

**TOWN OF WESTFORD
PLANNING COMMISSION MINUTES
MINUTES FOR MAY 15, 2023 MEETING
Approved on June 5, 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), Lee McClenny (Selectboard Chair), Dave Baczewski (Selectboard), Bill Cleary (Selectboard), Nanette Rogers (Town Administrator), Emily Hackett (ANR Reviewer), Pat Haller, Eric Ford, Laurie Johnson, Francois Ross, Vicky Ross, Sheila & Joe Franz, Barb Peck, Maureen Wilcox, Julie Beth Hinds (Birchline Planning), Kim Guidry, Ira Allen, Peter Lazorchak (Stone Environmental)

Meeting Began: 6:30

Amendments to Agenda

One correction: The item listed as “March 20th, 2023 Minutes” should be changed to “April 17th, 2023 Minutes.”

Rules of Procedure

The PC must adopt and renew the Rules of Procedure every year. The PC has reviewed and edited the document.

G. Gebauer MOVED to approve the Rules of Procedure as amended.

M. Letorney SECONDED the motion.

The motion passed 4-0.

Minutes of the April 17, 2023 Meeting

G. Gebauer MOVED to approve the minutes as presented.

M. Letorney SECONDED the motion.

The motion passed 4-0.

Meeting Rules of Procedure

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

Citizens to be Heard – *Items not on Agenda*

Laurie Johnson wanted to clarify something said at the April 17th, 2023 meeting concerning a clause in the S.100 proposed bill related to septic systems of less than 100,000 gallons per day. She found the clause to be very confusing, so she contacted legislative council. The information that was given was partially correct, but incomplete. Ms. Johnson received a response that the provision allows a municipality to exclude from the required density provisions in areas served by indirect discharge designed for less than 100,000 gpd. Westford will initially fall under density requirements, until an ordinance or bylaw is created. Ms. Johnson wants it to be clear that two parameters must be met.

Barb Peck stated that at last week’s SB meeting, water testing conducted by the Health Officer shows that the water at the Town Office and Library is potable. In 2019, the Town Planner had a similar test performed by the State of Vermont that said that the water was fit to drink in 2019. The PC has stated

that the water is not fit to drink. Ms. Peck wonders why this wasn't corrected over the last year or so. M. Manka replied that the testing done in 2019 was not the full panel of testing. The VOCs (volatile organic compounds), which are still a concern, were not done at that time. The 2019 testing only checked for coliform and E. coli, which were cleared up after the library tank had collapsed and was replaced. Previous tests had shown E. coli and coliform.

L. McClenny added that at the last SB meeting, they received a report on a sample of water taken from the Town Office, but not from the Library. There is an assumption that the Library water is also potable since it receives its water from a pipe that comes from the Town Office, but we should be careful and not assert that the Library's water is clean until a test is completed.

Correspondence

The PC received correspondence from Mr. Fleury regarding wastewater and details that will likely come out during the ordinance process and O&M cost & fees review. Mr. Fleury's question was "Do residents who are on the wastewater system have to pay higher taxes as well as help pay the bond? Isn't that double payment?" This is a great question that is on the PC's list. We will have answers in the coming weeks and months. The PC is not in a position of authority to answer, they can only provide numbers. The PC and SB will continue to work together to provide answers.

The PC received a second correspondence from Vicky Ross. This correspondence is about building a critical path timeline and coming up with ideas to create Pro-Forma annual budgets and cash flow projection schedules. G. Lamphere said that the PC has been working on this for quite some time with input from the consultants, Town Planner, and Outreach Committee. The PC has a critical path plan and will cover these 5 points tonight:

1. Detailed project schedule that has dependencies – this will be reviewed and approved tonight.
2. Stakeholder distribution plan that will go out to the SB, Town Office, highway dept, school, library, and other civic buildings. This will be a summary of what to expect.
3. Funding stack matrix, which is ongoing and continuously updated.
4. Draft of the Master Communication Plan, which has been shared with the SB.
5. Cross-attendance meetings between PC and SB. Dates are being built into the Master Communication Plan and can be discussed tonight.

