

Edward Farrar Utility District
Commissioners Meeting
Wednesday, August 12, 2026 @ 4:30pm
Steele Community Room, 28 North Main Street, Waterbury, VT

Attendance: P.H. "Skip" Flanders (Chairperson), Bob Finucane, Natalie Sherman, Cindy Parks, Rick Weston

Staff: Book Woodruff, Kia Winchell Nealy

Audience: Tyler Stratton, Valerie Rogers, John Zimmerman, Roy Schiff

Zoom: Anne Imhoff, Michael Miller

The monthly meeting of the Edward Farrar Utility District was called to order at 4:39pm on Wednesday, August 12, 2026, in the Steele Community Room, 28 North Main Street, Waterbury, VT

AGENDA

A request by the utility billing clerk was made to add a One Leak request for Lowell & Molly Spillane when discussing One Leak requests from other customers.

Rick Weston made "a motion to approve the agenda as amended."

Natalie Sherman seconded the motion.

A vote was taken and passed unanimously.

PUBLIC

* Valerie Rogers inquired who the Edward Farrar Utility District (EFUD) District Clerk and Treasurer is – since the previous clerk resigned, but is still listed on the Town's website.

* Ms. Rogers also asked about the public EFUD meeting where Bill Shepeluk was appointed the District Clerk.

* Ms. Rogers asked about the progress of the creation of the organizational chart discussed at the March 2026 EFUD meeting, with the both the Selectboard and the Edward Farrar Utility District. Further asked at what meeting was it discussed that EFUD commissioners motioned to not pursue a shared manager with the Town of Waterbury.

* Tyler Stratton – owner of Stone's Throw Pizza on Stowe Street – was invited to this evening's meeting. He shared his Letter of Intent for monies borrowed from the Waterbury UDAG Fund. He previously met with the UDAG Advisory Committee and is attending this evening's meeting to introduce himself.

MINUTES-OF-THE-MEETING FROM JULY 8, 2026

Kia Winchell Nealy failed to provide minutes from the last EFUD meeting held on July 8, 2026. They will be reviewed at the next meeting.

WHAT IS REQUIRED TO BE IN MEETING MINUTES

* *See following handout.*

There was a discussion of Roberts Rules of Order and what is necessary for The Minutes.

UDAG LOAN REVIEW COMMITTEE

John Zimmerman introduced himself to the EFUD Commissioners. Mr. Zimmerman has reviewed applicants, made recommendations, and passed that information on to the EFUD Commissioners for review and approval of UDAG Loan applicants. The UDAG Loan Review Committee believes the process could be structured differently, as there is currently no application process or standardized form to present to the EFUD committee for a final decision.

Bob Finucane "moved that EFUD request the UDAG Loan Fund Committee to review the loan policy and application process and propose updates and reviews as appropriate."

Cindy Parks seconded the motion.

A vote was taken and passed unanimously.

THATCHER BROOK FEMA PROJECT

Roy Schiff – water resource scientist and engineer from SLR Consulting – spoke of the Thatcher Brook FEMA project. The project has three components; Stowe Street, sewer lines, and creating a flood bench. A hydraulic model of erosion has been dropped with three alternative solutions; create a shelf along Thatcher Brook, pull back existing rock, and armoring along the sewer line.

The project currently sits with FEMA and is between Phase One (permitting and design being almost complete) and Phase Two (Construction).

The three lowest bidders on the Thatcher Brook FEMA Project:

J.A. MacDonald, Boulder Excavation of Morrisville, VT, and Hilltop Construction of Randolph, VT. Hilltop construction has come in with the lowest bid and has experience with river bank stabilization and can work with and around utilities. Any of the three companies listed are capable of completing the project.

Natalie Sherman “made a motion to approve the EFUD share of the Thatcher Brook Sewer Protection and Bank Stabilization Project at 10 percent of the FEMA construction cost.”

Bob Finucane seconded the motion.

A vote was taken and pass unanimously.

ONE LEAK REQUESTS

* Executive Care Wash: by consensus, the EFUD Commissioners approved a request of \$4,290.44.

* Lowell & Molly Spillane; by consensus, the EFUD Commissioners approved a request of \$1,785.09

* Clinton Bedell: by consensus, the EFUD Commissioners approved a request of \$2,226.45

CORRECTIONS TO THE EFUD ANNUAL REPORT

* *See following handout*

The third page of the handout was missing from the Annual Report. Also, Bill Shepeluk and Bill Woodruff are still working on more corrections and clarifications.

DUTIES AND RESPONSIBILITIES OF THE EFUD DISTRICT CLERK AND TREASURER

Bill Woodruff will work on a job description for the District Clerk and Treasurer, as nothing is currently written up for the position(s).

HELP FROM VLCT ON RFP AND EFUD ADVANTAGE/DISADVANTAGE REVIEW

Karen Ramsey from Vermont League of Cities and Towns has offered to meet with Skip Flanders and anyone else from EFUD. Rick Weston is interest. Flanders will arrange a meeting with Karen Ramsey.

DRAFT OF LETTER TO VERMONT ATTORNEY GENERAL

* *See letter that follows*

Bob Finucane “motioned to authorize Skip Flanders to sign the letter to the Attorney General requesting an advisory opinion on designated water and sewer reserve funds.”

Rick Weston seconded the motion.

A vote was taken and passed unanimously.

DISCUSSION ON PROPOSAL AND SCHEDULE FOR NEXT MEETING ON INFORMATION ON ACTIVITIES IN THE WATER.

Cindy Parks believes October would be the best time to have the next public informational meeting on the watershed.

By consensus, the EFUD board is instructing B. Woodruff to add the two links to the Town’s website for the UVM watershed presentation. (One link for the story map ... one for the pdf report.)

EAST WIND PROJECT

** See following*

Amendment #1 from Dufresne Group is for additional engineering work on the west side of Route 100 for \$41,300.

Rick Weston "moved to authorize Bill Woodruff to sign amendment one with Dufresne Group for the engineering services agreement for the East Wind water system extension dated August 4th."

Cindy Parks recused herself from the vote.

Bob Finucane seconded the motion.

A vote was taken and passed.

