

**SELECTBOARD MEETING
May 11, 2023
Minutes**

Present: Lee McClenny
Bill Cleary
Dave Baczewski
Greg Barrows

Nanette Rogers
Callie Hamdy
John Roberts

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

There were no changes to the agenda.

PUBLIC COMMENT

There was no public comment.

MINUTES

Bill Cleary made a motion to approve the April 20, 2023 minutes as amended, seconded by Dave Baczewski. Motion passed: 3-0.

ROAD SCHEDULE

John reviewed the April 21, 2023 through May 11, 2023 Road Schedule. Dave Baczewski made a motion to approve the Road Schedule as presented, seconded by Bill Cleary. Motion passed: 3-0.

FY'23 HIGHWAY BUDGET STATUS REPORT

Greg Barrows, Treasurer, reviewed the FY'23 Highway Budget status report. Overall, the Highway budget is in good shape. Salaries are under budget, but gravel is substantially over the amount budgeted. A delivery of diesel will be needed before the end of the fiscal year.

MEETING WITH CHITTENDEN COUNTY SHERIFF

Dan Gamelin, Chittenden County Sheriff was present. The funds budgeted for traffic enforcement were depleted with nearly three months remaining in the fiscal year. The contract states the amount budgeted however it is up to the Sheriff's Office to manage the funds in a manner to provide services through the contract period. Usually, the office is good at managing the funds; Dan believes there has been a mistake. Bill was wondering what is being done for enforcement in the interim. He feels that the Town still needs law enforcement coverage and is hopeful that the Sheriff's Office can continue patrolling at a favorable rate for the remainder of the fiscal year.

There is a feeling amongst people in town that there is persistent speeding and overweight vehicles on certain roads, which greater enforcement and enforcement visibility could help. Dan thinks there may be grant funds available and will discuss it with the lieutenant that covers Chittenden County. If there are funds available, the Sheriff's Office may be able to use them to help with patrolling for the remainder of the year.

The law enforcement funds budgeted for FY'24 was increased to increase the number of patrol hours and cover mileage and other expenses rolled into the contract. Dan noted surrounding communities also increased their budget.

Sheila Franz stated that deputies can use their driveway and three farm accesses on Woods Hollow Road for traffic enforcement. Dan advised that a lot of speeders are caught on that road and most of them are Franklin County residents. Sheila stated that a large amount of alcohol containers was picked up on Green Up Day which indicates issues with drinking and driving.

Barb Peck has noticed on Route 128 that the deputy has certain hours when and where he sits, and motorists have figured that out. It might be prudent to mix up the locations and times. She also offered her turnoffs on Route 128 for the Sheriff's office to use.

Sheriff Gamelin and the Board discussed prioritizing roads. It was noted that complaints received are regarding speeding on Woods Hollow Road, Cambridge Road, and Old Stage Road. These roads are unlikely to be patrolled by an agency other than the Chittenden County Sheriff whereas Route 128 is also covered by the State Police. It was pointed out that although the Town would like the focus to be on gravel roads, there is a safety concern on Route 128 as well. Motorists sometimes travel at 20 to 30 mph over the limit; therefore, the likelihood of serious injury or death is higher than on a gravel road. There needs to be a balance but definitely a need for more patrolling on roads such as Woods Hollow Road. The Board stated that while receiving funds from tickets is good, the main focus is on safety.

Sheila Franz feels that when motorists exceed 50 mph on Woods Hollow Road, the potential for an accident is much higher than it is when driving at that same speed on Route 128, because gravel roads are not constructed for higher speed limits. Additionally, gravel roads often have walkers, bikers, and horseback riders present.

John asked about "zero tolerance stings" which is when an enforcement officer pulls over any individual going over the speed limit, not necessarily ticketing them, but stopping them. Dan advised that can be done. John believes it is not an "if" we have a major accident on the dirt roads, but "when."

Dave Baczewski made a motion to authorize \$4,200 to continue traffic enforcement until the end of the fiscal year, seconded by Bill Cleary. Motion passed: 3-0.

