and support for a message that the customer base is a small community and that perhaps every household should do some part even if it's checking on water levels and the Ph on weekends, an activity that takes about 2 minutes.

- Strong support that the Craftsbury Academy should have a representative on the Board. Christina will reach out to Kasey Allen for potential nominations.

Class-action lawsuit

- [moved to next meeting's agenda]

Actions Items

- D&K to submit the WL-07 analysis report to DEC this week.
- Infrastructure Committee to engage an appraiser needed for the easements.
- Gina will confirm with CFD2 attorneys whether the Simmons easement needs to be modified.
- Paula will submit the credit application to Union Bank.
- All Board members will continue to solicit community members to join the board.
- Christina will reach out to Kasey Allen for potential CFD2 board nominations.
- Paula will file a claim with VLCT for the failed pump for WL-01 during the July 11th storm.
- Steve will schedule a meeting with Harwick's water systems operator about a reciprocal on-call arrangement.
- Board member recruitment discussion will be moved further up the agenda.
- (from 8/7) Renee will apply for the WARN program.
- (from 8/7) Christina will share a summary of the by-law and ordinance review.
- George will hand-deliver these minutes and any announcements to customers without email.

Upcoming Meetings

The next Regular Meeting will be on **Monday, October 2nd at 5:30pm**. A special meeting will be called if there are developments or other issues that merit full Board deliberations.

A reminder announcement with the Zoom link (<https://us02web.zoom.us/j/87324152544>) will be posted on Front Porch Forum.

NOTE: The Zoom link (<https://us02web.zoom.us/j/87324152544>) and call-in details are the same for all remaining 2023 meetings.

Call in Details:

Meeting ID: 873 2415 2544

One tap mobile

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