COMMUNITY & HOUSING INFRASTRUCTURE PROGRAM

Skip Flanders gave a brief overview of CHIPs, a statewide program used as an incentive for developers.

2026 EFUD RULES & PROCEDURES AND ZOOM REQUIREMENTS

Skip Flanders asked if the EFUD commissioners wanted people who attended the monthly meeting via zoom to sign in with their first and last name.

Rick Weston "moves that we add to our rules of procedures the following, "Zoom attendees who wish to speak during board meeting must give their first and last names and turn on the camera – if available – when speaking.""

Cind Parks seconded the motion.

A vote was taken and passed unanimously.

JOINT MEETING WITH THE SELECTBOARD

The EFUD board received a message from Martha Staskus – Chairperson of the Waterbury Selectboard - asking if they would like to attend a joint meeting with the Waterbury selectboard.

DEPARTMENT REPORTS

** See reports that follow*

ADJOURN

Bob Finucane "move we adjourn."

Rick Weston seconded the motion.

A vote was taken and passed unanimously.

The August 12th meeting of the Edward Farrar Utility District adjourned at 7:09pm

Next EFUD meeting scheduled for September 9, 2026

Topics scheduled to be discussed: Minutes from July 8th

The Ice Center of Washington

EDMUND SUPP

Edward Farrar Utility District Commissioners Meeting

Wednesday, August 12, 2026

4:30 pm in person at Steele Room
28 North Main St, Waterbury VT

Join Zoom Meeting

<https://www.zoom.us/join>

Meeting ID: 822 9251 7551

Passcode: 053700

- 4:30 pm Call to Order
- 4:35 pm Public
- 4:40 pm ✓ Approve Agenda *(please note this is an Amened Agenda)*
- 4:45 pm ✓ Consider Minutes of July 8, 2026, Meeting* GET FOR NEXT MONTH
- 4:50 pm ✓ Review and discussion of what is required to be in meeting minutes. *
- 5:00 pm ✓ Discussion with UDAG loan review Committee on suggested revision of guidelines for UDAG loan procedures, If present
- 5:10 pm ✓ Briefing on Thatcher Brook FEMA project for sewer Line erosion protection project and funding of local share.
- 5:25 pm ✓ Consider request for relief under One Leak Rule for Executive Car Wash, and one leak request from Clinton Bedell
- 5:35 pm ✓ Review corrections to 2026 EFUD Annual Report
- 5:45 pm ✓ Writing up Duties and responsibilities of EFUD District Clerk and Treasurer.
- 5:50 pm ✓ Help from VLCT on RFP for EFUD Advantage - Disadvantage review
- 6:00 pm ✓ Consider draft of letter to VT Attorney General on designated water and sewer reserve funds according to Statute. *
- 6:10 pm ✓ Discussion on Proposal and schedule for next meeting on information on activities in Watershed
- 6:20 pm ✓ Update on East Wind Project and consider Change Order for future work on Project.
- 6:30 pm ✓ Short discussion on Community and Housing Infrastructure Program (CHIP) program for Housing development and future briefing of the Commissioners
- 6:40 pm ✓ Consider adding Zoom signing requirement to 2026 EFUD Rules of Procedures
- 6:55 pm ✓ Discussion of possible joint meeting with Selectboard at a future date.
- 7:05 pm ✓ Review Department Reports*
- 7:10 pm Adjourn

Item with * have attachment information.

LETTER OF INTENT – LOAN USE OF FUNDS

Date: 08/12/2026

To: Edward Farrar Utility District - EDAG Fund

Dear Committee Members

I am writing to provide a formal statement of intent regarding the use of the loan proceeds requested from the Waterbury UDAG Fund in the amount of **\$58,693**. This amount represents the principal amount paid from our existing loan and we ask that the loan be formed as an addendum. We have demonstrated a reliable payment history of this loan and an addendum to extend the initial term and allow access to the funds up to the initial \$100,000 amount borrowed. This would not increase any debt service to our business and would not represent an increased risk in payability to the lender.

The requested financing will be used for making vital equipment purchases, paying property dispute legal expenses, paying for the execution of both outdoor seating and takeout parking infrastructure as well as improvements to the hallway and interior dining areas (floor resurfacing).

The anticipated use of funds is as follows:

- **\$16,000 – Equipment (93" Build line, Kegerator, Ice Machine)**
- **\$22,250 – Parking and Legal Expenses**
- **\$8000 – Outdoor Seating, partitions, lighting, POS, signage**
- **\$12,000 (remainder) – Leasehold Improvements**

The loan proceeds will be used solely for the purposes described above and in accordance with the terms and conditions established by the lender. These funds are intended to support the continued growth, stability, and financial performance of Pinemarten LLC.

I understand the importance of using borrowed funds responsibly and maintaining accurate records regarding the expenditure of the loan proceeds. I am committed to ensuring that the financing is utilized as represented in this letter.

Thank you for your consideration of this loan request. I appreciate the opportunity to work with the town of Waterbury and look forward to continuing a successful lending relationship.

Sincerely,

Tyler Stratton

Owner

Stone's Throw Pizza

(802)734-6991

tyler@stonestrowpizzavt.com

From Roberts Rules

§48. MINUTES AND REPORTS OF OFFICERS

Minutes

- 48:1 The official record of the proceedings of a deliberative assembly is usually called the *minutes*, or sometimes—particularly in legislative bodies—the *journal*. The minutes should be kept in a substantial book or binder.
- 48:2 **Content of the Minutes.** In an ordinary society, the minutes should contain mainly a record of what was *done* at the meeting, not what was *said* by the members. The minutes must never reflect the secretary's opinion, favorable or otherwise, on anything said or done.
- 48:3 To modify the rules governing what is regularly to be included in the minutes requires adoption of a special rule of order, although a majority vote may direct the inclusion of specific additional information in the minutes of a particular meeting.
- 48:4 The *first paragraph* of the minutes should contain the following information (which need not, however, be divided into numbered or separated items directly corresponding to those below):
- 1) the kind of meeting: regular, special, adjourned regular, or adjourned special;
 - 2) the name of the society or assembly;
 - 3) the date and time of the meeting, and the place, if it is not always the same;
 - 4) the fact that the regular chairman and secretary were present or, in their absence, the names of the persons who substituted for them; and
 - 5) whether the minutes of the previous meeting were read and

approved—as read, or as corrected—and the date of that meeting if it was other than a regular business meeting. Any correction approved by the assembly is made in the text of the minutes being approved; the minutes of the meeting making the correction merely state that the minutes were approved “as corrected,” without specifying what the correction was (see first paragraph of form, 48:8).