Bill Cleary made a motion to accept the contract between the Chittenden County Sheriff's Department and the Town of Westford for FY'24 with an amount not to exceed \$26,500, seconded by Dave Baczewski. Motion passed: 3-0.

REQUEST FOR DUMPSTER AT ADAMS TURKEY FARM

Dave Adams requested a dumpster for his farm because he has his household, an apartment, and a business all producing trash. The contract with Myers states the Town will pay for dumpsters at commercial establishments. The Board agreed to provide one via the trash and recycling ordinance.

TOWN OFFICE AND LIBRARY WELL WATER TEST RESULTS

Devin Porter was present to discuss the results of the water tests for the well that serves the town office and library. The samples submitted to the lab were for a variety of elements and bacteria. The test results are within normal ranges. Devin noted that the first draw for lead showed a presence, however Devin feels this could be indicative of the old plumbing. The Town could pursue more testing for the lead if it chooses to. It was noted that town staff do not drink the tap water. There have been concerns with drinking the water due to a tannery that used to be located behind the town office and petroleum presence on a nearby property. Test results did not indicate any reason for concern. The softening system is not being maintained which is supported by hard water test results. Although this is not a health hazard, Devin suggested the system be routinely maintained and inspected. It was noted that the depth of the well is 461 feet. Nanette advised that the perception of the water not being drinkable stems from before she was elected town clerk in 2001; the information was passed on to her.

Vicky Ross asked if the water at the library was tested. Devin advised it was not because the water goes from the well to the town office and then to the library. It was noted that lead could be a concern given the age of the building and likely the plumbing. Devin stated that he was originally going to take two samples of the water, one from before the treatment system and the other after the system. Due to the way the plumbing was installed, a test before the system was not possible. The Town purchased two test kits. The remaining kit can be used to test the water at the library or saved for future tests at the town office.

Barb Peck stated that the Planning Commission (PC) has said that the water at the town office and library is undrinkable. She went into the town office and tasted the water. In her opinion it tastes fine, and she trusts science. Gordon Gebauer from the PC stated that it is his understanding there was a spike in e-coli in the water when the library's septic tank failed and was replaced which may have fueled the concerns of potable water. He's pleased with the results but pointed out that they are results for one point in time. Gordon feels routine testing of the water should be done and compared to past results. The State recommends annual testing.

Not knowing what the connector pipe is made of Francois Ross suggested testing the water at the library which is used by a lot of children and seniors. Devin noted that testing for lead only is less expensive than a full test. Vicky stated that the myth is there is arsenic in the water and supports Francois' suggestion. She advised that the Trustees have been working on a renovation plan. There is a grant that could be used for significant renovations, such as plumbing.

Devin will test the water from the library with the remaining test kit and make a recommendation to the Board for ongoing testing for e-coli and other chemicals. Lee thanked Devin for his significant time and expertise.

UPDATE ON ROAD STUDY PROJECT - CCRPC

Nanette met with Charlie Baker and Eleni Churchill from Chittenden County Regional Planning Commission (CCRPC) to discuss a traffic study. Prior to the meeting, Nanette provided them with copies of minutes and emails regarding a study. Charlie and Eleni are unsure if the Town is looking for a transportation plan or a traffic study. Nanette requested that Eleni send questions for the Selectboard to answer to help identify what the Town wants to accomplish. Nanette provided the Board with the questions. In order to be prepared for the Unified

Planning Work Program (UPWP) application due in January, CCRPC would like to draft a plan and review it with the Selectboard in August. They will assist with writing the application. The cost of the study is around \$75,000. The Town is obliged to come up with a 20% match of the cost. The project itself would not begin until after July 2024.

A speed study of Woods Hollow Road will be done in May. This study is free and is separate from the comprehensive plan. Nanette does not think the speed studies alone will answer the questions the Board has been asked regarding traffic flow and how development affects traffic patterns. John believes that increased traffic enforcement would heavily help regulate speeds as well as where out of town traffic is choking residential roads. Nanette, Lee, and a member of the Planning Commission will meet with CCRPC and drill down on what the town wants. Bill thinks that the study will also let us know if the problem roads we perceive as issues actually are issues.

