

SELECTBOARD MEETING
February 9, 2023
Minutes

Present: Bill Cleary
Lee McClenny
Dave Baczewski
John Roberts
Nanette Rogers
Greg Barrows
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

Added Town Road & Bridge Standards Certification of Compliance and Acknowledge 2023 Weight Limit Letter from VTRANS to the Highway section and added the Westford Country Store & Cafe Liquor and Tobacco License Application to discussion.

PUBLIC COMMENT

There was no public comment.

MINUTES

Bill Cleary made a motion to approve the January 26, 2023 minutes as amended, seconded by Dave Baczewski. Motion passed: 3-0.

ROAD SCHEDULE

John Roberts, Road Foreman, reviewed the January 26, 2023 through February 9, 2023 Road Schedule. Lee McClenny made a motion to approve the schedule, seconded by Bill Cleary. Motion passed: 3-0.

TOWN ROAD & BRIDGE STANDARDS CERTIFICATION OF COMPLIANCE

In order for the Town to participate in the grant program for roads, it must certify that it is in compliance with the Town Road & Bridge Standards. Westford's standards were adopted in 2019. John advised that the Town is complying. Bill Cleary made a motion to sign the Certification of Compliance, seconded by Dave Baczewski. Motion passed 3-0.

ACKNOWLEDGE 2023 WEIGHT LIMIT LETTER FROM VTRANS

The annual spring weight limit letter from VTrans was received. The letter must be filed with the Selectboard and posted in two places. If this is not done, the Town's posting of roads will not be valid. Nanette provided the letter to the Selectboard and will post it.

FY'23 HIGHWAY BUDGET STATUS REPORT

Greg reviewed the FY'23 Highway Budget status report. Greg advised that the Town received some more FEMA money. Once FEMA closes out the projects, the remainder of the grant funds will be distributed. The amount to left to be distributed is approximately \$100,000.

TOWN OFFICE FEASIBILITY STUDY PROPOSALS

Six firms submitted proposals for the Town Office Feasibility Study for the Phase II ARPA application. Five of the firms attended the meeting. The study will determine what can be

done to the town office to expand and improve space and health quality concerns. The ARPA Committee did not give a recommendation on what firm to go with.

Lee asked for clarification on what was included in the request for proposals. He wanted to confirm that the study does not include a new septic or wastewater system. Nanette confirmed that a new wastewater system is not part of the study. The study will be an analysis of what is possible for the property as it exists.

Black River provided a wide range of options. The highest end of the quote would go into their secondary phase for an alternative site. Bill thought in fairness to the other firms, they should just be looking at phase 1 because what was what was asked in the RFP.

AES Northeast provided several options depending on what was desired with the building. Like Black River, they included a bond vote proposal as part of their process. Their end point would provide a 3D rendering of the building from a street view.

Weimann Lamphere's approach was simple; they will survey the existing building and conditions and document them. They will determine what is needed now and in the future, and see how they can work to modify the existing building. They also had considerations of a new building on the same site.

SHKS Architects looked at the project as a programming and pre-designing effort where they define the design problem on the site and how to solve it in subsequent phases.

Vermont Integrative Architecture's proposal was about getting to know the community and listening to the Town's desires. Feasibility is a standard process of assessment and design and what is possible with what we have.

The firms expressed their discomfort for having to present in front of each other. The Board advised this was for transparency. Dave greatly appreciated the level of work that went into responding to the RFP. Bill thanked everyone for coming out. He appreciates being able to talk with people submitting proposals. The Town would be lucky to have any one of the firms work on the project. He is close to being able to decide. He finds Weimann Lamphere's price attractive. If the current site is not viable, they may need funds to look for a secondary site. Weimann and Lamphere also had a lot of municipal projects of similar size in their resume.

Andre Roy was present. He explained that prior to the school consolidating they had done a similar public meeting with all the proposals for bus providers. He does not think the Selectboard's transparent process is unorthodox as previously implied.

Dave has narrowed his choices to two firms. The next step, because this is an estimate, is having a meeting with a few firms. In his opinion, the Planning Commission would be more involved, but currently they do not have the capacity to do so. The Town Administrator will reach out to the firms selected by the Board for a meeting to further discuss the firm's proposals.

REQUEST FOR CHANGE IN ROUTE 15 SPEED LIMIT IN VICINITY OF DUFFY HILL ROAD

Joy Atherton emailed the Selectboard and the Underhill Selectboard regarding concerns of the speed limit on the stretch of Route 15 that includes the Roy Drive intersection. Traffic has changed a lot since moving in 16 years ago, there are more businesses and residents. The

road has a lot of hidden drives in the area. Recently a teenager coming out of their driveway was hit head on. Although everybody was okay, she is concerned with safely accessing Route 15 from Roy Drive when motorists are going 50 miles per hour or more. Most of her neighbors agree the speed limit should be lower so that if an accident does occur it is more of a fender bender and not a potential fatality. She would like the Board to petition VTrans to do a traffic study to see if the speed limit can be lowered in this area.