The body of the minutes should contain a *separate paragraph for each subject matter*, and should show:

- 6) all main motions (10) or motions to bring a main question again before the assembly (6:25–27; 34–37) that were made or taken up—except, normally, any that were withdrawn³—stating:
 - a) the wording in which each motion was adopted or otherwise disposed of (with the facts as to whether the motion may have been debated or amended before disposition being mentioned only parenthetically); and
 - b) the disposition of the motion, including—if it was *temporarily* disposed of (9:7–11, 38:8)—any primary and secondary amendments and all adhering secondary motions that were then pending;
- 7) secondary motions that were not lost or withdrawn, in cases where it is necessary to record them for completeness or clarity—for example, motions to *Recess* or to *Fix the Time to Which to Adjourn* (among the privileged motions), or motions to *Suspend the Rules* or grant a *Request to Be Excused from a Duty* (among the incidental motions), generally only alluding to the adoption of such motions, however, as “... the matter having been advanced in the agenda on motion of...” or “... a ballot vote having been ordered, the tellers...”;
- 8) the complete substance of oral committee reports that are permitted to be given in small assemblies in particular cases

as provided in 51:60-62;

- 9) all notices of motions (10:44-51);
- 10) all points of order and appeals, whether sustained or lost, together with the reasons given by the chair for his or her ruling; and
- 11) the declaration by the chair in "naming" an offending member as a part of disciplinary procedures, as well as any disorderly words that led to such naming and that the chair directed the secretary to take down (see 61:12-14).

The *last paragraph* should state:

- 12) the hour of adjournment.

48:5 Additional rules and practices relating to the content of the minutes are the following:

- 1) The name of the maker of a main motion should be entered in the minutes, but the name of the seconder should not be entered unless ordered by the assembly.
- 2) a) When a count has been ordered, the number of votes on each side is entered, unless the vote was on a motion that would not otherwise be entered in the minutes.
b) When the voting is by ballot, the full tellers' report (45:37-40) is entered.
c) When the voting is by roll call, the names of those voting on each side and those answering "present," as well as the total number in each category, are entered. If members who are present fail to respond on a roll-call vote, enough of their names must be recorded as present to reflect that a quorum was present at the time of the vote. If the chair voted, no special mention of this fact is made in the minutes.
- 3) The proceedings of a committee of the whole, or a quasi committee of the whole, are not entered in the minutes, but the fact that the assembly went into committee of the whole

Vermont's Open Meeting Law

What information must an agenda contain?

- The open meeting law does not define “agenda” or specify the information an agenda must contain, except to require that the agenda designate a physical location where a member of the public can attend and participate in a meeting if a quorum or more members of a public body are attending remotely. 1 V.S.A. § 312(a)(2)(D).
- SOS Recommends: In keeping with the law’s intent, an agenda should allow interested members of the public to be reasonably informed about what specific topics will be discussed, and what actions may be taken, at the meeting.

Vermont's Open Meeting Law

Changing an agenda

- If a public body wishes to **add or delete** an item from an agenda after it has been posted, it may only do so as the first act of business at the meeting. 1 V.S.A. § 312(d)(3)(A).
- SOS recommends that last-minute agenda items, especially those requiring board action, be added at a meeting only in an emergency. 1 V.S.A. § 312(d)(3)(B).

Vermont's Open Meeting Law

Meeting Minutes

- Public bodies must take minutes of their meetings. Minutes are the permanent record of the formal actions of the public body.
- The open meeting law requires that minutes “**give a true indication of the business of the meeting,**” covering all topics that arise.

Vermont's Open Meeting Law

Minutes (cont.)

At minimum, minutes must include:

- the names of all members of the public body who are present at the meeting;
- the names of all other active participants;
- all motions, proposals, and resolutions made, and their dispositions; and
- the results of all votes, with a record of individual votes if roll call is taken. 1 V.S.A. § 312(b)(1).

Vermont's Open Meeting Law

Minutes (cont.)

- Minutes are **public records** and must be made available for public inspection and copying **after five calendar days** from the date of the meeting.
- If a public body maintains or designates a website, minutes must also be **posted to that website** no later than five calendar days after the meeting.
- Except for draft minutes replaced with updated minutes **must not be removed from the website sooner than one year**, posted minutes from the date of the meeting for which they were taken. 1 V.S.A. § 312(b)(2).

7/16/2026

One Leak request – **BASED ON THE SAME TIME PERIOD FROM ONE YEAR AGO**

Executive Car Wash
100-0854.v

February 1 – April 30, 2026 meter shows total usage of 59,300 cubic feet ... or 4,928.49 gallons per day

(59,300 cufx x 7.48 = 443,564 gallons / 90 days = 4,928.49 gallons per day)

Village Com Base	\$ 917.46
Village Water 1,500 @ tier 1	\$ 33.45
Village Water 3,500 @ tier 2	\$ 100.80
Village water 20,000 @ tier 3	\$ 676.00
Village Water 34,300 @ tier 4	\$1,265.67
Sewer Com Base	\$1,123.92
Sewer 1,500 @ tier 1	\$ 58.65
Sewer 3,500 @ tier 2	\$ 152.95
Sewer 20,000 @ tier 3	\$1,014.00
Sewer 34,300 @ tier 4	\$2,006.55

TOTAL DUE / Feb-Apr 2026 \$7,349.45

-0-

Chip Spillane / Executive Car Wash called me shortly after receiving his EFUD bill in May to ask about a reduction in his charges as he had used considerably more water than in the past. He had discovered that the water pressure from the curb stop into the car wash has blown apart the thingy that connects a couple of pipes together. He asked if we could turn the pressure down. I referred him to Kenny Ryan. I understand Kenny explained we could not turn the water pressure down ... Mr. Spillane would need to install a pressure reducing valve.

