

SPECIAL SELECTBOARD MEETING
May 31, 2023
Minutes

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

Guests: See attached list

The meeting was called to order at 6:00 p.m. The meeting was held in person and via Zoom.

Lee McClenny stated that this is a special working meeting of the Selectboard to work with the Planning Commission, Town Planner, and contractors for the wastewater project. The goal is to put together a work plan that will enable the Town to come to a well-informed yes or no vote on the bond issue by election day in November. There is a very full schedule. Questions about the work plan and work schedule are welcomed. The Selectboard requests that other issues be held until a future Selectboard meeting or public information meeting. Lee also noted that there will be more Selectboard meetings. According to State law/State Constitution, Selectboard meetings are warned for transparency and the agenda is set a week in advance. It is inefficient to introduce last-minute changes.

CHANGES TO AGENDA

There were no changes to the agenda.

PUBLIC COMMENT

There was no public comment for items not on the agenda.

FY'23 HIGHWAY BUDGET STATUS REPORT

Greg Barrows reviewed the FY'23 highway budget status report. The highway department is approximately \$85,000 over budget. Greg noted that the Town will be submitting a reimbursement request for the Old Stage Road paving project, which will hopefully be received by the end of June.

RECREATION COMMITTEE APPOINTMENT

Andrew Katz applied for the vacant position on the Rec Committee. The Committee is recommending him for the position. Bill Cleary made a motion to appoint Andrew Katz to the Rec Committee, seconded by Dave Baczewski. Motion passed: 3-0.

DISCUSS WHAT INFORMATION SHOULD BE INCLUDED IN AN ORDINANCE FOR THE COMMUNITY WASTEWATER SYSTEM AND THE CRITICAL PATH TIMELINE

There are several deadlines that need to occur before a bond vote on the wastewater system can occur. The Selectboard is hoping to get the town to a fully informed vote as expeditiously as possible. A critical path forward has been drafted to identify tasks, meetings, and deadlines. Part of this process involves coming up with facts that the public needs before the bond vote. For discussion, Lee compiled a list of fundamental questions he felt needed to be answered. They are:

1. Will not-for-profit "civic" entities (Historical Society, WCH, RBMH, etc.) be treated as private property owners, as municipal entities (i.e., the same as the Town Office and Library), or something in between regarding the costs of construction, operation, and maintenance of the proposed wastewater system.

2. Will the Westford Country Store (and potential future businesses) be treated the same as a residential property, the same as a not-for-profit, or as a hybrid for cost sharing of construction and subsequent operations?
3. How much will installation/construction realistically cost?
4. Who pays how much for that cost (i.e., what is the total funding stack)?
5. How much will operation and maintenance realistically cost, including administration/billing costs?
6. Who pays how much for those expenses?
7. How much money in the current funding stack not/not coming from grants is potentially vulnerable to loss, if construction or disbursement of funds is delayed (i.e., how much money might the Town have to raise through taxes under a worst-case scenario)?
8. Will there be cash flow bottlenecks (i.e., large payments the Town must make before receiving grant money) that will require us to borrow additional funds or use reserve funds?

Bill applauded Lee for the work he's done. He thinks they are really good questions and feels the Planning Commission (PC) could answer a few of them quickly. Lee explained the proposal is to determine what questions to submit to the PC and consultants to get answers before the first public meeting.

Dave had a couple questions to add:

1. How do we handle reserve capacity? Where does the definition of reserve capacity begin and how much (10%, 20%, etc.)? If the Selectboard is to decide on how much is to be held in reserve what are the options and what are the pros and cons of those options? Dave pointed out that the Town could implement incentives for businesses, non-profits, etc. There are reasons to do that; there are pros and cons. The public is going to want to know that information. What is the impact? Are there more taxes short term because the Town is paying that? Bill pointed out that some towns control growth through sewer allocation.
2. Would there be an incentive for affordable housing units or multiple unit dwellings in the future?
3. Regarding cost overrun concerns, what does the risk model look like? Is there a contingency built in? What are examples of similar examples?

Dave thinks the information garnered from the questions is something the Board will need to make decisions on. Seth Jensen felt it's a great list and feels the PC would come up with a similar list.