Lee visited the area to get better understanding of the concern. Roy Drive is a private road located off Route 15 in Underhill that leads to Duffy Hill Road in Westford. The majority of the residences on these two roads are located in Westford. Lee determined that Joy's assertion about the lack of safety is true. Some people are driving over 50 mph. The question before the Board is if they would like to reach out to VTrans for help. It was noted that when the subdivision was done in the 1970s there were no permits to address safe entry onto Route 15 as there are today.

Bill thought that Joy would have a hard time getting through to VTrans who may not be willing to budge. Seth Jensen stated that speed limits are set based on an engineering study or other considerations and factors. The way this process works is VTrans commissions a speed study. Speed studies are based on 85% of traffic as it exists today. What becomes important is the "or other factors." A community could make the case regarding those other factors to the VTrans Safety Board. There is some precedent along the Route 15 corridor in Johnson to lowering the speed limit to 40 mph based on limited safety issues. He suggests documenting the concerns as much as possible. He would like to say that if they have a strong case the chance of them changing it are high but agrees with Bill, they may not get through to VTrans on this issue. Speaking as a resident if there is a safety issue impacting Westford residents the Town ought to try regardless of how "winnable" the situation.

Barb Peck stated that a decade ago, she had a petition signed by 200 people that drove Route 128 regardless of their town of residence, and researched accidents occurring in the area. What she experienced is that the Legislature and the Governor will not just listen to one person, but they will listen to 150-200 people that sign something that says a state road is unsafe. When Route 128 was resurfaced, Governor Scott did a site visit. The State lowered the road four feet to improve site distance because it was dangerous section. Although the work is difficult, it can be done.

Ben Bornstein explained there is case law that could help Joy. The case law is very clear that there is no limitation and discrimination when it comes to who can petition for road safety. He feels supporting Joy's cause is the right thing to do. Nanette thinks that if AOT hears from Underhill and Westford it would be help support the cause.

STATE ARPA GRANT AGREEMENT FOR COMMUNITY WASTEWATER SYSTEM

Gordon Gebauer and Melissa Manka were present. At the end of 2021 Westford was awarded a State ARPA grant for the Community Wastewater System. It took time to get materials to the Department of Environmental Conservation (DEC). There is now a draft agreement. The State is looking for comments, suggestions, revisions, etc. The consulting firms and Planning Commission have made their comments and are looking for comments from the Selectboard. Lynette from the DEC explained that once the Board is satisfied with the agreement language, the State can proceed.

Bill noticed a conflict in dates between the documents. Part 1, section 8 on the Grant Award Detail shows the award end date as 6/30/2024. However, parts in the actual Grant Agreement show different dates such as 8/31/2026. Melissa spoke with Emily Hackett who confirmed the Part 1 date in the Award Detail is incorrect. The Standard Grant Agreement has the correct end date of 8/31/2026. Melissa provided the Board with a document with minor revisions such as the correct award date and consistent use of the project name, so it is the same in all the documents. Bill asked for clarification for the reimbursement schedule. On one document it says the payments will be made quarterly but on another document, it states something else. Lynette believes the Town will be reimbursed on a quarterly basis but will confirm. Greg was able to confirm this by looking at one of the attachments.

Lee pointed out that if the bond vote passes, the Town will need to have a way to track the expenses and be reimbursed in a timely manner. He pointed out that the cost of this project is much larger than the Town's annual budget. Melissa explained the Town would apply for a line of credit if the bond vote passes as discussed at previous meetings. This is what other towns have done for projects of this magnitude. Greg confirmed there have been discussions of applying for a line of credit.

Lynette advised that most towns would get a line of credit to alleviate cash flow issues. The best thing the Town can do is submit for reimbursement when it pays an invoice. Interest is reimbursable providing there is not a delay between when the Town pays the invoice and when the reimbursement is requested. However, if there is a delay, interest is not reimbursable. She suggested that interest be included in the budget for the project.

Vicky Ross recalled when the line of credit discussion occurred that obtaining a line of credit in support of a project that has an approved bond vote is much easier than applying for a line of credit before a bond vote.

Andre Roy asked if there were any sunset dates for the funding. Melissa explained that all ARPA funds have a deadline for when they must be expended. Lynette advised that if the Town is not able to meet the deadlines in the grant the State reserves the right to rescind the remaining funds. Melissa clarified that any expenses prior to the bond vote do not have to be paid back to the State if the bond vote does not pass.