Vicky Ross asked about the detailed project schedule with dependencies. Is this a new document? G. Lamphere responded that it is not yet on the website, the PC just reviewed during their last meeting, which was the first time they had a chance to look at it. The Outreach Committee has provided comment. The PC would like to get to it tonight. G. Lamphere emphasized that this document will change constantly, it is a living document. The PC will discuss how this information is disseminated and who the information goes to. Ms. Ross added that a lot of people are curious if we will make a November bond vote. The public wants awareness of where PC is and where help is needed. They need to know what to expect and will look forward to seeing the document.

G. Gebauer commented that there are 2 options for the bond vote. It could be in November or in March. The PC needs to plan aggressively, so they are working toward a bond vote in Nov. They must work backwards to find critical dates that need to be met.

M. Letorney added that the PC is not in complete control of the timetable.

Community Wastewater Project

Amended Step 2 CWSRF

M. Manka provided an update. On March 23, 2023, she received the ALF (Authorized Letter of Funding) from ANR. This was forwarded to the bond bank. There has recently been a turnover of bond bank staff, with new processes and procedures. This requires ANR to submit revised paperwork depicting subsidy only. Tom Brown is awaiting approval from his management so that the paperwork can be forwarded to the bond bank and fully processed. M. Manka is hoping for an answer by the end of this month. There are no anticipated changes.

State American Rescue Plan Act Grant (ARPA) Agreement

M. Manka provided an update. The PC and SB reviewed the agreement in the beginning of April. There were some changes requested about omitting boilerplate conditions that don't pertain to infrastructure. Renee Miller informed M. Manka that the council is working on that language and that they are hoping for a quick turnaround. They were informed of the 3/19/23 deadline for submitting info before the 5/35/23 SB meeting.

Community Recovery & Revitalization (CRRP) Program Grant

G. Gebauer asked about the NBRC and CRRP grants. M. Manka explained that when we find out about the CRRP Grant (if awarded/how much has been awarded), M. Manka and JB Hinds will figure out how the different funding sources fit together and how much can be utilized from each source based on their restrictions. Once CRRP status is known, the funding stack will be complete.

The CRRP Grant was approved by VEPC (Vermont Economic Progress Council) on 4/27/23. The application now needs to go through inter-agency review and then receive final approval from either the Governor or the Department of Economic Development. Angela Farrington believes that the awards will be granted sometime in June. M. Reilly commented that the approval by the VEPC council is very encouraging. Hopefully we will have a clear picture in June of how the different funding sources will work together.

This grant is for the amount of \$757,472. The PC expressed thanks to M. Manka for her work on this.

Draft Project Schedule

There is a lot of interest in the schedule and how this will work.

G. Gebauer explained that there are two schedule plans that will be discussed. The first is the plan developed by Peter Lazorchak and Amy Macrellis for their work. The second is the Communication Plan developed by the Outreach Committee.

Peter Lazorchak stated that we are still pretty much on schedule in terms of the Gantt Chart and project schedule. Notification has been sent to landowners, and most have responded. Surveying has begun to fill in missing information from the Green Mountain Engineering survey and will continue for the next 4-6 weeks. They have been working with VTrans to get ledge probe borings and the 1111 permit for work in the ROW. Two Geoprobe days have been scheduled with subcontractors at end of June to get the ledge probe borings. They will keep working to advance designs and put together information for a fall bond vote. They have met with the communications group. The goal is to push as hard as they can to make this happen.

G. Gebauer asked if the Geoprobe is lined up and ready to be done at the end of June. Peter confirmed this.

M. Letorney asked if there will be an assessment at time of boring? Peter responded that they will need to process data, which may take a couple of weeks.

The PC discussed distribution of this schedule. It is a very difficult document to read. The SB needs to see it. Amy and Peter will work on other ways to make it more user-friendly. The PC needs to work on how to disseminate this information and how to handle questions and comments. The document is in the public domain now and updates will be provided on the website. There should be a list of key stakeholders. This is a tool being used by consultants. Complexities and dependencies are of the greatest interest, yet the hardest to translate to the public. The document lists critical steps and tasks, but many steps have long timelines.