After the last EFUD meeting (July 8th), Skip Flanders requested charges be recalculated using the average from the same time period from last year. Those two cycles of water show an average of 12,950 cubic feet used during a billing period.

Village Com Base	\$ 917.46	
Village Water 1,500 @ tier 1	\$ 33.45	
Village Water 3,500 @ tier 2	\$ 100.80	
Village water 20,000 @ tier 3	\$ 676.00	\$268.71 (7,950 @ .0338)
Village Water 34,300 @ tier 4	\$1,265.67	
Sewer Com Base	\$1,123.92	
Sewer 1,500 @ tier 1	\$ 58.65	
Sewer 3,500 @ tier 2	\$ 152.95	
Sewer 20,000 @ tier 3	\$1,014.00	\$403.07 (11,100 @ .0507)
Sewer 34,300 @ tier 4	\$2,006.55	

TOTAL DUE / Feb-Apr 2026 \$3,059.01

One Leak request = \$4,290.44 adjustment (-)

*** If the "leak" spills over into the next billing cycle (May – July) will you authorize me to make a second adjustment ... since it would be considered one leak?**

7/16/2026

One Leak request

Lowell & Molly Spillane

916-0063.v

63 South Main Street

February 1 – April 30, 2026 meter shows total usage of 22,400 cubic feet ... or 1,861.69 gallons per day.

$(22,400 \text{ cuft} \times 7.48 = 167,552 \text{ gallons} / 90 \text{ days} = 1,861.69 \text{ gallons per day})$

Village Res Base	\$ 50.97
Village Water 1,500 @ tier 1	\$ 33.45
Village Water 3,500 @ tier 2	\$100.80
Village Water 17,400 @ tier 3	\$588.12
Sewer Res Base	\$ 62.44
Sewer 1,500 @ tier 1	\$ 58.65
Sewer 3,500 @ tier 2	\$152.95
Sewer 17.4000 @ tier 3	\$882.18

TOTAL DUE / Feb – Apr 2026 \$1,929.56

-0-

Tucker Spillane / 63 South Main Street e-mailed me on July 7 to say the leak was discovered around the 27th of May and fixed promptly due to a leak inside the water meter. Kenny came and fixed it and replace the meter which solved the whole issue.

Previous two cycles of water show an average of 500 cubic feet used during a billing period.

Village Res Base	\$ 50.97	
Village Water 1,500 @ tier 1	\$ 33.45	\$11.51 (500 @ .022300)
Village Water 3,500 @ tier 2	\$100.80	
Village Water 17,400 @ tier 3	\$588.12	
Sewer Res Base	\$ 62.44	
Sewer 1,500 @ tier 1	\$ 58.65	\$19.55 (500 @ .039100)
Sewer 3,500 @ tier 2	\$152.95	
Sewer 17.4000 @ tier 3	\$882.18	

TOTAL DUE / Feb – Apr 2026 \$144.47

One Leak request = \$1,785.09 adjustment (-)

* If the "leak" spills over into the next billing cycle (May – July) will you authorize me to make a second adjustment ... since it would be considered one leak?

8/11/2026

One Leak Rule request – part II

Clinton Bedell

D0100330

November 1, '25 – January 31, '26, meter shows a total usage of 15,500 cubic feet ... or 1,288.22 gallons per day.

I alerted Woody to a possible leak as soon as I noticed the reading ... which would have been sometime during the last week in January or first week in February. He, almost immediately, alerted Mr. Bedell of a problem. On 3/16/2026 Mr. Bedell stopped by the office and paid his bill in full ... and requested an adjustment. He took care of the repairs himself ... and we granted him an adjustment of \$653.56.

The next billing cycle – February – April 2026, Mr. Bedell received an invoice for \$2,230.12 for 50,300 units of water.

I believe this is all part of the same leak, as he stopped by on 3/16/2026 with his letter of repair. On 7/21/2026, I spoke with Ross Billings from Lloyd Home Service ... and he said he inspected the house and did not see any wet spots outside and did not see any sign of leakage.

Wtby Res Base	\$ 50.97
Oper & Maint Res	\$ 27.16
Water @ tier 4	\$1,227.05
Water @ tier 3	\$ 842.00
Water @ tier 2	\$ 133.38
Water @ tier 1	<u>\$ 34.56</u>

Total Due / Feb-Apr \$2,315.12

As with the previous One Leak request, his previous two cycle of water show an average of 300 cubic feet.

Wtby Res Base	\$ 50.97
Oper & Maint Res	\$ 27.16
Water @ tier 4	\$1,227.05
Water @ tier 3	\$ 842.00
Water @ tier 2	\$ 133.38
Water @ tier 1	<u>\$ 8.64</u> tier 1 billing 300 @ .0288

Total Due / Feb-Apr \$ 88.67

I am requesting an adjustment of \$2,226.45 to Mr. Bedell's EFUD account.

EDWARD FARRAR UTILITY DISTRICT RESERVE and DEVELOPMENT FUNDS

The Edward Farrar Utility District has several reserve funds that were authorized by the voters and Commissioners of EFUD and its predecessor, the Village of Waterbury. These funds include capital improvement funds, economic development funds, and a fund property management.

The former tax stabilization fund was established in 2015 and was split into two funds by voters in 2019—the Utility Capital Reserve Fund and the General Property Management Fund. In 2025, voters chose to close those two funds, splitting the combined proceeds between the water and sewer funds. That was done in May 2025, but a small, residual amount remains in the Utility Capital Reserve Fund. That money will be split between and moved to the water and sewer funds in 2026.

The CDBG Fund was established in the 1990 and was used to develop infrastructure in Pilgrim Park. The outstanding loan to Ladd Hall, Ltd. helped finance the affordable housing project on that former state property. The UDAG Fund, established with a federal Urban Development Action Grant (UDAG), was used to bring Ben & Jerry's to Waterbury in 1984. Proceeds of principal and interest from that loan were used to establish EFUD's revolving loan fund, which has been used to provide capital to many local businesses.