The Board expressed their concern with meeting the deadlines stated in the contract for a bond vote, especially if a second vote is needed. Dave asked if the Planning Commission is comfortable with the deliverable dates. Gordon explained the Planning Commission's goal is to have a bond vote in November 2023. However, part of that is completely out of their control because it is dependent on the availability of contractors to do the research and studies to answer the community's questions. If November 2023 is not possible, the bond vote will be pushed to March 2024. Either way, the Commission is comfortable with the August 31, 2026 construction completion date which is based on the consultant's projections. Vicky asked if the first bond vote is not until March 2024, would there be enough time for a second vote. The Planning Commission feels there is sufficient time if a second vote is needed.

Bill pointed out that the State is willing to bend on the dates a little but that impacts future dates. As it is, there are only a couple of months of wiggle room. Bill asked if a vote could occur in November if the contractors are not able to provide the Town with all the information it would like to have before the vote. Gordon advised that a bond could happen in November however in that scenario, the language of the bond article would contain more contingencies.

Seth Jensen explained a certain level of design is needed to know the total project costs and to have a good estimate of the maintenance costs. He feels the community will not be satisfied with the information provided if the Planning Commission does not have these two costs. He thinks there needs to be a discussion if having a bond vote without this information is wise. Another element included in the next phase of engineering is the probing of the ledges on Brookside Road, which has been the source of some valid questions. Seth feels that the Town should be entering into this understanding with these three critical pieces of information and that we should have the information prior to a bond vote.

Andre Roy stated a few years ago when there was a discussion on straightening the curve near the church on Brookside Road, people were concerned about the possibility of blasting of ledge and how that would affect their wells. He asked if there is any recourse for property owners whose wells may be affected due to blasting, and if that cost is included in the cost of the project or will it be covered under the contractor's insurance. Lynnette explained that the DEC typically has pre-blast surveys done to make sure specific conditions are met before blasting occurs. They propose this specific language to be included in the contract documents. Any issues would likely be resolved through the blasting contractor's insurance. She pointed out that the blasters are experts, and they are very familiar with the conditions and geology involved.

Vicky would like to see a critical path document of the steps that have to be completed to get to a bond vote with required deadlines and which items are under the Town's control and which ones are not. It would be helpful for the community to see that the steps/sequencing have been thought through and that there is transparency. That way, if dates are missed that are outside of the Town's control everybody will understand what needs to be done to make November happen or why November wasn't doable. Vicky suggested that if November isn't possible that the Planning Commission and Selectboard consider putting an informational referendum out to ask people if they support the project, do not support, or do not have enough information. This would give an indication of how much support there is, how much work needs to be done, and where the objections are in order to provide additional information that might be needed for a vote in March.

VERMONT COMMUNITY RECOVERY AND REVITALIZATION PROGRAM LETTER OF SUPPORT

Melissa emailed the Selectboard a draft letter of support for a Vermont Community Recovery and Revitalization Program grant application for the community wastewater project. Applications are on a first come first serve basis. The Planning Commission is requesting permission to submit the letter. The Selectboard will need to approve the grant if it is awarded. Bill Cleary made a motion authorizing the Planning Commission or Melissa to apply for the Community Recovery and Revitalization Program grant application in the amount of \$500,000 and if awarded the Selectboard will review the grant agreement, seconded by Dave Baczewski. Motion passed: 3-0.

REQUEST FROM EWSD TO MAIL BALLOTS TO ALL ACTIVE REGISTERED VOTERS FOR ANNUAL SCHOOL DISTRICT MEETING

Dave Baczewski made a motion to approve the request from the EWSD to mail ballots to all active registered voters for the Annual School District vote in April 2023, seconded by Bill Cleary. Motion passed: 3-0.

DISCUSS RE-ESTABLISHING ROAD COMMITTEE

Nanette provided a draft notice for the FPF and newsletter to recruit residents to serve on a Road Committee. The Road Committee works with the Road Foreman to update the five-year road plan by identifying road issues, prioritizing road projects, and making recommendations to the Selectboard. Bill thinks that if the Road Committee is re-established it would be charged with looking at and suggesting traffic calming measures to address concerns regarding the volume of traffic and speeding on town roads. This is because he feels the Road Foreman already knows what needs to be done for the Town's roads and does an excellent job with maintaining them. Gordon Gebauer advised that initially the Committee was formed after a rainstorm that washed out several roads. The first Committee's report suggested things such as type of road materials, sizing of culverts, ditching, etc. The Selectboard has re-established the Committee almost every five years. The reports continued to include recommendations but were expanded to include suggestions for traffic calming. Each time the Committee has been re-established, the Selectboard has given them a specific mission of what they want the committee to accomplish.

Sheila Franz stated that it appears the Road Committee's charge would not be within the scope of addressing the concerns raised by her and Joe, which were getting an understanding of the traffic traveling north and south through town, how development will affect traffic patterns, and the increase of speed on Woods Hollow Road. What to do about that these things are related to the future planning of the town and how to react to development. She would like to know who will be charged with this the Planning Commission or if the Road Committee. It was noted that the Planning Commission does not have the bandwidth to take this on now. The Board is hopeful that a Road Committee could take on some of these items.

