

**SELECTBOARD MEETING
December 8, 2022
Minutes**

Present: Bill Cleary Nanette Rogers
Lee McClenny Greg Barrows
Dave Baczewski Callie Hamdy

Guests: See attached list

The meeting was called to order at 6:00 p.m. The meeting was held in person and via Zoom.

CHANGES TO AGENDA

Moved the wastewater ARPA application to follow the update on the wastewater community system.

PUBLIC COMMENT

There was no public comment.

MINUTES

Lee McClenny made a motion to approve the November 3, 2022 minutes as amended, seconded by Dave Baczewski. Motion passed: 3-0.

Bill Cleary made a motion to approve the November 10, 2022 minutes as amended, seconded by Dave Baczewski. Motion passed: 3-0.

Lee McClenny made a motion to approve the November 17, 2022 minutes as amended, seconded by Dave Baczewski. Motion passed: 3-0.

Lee McClenny made a motion to approve the December 1, 2022 minutes as amended, seconded by Dave Baczewski. Motion passed: 3-0.

ROAD SCHEDULE

John Roberts, Road Foreman, reviewed the Road Schedule from November 11 through December 8, 2022. Lee McClenny made a motion to approve the Road Schedule, seconded by Dave Baczewski. Motion passed: 3-0.

Bill discussed with Green Mountain Power (GMP) the meter on the Common which needs replacing due to corrosion. GMP wants the meter relocated at least ten feet from the road to prevent corrosion. Bill was able to convince GMP to keep the meter where it is given there is not much salt used for that road and the truck goes by slowly.

ACCESS PERMIT

Tom Charland submitted an access permit application to serve a single-family residence off Chapin Road. John has signed off on the application. Lee McClenny made a motion to approve the access permit application as submitted, seconded by Dave Baczewski. Motion passed: 3-0.

FY'23 HIGHWAY BUDGET STATUS REPORT

Greg Barrows, Treasurer, reviewed the FY'23 Highway Budget status report. The budget is currently running a deficit. Town ditching and sand are over budget, diesel costs are up, and the Town purchased a new truck. It is likely FEMA funds will be received before the end of the fiscal year to address the deficit.

ARPA APPLICATIONS

Dave Baczewski, who served as the Chair of the ARPA Committee, explained the review and awarding process.

BEN BORNSTEIN – EMT/EMS TRAINING

Dave explained this proposal is to strengthen the emergency healthcare in the community and to improve the emergency response window by providing training to young people. The request is for \$8,400 and scored 12 out of 14. The Committee felt positive about the application despite its lower scoring because it targets youth in the community as well as volunteerism. Ben explained this would create a pool and cement a better working relationship with the area rescue squads, as well as giving the community's youth a unique opportunity.

Bill asked if the monetary ask is based on a certain level of participation. If there is a minimum requirement and there are not enough participants, the Town will need to be prepared to reallocate the funds. Ben consulted with school officials, Vermont Department of Health, and squad directors, all of which said there was interest and need.

Lee stated that targeted advertisement and advanced notice will be crucial in terms of insuring the best possible participation. Ben is working with contacts at the schools as well as those with children in the preferred demographic.

Dave Baczewski made a motion to approve Ben Bornstein's application for ARPA funds in the amount of \$8,400 for EMT/EMS training, seconded by Lee McClenny. Motion passed: 3-0.

WESTFORD RECREATION DEPARTMENT – FEATURES TRACK

Dave explained this application is for more than a features track, the proposal includes some trail work as well. The track will be located on town-owned land near the school. The application scored in line with the Conservation Commission submissions, tied for 7-10 out of 14. There were only a couple of applications that targeted the younger population, including this application. The Committee was excited about the opportunity this will bring to youth.

Lori Miller from the Rec Committee explained that the Rec Committee had submitted a grant application to the Vermont Department of Forest & Parks for a features track however the project was not selected. The ARPA application is the same information and includes some trail work in addition to the track. Understanding there is not enough ARPA funds for the all the applications submitted, Lori stated that the trail work could be left out if necessary. This project is on the 2023 Fellowship of the Wheel's schedule. Maintenance of the track will be funded through the Rec Department and done by volunteers. There has been a lot of collaboration from several groups; this is a great recreational activity for kids and adults.