ZONING REGULATIONS

The Zoning Administrator submitted an update on the Heco violation. Mr. Heco has cured most of the violations and is waiting for the approval of a state permit to cure the remaining item.

Bill advised that a property owner on Old Stage Road received a letter from the Zoning Administrator with regard to his excavation business being operated on his property. Bill takes issue with a property owner trying to make a living and running up against problems with the Zoning Regulations. He thinks the Town should make life easier, not harder. Bill would like the Planning Commission to look at some of the regulations for Home Occupations Type 1 and Type 2, such as the types of storage allowed. Harmony Cism, Zoning Administrator, advised that she has issued a Home Occupation Type 2 for the Old Stage Road property.

DRAFT PERSONNEL POLICY

Nanette provided the Selectboard with a draft Personnel Policy. The work on the draft began three years ago but was significantly delayed due to COVID and the availability of the Town's attorney. Nanette explained that the existing personnel policy needed to be updated to be in compliance with new laws regarding sick time as well as including items to be eligible for grants. VLCT's template was used; town specific information was incorporated into the template. The Town Attorney reviewed and made changes to the policy. One item the Selectboard needs to address is the conflict of the policy referring to the Town of Westford as being an at will employer and the discipline and termination process. The Board discussed how the policy might be worded so both items can remain in the policy. Nanette will contact the Town Attorney to discuss.

LIQUOR LICENSE FOR WESTFORD COUNTRY STORE & CAFÉ

The Westford Country Store & Café submitted a renewal liquor license. Bill Cleary made a motion to approve the Vermont Liquor License application, seconded by Dave Baczewski. Motion passed: 3-0.

EMERGENCY MANAGEMENT DIRECTOR RESIGNATION AND POSSIBLE APPOINTMENT

Josh Smith submitted his resignation as Westford's Emergency Management Director (EMD). He has taken a new position therefore will not be able to fulfill the responsibilities. Nanette asked Helen Sterling and Francois Ross if either are interested in being appointed. Helen

passed due to her Library Trustee position. Francois suggested the position be advertised. Nanette will post the position.

Lee McClenny made a motion to accept Josh Smith's resignation as the Town's EMD and elevate Francois Ross to an interim position as EMD while advertising for a replacement, seconded by Bill Cleary. Motion passed: 3-0.

CORRESPONDENCE

Vicky Ross submitted an email regarding her request for a critical path timeline leading up to the vote for the wastewater project to be developed. Nanette provided information for the warning process leading up to the vote. The hope was that the Planning Commission (PC) would fill in the target points leading up to that. Melissa and Nanette have been working on a more comprehensive timeline. Vicky suggested that the PC may want to put together some financial information that would inform the voters of what the economics of the project look like in different scenarios well before the bond vote. Melissa had responded to Vicky's email advising her she wasn't sure how soon the PC and consultants would be ready to put that kind of detail together. Melissa has plans to engage the PC and consultants. Vicky found this concerning because she feels this information needs to be part of the critical path to the bond vote. Nanette noted that when she and Melissa met to discuss the timeline, there is not much wiggle room if the vote is to occur in November.

Lee's perception is that the PC is aware of the tight timeline for a November bond vote. The PC feels the pressure but believes there are some things that must be done before they can produce a realistic budget. One item is the cost of coring to determine where the ledge is and how much needs to be removed. This is a huge part of the construction cost. The cost to remove won't be known until after the coring is done, which won't be until the summer. A desire for clarity on the budget in the next couple of months is unlikely. Is there still time after the coring is done to get a clear picture in time for a November bond vote? The PC seems to believe yes, but it is tight. Vicky thinks that situation is a perfect example of why a critical path document would be helpful.

Barb Peck stated it was floated at one of the PC meetings that if they did not have all the information necessary for an informed bond vote that they would petition to have a vote with a not to exceed amount to still have a vote in November. The PC would still push a vote with some, in Barb's opinion, an ambiguous number. When that was floated the representative from the State said that Westford will be a fiduciary which means that if a vote occurs without knowing the number and exceed the number, Westford will be liable to continue the project and for any amount over budget. Barb thinks that if the PC does not have the numbers to vote in November, then there should not be a vote.