Nanette stated that the Chittenden County Regional Planning Commission (CCRPC) began a traffic study on Woods Hollow last Fall, but due to a snowstorm they had to stop the study. The CCRPC is planning on doing the study this Spring. It was noted that Route 128 is a state highway and the Town does not have any control over it. Sheila thinks a more comprehensive study would be the most useful when the Planning Commission updates the Town Plan.

It was agreed that the study does not fall under the typical Road Committee charge. Bill pointed out that more money was put in the budget for traffic enforcement. At some point the Planning Commission may have time to take on a project on this scale. Bill wants people concerned about traffic to know they're trying to do something, but resources are limited. Sheila asked that the Planning Commission can add this to their list of projects. The Board feels the Planning Commission handling this project would be a better path than re-establishing a Road Committee.

Seth spoke as a resident not a member of the Planning Commission. In his opinion, small towns function because of volunteers and the more people invited to volunteer the better a small town functions. So, the idea of placing this issue on the Planning Commission, who is already a group of volunteers, misses an opportunity to broaden the volunteer base. Short-term committees provide an opportunity for volunteers that cannot commit long term. He cautions considering this as a Planning Commission only task, however, feels it would be beneficial if to have a member of the Planning Commission and Conservation Commission on the committee. The more people volunteering with diverse skills the better.

2022 GRAND LIST CERTIFICATE OF NO APPEAL PENDING

Annually the Selectboard and Listers need to sign a document in the Grand List stating if there are any appeals pending. No appeals have been filed for the 2022 Grand List. The Selectboard signed the certificate.

WESTFORD COUNTRY STORE & CAFE LIQUOR AND TOBACCO LICENSE APPLICATION

Bill Cleary made a motion to approve the Westford Country Store & Café's Liquor and Tobacco License as submitted, seconded by Dave Baczewski. Motion passed: 3:0.

CORRESPONDENCE

Bill advised there is a bill (S.57) in the Legislature that would give control of outdoor shooting ranges to municipalities. Bill does not think the Town of Westford wants that responsibility. He would rather leave it in the State's control. Lee is a member of the Underhill Rod and Gun Club and doesn't feel comfortable mixing his recreational membership with something like this and would recuse himself. Dave looks at this more from a resource or management perspective. The Town does not have the staff or resources to deal with this if it passes.

Lee was contacted by Vermont Digger regarding Essex Rescue. Lee explained to the reporter that Essex Rescue provides a significant service for the town as does Fairfax Rescue. Essex Rescue submitted a 150% budget increase for FY'23 and a 50% increase for FY'24. The municipalities served by Essex Rescue are asking how they can work with Essex Rescue to make sure sudden significant increases don't happen again.

COMMUNICATION

The Chittenden County Community Union District approved Westford's application to join the CUD. Nanette has posted the search for a delegate.

FOLLOW UP ON DRAFT INVESTMENT POLICY

Edward Jones approved the most recent changes made to the draft Investment Policy. Dave Baczewski made a motion to approve the final version of the policy as submitted, seconded by Bill Cleary. Motion passed: 3-0.

FY'23 GENERAL FUND BUDGET STATUS REPORT

Greg reviewed the FY'23 General Fund budget status report.

ACCOUNTS PAYABLE AND PAYROLL WARRANTS.

Greg Barrows reviewed the Accounts Payable Warrant. The Board members signed the warrants.

ADJOURN

The meeting adjourned at 8:51 p.m.

Respectfully Submitted,

Lee McClenny, Chair
Selectboard

Callie Hamdy
Minute Clerk

GUEST LIST

Ben Bornstein
Andre Roy
Sheila and Joe Franz
David Roy
Nelson Martelle
Liza Kilcoyne
Barb Peck
Dave Lavallee
Megan Riley
Dave Lavallee
Melissa Manka
Gordon Gebauer
John Hemmelgarn
Ashar Nelson
Pia Yarnell
Vicky and Fa Ross
Joy Atherton
Seth Jensen
Lynette Claudon

TOWN OF WESTFORD HIGHWAY DEPT.
ROAD SCHEDULE
Jan. 27, 2023 – Feb. 9, 2023

Work to be done

- Plow, sand, and salt when needed.
- Truck maintenance.
- Remodeling work in the break room.

Work completed

- Plowed, sanded, and salted several times.
- Maintenance on the trucks (grease, tighten tire chains).
- Washed the trucks.
- Installed a new back up alarm on the '20 International.
- Installed a new dump body switch on '17 Western Star.
- Installed a steel plate over a failed culvert on Seymour Road.

Approved at the 2/9/2023 Selectboard Meeting.