

## **Town of Richmond Water and Sewer Commission Meeting Minutes of October 3, 2022**

**Members Present:** Bard Hill, David Sander, Jay Furr, Greg Tucker, Morgan Wolaver

**Members Absent:**

**Staff Present:** Josh Arneson, Town Manager; Duncan Wardwell, Assistant to the Town Manager; Linda Parent, Town Clerk; Peter Gosselin, Highway Foreman; Kendall Chamberlin, Water Superintendent

**Others Present:** The meeting was recorded for MMCTV, Adam Burnett, Allen Knowles Amy Lord, Becky Vigneault, Blair Knowles, Cara LaBounty, Chris Perren, Darlene Chamberlin, David Thomas, Dennis, Don Minadeo, Elysse, Eric Adam Wood, Erik Bailey, Gary Bressor, Hans Huessy, Harold DeGraaf, Heather Parker, Janet Morris, Jean Bressor, Jeff Forward, Jon Kart, Joyce Chamberlin, Judy McVickar, June Heston, Kiana Burks, KT Mather, Kyle Werner, Linda Greaves, Lisa Kory, Lisa Rathke, Lynne Knowles, Martha Nye, Matt Rand, Meg Freebern, Peggy Zugaro, Pennie Rand, Robin Miller, Sheila Chamberlin, Shonda Secord

**Call to Order:** 5:00 pm

**Welcome by:** Sander

Sander: I would like to ask if we could modify agenda to add an attorney-client discussion Executive Session at the head of the agenda.

*Furr moved to modify the agenda to have an attorney -client Executive Session at the beginning of the agenda. Wolaver seconded.*

*Furr moved to find that premature general public knowledge of privileged attorney-client communications would clearly place the Town at a substantial disadvantage. Hill seconded.*

*Roll Call Vote: Hill, Furr, Sander, Tucker, Wolaver in favor. Motion passed.*

*Furr moved to enter into executive session for attorney-client privileged communication under the provisions of 1 VSA 313(a)(1) of the Vermont State Statutes and to invite the Town Manager, Josh Arneson, Attorney John Klesch into the executive session. Wolaver seconded.*

*Roll Call Vote: Hill, Furr, Sander, Tucker, Wolaver in favor. Motion passed.*

*Furr moved to exit the executive session. Tucker seconded.*

*Roll Call Vote: Hill, Furr, Sander, Tucker, Wolaver in favor. Motion passed.*

**Additions or Deletions to the Agenda:**

Sander: We will be discussing the fluoridation issue that is in our agenda. With the number of people tonight, please keep your statements to two minutes or less. Please

keep the conversation civil. Please identify yourself when you come up to speak to the microphone.

*Furr moved to add to the agenda a discussion of the timeline of the fluoridation issue. Hill seconded.*

*Roll Call Vote: Hill, Furr, Sander, Tucker, Wolaver in favor. Motion passed.*

### **Public Comment:**

Sander: So now the agenda is to first discuss the timeline of the fluoridation program then the consideration of participation in the fluoridation program. Now we are ready for public comment.

LaBounty: I am speaking on the transparency and accountability regarding the Gateway expansion that I requested 6 months ago. I asked for financial transparency or a total amount of how much has been spent. There has been no information provided to me for the accumulative total of finances spent on lawyers, engineers, public hearings and everything. I am still waiting. The lack of financial transparency is becoming a very large issue.

