

**TOWN OF WESTFORD
PLANNING COMMISSION MINUTES
MINUTES FOR JANUARY 16, 2023 MEETING
Approved on February 6, 2023**

Commissioners Present: George Lamphere, Gordon Gebauer, Mark Letorney, Mo Reilly, Seth Jensen

Commissioners Absent:

Also Present: Melissa Manka (Town Planner), Harmony Cism (Planning Assistant, Minute Clerk), Emily Hackett (VT DEC), Juli Beth Hinds (Birchline Planning Consultant), Sheila Franz, Laurie Johnson, Maureen Wilcox, Barb Peck, Amy Macrellis (Stone Environmental), Ira Allen, Pat Haller

Meeting Began: 6:30pm

Amendments to Agenda

Citizens to be Heard, Minutes of the December 19, 2022 Meeting, and Correspondence will be moved to 8:20, after the Community Wastewater discussion.

Meeting Rules of Procedure

G. Lamphere outlined the meeting rules of procedure for the public.

Community Wastewater Project

Finding of No Significant Impact (FONSI) & Facility Plan Approval

E. Hackett reported that the FONSI Public Comment Responsiveness Summary and the Facility Plan letter to the Town were issued on Friday. These will be posted to the project website in the near future.

G. Lamphere thanked Emily for working on this. This is an important milestone, and the PC is glad to have achieved it.

These documents complete Step 1 - Planning. This allows us to move forward with Step 2. The ESA (Engineering Services Agreement) by Stone has been reviewed and the PCS (Project Cost Summary) has been approved. E. Hackett is trying to finish the grant agreement, which was due last week but did not meet that deadline. When ready, the grant will be sent for review by the PC and the SB. E. Hackett pointed out that the PCS is a fluid document and will look different as the project progresses. The PCS is used to constantly track the project from start to finish and for auditing at the end of the project. The document will change after the grant agreement is written; it is constantly evolving as we get more information relating to cost.

G. Gebauer asked about the next steps for Stone and Birchline. When can they start in earnest? The ESA for Stone has been approved by the DEC. It will be presented to the Town next for review and execution. Once funds have been reimbursed to the Town, the loan can be amended.

To summarize: The Town received the Public Comment Responsiveness Summary and the Facility Plan letter on Friday. M. Manka submitted the Step 1 & 2 reimbursement requests, which covers everything done by GME and the subconsultants.

**Step 1 & 2 Clean Water State Revolving Fund (CWSRF) Green Mountain Engineering Close Out
Step 2 CWSRF Application & Engineering Services Agreement**

The next documents that will need to be approved for submission to the SB are the DEC-approved ESA, JB's (Birchline) contract, and the draft Clean Water State Revolving Fund application (which will amend the SB-approved Step 2). A special meeting with the SB will need to be scheduled to review and approve all of these documents. The SB will need enough time to go over documents thoroughly before that meeting. Hopefully the reimbursements will turn around quickly.

G. Lamphere wants timelines from the consultants prior to the meeting with the SB. It would be helpful to have dates and deadlines that documents will be needed. M. Manka outlined the process: Once the SB approves the CWSRF application, it is sent to Tom Brown (financial for Clean Water State Revolving), who will clear the application and issue an ALF (Authorization Letter for Funding). The document is then sent to the bond bank, who will either approve it right away, or send it for review by the full board. This process can take a couple of weeks. After that, we can sign the contracts with Stone and Birchline. There will be no contract yet when it goes to the SB.

S. Jensen noted that a portion of the engineering is paid for by the State ARPA grant, and a portion is funded by subsidy through the Revolving Fund. Only the Revolving Fund Portion is impacted by the bond bank. Is it possible to begin working on the other portion while waiting on bond bank, and get the engineering work going? E. Hackett responded that once the grant agreement is signed and executed, the Town can start using that money. Some of it can be used for design while waiting for action by the bond bank. This is a decision that the Town needs to make. M. Manka added that there was a recommendation to use Clean Water first, as it has more restrictions on how it can be used. She will email Tom (ANR) to see if ARPA can be signed before hearing from the bond bank.