Vicky wonders where the risk assessment is. How innovative is the system? Is the risk very low that a small community without a lot of resources can be confident it will work? Westford cannot afford high risk.

Dave thinks Vicky is correct on the critical pathway. The pathway provides a way to work backwards from a deadline. However, if a deadline is set for a vote because a yes or no vote is needed to utilize funding that has an expiration date, the pathway with project milestones builds confidence into what is an informed vote and what is not an informed vote. Dave would like to know what is driving the deadline and when the deadline is. Is it November or March? Until the Town has more answers it's hard to tell when that deadline is. Vicky wonders what

the consequences are to push the vote to March. Is there enough time if it is pushed to March? These are questions that need to be answered.

Lee brought up the Ordinance needed for the system if the bond vote passes. Where does that fall on the critical path? Dave pointed out that the Ordinance drives a lot of what the Board is discussing. He feels it would be good to find out if the Selectboard and PC are on the same page. Barb does not know who the project manager is, she assumes it is Melissa. Due to the size of the project, there should be a project manager who understands what is going on and how to relay information to the Board. There needs to be someone who is responsible for informing the Board of what is going on, how it's going, and what is going to happen between now and the vote in a technical manner. Vicky agreed adding that it would inspire confidence.

Ira Allen is encouraged to hear the points being brought up. He pointed out that State regulations speak to housing density provided there is water and sewer available. In order to have wastewater there needs to be potable water. He thinks increased density would require a municipal water system. Ira noted that he has seven affordable rental units in the service area. He's concerned about what the additional costs will be and what it will do to his family's operation, which his family depends on for a living.

Vicky thinks it is great that Dave and Lee have had conversations with Melissa and the PC, and that they are trying to help them. She finds it shocking that the PC would tell the Board when they are getting the ordinance information the Board needs. She would think it would be the other way around. With a critical path timeline, the Board would know what they need by a certain date. Dave appreciates Vicky's comments. His issue is that he cannot build a critical pathway because he relies on a program manager. His ask has been for a critical pathway. He has explained it. The Board has talked about it. He can't build it. He kind of understands the major milestones but he needs someone to present him with a legitimate critical pathway.

Bill asked when there should be a joint meeting with the PC so they could hear what had been discussed at this meeting. Nanette stated that the Selectboard could attend next week's PC meeting without it being warned. Lee thinks if the PC chair had no objection, he would like the Selectboard to attend the upcoming PC meeting. If that does not work, they need to schedule a special meeting.

The Board received an invitation from the PC to attend their June meeting regarding the stormwater treatment plan for the Common.

COMMUNICATION

An announcement for the closure of Phelps Road and the EMD position opening will be put on Front Porch Forum and in the newsletter.

UPDATE ON CDS

Greg Barrows provided an update on the CDs the Town has invested in. Four of the Town's CDs will be maturing every three months. The interest rate for these CDs is around 5%. It was noted that the Federal rate just increased. The \$150,000 ARPA Funds were recently invested in a 12-month CD with Wells Fargo with an interest rate of 5.5%. When the CDs mature, the interest earned will be remitted to the Town and placed in the General Fund.

REVIEW FY'23 GENERAL FUND BUDGET STATUS REPORT

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

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ACCOUNTS PAYABLE AND PAYROLL WARRANTS.

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

Lori Johnson
Francois Ross
Vicky Ross
Dan Gamlin
Ben Bornstein
Gordon Gebauer
Sheila Franz
Maureen Wilcox
Barb Peck
Ira Allen
Kim Guidry
Harmony Cism
Devin Porter

**TOWN OF WESTFORD HIGHWAY DEPT.
ROAD SCHEDULE
April 21, 2023 – May 11, 2023**

Work to be done.

- Replace several driveway culverts.
- Grade roads.
- Start Phelps Rd. project.

Work completed

- Graded most of the roads.
- Patched potholes on several roads.
- Hauled in road gravel.
- Put the summer tires on.
- Old Stage Paving project.
- Serviced the remaining equipment.

Approved at the 5/11/23 Selectboard Meeting.