### **Consideration of the timeline of the fluoridation program**

Arneson: In 1983, Richmond is listed as a fluoridated water system with the State. In 2011, the CDC advised 0.7 mg/L as optimal target which is a change from the range of 1.2 mg/L. Before 2012, Aquaterra visits the Richmond Water System annually to talk about the program guidelines and Richmond's participation. These meetings go back prior to 2012, but 2012 is the earliest date for which reports are available. Reports are included in the packet. In 2015, the target of 0.7 mg/L was finalized. At this time there was no range. You will see emails from the Vermont Department of Health and Kendall Chamberlin. On October 30, 2015, an email between Linda Greaves, Trudy Jones and Kendall Chamberlin regarding low levels of fluoride in the system. The Aquaterra reports provide a Fair, Poor, or Good rating. In 2016, Richmond received a "Good" rating from the Vermont Department of Health (VTDOH). A March 2, 2016, email between Bard Hill and Chamberlin regarding a public vote on fluoride in other communities. In 2017, Richmond received a "Good" rating from VTDOH. In 2018, the optimal range was installed to 0.6 mg/L to 1.0 mg/L. In 2018, Richmond received a "Fair" rating from VTDOH. The packet includes a 2018 email between Ben Montross of Department of Environmental Conservation and Chamberlin regarding fluoridation program. In 2019, Richmond received a "Fair" rating from VTDOH. In 2020, Richmond received a "Fair" rating from VTDOH. In 2021, Richmond received a "Poor" rating from VTDOH. In 2022, Richmond received a "Poor" rating from VTDOH. On April 15, 2022, the Health Department's Fluoride Program Coordinator visited Richmond to address low levels. A June 14, 2022, email from Robin Miller of the VTDOH to Town Manager, Josh Arneson, addresses the low levels. A September 9, 2022, phone call between Miller and Arneson to talk about the low levels. Arneson understands that Miller's request is to determine whether Richmond will participate in the program at the optimal levels and be included in the listing or opt to not participate and be removed from the listing. Arneson places fluoride levels as a topic on the September 19, 2022, Water and Sewer Commission Agenda.

Freebern: Thank you for reviewing the timeline. Is participation in this program optional or mandatory?

Arneson: Participation is voluntary. Once the water system agrees to add fluoride then the system needs to participate at the levels outlined and managed by the VTDOH.

Miller: This is the first time I have encountered a situation where it is not in the optimal range. The water supply rule language states that if you have opted into the program and the State is supporting you with supplies and technical assistance then you are expected to be within the optimal range. I do not know if a Town could add just a little fluoride.

Rand, Pennie: What is the procedure to change the amount of fluoride in the water? Are there State guidelines or does the Water Commission decide? My understanding is that Kendall changed the fluoride without any transparency to the community. At some point around 3 years ago, there was a decision by Kendall to change the water fluoride levels to 0.3 mg/L.

Arneson: The rule states a mandated range from the VTDOH.

Rand, Pennie: What happened for this to take place?

Arneson: That is why we are here today.

Rand, Pennie: As a citizen who uses the Town Water supply, I feel strongly that not being transparent to the citizens of the Town does not leave me with a good feeling. Kendall's decision-making process makes me feel uncomfortable. I want to confirm that you have no answer to what happened.

Hill: We can find no evidence of past Commission discussions to lower the levels of fluoride. There was no decision to change it. There are two issues. There is a policy issue. There is also a personnel and process issues. The Town Manager is the direct supervisor, and the Commission is in a funky sort of role. I appreciate your points about accountability and transparency.

Rand: How can we follow up as a Town resident on this matter? I am feeling concerned about our Water Superintendent's actions. How do we find out what is going to happen? We pay for the water so what do we do?

Arneson: Any disciplinary action is not made public. If the Commission decides to continue fluoridation, then there will be systems set in place for better monitoring and transparency.

Bailey: I am a public Water and Wastewater operator for the past 30 years. I learned from the best, Kendall. His intellect, dedication, stewardship, and commitment to the health of the people of Richmond is boundless. Back in the mid-1990s, there was a push to raise the pH of source water. Everybody else added sodium hydroxide a very poisonous chemical. He researched and became the first community to use aeration to increase the pH levels. He adjusted your water without toxic chemicals. This is the U.N.

hazmat placard that is used to denote the toxicity of sodium fluoride. Kendall is trying to protect you from toxic chemicals in your water.

Sander: Kendall has a statement that he will read.