The Board discussed if the project should be fully funded or just the track. It was noted that there is a logical break between the track and trail work and the trail work could fall under the Conservation Commission. Dave Baczewski made a motion to partially fund the Recreation Committee request in the amount of \$31,800 for the features track and keep the remaining \$20,000 as a reserve option, seconded by Lee McClenny. Motion passed: 3-0.

TOWN OF WESTFORD – TOWN OFFICE FEASIBILITY STUDY

Dave explained this was a Selectboard directive through the Town to conduct a Town Office Feasibility Study to determine what can be done with the existing building or if a new building is needed. The application scored 4 out of 14. The recommendation from the Committee was to approve as is.

Nanette stated that the pandemic made it even more clear that the current office is not optimal for the current number of employees. There are air quality issues, potentially water issues, and a huge lack of space especially in the event employees must socially distance. Something needs to change; this is a starting point to find out what is possible. It will take years to be able to renovate, rebuild, or relocate the Town Office, this is the first step of the process. As part of the Phase II application process, a Request for Proposals (RFP) was released. Several firms attended a site visit to gather information to submit a proposal. The request is for \$62,000, which is the highest proposal received.

Lee thought this was necessary and arguably overdue. Town funds should be used to pay for the project if ARPA Funds are not used.

Bill feels it is a lot of money for a feasibility study. Dave explained the engineers are being asked to look at literally everything. Dave Baczewski made a motion to approve allocating up to \$62,000 to conduct a feasibility study of the town office, seconded by Lee McClenny. Motion passed: 3-0.

UPDATE ON COMMUNITY WASTEWATER PROJECT

Melissa Manka, Town Planner, and Amy Macrellis from Stone Environmental were present to provide an update on the community wastewater project. Amy explained that she Melissa and Emily Hackett have been continuing to correspond about the FONZI following the close of the public comment period in November. It is looking like DEC is getting close to the end of their response to the public comment therefore the Town should be seeing something from them in terms of an approval and any conditions that may have changed. The approval will clear a path for the facilities plan approval. Hopefully with the facilities plan approval and the closure of Step 1 the Town can start to get reimbursed for funds it has been waiting on. Amy and Melissa have continued to work on the amended Step 2 Engineering Services Agreement (ESA). Melissa and Amy will meet with Emily Hackett on the Project Costs Summary which is the last piece of the ESA to make sure ANR is on board before bringing the ESA back to the PC and Selectboard for approval and execution

Regarding reimbursement, Melissa has filled out all the necessary paperwork. Her intention is to submit the documents for reimbursement once the facility plan letter is received. Amy mentioned that the Selectboard has received a series of memos from the PC and that Stone Environmental is available if the Board has questions or needs clarification regarding the content of the memos.

Seth Jensen noted that the Step 2 final design and permitting, thanks largely to Melissa's efforts, will be fully funded through the State ARPA grant and the Clean Water State Revolving Fund. This means the ESA will be fully grant funded and no local funds are needed for those to move forward. Personally, Seth feels the work Melissa has put in is remarkable and a great service to this community.

Lee reiterated Seth's thanks and congratulations to Melissa, as well as to the contractors and the PC for the hard work on this complex subject. He is grateful, not just as a Selectboard member, but as a resident.

Melissa added that a meeting will be needed in the middle to end of January to review and take action on the Step 2 ESA.

WESTFORD COMMUNITY WASTEWATER PROJECT ARPA APPLICATION

This ARPA Application was submitted by the Planning Commission on behalf of the Town of Westford in the amount of \$300,000. The application scored 14 out of 14. Dave stated the ARPA committee had difficulty with the request due to the ambiguity of how the funds would be spent prior to a bond vote. The Committee was split. Three votes were to recommend fully funding the project and three recommended partially funding the project at \$150,000.

Melissa Manka explained that the Planning Commission (PC) has amended their request since it was submitted to the ARPA Committee. Based on feedback, the PC worked with ANR to restructure the funding stack so no local ARPA dollars would need to be spent prior to a bond vote. The amended ARPA request is for \$300,000 for construction of a wastewater system on town owned land. The capacity of the system will serve the current and future needs of the community. The total project cost is \$3.4 million. The Town has secured \$3 million so far in grants and hopes to apply additional funding as it becomes available. The final design work should be completed in 2023 with a bond vote anticipated in the Fall of 2023. The PC believes the local ARPA investment will have financial benefits: lower borrowing costs, save the Town at least \$100,000 in interest over the course of a loan, and reduce user fees and tax impact.

