

Derby Line, Vermont
Special Trustees Meeting with Stanstead Council
July 9, 2019
Derby Line Village Hall

Call to Order:

Present were Trustees Richard Creaser, Lindsay Brainard and Keith Beadle.

Also, present were Jean Charles Bellemare, Paul Stewart, Stanstead Mayor Philippe Dutil, Francine Bonenfant, Joshua Richer, James Gormley, and Laurie Moss, Derby Line Village Clerk & Treasurer.

The meeting was called to order by Chairman Richard Creaser at 6:30 pm. The meeting was immediately turned over to Trustee Keith Beadle, the liaison between Derby Line and Stanstead regarding the Stanstead Wastewater Treatment Plant Project.

Keith began by stating that many points in the present agreement between the two municipalities regarding the wastewater treatment plant are no longer relevant. Teresa Thomas of the VT Dept. of Environmental Conservation has informed Derby Line that she would like to see the new agreement in place before any money is released. Tonight's meeting was basically to put together some general ideas of what both parties want to see in the new agreement. That draft would be sent to Derby Line's U.S. attorney and to Stanstead's Canadian attorney for review and recommendations for change, if any.

Two points to update in the agreement are 1) the location of the treatment plant now shown as in Rock Island needs to be changed to Stanstead, and 2) to determine if Derby Line actually can have ownership of this plant located in another country even though Derby Line pays 50% of the costs involved, which will have to be declared by attorneys. Questions needed to be answered are 1) What would Derby Line's liabilities be regarding its interest in a foreign country, and 2) Is Derby Line an equal partner or just a customer that happens to own half of the plant and is required to pay half of all costs? Keith stated that if Derby Line is deemed to be an owner, the new agreement needs to clearly state that wastewater is to be treated at the Stanstead/Derby Line treatment plant, not just the Stanstead plant.

Derby Line owns its own infrastructure and originally, when the first agreement was made, Derby Line bought into the treatment plant including Stanstead's debt at the time the agreement was entered into (50% plus 8% of depreciated debt).

Both municipalities need to determine the flows from each municipality to determine if each is indeed equally sending about the same amount of wastewater to the plant. Derby Line, in the last few months, has installed a flow meter and is keeping track on a daily basis of those flows. When the new plant goes online, there should be a flow meter there, which will show total amount of flow and from which Derby Line's figures can be deduced. Derby Line and Stanstead need to establish a procedure to determine how much sewage is sent to the plant to then determine what percentage each municipality is to pay for operation of the plant.

All agreed that a new agreement does not need to be finalized before funds are released by the State of VT for beginning of construction of the new plant. However, a basic draft of what both municipalities want to see in the agreement and the fact that both Derby Line and Stanstead are seeking advice from each their attorneys toward the final agreement should be enough to satisfy the funding parties.

Another aspect that will have to be addressed and included in the new agreement is the issue of inspections of the new plant, which were not done as agreed over the last 30 years. Regular inspections will need to be done to avoid serious deterioration as what happened at the present plant. An Oversight Committee should be formed to oversee the proper operation of the new plant. This committee should probably include three from Canada and three from the U.S.

Richard suggested that, after the new plant is completely built and is online, Stanstead include in the annual budget the cost of an independent contractor to do periodic inspections of the plant, maybe once a year or longer. This would be to provide a fresh set of eyes from those who take care of the plant day to day. Any infraction(s) found by the independent inspector would then cause discussions between the two government's regulatory agencies, not the two municipalities.

Richard asked if there are any provisions Stanstead would want to see included in the new agreement, which

should be written to protect the interests of both parties. Philippe Dutil agreed that what had already been discussed should be included. Keith stated that also to be included should be a requirement that both Stanstead and Derby Line Boards review the agreement every few years to be sure its points continue to be relevant.

It was agreed that the Boards of both municipalities will meet individually to list the points they each want included in the new agreement. Derby Line will include its discussion of this at the regular Trustees meeting on July 16, 2019. Stanstead will do the same on a date they determine for themselves. A special joint meeting will then be held before the end of July to combine their points to be submitted to each their attorneys.

New Business from the Audience: None

Old business from the Audience (5-minute limit unless otherwise directed): None

Executive Session: None

Next Meeting: The next regular Trustees' meeting is scheduled for July 16, 2019. The special meeting between Derby Line and Stanstead yet to be determined.

Review and Sign Bank Statement: No

Warrants were Reviewed and Signed: No

The Last Check Printed: N/A

The meeting was adjourned at 7:50 pm.

Respectfully submitted,

Madeleine C. Roy, Assistant Village Clerk