



**Town of Whitingham
Office of the Selectboard**

MINUTES OF JANUARY 3, 2022

These Minutes are considered a DRAFT until accepted into the public record (with any corrections noted) at a future meeting of the Whitingham Selectboard.

The Whitingham Selectboard held an emergency meeting at 6:30pm in the Selectboard Office of the Whitingham Municipal Center on Wednesday, January 3, 2022.

Selectboard members present: Scott Reed, Chair; Craig Hammer, Vice Chair; Greg Brown and James Weber. Chris Walling attended remotely.

Others present: Gig Zboray, Selectboard Office Administrator; Robert Fisher, Town Attorney; Dave DiCantio, Sewer Plant Chief Operator; Jeff Fehrs and Don Haddox of Vermont ANR Water Investment Division (WID).

Call to Order. Additions or Changes to Agenda

Scott Reed called the meeting to order at 6:30pm. There were no changes to the agenda since it was posted.

Hearing of visitors (for concerns not on the agenda)

None

Sewer

Meet with state water investment division

We received a proposal for rebid of the project of \$41,516. The state has said they have never seen a rebid proposal so high, they usually come in around 50% of the original project bid estimate (\$22,931). The state is comfortable in saying that 30-40% of this \$41,516 MIGHT be covered by the SRF program, the rest would be out of our pocket because this project has been redesigned not rescope.

Mr. Brown asked what the difference was between redesign and rescope – Mr. Haddox replied that he looked at the text of the bid contract package, a rescope could be how you do it, when, where, etc. He is comfortable saying it is a redesign of the project. In his opinion it is our role to determine if the estimate received is of value to us.

The board was under the impression that the first design was under SRF program, we can't find funding and we couldn't find contractors. We are now basically back at square one in 2018 but we have \$300,000 in debt to the SRF program. Mr. Haddox responded that the design we paid for is valid and usable.

We can negotiate with Weston & Sampson over this proposal. Mr. Haddox would be happy to review those documents. He suggested comparing the tasks on the new spreadsheet with the numbers on the spreadsheet that was approved in May of 2021 (page 58). For instance, task #1 are not in the original level of effort and should be rescrutinized carefully. We are within our rights to negotiate anything in that draft agreement.

Mr. Brown questioned if we are still on the hook of these \$300,000 in engineering. Mr. Haddox responded that in a construction project, if we chose not to do some element of it, that is fine, it happens all the time. Mr. Brown is very discouraged that this project has taken so much of SRF funding and our kick in to meet all the criteria and we are still \$3M and change to ever make it happen and \$1.5M more than it ever should have been to begin with. He feels we have burned up a lot of money to do a project, that if we never entered the SRF program, it would have been far less money without all the state hoops. He questions if we should back out completely now or are we in too deep that we don't have a choice?

Mr. Weber questioned if we had an option to no longer work with Weston & Sampson. Roger Bergeron of WID has a wealth of experience he could help us.

A motion was made by James Weber to enter Executive Session to seek legal advice on a contract under the provisions of Title 1, Section 312(g)i of the Vermont Statutes to include Attorney Robert Fisher and Gig Zboray, seconded by Craig Hammer, all in favor.

With no decisions made executive session ended at 7:43pm.

Gig will gather the pertinent information for all to review and try to make an appointment with Roger Bergeron. Bob Fisher will attend all meetings with the state and engineer moving forward until this issue is settled.

Adjourn

A motion was made by Chris Walling to adjourn, seconded by James Weber, all in favor.

Scott Reed adjourned the meeting at 7:44pm.

Respectfully submitted,
~Gig Zboray