Seth Jensen stated one of the questions that came up about the project was its benefit to the community. The project provides vast community wide benefits by meeting current and future wastewater capacity needs for town and municipal buildings. More than one third of the first-year flow will be generated by public and civic buildings such as the Westford Common Hall, Red Brick Meeting House, Library, Town Office, etc. A very important aspect of the project is it will enhance accessibility to those buildings. Functioning bathrooms are a big part of accessibility and even if it does not impact you as an individual, it harms the community to not have functioning restrooms. It also is about ground water impacts. Stone Environment has completed soil tests around the town center. The town center has a very high-water table, less than four inches from the surface which is too high for a traditional mound system. At the Jackson Farm the water table is six feet before reaching seasonable high ground water and thirty feet until ground water or ledge. This project not only protects town buildings and our neighbors, but the Browns River as well. The project also ensures resiliency to address future social and environmental challenges.

A community approach allows a pooling of resources and leveraging of funds to provide a sound wastewater solution for municipal, civic, and private uses. Residences and businesses will pay a user fee as part of their proportional share. Doing this allows the Town to resolve existing conflicts and potential conflicts between onsite potable water and wastewater. It also helps meet community housing needs such as accessory residential buildings, affordable residential housing, downsizing needs for seniors, etc. This will increase the grand list, benefit the entire community of taxpayers, enhance quality of life for all, and enhance resale value on property.

Melissa advised that previously the PC asked for \$300,000 for Step 2 and Step 3 (construction). However, they were able to work with the state and restructure the funding stack through grant funds to cover Step 2, therefore they are asking for the \$300,000 in local ARPA funds for construction only contingent on a successful bond vote.

Lee pointed out that if the Selectboard approves the whole request, there will not be enough funding for other applications. Dave explained if the \$300,000 was removed, and the Selectboard fully funded all the other applications and the modified recreation request, there would be approximately \$178,000 remaining that could be applied to the funding stack or be

used for other items. The Town cannot fund everything and fund \$300,000 for the wastewater system.

Joel Fay stated he is a longtime resident who is affected by the wastewater. He sees the funds and the way the PC has been able to rework state and federal money. This chance is never going to happen again on this scale at a cost that is reasonable and affordable. After we are all gone it will be here. Shame on us if we pass it up.

Sheila Franz asked if the ARPA application that was submitted for investigating an alternative septic system for the town office and library is part of the Town Office Feasibility Study application. She noted that over 100 residents signed a petition that they want the alternative exploration occurring simultaneously. Dave advised it is not. He explained that the information provided was not to fund the alternative wastewater study, it was to be taken into consideration during and as part of the feasibility study.

Bill feels that 100 signatures on a petition is significant. There were names on the petition he expected to see and names he did not. He feels this is a separate discussion. Dave thinks this is indicative of how important the informed bond vote is for the town. The petition is a valuable data point. It is in line with the Selectboard's position that we need to be protective of the town's resources. The informed bond vote is the way forward in his eyes.

Barb Peck pointed out that it is a compelling argument to be pro wastewater system because of the money that is available and the future of the town. This project cannot cross water so it cannot go north or south on 128 or on Cambridge Road therefore its benefit is limited to around the Common and on Brookside Road. She added that just because there is \$3 million available, it is the actual project that needs to be considered and the limitation it has.

Clayton Wilburn reiterated that the collection of the signatures of the petitions for the alternative systems is only a subsection of the populous of Westford and he does not feel that datapoint should influence the Selectboard when talking about the town as a whole. When it is put on the table it should come down to an informed bond vote, which will provide the most in-depth numbers everybody is requesting. He does not believe the datapoint should have an influence.

Bill feels that if something is worthwhile people should be prepared to put some skin in the game. People should be willing to pay more in taxes for projects they think are worthwhile. He does not want to use any money towards the wastewater system. He would rather use the money for other things. If the Town needs to go to the voters and ask for an increase in taxes to approve the project, so be it. If it is worthwhile then they will vote yes, if not they will vote no.

Dave supports potential funding. He is of the position that the Town gets to the most informed vote as possible and does not spend money prior to the vote. If there is a positive vote, he supports using some of the money to reduce taxes. If the bond vote is not successful, there will be funds available to be used toward applications that were not fully funded or other items.