Chamberlin: Words cannot express how sorry I am for causing this controversy. I offer my sincerest apologies to the residents of Richmond, the Town Manager, the Water & Sewer Commission, and the Selectboard. I have always had good intentions. I promise I will make sure nothing like this happens ever again.

Sander: Are there any other questions or comments regarding the history of the fluoridation in Richmond.

Mather: I have a tremendous amount of respect for Kendall. I served on the Water and Wastewater Commission. I am all for experts making expert decisions. However, making a decision to go below a State minimum should have been a policy change that was brought to the Town, the Commission and the Selectboard. He should not have made that decision for us. Both of my kids have their first cavities on their last visit to the dentist. My dentist did not think we needed to supplement fluoride because we were on Town water. I wish we had been given the opportunity to consent. Maybe we should all switch to topical application, but I need to know that my kids are not getting it in the water.

Kart: I spent 4 years on the Water and Wastewater Commission. I know Kendall is committed to protecting our water drinkers and keeping the water as good as it can be. I wish the decision was made in a more orderly fashion with public input. I think the Commission missed an opportunity to explain what we know and what we are going to do. All these decisions should be made in context of the Department's years of work and service.

LaBounty: I would like to second a lot of what Katie Mather has to say. This is a public health issue. If the public is led to believe that there is a certain level of something in the water to prevent dental decay, then it is not okay to not inform the public of the change. It is also not okay like we are doing damage control. It is the Town Manager's job to determine personnel issues. If we knew about this since April, then there is an issue here. The public is being misinformed. I think the same thing is happening on the Water & Sewer expansion.

### **Consideration of participation in the state fluoride program**

Arneson: If we are to add any fluoride to the water then we need to add it within the range outlined by the State Fluoridation Program. The question for the Commission becomes do we continue to participate in the program and maintain a level between 0.6-1.0 mg/L. If you add any fluoride, then you need to add the proper amount and not just a little bit.

Furr: We are prepared to make a motion and vote. A lot of us had the idea that the question was about the range at which we fluoridate. It is not up to us. If we fluoridate

then we need to comply with the Vermont Water Supply Rule and the ranges just mentioned. I support fluoridation and will be voting in favor of this resolution.

Wolaver: I also support fluoridation as we are following the VTDOH and the CDC guidelines.

Tucker: I support it also for those reasons.

Hill: I heard several people comment about accountability and transparency. I think we should return to full fluoridation. If we are to change then it should be prospective and discussed in advance. The Town charter states that the Water & Wastewater Commission manages the system.

Furr: We are putting in writing what we thought we were already doing. At a later date, we can debate this outside the heat of the moment. We do get water quality reports on a monthly basis. We will be reviewing the fluoride and chlorine levels much more closely.

Hill: Our Commission should routinely review the monthly quality reports that go to the VTDOH. I also propose that we should include the desired CDC and VTDOH values in the annual customer service reports. I also suggest if there are issues with Water & Sewer systems then they should communicate directly with Town Manager, Selectboard or governing authority and not just the Superintendent.

Furr: Moving forward, these reports should be posted on our agendas, Front Porch Forum and Town bulletin boards. No harm would come from people knowing what those numbers are.

*Hill moved for the Commission to add fluoride to the Richmond Water system in accordance with the Vermont Water Supply Rule and the Community Water Fluoridation Program managed by the Vermont Department of Health effective immediately. Also, effective immediately, the annual customer service report will include the prevailing fluoride standards recommended by the Vermont Department of Health. Also, effective immediately, the monthly reports submitted by the Richmond Water system to the Vermont Department of Health will be part of the Commission agenda and be posted to the website so that the performance would be transparent on a monthly and annual basis. Furr seconded.*

*Roll call vote follow discussion.*

Bailey: The monthly water quality reports that goes to the Vermont Department of Health shows the daily fluoride residual. It is also reviewed and signed by the Town Manager. As far as the State is concerned, it comes from the Town Manager. It is not just one guy doing what he wants, he brings it to the Town Manager.