While not technically "Reserve Funds", the Water and Sewer Funds have assets that are invested. Activity and balances for both are included below in the several brief reports detailing the status of all these funds. Please call the Municipal Manager if you have questions.

UDAG LOAN FUND

Balance January 1, 2025

Balance December 31, 2025

Cash and Money Market	\$ 502,560	\$ 494,678
Certificates of Deposit	0	0
Bonds	0	0
REITs	0	0
Other Equity Securities	82	96
Loans to Other Funds	0	0
Mutual Funds	<u>199,890</u>	<u>344,067</u>
Total Cash/Investment Value	\$ 702,532	\$ 838,841
Loans Receivable	\$1,144,302	1,072,362
Total Assets	1,846,834	1,911,203
Tot. Liabilities (Deferred Revenue)	<u>(1,144,302)</u>	<u>(1,072,362)</u>
Fund Balance	\$ 702,532	\$ 838,841

Transactions during 2025

Total Fund Value 1/01/25	\$ 1,846,834
Int., Dividends on Investments	27,467
Interest on Loans Receivable	15,553
Unrealized gain/(loss) on investments	<u>21,349</u>
Total Value 12/31/25	\$ 1,911,203
Principal on loans Received	\$ 71,939
Loans Made	\$ 25,000

General Property Management Fund

Investment Bal. 1/1/2025	\$ 122,180
Interest on investments	348
Gains/(Losses)-Securities	(1,265)
Transfer Out to Water & Sewer	(121,263)
Balance 12/31/2025	\$ 0

Investment Balance 1/1/25		Investment Balance 12/31/25	
Cash	\$ 0	Cash	\$ 0.00
Money Market	4	Money Market	0.00
Mutual Funds	<u>122,176</u>	Mutual Funds	<u>0.00</u>
	\$ 122,180		\$ 0.00

Utility Capital Reserve Fund

Balance 1/1/2025	\$ 496,801
Interest	4,574
Gain/Losses-Securities	2,143
Transfer Out to Water & Sewer	<u>445,598</u>
Balance 12/31/2025	\$ 57,920

Investment Balance 1/1/25		Investment Balance 12/31/25	
Cash	\$ 45,036	Cash	\$ 45,451
Money Market	0	Money Market	0
Mutual Funds	<u>451,765</u>	Mutual Funds	<u>12,469</u>
	\$496,801		\$ 57,920

CDBG FUND

Balance 1/1/25	\$ 74,630
Interest	372
Expenditures	<u>0</u>
Balance 12/31/25	\$ 75,002

*\$72,071 of asset balance is a loan to Ladd Hall Partnership, \$2,931 in cash.

WATER FUND INVESTMENTS

	Balance January 1, 2025	Balance December 31, 2025
Cash and Money Market	\$ 0	\$ 0
Bonds	0	0
CDs	27,000	27,000
Loans to Other Funds	0	0
Mutual Funds	<u>1,048,240</u>	<u>1,532,775*</u>
Total	\$1,075,240	\$1,559,775

- Includes a total transfer in of \$283,431 of mutual funds came from the Utility Capital Reserve and the Property Management Fund. \$26,687 in interest posted to investment portfolio 2025. Unrealized gains on investments were \$23,945.

SEWER FUND INVESTMENTS

	Balance January 1, 2025	Balance December 31, 2025
Cash and Money Market	\$ 2,785	\$ 0
Bonds	0	0
Stocks	0	0
Mutual Funds	<u>73,315</u>	<u>410,463*</u>
Total	\$ 76,100	\$410,463

- Includes a total transfer in of \$283,431 of mutual funds came from the Utility Capital Reserve and the Property Management Fund. \$113,367 in interest posted to investment portfolio 2025. Unrealized gains on investments were \$87,740.

[Date]

Ms. Charity R. Clark, Attorney General
Office of the Vermont Attorney General
109 State Street
Montpelier, Vermont 05609-1001

Dear Ms. Clark,

The Board of Utility Commissioners of the Edward Farrar Utility District ("EFUD") respectfully requests an opinion from your office concerning the District's obligations, if any, under 24 V.S.A. §§3313 and 3617 governing receipts derived from operations of municipal waterworks and sewer systems.

The Edward Farrar Utility District ("EFUD") was created by charter to provide water and sewer services under 24 V.S.A. Chapter 89. The board seeks guidance on the proper interpretations of 24 V.S.A. §§3313 and 3617 and related provisions, specifically with regard to how the municipality may, or must, manage financial assets derived from its water and sewer operations.

The relevant statutes read as follows. With respect to municipal water systems, §3313 states:

a) Water commissioners shall have the supervision of such municipal water department and shall make and establish all needful water rates, charges, rules, and regulations for its control and operation. Such commissioners may appoint or remove a superintendent at their pleasure. The receipts derived by the municipal corporation from its waterworks shall only be used and applied to pay the principal and interest upon the water bonds of such municipal corporation, the expense of repairs and management of the water department, and payment into the dedicated fund created under subsection (b) of this section.

(b) Receipts derived by a municipality from its waterworks may be deposited in a dedicated fund created by the water commissioners under section 2804 of this title, to finance major rehabilitation, major maintenance and costs of upgrading the water supply system, and for the accumulation of funds to be used to match federal funds pursuant to 10 V.S.A. § 1624(d). Such revenues may include a surcharge established by the water commissioners of up to 15 percent on the costs of normal operations, maintenance, and debt service. The fund balance shall not exceed the estimated costs of the purposes for which the fund is established, and shall be maintained in deposits insured by the United States of America or an agency of the United States. Withdrawals shall be made only for purposes for which the fund was established. Such a fund shall meet the requirements of subdivision 4756(a)(4) of this title.

With respect to municipal sewer systems, §3617 employs similar language:

(a) The charges and receipts of the department shall only be used and applied to pay the interest and principal of the sewage disposal bonds of the municipal corporation, the expense of maintenance and operation of the sewage system, or other expenses of the sewage system.