Lee thinks that the residents need to decide if they want to pursue this project. If yes, he feels the Town needs to do as much as it can to keep the impact on the current and future tax rate low. That is a good argument for putting as much money as possible towards the project in the event of a yes vote. Lee stated that he voted to not fully fund the Rec application hoping to use it in other places. He thinks the Board should determine how much money to put in the

funding stack and set it aside. If the bond is voted down, the Board can revisit the areas they cut.

Dave suggested setting aside \$150,000 for wastewater. Lee feels \$150,000 is in the ballpark and if the Town votes no, the money can be used for other things. Melissa reiterated that Fall 2023 is when the bond vote is anticipated.

Seth Jensen explained the main reason why the Fall 2023 benchmark would not be met is if the logjam at ANR returns. The PC would like to have a Selectboard member sit in on calls, not to champion the project, but to address any delays. The PC recognizes the Board has taken a position of neutrality. The Board advised that it's not about being neutral but about the time available to spend at extra meetings.

Lee McClenny made a motion that the Selectboard allocate \$150,000 for the Planning Commission's ARPA wastewater application, of which funds may only be spent if there is a positive bond vote, seconded by Dave Baczewski. Motion passed: 2-1.

PLANNING COMMISSION MINUTE CLERK CONTRACT

Harmony Cism, Zoning Administrator, has agreed to fill the Planning Commission Minute Clerk position at her current hourly rate. She is familiar with the subject matter and has attended several meetings already. Bill expressed concern with the hourly rate, but he does not know if it makes sense to ask her to work for less than what she is earning per hour. Dave was concerned how it will impact other minute clerk contracts.

Dave Baczewski made a motion to hire Harmony Cism as the minute clerk for the Planning Commission, seconded by Lee McClenny. Motion passed: 3-0.

FOLLOW UP ON REQUEST FROM MAUREEN WILCOX TO INCLUDE AN ARTICLE ON THE TOWN MEETING WARNING REGARDING FUTURE PROPOSED CHANGES TO THE TOWN COMMON

In response to Maureen Wilcox's request for an article to be included in the Town Meeting Warning for a vote regarding future changes to the Town Common, the Selectboard sought the advice of the Vermont League of Cities & Towns (VLCT) on the matter.

VLCT is not in favor of including the article on the Town Meeting Warning because it is considered a non-binding article. This is because the Selectboard has full authority to determine how town owned land and buildings are used. Voters only have a say in any potential town plan amendment, zoning bylaw amendment, development review hearing for a proposed project, and the funding of the project. VLCT recommended that the Board offer other avenues, such as meetings, forum, polls, and surveys, in which voters could express their opinions on a proposed project. The Selectboard agreed to follow the advice given by VLCT and not add the proposed article to the Town Meeting Warning.

Nanette thinks in the past the Selectboard has been good about soliciting comment from the public on items like this and agrees with VLCT. Lori Johnson stated she trusts the current Selectboard but does not know what the future holds. This would ensure that nothing happens in the future without input of the voters. She wondered what a resolution would do.

Seth Jensen noted that the current Town Plan already includes language therefore the objective of a resolution or petition has already been met. He is concerned regarding potential impacts to being ADA compliant if a change to the town plan removed accessibility. He does not want to see the ballot used to remove the reference to accessibility.

Seth advised that the PC had commented at a meeting that if the parking at the town office needed to be moved in the event its wastewater system had to be redone, the west end of the common would be the only suitable area, however the PC does not want that to occur. Maureen feels that the Common is an important resource to the Town and cannot be cut up. She does not understand why there is a problem going forward with an item on the ballot; she is not going to let go of this.

Lee explained that as a Selectboard member he is not aware of any plan, active or otherwise, to change the shape or usage of the Common. He agrees that the Common is an important resource to the town, adding that a lot of input would be gathered in the event that a change in future circumstance would require a change to the common. If there is a way for voters to create an initiative of some kind somebody will have to research that, but VLCT seems to be implying there is not a way forward. It is sensitive subject, and the Board understands that.

Dave pointed out that being on the Selectboard one learns how important some things are to residents, such as the town common. He cannot fathom a Selectboard making a decision to change the Common without input. Currently there is no plan to change it, but unfortunately it has been brought up. Dave is not in favor of taking it to the voters because non-binding votes are not healthy for the Town.