M. Manka offered that there are two topics to consider with respect to distribution. The first is key stakeholders and their need to see the tasks in queue month to month. These could be distributed monthly with a summary. The second topic is how to translate this very involved document into something easily digestible for the public. Peter added that this is a multi-year process with a lot of moving pieces. G. Gebauer commented that this is Stone Environmental's document, not the PC's. Questions or changes will have to be answered by Stone, not the PC. Monthly summaries with key dates each month will be effective and will not be an overwhelming amount of information. Stone Env can update the schedule and provide a bulleted list/monthly update on what they are working on, including target dates for work to be finished. Stakeholders will receive a full updated schedule and summary. The schedule is available to anyone at any time, it is a public document.

Draft Communication Plan

Eric Ford was present to discuss the draft communication plan. This plan is in place so that everyone knows what they're voting on before they vote. Facts are still forming. We will need to know how much it will cost taxpayers and people in the service area. In-person engagement is the most important and significant part of the plan. Print and media and important methods of communication. Equity is an important factor to make sure the information reaches everyone. The goal of the plan is to help everyone understand this incredibly complicated project.

August 15, 2023 is the anticipated date to be able to accurately predict costs. We can't move forward with a communication plan until we know how much the costs are. It will be hard to have a November bond vote if we don't have data and costs by 8/15/23. A budget has been approved for \$5000 to support the communication plan. This budget will cover printouts, design, mailings, videos, incidentals, etc. There is timing and cost related to each piece that have their own timelines.

Eric went through the plan month-by-month:

June: Mostly consists of meetings/ramping up to collecting data to plan meetings. A lot of this info is already on the website, final details still need to be filled in. Work can begin if participants are happy with this plan. A designer will be engaged to do some printed pieces, a filmmaker may be asked to make a short video, etc.

July: In-person interactions will begin. This part of the schedule is dependent on cost, timing, and bandwidth. This is a committee comprised of volunteers. There are no meeting dates or specific information yet because things may shift. The committee is hoping to have an informational meeting with people in the service area – possibly a BBQ at the end of July. This will enable direct communication with people in the service area to give them the opportunity to ask questions and get information. There is a

plan to create a video to tell people about the website and the project. The committee will engage with a videographer, do interviews, etc.

August: The committee hopes to have enough information to start planning informational meetings and printed pieces. The main printed piece proposed is a postcard plan. This will be the 1st announcement of planned public meetings. Postcards will be mailed to all residents to announce the public meeting. This information will also be in the newsletter and on FPF. The video will also hopefully be released in August.

September: This is the beginning of communication plan arc. (Sept/Oct) The 1st public information meeting will be held in the first week in September. A booklet and posters are planned to be made available Sept 1st. Hopefully all media will be available at the first meeting in September. All public information meetings will be hybrid to allow the most people to participate. There will be a site walk later in September for any taxpayer who wants to attend. This is a chance to meet with engineers and walk through the service area and get answers to questions.

October: The committee is hoping to visit the senior luncheon on October 9th. Most people vote early and remotely. The committee is planning things earlier than they would have in the past to make sure people have the information they need. The 2nd planned informational meeting is scheduled for 10/18/23. Ballots will likely be available that week. The meeting is intended to make sure that people understand all the components of this project.

November: The bond vote will hopefully be held in November, but most people will have already voted. Some parts of the draft communication plan are required by law for a bond vote. This plan has a heavy focus on interacting with people. The point is not to advocate, but to give information. The goal is to get people to show up to in-person events.

M. Manka added that it will be up to the SB to decide whether to mail out ballots and whether to include return postage.

G. Lamphere asked the SB members if they had thoughts or questions on this topic.

Lee McClenny expressed that the ordinance that the SB will have to approve is fundamental to whether people support project. He asked if that ordinance rolled into this bond vote, and if not, why not? JB Hinds agreed that policies enshrined in law through ordinance are fundamental to what people will support. This includes questions about how the project is financed, the role of taxpayers outside the service area, connection policies, on-site system failure plan, etc. Certain topics can be reflected in the bond vote language, such as expected parameters of Town taxpayer contribution, method of repayment, user fees, voluntary connections, and private loan agreements. An ordinance is only adopted if/when there is a system.