(b) The charges and receipts also may be used to develop a dedicated fund that may be created by the board to finance major rehabilitation, major maintenance, and upgrade costs for the sewer system. This fund may be established by an annual set-aside of up to 15 percent of the normal operations, maintenance, and bond payment costs, except that with respect to subsurface leachfield systems, the annual set-aside may equal up to 100 percent of

these costs. The fund shall not exceed the estimated future major rehabilitation, major maintenance, or upgrade costs for the sewer system. Any dedicated fund shall be insured at least to the level provided by FDIC and withdrawals shall be made only for the purposes for which the fund was established. Any dedicated fund may be established and controlled in accord with section 2804 of this title or may be established by act of the legislative body of the municipality. Funds so established shall meet the requirements of subdivision 4756(a)(4) of this title.

These statutes give the municipality authority to create dedicated funds to finance major rehabilitation, maintenance, and upgrades of the water and sewer systems. The funds cannot exceed the estimated costs of such projects, they can be used only for their stated purposes, and they must be kept in federally insured deposits.

This authority appears straightforward. The question that remains for the board is whether the municipality can maintain funds for undetermined purposes relating to the operations of the water and sewer systems (such as working capital, regular maintenance, contingencies, and unexpected repairs and capital improvements) and, if so, must such funds be kept only in federally insured deposits. Or is it permissible for such "rainy day" funds to be invested in, say, a diversified portfolio of financial assets?

The board is not seeking a policy determination about whether maintaining funds under 24 V.S.A. §§3313 and 3617 is prudent. Rather it seeks legal guidance to administer water and sewer system receipts in conformity with Vermont law. A written opinion from your office would assist the board in assuring that its revenues are accounted for, managed, and expended lawfully and transparently.

Please let us know if your office would like additional background into the board's deliberations on this matter and any other material—such as District budgets, audit reports, the EFUD charter, and meeting minutes—that might help inform your response.

Thank you for your consideration of this request.

Respectfully submitted,

Edward Farrar Utility District
Board of Utility Commissioners

By: _____
P.H. "Skip" Flanders, Chair

This is **EXHIBIT K**, consisting of 5 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated April 3, 2026.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1**

The Effective Date of this Amendment is: August 4, 2026.

Background Data

Effective Date of Owner-Engineer Agreement: April 3, 2026

Owner: Edward Farrar Utility District

Engineer: Dufresne Group

Project: East Wind MHP Water System Extension

Nature of Amendment:

- ☒ Additional Services to be performed by Engineer
- ☒ Modifications to services of Engineer
- ☐ Modifications to responsibilities of Owner
- ☒ Modifications of payment to Engineer
- ☒ Modifications to time(s) for rendering services
- ☐ Modifications to other terms and conditions of the Agreement

Description of Modifications:

Provide additional services for final design and permitting as described in the attached supplemental scope. The final design and permitting scope increases the basic lump sum fee by \$4,000 and the basic hourly fee by \$24,480.

Modify level of effort for task A.1.05.A.2 of the original contract scope, as shown in the attached Table 1. This modification is based on an additional 14 full-time days (10 hours per day) of onsite RPR related to the additional design work described above. This increases the RPR hourly fee by \$12,820.

Agreement Summary:

Original agreement amount:	\$173,970
Net change for prior amendments:	\$0
This amendment amount:	\$ 41,300
Adjusted Agreement amount:	\$215,270
Basic – Lump Sum	\$ 63,400
Basic – Standard Hourly Rates	\$ 36,210
RPR – Standard Hourly Rates	\$115,660

Change in time for services (days or date, as applicable): Refer to attached Exhibit A-1, Appendix 1, for the schedule for additional design work. Construction duration for additional work is estimated at 14 working days.

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Edward Farrar Utility District

By:

Print

name:

Title:

Date Signed:

ENGINEER:

Dufresne Group

By:

Print

name:

Title:

Date Signed:

August 4, 2026

TABLE 1 LEVEL OF EFFORT BUDGET WORKSHEET

Project Name: East Wind MHP Water System Extension

8/4/2026

Task Number	Task Description	Proj Eng CWF, PE (Hrs)	Eng Tech3 EF (Hrs)	Eng Tech3 EF OT (Hrs)	Sub Consult (Dollars)	Expenses (Dollars)	Cost Per Task
A. 1.03.A	Basic Services (Lump Sum)						
1	Prepare Survey Basemap	2	10				\$1,040
2A	Prepare 90% Drawings	8	16				\$2,240
2B	Prepare 100% Drawings	2	6				\$720
A. 1.03.B	Special Services (Hourly)						
1	Meetings & Communication	3				40	\$400
2A	DWGPD Permit to Construct	6					\$720
2B	Soils Management	8			\$15,000		\$17,160
2C	Wetlands	4			\$2,000		\$2,640
2D	ACE Wetlands	1					\$120
2E	Stormwater	8					\$960
2F	EID/ER	2	16				\$1,520
2G	Vtrans	8					\$960
A.1.05.A.2	RPR (14 days)		112	28		\$500	\$12,820
Total Hours		52	160	28			
Percent of Total Hours		22%	67%	12%			
Hourly Rate		\$120.00	\$80.00	\$120.00			
Subtotals		\$6,240	\$12,800	\$3,360	\$17,000	\$540	\$41,300

NOTES:

- 1 Hourly rates are valid through December 31, 2026.
- 2 Direct subconsultant costs, if any, are listed in the Sub Consult column. The Cost Per Task column includes an 8% markup on subconsultant direct costs.
- 3 This table is an estimate for planning purposes. Actual hours, staff assignments, and corresponding billing rates may vary from this estimate.



TOTAL FEES **\$41,300**

TOTAL HOURS **240**

Amendment 1 – Additional Engineer’s Services

Engineer shall provide additional Basic Services as set forth below.

The scope defined in this amendment to the contract adds final design and permitting services for approximately 800 linear feet of 8-inch ductile iron water main and approximately 70 linear feet of trenchless HDPE installation along Vermont Route 100. The proposed main will connect to the newly constructed water main on McNeil Road and extend south to the driveway of 2597 Waterbury-Stowe Road.

Separate project specifications and a cost estimate will not be prepared. The proposed work will be incorporated into the existing construction contract via a change order.

PART 1 – BASIC SERVICES

A1.03 Final Design Phase

A. Basic Services – Lump Sum

1. Utilize survey data provided by Vermont Survey and Engineering to develop a basemap of existing conditions.
2. Develop Design Drawings:
 - a. Prepare 90% drawings and submit to the Owner for review.
 - b. Respond to review comments and prepare 100% drawings.