Ira Allen explained that members of the Selectboard constantly change, and there is not telling what future Boards will adopt. He feels the Town lost a piece of the town common already when the store was built. Sheila Franz commented that this is a great example of when development is intensified and how it will change the character of the green space. She feels new development is occurring in the wrong spot. Louise Jensen pointed out that the parking where the store is right now looks a lot better than what was there before, and people already parked on the area before.

Bill urged the people concerned to keep their eye on PC items and thanked everybody for their time. Maureen agreed that if a vote is non-binding it should not happen. She thought it was amazing the number of people who are pro wastewater. She finds it difficult for Seth to say that they are not proposing any such thing when it is in the Town Plan; and all along Common Road they have proposed parking. She has difficulty accepting the PC is not on board with any of this.

Seth Jensen clarified to Maureen's point about Common Road that what the Plan shows is incremental growth of the parking areas as needs occurs. It is shown as a broken dotted line, simply as a proposed potential item to discuss, not a permanent goal or installation.

FY'24 BUDGET WORKSHOP

Greg and Nanette provided the Board with a revised draft budget. This version contains all the current requests. The tax rate will increase by approximately 3.5% if no changes are made. It is possible to reduce the increase to approximately 2% if the Board decides to use surplus funds. The Board would like to review the revised draft and discuss it at their next meeting.

CORRESPONDENCE

Town staff have been receiving messages regarding a security risk with the Town website. Nanette contacted VTC Tech to see what could be done.

The Library wants to be kept apprised of any changes made to their FY'24 budget request. The Library will be advised that they Board is doing their best on the Library budget.

Lee mentioned that he and Nanette are in contact with neighboring towns about what to do regarding the significant increase in the request by Essex Rescue and long term what else could be done.

Lori inquired about the communication she sent regarding the wastewater user fees. Dave says that information is part of the informed bond vote, and the challenge has been how to clearly communicate said costs. The PC understands the clarity needed. Seth explained the budget includes money for developing an ordinance and the Selectboard will be engaged when those options are being discussed. He welcomes those with questions to come to the PC because they have been charged with working on said subject.

Nanette provided a brief update on the Communications Union District (CUD). Several Chittenden County towns voted in November to form a CUD. The Board should decide soon whether it wants to join a CUD, and if so, which one.

COMMUNICATION

There were no outgoing communications.

DRAFT FY'22 AUDIT REPORT AND REPRESENTATION LETTER

Greg Barrows, Treasurer, advised that the Town has received the draft FY'22 Audit Report from Fothergill, Segale & Valley. The firm submitted a draft representation letter regarding the Town's and Firm's responsibilities. There were no findings as a result of the audit. Dave and Greg signed the letter.

FY'23 GENERAL FUND STATUS REPORT

Greg Barrows, Treasurer, reviewed the FY'23 General Fund Status Report.

ACCOUNTS PAYABLE AND PAYROLL WARRANTS.

Greg Barrows, Treasurer, reviewed the accounts payable and payroll warrants. The Board signed the warrants.

ADJOURN

The meeting adjourned at 9:11 p.m.

Respectfully Submitted,

Lee McClenny, Chair
Selectboard

Callie Hamdy
Minute Clerk

GUEST LIST

Kim Guidry
Ira Allen
Ben Bornstein
Barb Peck
Dave Lavallee
Lori Johnson
Sheila Franz
Joe Franz
Maureen Wilcox
Seth Jensen
Joel Fay
Melissa Manka
Lori Miller
Peter Lazorchak
Amy Macrellis
Greg Baker
Clayton Wilburn
Louise Jensen
Jay Morgan
Rich Golden

TOWN OF WESTFORD HIGHWAY DEPT.
ROAD SCHEDULE
Nov. 11, 2022 – Dec. 8, 2022

Work to be done

- Grade roads and patch potholes when weather permits.
- Plow, sand, and salt when needed.
- Clean the shop.

Work completed

- Graded Brookside Road, Huntley Road, Cambridge Road, and a section of Osgood Hill Road.
- Patched potholes on Plains Road.
- Sanded and salted once.
- Cleaned up tree debris several times due to wind.
- DJ's Tree Service cut the trees and brush on Westford/Milton Road.
- Made repairs to the screen.
- We had the new truck fit up (strobes, plow frame).
- 2014 Western Star inspected.

Approved at the 12/8/22 Selectboard Meeting.