L. McClenny stated that support will hinge on cost. We won't have a good idea of installation/construction costs or O&M costs until mid-August. L. McClenny asked if an ordinance will have to be written between 8/15/23 (when funding/cost information is known) and the date of the bond vote. JB Hinds replied that there is no need to write an ordinance before bond vote. Writing an ordinance and writing bond vote language are two different actions that are not dependent on each other. It is not necessary to adopt an ordinance until there is a system to be governed. There is a need to discuss future policies and the approach to rate structure. Critical path pieces can be included in the bond vote language. It is possible to develop a draft ordinance explaining what policies are intended for a wastewater system. The ordinance

comes afterwards. In bond vote language or a draft ordinance, the SB can establish policies and establish restrictive language. G. Gebauer stated that there are dates in the communication plan to discuss ordinance policies with the SB. The SB should discuss what ordinance will say before 8/15/23, but not adopt the ordinance formally. A draft ordinance can and will be shared with the public. The SB can set policies in an example/draft ordinance and then plug in actual numbers when the data is available.

Vicky Ross clarified that this is a new task on the critical path: what language goes into bond vote? This will give people some assurance of what can and cannot happen in the future. JB Hinds added that the bond language is pledging the full faith and credit of the voters under certain specific conditions.

Barb Peck communicated her interpretation of what was just discussed. 1) The language for the bond will have factual numbers on how the project will be financed. 2) Policies/procedures/future costs to users will be part of a draft ordinance. People want to know what will happen in 3 years when grant money and caps are finished. JB Hinds responded that the bond language could contain important policies such as voluntary connection, town taxpayer responsibility vs. user fees. Grants and fee caps don't go away, the bond is a stream of identical payments over 30 years. With any bond issued in VT for construction, typically the SB sets a "not to exceed" number. It will go back to voters if the project exceeds that cost.

M. Manka clarified that the bonded amount will be set, and that number won't change – it is a set schedule. The O&M contract will be contracted within a range.

D. Baczewski asked if the work that the SB does on the ordinance prior to the bond vote is informing the bond vote. JB Hinds answered yes. The SB would be informing the bond vote in a few important ways: 1) defining the service area 2) voluntary connections 3) establishing whether and what share of ongoing costs and capital costs would be put on the Town tax rate vs. on the users. These are important pieces in the language of the bond vote. D. Baczewski clarified that the SB wants information in time to properly draft an ordinance. M. Manka said that the SB needs to discuss how much time they will need, as well as a meeting schedule. The first key step is to have a special meeting to talk about WW, go over the project schedule, communication plan, meeting schedule, milestones for November bond vote or a potential March bond vote, potential actions that will need to be taken between now and the bond vote, etc. It is important to all be on the same page as we move forward together.

D. Baczewski stated that we need a macro understanding of key drivers on the critical path. We need an understanding of where we are on timeline. The SB wants to ensure the most informed vote possible.

M. Manka stated that she has put together an outline of macro-level targets. The PC will go over this outline with the SB. This outline will combine Stone Environmental's timeline, the communication plan, and State ARPA timelines. The PC must figure out how to streamline the process and information, as well as how to put this macro document together and distribute the information.

L. Johnson expressed the need for a comprehensive overall plan. It will need to list critical steps and milestones including maintenance issues, administration, etc. going beyond engineering and the bond vote. Many other elements will be mixed in. JB Hinds added that this comprehensive plan will need to look at questions of when construction happens, how much disruption there will be, how it would work in practice (staffing billing, etc.).

V. Ross reiterated that there will be no real numbers until 8/15. Bond vote language will take time. She suggests moving forward with what info is available. A Pro-forma hypothetical budget will be helpful so

that people can begin to understand the components of the budget. 8/15 is a very late date, there is not a lot of time to figure details out. This is an aggressive schedule.

This draft communication plan has been shared with the SB. Next steps will involve getting the macro summary out to the community. M. Manka will work on a draft for the PC's next meeting on June 5th.

G. Gebauer stressed the importance of talking about policies behind the ordinance. The framework is straightforward.

Public Outreach

- **Communication Plan Implementation & Procedures**

This is in process. The macro document will be added. Information needs to be distributed to key stakeholders during peaks of activity as the project moves forward. A more refined schedule is what people want to see.