Arneson: My signature is on those reports. When I started as Town Manager in 2018, I asked what the numbers were about. I was told those numbers were reported to the State that they monitor on a daily basis and sent to the State monthly. I was told the numbers were in the acceptable range, so I signed the report. At no point was I aware that we were on a fluoridation program and what those levels were. In June, I became aware from the VTDOH email in the packet that we were out of alignment for 41 months. I

talked to Kendall about it and was told that it was a voluntary program and we do not have to be involved so it didn't reach a level of urgency. After a few missed phone calls, I had a discussion with Robin Miller, then I understood the situation and brought it to the Water and Sewer Commission so we could have the conversation.

Bailey: This was not a non-transparent process. The process went through a higher official and trained professionals at two State Departments that did not raise a red flag for a long time.

Rand, Matt: Is that timeline available to put a summary on the website. Were the Poor ratings due to fluoride levels?

Arneson: That report was specific to the fluoridation program. They take into account the fluoride levels daily and monthly but also consider conditions like bed depth, solution strength, pump testing, and training. Roland Luxenberg from Aquaterra provides advice to site operators, trainings, testing and ratings. Those letters are sent to the Water Superintendent and filed with the State. It is all about fluoride, but not just the amount in the water.

Miller: These reports are specific to site visits to address the fluoridation program in the Town. You explained that correctly.

Rand, Matt: It is a complicated process to study what is the proper level of fluoride. It is my experience that federal regulations are usually on a very conservative side. I think the Board is being diligent and it is a wise process for the community to discuss.

LaBounty: On a monthly basis, Kendall has told Josh we are in an acceptable range. We have had a Poor rating for 24 months. What you are saying is, he was verbally falsifying information. On a monthly basis did you ask Kendall if we were in an acceptable range?

Arneson: It was not always Kendall it might be another staff member. My expectation is that our experts in-house are monitoring levels as well as the State.

LaBounty: The Poor rating has been out for 2 years. This is huge. The State has been saying there was a problem.

Arneson: Until recently, I had nothing from the State saying it was unacceptable.

LaBounty: My point has nothing to do with the State. If you are the Town Manager and you are responsible for disciplining someone who is lying to you then it becomes a tainted issue.

Arneson: Moving forward, we will share the reports with the Commission on a monthly basis. I now know the acceptable range. We will be reviewing the numbers for accuracy of intended levels.

Miller: One of the things the Office of Oral Health will do differently is to send the site visit report to the Superintendent and that person's supervisor. That is a process improvement we are making.

Forward: If we get a Poor, Fair, or Good rating is it related to whether or not we are in compliance with the voluntary fluoridation program.

Miller: The site visits from Aquaterra are specific to fluoride.

Forward: So this is whether or not we are in compliance with the recommended levels for a voluntary fluoride program.

Miller: It is voluntary to opt into the fluoride program but not to the level of the fluoridation. The site visits take into account the levels and mechanical systems for fluoride. It is up to the Town to join the Community Water Fluoridation program.

Forward: It doesn't reflect on quality of the water but reflects on whether we are adequately participating in the fluoride program.

Miller: The quality reports deal with the fluoride in the water. It does not address any other additive or contaminant.

Rand, Pennie: Once the Town is in the fluoridation program then you need to keep within the recommended levels. Are there any actions from the State if we are not doing that.

Sander: I think we are seeing that unfold.

Miller: This is the first experience where a Town has opted in but not fluoridated within the optimal range. The only action we can take at the State is to let the Town know. The Town has been notified for the past three years.

Heston: I would trust what Kendall is telling me. I do not hold Josh responsible for signing a piece of paper he was told was okay. If we learned anything in the last few years, it is important to follow the science and that is the CDC. I commend you for staying in a system we began in 1983. To opt out, it would be a Town discussion. Moving forward is a public health measure. It is a program paid for by the State.

*Roll Call Vote: Hill, Furr, Sander, Tucker, Wolaver in favor. Motion passed.*

Sander: I am proud of a community that can bring issues like this and discuss them civilly.

