

**TOWN OF WESTFORD
PLANNING COMMISSION MINUTES
MINUTES FOR FEBRUARY 6, 2023 MEETING
Approved on FEBRUARY 27, 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), Lori Johnson, Barb Peck, Maureen Wilcox

Meeting Began: 6:34pm

Amendments to Agenda

State ARPA Grant section may need more time than allotted in the agenda.

Meeting Rules of Procedure

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

Minutes of the January 16, 2023 Meeting

G. Gordon MOVED to approve minutes as amended.

M. Reilly SECONDED the motion.

The motion passed 5-0.

Citizens to be Heard - *Items not on agenda*

None. Since the meeting is running slightly ahead of schedule, this section will be revisited if needed.

Correspondence

None.

Community Wastewater Project

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

M. Manka submitted the final reimbursement for Step 1 and all of GME's work. On Thursday we received that reimbursement. Everything under GME is closed out and we are ready to move forward with Stone.

Amended Step 2 CWSRF Application, Engineering Services Agreement & Professional Services Agreement

The SB approved these documents last week. The PC is waiting to hear back from the DEC on the Professional Services Agreement with Birchline. M. Manka will work with JB to do any refining and get the agreement signed by the SB. M. Manka will also be sending off the ESA for Stone to sign, and revising the loan application if needed before the SB signs it. The signed documents will be sent to Tom Brown at the State for review and an authorization letter. Tom Brown will need something in writing from Emily Hackett saying that she approved the ESA and PSA.

S. Jensen asked about the timeline on the Birchline agreement. M. Manka is hoping to work on it this week. The SB approved “up to,” so revisions can be made without further SB approval.

M. Manka asked if the final version should be checked by Emily before SB signs it. E. Hackett responded that the changes are minor and shouldn’t need to be checked. If Birchline re-writes the agreement based on guidance from the State, then we can keep things moving. M. Manka hopes to wrap this up before the Thursday SB meeting so that they can sign all the documents.

CWSRF Annual Priority List Application

This is an application that is submitted every Jan/Feb which puts us as a potential project on the Intended Use Plan. The PC has been submitting this application for many years, and update it based on new information that has been received. E. Hackett added that this application is how the priority list is determined with points. She recommends that Stone help fill out the application. E. Hackett is willing to meet with Stone and M. Manka to go over the application to maximize the priority points. There are some minor changes to the application that are new this year that are important to the Village projects. A meeting should be set up in the next week or so to go over the application. The meeting should be attended by Lynnette, E. Hackett, Amy, Peter, M. Manka, and anyone else representing the Town. They will walk through the application and get tips and tricks, and determine important things to fill out to maximize points. M. Manka said that we are currently at 65 points. Documentation is a really important component that is needed to support points.

G. Lamphere MOVED to continue to complete and revise the CWSRF Annual Priority List for submission after receiving guidance from the State of VT.

M. Letorney SECONDED the motion.

The motion passed 5-0.

State American Rescue Plan Act Grant (ARPA) Agreement

E. Hackett explained that the document is a draft copy of the grant agreement between the Town and the State – related to the ARPA funding. The NBRC Grant is also considered as part of this. The document contains the deliverables table with those items that are eligible to be paid with ARPA funds. Deadlines for goals are also listed. Unspent money can be rescinded after a deadline has passed. Many items in the deliverables table are flexible for the Town. The Project Cost Summary (PCS) is not a document that is set in stone, it is very fluid and will change over time. M. Manka has updated the project map.

The SB will need to sign this agreement, so it would be great to get feedback from the town. M. Manka will be compiling questions and comments and sending them to E. Hackett. The grant agreement is a priority right now with the State. The sooner this is executed, the sooner it can be used to help fund items in the project. M. Manka has requested comments and questions in Google Docs. Hopefully on Thurs, the SB will add their suggested revisions, and then all questions and comments can be compiled and sent to the State.

G. Lamphere asked if changes can be requested for this document. E. Hackett responded that it is important to understand the document. The document may need to go back to the grant writer if changes are needed.

M. Letorney asked if we choose to amend the Engineering Service Agreement (ESA), does this change the grant agreement? The Town hasn’t started working with Stone Environmental yet. If the ESA needs

to be modified or changed, does it affect the grant agreement? E. Hackett said no, the ESA is separate from the grant agreement. The ARPA Grant is a standalone item that is not tied specifically to the ESA. Next time the Stone agreement is amended, it should be for Step 3 - construction. Quarterly performance reports are required. The design will be reported at 30%, 60%, and 90%. This is tied to the ARPA Grant, not the ESA. The State wants all final designs done by Sept 2024. The bond vote should be a month before that. These are milestones for ARPA agreement, which are different from the deliverables for the ESA.