JB Hinds said that once Step 1 is set in motion to close, and the State has approved the ESA for Step 2, work can begin at risk for consultants to get the next pieces moving. E. Hackett added that once the Stone agreement is executed, they can begin working. A. Macrellis said that while the ESA is an important part of the total loan application and agreement, it is only one piece. The agreement is ultimately with the Town, and as soon as Stone and the Town have executed the agreement, Stone can begin work at as much risk as they are willing to take. JB Hinds added that the risk is the Town's, until the whole loan is executed through the bank. S. Jensen clarified that if the ARPA grant is signed, and the work being done is eligible under the ARPA grant, then there is no risk to the Town. ARPA introduces a level of security to begin work. We will need to start lining up subcontractors and subconsultants to do some field work. It is better to book them now. These are State ARPA dollars, not Local ARPA money (waiting for bond vote for Local ARPA).

The PC's next step is to review draft amended Step 2 application, the Engineering Service Agreement, and the Birchline contract. M. Manka has one revision: the application asks about the Town's different reserves. The Town's contingency reserve (listed when application was first completed in 2001) has increased from \$107,000 to \$250,000. The revisions are on page 6 of the application.

G. Lamphere MOVED to approve the amended Step 2 Clean Water SRF application, the DEC-approved Stone Engineering Services Agreement, and the Birchline Planning consultant proposal.

G. Gebauer SECONDED the motion.

The motion passed 5-0

State American Rescue Plan Act Grant (ARPA) Agreement

When the ARPA Grant Agreement is received, it should be reviewed at joint meeting with the PC and the SB. Emily, Tom, Amy, and JB should be present. The SB needs to review all documents before the meeting. M. Manka will submit the documents tomorrow and schedule a meeting to get those

documents approved by the SB and submitted to the State. G. Gebauer proposed that we get the PC-approved documents to the SB as soon as possible.

E. Hackett will give the ok on JB's contract this week.

CRRP GRANT:

M. Reilly gave an update. The grant has been revised to ask for \$301,000 to cover the cost of connections for the various buildings on the common. It is ready to be sent to the grant writer and ultimately to the SB.

G. Lamphere expressed thanks to Seth, Mo, and Melissa for their work on this. M. Manka will send the document to the grant writer and ask about turnaround time.

G. Lamphere MOVED to forward the CRRP Grant as written to the grant writer for completion. Once completed, the grant will be reviewed by the Town Planner and submitted to the SB.

M. Reilly SECONDED the motion.

The motion passed 5-0.

Funding Stack

M. Manka started a spreadsheet to track different funding pieces, designations, and restrictions. The spreadsheet shows what we've acquired and what we're working toward. So far, there are about \$2.686 million in grant awards. This does not include the Step 2 subsidy with the new application. We are hoping for \$125,000 in subsidy. Hopefully the subsidy can be de-obligated from the GME contract and added to the Stone contract for an additional \$143,000. There is potentially an additional \$300,000 if awarded the Community Recovery & Revitalization Program (CRRP) Grant.

The PC said that it is helpful to see the funds in this format. G. Lamphere wondered if there might be value in adding pending efforts with anticipated dates and amounts. Perhaps separate spreadsheets for secured vs. pending. This can be worked on in the outreach discussion group.

Public Outreach

G. Gebauer and S. Jensen said nothing is planned at the moment. There will be an Outreach Committee meeting later this week. The Outreach group talked about submitting a memo to the SB regarding an ordinance and the language involved. JB's assistance may be needed. There is a question about what to put in the February newsletter. The January newsletter included an update on the 1705 project. M. Letorney suggested a WW update outlining documents created and issued by the State and the next steps. The PC is comfortable with the Outreach Committee submitting something to the Town Planner and the PC Chair for review and submission to newsletter. Newsletter items will need to be submitted to the Town by the 23rd of January. The Outreach Committee will need to write it this week. The PC appreciates what the Public Outreach Committee, Gordon, Seth, and JB have been doing.