### **Discussion of Gateway Wastewater Expansion Project**

Sander: Should we consider this tonight or bump to next agenda.

Furr: I think we should bump.

Hill: I think we should also add Cara's request for updated costs. I think we previously estimated it is \$40,000 over 8 years.

LaBounty: There was \$40,000 in the first year of engineering.

Hill: We should be counting the amount of Town money as well as other sources.

### **Follow up on next steps for enforcement of storm water connections to wastewater system**

Arneson: This is mostly along Rt.2 where stormwater drains are going directly into the sewer system. There are also cellar drains. Kendall and I followed up with State officials to see how to disconnect from the system. The State said there is a process where they will do a site visit to consult about how they can actually connect. Typically, they recommend day lighting the stormwater that will eventually flow into Rt. 2 State stormwater system. It would be the resident's costs to correct. The Commission can set a timeline for that and there is a provision in the ordinance for daily fines until it is corrected. The State is willing to help us out and they have done it in other communities.

Wolaver: Do we have a feeling of the individuals that might be impacting the stormwater significantly.

Arneson: We have spoken to two properties. Over the years, Kendall has learned of other properties. We will reach out to everybody on the system on how it is not legal, ways to figure out if you are, and possible solutions. We have not mailed out anything about stormwater yet. You probably received a mailing about a sewer expansion. It is a health risk to combine stormwater with the sewer system. We see increased flow levels during rainstorms. The Gateway expansion discussion has been tabled until next meeting.

### **Superintendent's Report**

Chamberlin: Keeping our head above water and getting stuff done.

Sander: Are you still seeing a significant increase in flow at the treatment plant.

Chamberlin: Yes, we are.

Hill: Seeing increased flow at the wastewater plant suggests there are still significant stormwater connections.

Sander: Stormwater could be gutter downspouts, property drains, sump pumps in basements and ending up on the treatment plant.

Hill: The older houses illustrate the evolution of our wastewater treatment plant.

### **Approval of Minutes, Warrants and Purchase Orders**

#### **Minutes**

*Furr moved to approve the Minutes of 9/19/22 as presented. Wolaver seconded. Roll Call Vote: Hill, Furr, Sander, Tucker, Wolaver in favor. Motion passed.*



### **Purchase Orders**

*Furr moved to approve PO# 4504 to US Bank for the annual load payment for Jericho Rd Water and Sewer project not to exceed \$56,649.23. Wolaver seconded.*

*Roll Call Vote: Hill, Furr, Sander, Tucker, Wolaver in favor. Motion passed.*

### **Warrants**

*Furr moved to approve the warrants as presented. Wolaver seconded.*

*Roll Call Vote: Hill, Furr, Sander, Tucker, Wolaver in favor. Motion passed.*

### **Executive Session: Evaluation of an Employee**

*Hill moved that we enter into executive session to discuss the evaluation of an employee under the provisions of 1 VSA 313(a)(3) and to invite Selectboard Members June Heston and Jeff Forward and Town Manager Josh Arneson into the executive session. Furr seconded.*

*Roll Call Vote: Hill, Furr, Sander, Tucker, Wolaver in favor. Motion passed.*

*Furr moved to exit the executive session. Hill seconded.*

*Roll Call Vote: Hill, Furr, Sander, Tucker, Wolaver in favor. Motion passed.*

### **Discuss Items for Next Agenda**

### **Adjournment**

*Furr moved to adjourn. Wolaver seconded*

*Roll Call Vote: Hill, Furr, Sander, Tucker, Wolaver in favor. Motion passed.*

Meeting adjourned at 7:01 pm

### **Chat file from Zoom:**

00:48:26 Erik Bailey: she is getting more time than others

00:48:54 Peggy Zugaro: she's being ignored.

01:07:16 beckyvigneault: did not hear the motion

01:49:48 Meg Freebern: Up to this point, we have been civil.