S. Jensen noted that the collection system and treatment area include a substantial cost contingency. Will we need to amend this when we have more thorough plans? Or is understood that the contingency will get clearer as the project moves along. E. Hackett answered that the ARPA agreement is not tied to contingency. When the money is gone, the agreement is done. The ARPA agreement covers many items that the money can be used for, including the construction bid, final design, project coordination, easements, and legal bond vote assistance. The next time that an amendment is done, it should be for the ESA for Step 3, which is not tied to the ARPA agreement. E. Hackett also pointed out that NBRC pays for a very specific portion of project (disposal field), which is included in ARPA Grant agreement. In the event there is some project overrun cost, then ARPA can be used for that. This was included to keep flexibility for the Town if needed.

G. Lamphere noted that there is specific reference to the scope of work. For example, the agreement references the installment of 27 step systems. If we were to end up with only 26, would the agreement need to be amended? E. Hackett replied that the project is not fully designed, so it is hard to know exactly what to put in there. Westford is a little further along than other towns. G. Lamphere then commented that there are a lot of flow down requirements that the Town is responsible for. The Town has to sign this agreement, how does Town the flow to all the subs? We don't want to miss the opportunity to flow all the requirements to the right people. M. Manka recommended adding this comment into the Google Doc, which will be submitted for response. She would like to make one submission with everyone's comments. Hopefully the PC's questions can be submitted to the SB in advance of their next meeting.

Community Recovery & Revitalization (CRRP) Program Grant

M. Manka submitted the draft application to Liz Curry, who has a deadline of 2/10/23 to provide comment. M. Manka needs to pull together supplemental docs (maps, etc.). M. Reilly provided a draft letter of support for GBIC and the Regional Planning Commission. M. Manka suggested taking out the phrase "affordable housing units" and replacing it with "housing units," because the apartments in the Town Center are not truly defined as "affordable." Ben Bornstein will take the letter of support CCRPC, and M. Reilly will take the letter to GBIC. S. Jensen will draft a letter of support for the SB to sign.

M. Manka can request a special meeting with the SB in February to review and take action on CRRP Grant, review and sign the letter of support, and take action on the final State ARPA grant agreement. This is a rolling application – first come, first served until the funding is expended. The possibility of a special meeting is ultimately up to the SB. The PC needs the letter of support from the SB as well as their approval before submission. In Westford, the SB must always approve grant funds. M. Reilly pointed out that the letter of support states that they support the project, and could come from another Town official outlining the benefit of the project to the Town. The grant application doesn't require action from an elected body to be submitted. G. Lamphere noted that it is important for the SB to know that the PC is applying for grants wherever they can for this project. S. Jensen pointed out that the contact working with the agency needs to be clear. SB members are 3-year terms and volunteers, and may not

act as quickly as a town employee. In a previous discussion, M. Manka and N. Rogers determined that the SB should appoint Nanette as the official to review and sign off on documents after the SB has reviewed them.

M. Manka recommended increasing the ask from \$300K to \$500K to include contingency. The PC agrees that M. Manka should make this revision.

Revised Draft Funding Stack Table

This is a document that M. Manka put together to keep track of awarded and pending funding to date and what each source of funding will be used for. Revisions have been made based on comments from the last meeting, as well as questions from members of public to clarify what defines Step 1, Step 2, and Step 3. This detailed document shows why specific things are done as part of each step. The document can be revised and edited as we potentially get more funding.

The CRRP line will be changed to \$500K to reflect force main numbers. S. Jensen requested that a note be added about Local ARPA and NBRC being contingent on a successful bond vote. S. Jensen also commented that the links are a great addition and can help people understand the process. M. Reilly added that it does a nice job illustrating how much funding was applied for, how much funding is available, and how these projects are prioritized. This information can be shared widely – this is an amazing opportunity. G. Lamphere requested that a comment be added to say, “for project cost see most recent PCS.” The PCS will be an important, continuously evolving document. S. Jensen observed that it is important to make sure you have healthy contingency and to budget for as much as possible. When the projects get to more intense work with engineers, it is important to find efficiencies and value of engineering in the project. There is a need to keep a healthy contingency in the budget while working with the engineers to find a way that we won’t need it. The grants haven’t been finalized, so it is important to keep these contingencies.