- **Stakeholder Distribution Concept & Procedures**

Stone will give an updated version each month. The PC receives an updated communication plan from the Outreach Committee. This info can be used to build the macro document for the community. More details will be made available for the stakeholders. Monthly updates will be provided for both the public and the stakeholders. Fixed costs and timelines will be up to date and factual.

- **New FAQs**

The Outreach Committee came up with some additional questions based on comments and questions from community members. A draft was included in the meeting packet. The committee is seeking approval to them add to the web page. S. Jensen commented that it is great to have such a professional engineering team assisting with this project that can provide accessible information. G. Gebauer will make a few edits and update the FAQs.

- **June Newsletter & FPF**

Two options of a newsletter post were included in the meeting packet. The PC agreed to submit and post option 2, which has a question/answer format.

Future Selectboard Meetings

The PC will meet with the SB on May 31st, 2023, at 6pm. JB Hinds and Peter Lazorchak are available to attend.

Public Comment

Emily Hackett reported that the Indirect Discharge Program will be holding a webinar on drip disposal on May 26th at 1pm. This could be informative for the PC and/or the SB. A lot of communities are using drip dispersal because it is more cost effective. The recording can be posted on the Town wastewater website. This webinar is not open to the public, but the recording can be viewed afterward. The information is focused for engineers, planners, selectboards, etc. The webinar can help answer questions around design.

E. Hackett also provided an update on ARPA. Language will be finalized tomorrow, and Renee Miller is hoping to have the information to M. Manka by Friday.

Sheila Franz commented that taxpayers are stakeholders, and the PC agrees with this statement.

JB Hinds reiterated that bond vote language is for the duration of the financial instrument issued.

Maureen Wilcox asked if we would know the actual cost before bond vote. G. Lamphere answered that the engineers have probable cost estimate. JB Hinds added that you will never know the exact cost until the project is finished and certified, which is why “not to exceed” language is used. S. Jensen clarified that engineers have their estimate of probable cost, and there is a sealed bid process. If changes are encountered in the field, there is a change order process that is governed by the rules of the DEC and EPA. JB Hinds added that bid tabulations are public documents. M. Reilly observed that the cost estimate could help alleviate anxieties about unknown/future costs. While we may not know the exact number, we know the mechanisms in place to protect taxpayers. This is a tried-and-true process. It is important to know how the bond language and the draft ordinance do and don’t work together.

JB Hinds revisited L. Johnson’s question about management from an administrative standpoint. It will be helpful to look at other communities with similar systems.

Town Common Area Stormwater

G. Lamphere informed the PC that the Selectboard and Common Committee have been invited to the June 5th PC meeting. The objectives are to document what is there and what options are available for the Town to consider in the future. These are ideas and concepts, not plans or decisions. This is required to close out the grant. S. Jensen added that this is part of a public scoping process where an engineer lays out options. These options are not plans proposed by the PC. It should be clear to the public that the PC reviews the plans at the same time as everyone else. G. Lamphere added that the PC is not recommending moving forward with a particular plan, they would instead suggest putting the plan into the file for future consideration. M. Manka added that a conceptual plan will need future discussions on whether to advance the project and through what funding mechanism. There are too many what ifs. The culvert failing and catch basins are full of sediment. Details are not known at the conceptual phase.

There has been some correspondence with the Westford Country Store. The current management has asked about lighted sign regulation changes. M. Manka agrees that the entire sign section of the regulations needs work. In late ’23-’24, the PC will look at updating regulations. It is helpful for the community to share thoughts about the regulations at PC meetings.

2023 Work Plan

5/25/23: regular SB meeting. Topics discussed will include State ARPA and CWSRF agreements. It is important for a PC member to attend SB meetings so that the PC can answer questions. G. Gebauer and M. Reilly can attend the 5/25 SB meeting via Zoom.

5/31/23: Special SB meeting.

6/5: PC meeting. Topics discussed will include Stormwater, a draft comprehensive plan, and funding update. Will also discuss progress with the PC budget omitting CC before the change in the fiscal year. Ben Bornstein is planning a CCRPC update for 6/5 or 6/19.

7/3: TBD.

Adjourn: 9:40pm