Pat Haller asked a question about preparing for the February newsletter. Should there be discussion on what may or may not be presented at Town Meeting? If there is something to be presented or discussed at Town Meeting, the Outreach Committee would like to help prepare. There is about a month to get ready. A handout may be a good idea. The Outreach Committee could work on handout, but this may be a SB decision. This topic will be added to the Outreach Committee meeting for Wed. JB Hinds said that a handout is great idea, it could include basic information such as project status, where to get info, how to be involved, current timeline, who to contact, etc. M. Manka will send an email to the SB about this.

Public Comment

Barb Peck asked about the proposed handout for Town Meeting – what would be in the handout if there are no numbers to fill in the blanks? That’s what everyone is waiting for. Barb would like clarification if the Outreach Committee goes forward with a handout.

Citizens to be Heard - *Items not on agenda*

Ira Allen commented on the FONSI Public Comment Responsiveness Summary. The document refers to Ira’s question of “mowing of the Jackson Farm agricultural field to avoid payment of a mitigation fee.” Ira stated that his original question did not involve anything relating to a mitigation fee. His concern is about the maintenance of the drip irrigation field and the machines that will be used for normal ag operations. How can we be assured that they won’t inadvertently crush the drip disposal system? His question has been ignored, and it may affect maintenance costs.

S. Jensen requested to add this consideration to the list of items to address in the next stage of engineering. There should be some sort of delineation so that mowing doesn’t encroach on the drip system.

Ira added that whatever we do needs to look to the future, as this is a 30-year system.

Minutes of the December 19, 2022 Meeting

G. Lamphere MOVED to approve the minutes as presented.

G. Gebauer SECONDED the motion.

The motion passed 5-0.

Correspondence

None.

Brownfield

LE Environmental Summary

The PC approved up to \$300 for Angela Emerson to provide a brief summary. She was able to provide it for free, which is greatly appreciated by the PC. Ultimately, 101 tons of contaminated soil and sludge was removed from the site. Although there is still work to be done, this is a great success. For reference, 101 tons is the equivalent of 15 adult elephants or 808,000 bananas. It is an area slightly larger than an orca, and slightly smaller than a blue whale. This is a lot of contaminated soil and sludge that was there in 2021, and is not there today. This contamination was in close proximity to Browns River, located in an area with documented high seasonal groundwater, and numerous private drinking water wells. The PC is very happy that it is complete and it unobjectively benefits our community. M. Letorney added that 101 tons is 7 large dump trucks’ worth of fill.

G. Gebauer noted that there will be two separate items to address in newsletter: this brief summary on Brownfields and a longer summary on Wastewater. Both are important and should be delineated as two separate topics covered in the newsletter.

Public Comment

Barb Peck commented that a large dump truck holds 26 tons of dirt.

2023 Work Plan

M. Manka drafted the Work Plan last week. It is quite blank because it is dependent on the receipt of several State documents. M. Manka will work on emailing the SB and perhaps setting up a meeting to

discuss the amended Step 2 Clean Water SRF application and associated documents. Other items will be added when we have them, or we can request another meeting at a later date.

The PC meeting on February 6th will include updates on the status of the Clean Water application, State ARPA, and CRRP application. These items need SB approval before moving on with work. PC will go over the draft Priority List application. M. Manka will draft the application and A. Macrellis will review it.

The Feb 20th meeting work plan suggests an ordinance memo for the SB. This item may need to be moved to after Town Meeting.

February 20th is President's Day. State employees involved in PC projects have confirmed that this will still work even though it's a holiday. A reminder that E. Hackett will not be available in March.

After the special meeting with the SB, M. Manka can set up the new timeline.

Meeting Adjourned: 8:07pm