This is a very helpful document. M. Manka will update based on these comments and continue to include in PC meeting packets.

Public Outreach

G. Gebauer reported that an outreach meeting is scheduled for later in February. There are no updates to report at this time. G. Lamphere commented that the group is very helpful and plays an important role in getting messages out to community.

Public Comment

Barb Peck wondered about the earlier discussion regarding affordable housing, specifically Ira Allen’s apartments in the Town Center. What defines affordable housing, and why are these apartments not defined as such? S. Jensen replied that based on HUD data, Ira’s units are not perpetually affordable because rents are not dictated by subsidies. “Affordable housing” is a very broad term that includes subsidized low income (Section 8) operated by a housing authority. The housing that Ira owns would be considered affordable to a household earning less than median income – affordable to low income but not a legal instrument maintaining affordability.

Citizens to be Heard – Items not on Agenda

None

Project Based TIF

M. Letorney reported that on January 31st, Ted Brady (director of VLCT) had a forum that discussed TIF – project-based financing going through the House Committee on Ways and Means. He has emailed draft language and put together a project list in an excel spreadsheet. There is a request to update project descriptions. Three points were made; 1) complete and update project description; 2) reach out to Representatives and write letter to each expressing our support for Project based TIF and the importance for small communities like ourselves who will have trouble putting together financing; and 3) a volunteer is needed to testify to Senate Committee on Finance or the House Committee on Ways and Means.

S. Jensen commented that with the deluge of ARPA funding, TIF may not be something we want to undertake. Though this could be an icebreaker for small communities following behind us.

M. Letorney added that it is not relevant to the WW project, but it may be relevant to future projects. Ongoing environmental and infrastructure needs will need to be addressed. TIF is in its 5th year, creating funding mechanisms for small towns. Some day we could reap the rewards of this, as it is more oriented to small towns. Repayment is a big concern, based on the assumption that we will increase the tax base with development. TIF is a safety net for small towns.

G. Lamphere commented that we are supporters of TIF. For future projects, this could be a great tool for the toolbox.

G. Gebauer added that there is the need for a relief mechanism if a TIF project doesn't work out as planned. A forgiveness plan is a key provision.

S. Jensen added that VEPC (Vermont Economic Progress Council) has an involved spreadsheet that can calculate what can be forgiven. There is a real effort to focus on administrative capability and project size of small town. Repayment is a challenge for any town.

M. Letorney said that Westford being so desperate for funding, and the reality of payback, TIF may not be a good fit for us or the WW project. It may be good for other towns or smaller projects.

G. Lamphere reiterated that we need to update language, write letters, and volunteer to testify.

M. Letorney said that we need to write letters to State Representatives so that they are up to date on what we are doing. The PC can read the draft language and come back with comments. This can be set up for a future meeting.

Pigeon Family Trust

The PC received feedback from the Pigeon Family. There was a missed opportunity to engage with them about the release in the newsletter. We owe them the opportunity to consider a follow-up post for FPF and the March newsletter.

M. Letorney commented that it was interesting to listen to the family's perspective. When FPF and the newsletter post were written, it was an oversight on the PC's part to not consider their input and run a draft by them. The PC should rewrite an update that includes all the work that the Pigeon Family Trust did. The family is extremely community-oriented and they wanted the best for the Town and this property. Mark will work on a re-write and circulate a draft. The PC makes an effort to be respectful to

all landowners, but lost sight of key relationships and check-ins that should have happened. The Pigeon Family was very understanding but we owe them a rewrite. The background info needs to be out there.

This is a good reminder that not everyone knows everything that happened in Westford.

2023 Work Plan

The next PC meeting will be on Feb 20th. Topics to be covered include agenda, TIF topic, and updated FPF post and newsletter for 1705 property.

There are no active stormwater-related projects. The CCRPC Stormwater Management Project is still valid. The PC will check in on that topic at the next meeting - specific to the Town Common and VTrans drainage. Treatment would have occurred on the 1705 property. M. Letorney will speak about it at the next meeting.

G. Gebauer wondered if Emily will be participating in the SB meeting? Will check on this with M. Manka. The ARPA Grant agreement is on the SB agenda for Thursday. Will Emily be available to answer questions?

Adjourn: 8:29