B. Basic Services – Hourly

1. Meetings and Communication:
 - a. Provide general project management and client communication.
 - b. Coordinate and attend up to one (1) in-person meeting.
2. Assist the Owner by preparing applications for the following permits and regulatory approvals. Permit fees are not included; these will be paid directly by the Owner to the respective permitting agencies:
 - a. Drinking Water and Groundwater Protection Division: Prepare permit application.
 - b. Soil Management and Pre-Characterization: Coordinate with Sites Management Section and retain a qualified environmental subconsultant to develop a pre-characterization work plan, perform pre-characterization sampling, and prepare a Soil Management Plan, if required.
 - c. Wetlands Program: Retain a qualified wetlands subconsultant to provide field investigations and prepare a wetland permit application, if required.
 - d. U.S. Army Corps of Engineers: Prepare permit application, if required.
 - e. Stormwater Program: Prepare application to amend the existing Construction General permit (3-9020).
 - f. Environmental Review
 - g. VTrans: Prepare a Section 1111 permit application.

**EXHIBIT A-1, APPENDIX 1
PROJECT SCHEDULE FOR AMENDMENT 1**

I. General:

1. The OWNER and DG recognize the project schedule is based on the initiation of services date shown below. Delays in the initiation of the start date or due to OWNER and regulatory review time may delay other interim dates as shown herein.
2. Engineering services as provided under this AMENDMENT begin with the execution of this AMENDMENT.

II. Schedule:

1. Services are expected to commence upon receipt of a signed amendment and proceed along the following general schedule:
 - A. Receive Notice to ProceedAugust 7, 2026
 - B. Submit 90% Drawings and Permit ApplicationsAugust 28, 2026
 - C. Submit 100% Drawings September 18, 2026
2. Some of the services listed above are based upon review times by regulatory agencies or construction activities. In these cases, completion of services by DG is dependent on parties beyond the control of either the OWNER or DG. If regulatory review times extend beyond the times normally expected the interim dates and completion dates listed may be affected.

Consider adding to the EFUD Rules:

Zoom attendees are requested to sign in with their first and last names. If you wish to speak, plan to turn on your camera.

EDWARD FARRAR UTILITY DISTRICT RULES OF PROCEDURE

- A. **PURPOSE.** The Commissioners of the Edward Farrar Utility District are required by law to conduct its meetings in accordance with the Vermont Open Meeting Law. I V.S.A. 310314. Meetings of the Edward Farrar Utility District must be open to the public at all times, except as provided in I V.S.A. 313. At such meetings, the public must be afforded reasonable opportunity to give its opinion on matters considered by the Commissioners so long as order is maintained. Such public comment is subject to the reasonable rules established by the chair of the board. I V.S.A. 312(h).
- B. **APPLICATION.** This policy setting forth rules of procedure for Utility District meetings shall apply to all regular, special, and emergency meetings of the Utility District.
- C. **PROCEDURES.**
1. The chair of the Utility District, or in the chair's absence, the vice-chair, shall chair all meetings. If both the chair and the vice-chair are absent, a member selected by the board shall chair the meeting.
 2. The chair shall rule on all questions of order or procedure and shall enforce these rules as required by I V.S.A. 312(h).
 3. A majority of the members of the Commissioners shall constitute a quorum. If a quorum of the members of the board not present at a meeting, the only action that may be considered by the board is a motion to recess or adjourn the meeting.
 4. At the beginning of each meeting, there shall be 5 minutes afforded for open public comment. By majority vote, the board may increase the time for open public comment and may adjust the agenda items and times accordingly.
 5. Each board meeting shall have an agenda, with time allotted for each item of business to be considered by the board. Those who wish to be added to the meeting agenda shall contact the District Manager, board chair, or District Clerk to request inclusion on the agenda. The board chair shall determine the final content of the agenda. Any addition to or deletion from the agenda shall be made as the first act of business at the meeting. The reason for the addition shall be reflected in the minutes. Any other adjustments to the agenda may be made at any time during the meeting. The public shall be given a reasonable opportunity to express its opinion on matters added to the agenda at the commencement of the meeting and considered by the public body during the meeting as long as order is maintained.
 6. All business shall be conducted in the same order as it appears on the agenda, except that by majority vote of the board, the order of items to be considered and/or the time allotted may be modified.

7. Public comment on issues discussed by the board, if not offered during the open public comment period, may be offered during the meeting with the permission of the chair. Such comment, if permitted, shall be limited to 5 minutes, unless by majority vote, the board increases the time for public comment.
8. Notices of meetings and agendas will be posted 1) in the Municipal Office at 28 North Masin Street, 2) in the Waterbury Post Office 05676, and 3) in the Waterbury Center Post Office 05677.
9. Meetings may be recessed to a time and place certain.
10. These rules shall be made available at all meetings, and procedures for public comment shall be reviewed at the beginning of all meetings.
11. The newspaper of record for required legal notices is the Times Agus Barre Vermont
12. These rules may be amended by majority vote of the board, and must be readopted annually at the organizational meeting.

EDWARD FARRAR UTILITY DISTRICT COMMISSIONERS

July 8, 2026

Signatures _____

Waterbury Water Monthly Report July 2026

Items of Interest

Sampling

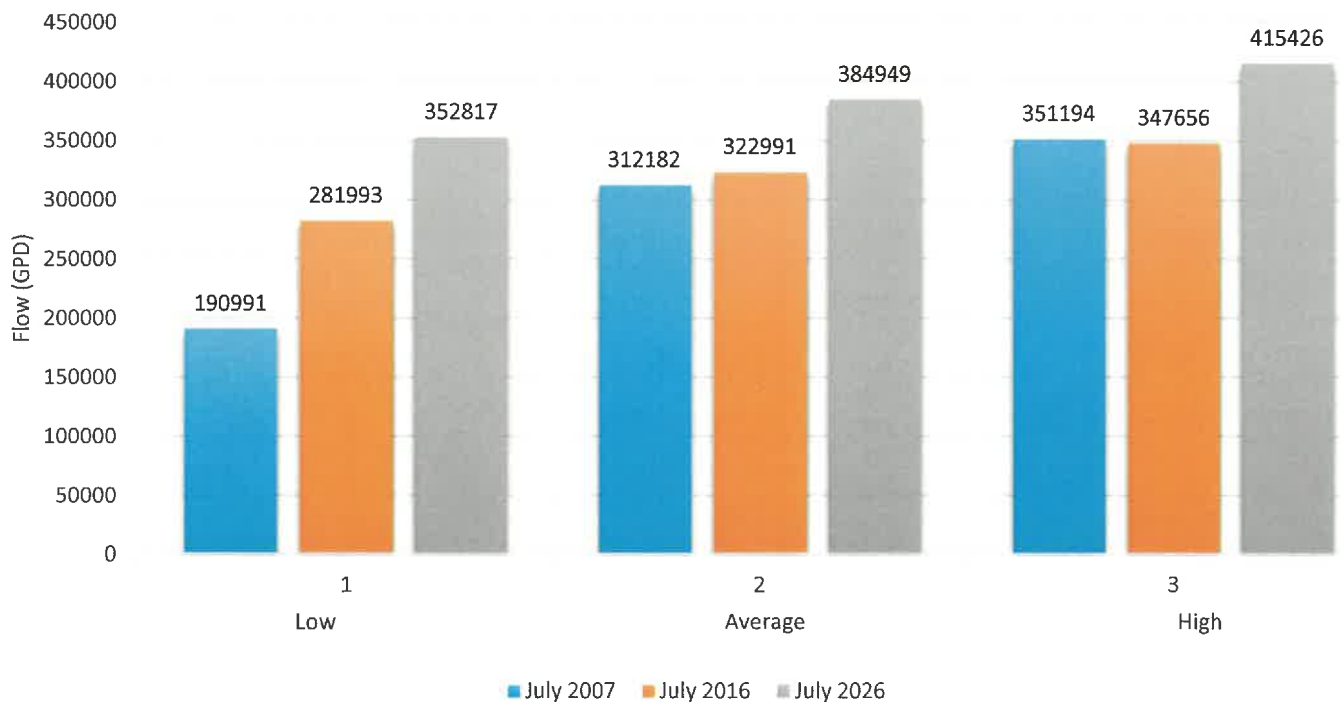
Maintenance

Weather

Flow Data

High Day	Low Day	Average Day	Peak Flow
7/15/2026	7/4/2026		7/1/2026
415426 Gallons	352817 Gallons	384949 Gallons	817 GPM

Low, Average and High Flow (GPD) for
July 2007, 2016 and 2026



Sampling

All Seven monthly coliform samples were submitted. Those samples came back favorable. The weekly fluoride samples were sent to the state lab and although waiting on some results, so far all have come back favorable.

Maintenance

July 6th – checked shutoffs at 36 and 40 Union Street in preparation for demolition of those properties due to FEMA buyouts.

July 8th – Assisted the Wastewater Department with moving the sludge barge. Brush hogged the Tyler brook field. Also brush hogged a small strip at Sweet Field to allow access for the electrician.

July 9th - Trimmed weeds around all the hydrants.

July 10 – Replaced the diaphragm for the fluoride pump.

July 13 – Assisted the Wastewater Department with shoveling the drying beds. Filled water trucks for JA MacDonald as well as the State of Vermont.

July 15th – Installed 26 hydrant markers.



July 16th – Installed 20 hydrant markers. Assisted with a wastewater issue at 9.5 North Main Street.



July 17th – The Chevrolet work truck has been taken to Cody Chevrolet to replace the transmission.

July 20th-23rd – Meter Reading.

July 23rd – Spent some time working on water bars for the Utility Districts trail that runs from the Old Filter plant to the Main Treatment Facility.

July 24th – Installed new meter reading touchpads at 13 Gardner Lane units A and B.

July 28th – Both meters at 40 Foundry Street needed some attention. One of the needed a new touchpad, the other meter needed to be replaced as well as a new touchpad installed. While doing this work a leak was discovered before the meter. That leak has since been repaired.

July 29th – A contractor hit the service line at 20 Lincoln Street. There was not a leak. A new curbstop box and rod was installed due to being inoperable.

July 30th – Hach was at the treatment facility for quarterly service contract maintenance.

Weather

During the month of July, the temperature ranged from 48.7°F as the low and 92.4°F as the high. Our average temperature for the month was 69.3°F. Humidity high was 97% and the low was 30% with an average of 72%. The Water Treatment Facility observed a total of 3.01 inches of rain for the month of July.

Wastewater Progress Report

July 2026

- **Process and Operations:**

- Process running well and meeting permit limits.
- 7/14 Gates Electric replaced the brainboard for a lagoon mixer.
- 7/15 flushed 4000 gallons of water through the lagoon intake pipe. This was due to a slight clog on the inlet screen.
- 7/20 switched to PAC58.
- 7/23 LWR replaced shearmill motor due to a motor failure.
- 7/30 Annual lab equipment calibrations were performed by TMDE.
- Ran sludge barge in Lagoon 1 for 1.1 hours.
- Ran sludge barge in Lagoon 3 for 10.1 hours.
- Removed 117 cubic yards or 77.46 tons of Biosolids.
- July sludge processing volume: 59,433 gallons
- YTD sludge processing volume: 313,340 gallons
- Applied 25,703 gallons more sludge than this time last year.

- July 2026 Flows:
 - Influent average: .182 MGD
 - Influent highest flow: .263 MGD
 - Influent total: 5.632MG
 - Effluent average: .337 MGD
 - Effluent total: 4.378 MG
 - Precipitation: 4.81 inches/month
 - Maximum daily precipitation: 1.28 inches
 - Discharging days/month: 13

- **Collection System:**

- 7/14 MPS level transducer was replaced. Station is working as it should using the transducer.
- Sewer plug was reported at 9.5 N. Main St. the issue was outside of EFUD ROW.
- Slow draining sewer line reported at 162 S. Main St. Roots were the issue outside of the home.

- **Office & Personnel**

- **2026 Projects List**