Pat Haller had some questions regarding future connections. If the entire cost of the project is covered, and someone wants to connect in the future, they should pay for the hookup cost and the operation and maintenance (O&M) cost, but should there be a premium for the hookup and where would that premium go? For example, can the Town make money from individuals that connect in the future? What would be the cost for the connection? He feels the connection cost should be a little bit less than the cost for a mound system to make it attractive. Lee asked if the wastewater funds are fungible? Can those funds be used for other expenses, such as Rec? Maybe it doesn't make a difference since the Town is not in the business of money making, however the Town will want to make sure it follows State law.

Dave asked how the Town should codify the definition of the service area and expansion of the service area? In the future there will be other decisions such as is the service area fixed or is there an option to expand? Dave is aware there are some geographic constraints that will be a factor in determining this. Bill stated that in one draft sewer ordinance that was provided

to the Board, the Town paid for the connection cost including infrastructure such as the step tank for property owners who connected during the construction. Once the system was established, future connection and infrastructure costs would be borne by the property owner.

Lori Johnson stated that as she understands it, the plan is that the user fee will consist of two parts, the bond repayment, and the O&M cost. The bond repayment includes the step tank installation for those that connect during construction. She views this as a property owner who connects later is already paying for their step tank installation and the connection line unless the Town plans to pay for that through a connection fee. Her question is, what will the connection fee include and not include? It was pointed out that the initial bond that all taxpayers will be paying off will include installation of some step tanks, and anyone connecting outside of the bond will need to pay when they connect.

Vicky Ross' questions were: What role there is for the Town Attorney in determining the bond language? How will the bonds be repaid? How much does the Town plan to bond and where does the money come from to repay the bond? What is the expected O&M costs and how are they paid overtime? Greg explained the amount of the bond will depend on the final funding stack.

Is there any insurance available to the Town for weather events or system failures that are out of the Town's control to help mitigate some risk? RJ Moore, chair of the Westford Fire District (WFD), stated that WFD has insurance through VLCT (Vermont League of Cities & Towns). The insurance covers structures and machinery but none for infrastructure such as piping.

Kim Guidry stated that the system is potentially two times what the current use is now. If the additional potential use is used for more multi units or affordable housing, will there need to be an extra water source? If so, where is the funding for the water source? Is it another bond vote or private pay? She does not know if this fits into the wastewater project or not. Kim also asked where a system has been successfully installed in an environment and climate similar to Westford.

Lee had also pondered the question of the need for water. Presumably much of it is coming from wells, but some of it comes from human waste liquid. Seth Jensen explained that to issue a subdivision or building permit under Westford's zoning regulations, an applicant needs a potable water supply and a wastewater permit from the state. To get the permit, an applicant needs to demonstrate the site can support a well that complies with state regulations. In the case of major development that triggers public water supply rules, the developer would have to fund and finance the infrastructure.

Lori Johnson noted a resident in the service area submitted a nice list of questions to the PC that he would like answered before the bond vote. The questions focused on preliminary design, such as where the line is going to go and will it disturb the trees.

Seth Jensen asked what happens during an emergency or a power outage. Something the PC learned from talking to Vermont Emergency Management is that having a Standard Operating Procedure would make those costs eligible for reimbursement from FEMA. Referencing or embedding a Standard Operating Procedure into the ordinance could be beneficial.

Vicky offered to help the Board develop the critical path in the form of a chart, which she feels would be useful. Lee believes the Board is enroute to rapidly accepting Vicky's offer; the amount of information is overwhelming.

RJ Moore advised the public system that serves WFD has been in place for 50 years. The Homeowners' Association is willing to be a resource and to visit the site. Pat Haller stated that a site walk was done a couple of years ago. Only two people that were not on the PC attended. The Outreach Committee was not going to do another walk but if there is interest, they will.

MAINTENANCE OF TOWN BUILDINGS AND LAND

Nanette asked the Selectboard to consider hiring a person or contract with a company to perform necessary scheduled and non-scheduled maintenance tasks for the town office and library. There are routine maintenance tasks that have been left to the office staff, who do not have the bandwidth and sometimes the skill set to complete the tasks. In the past, staff have relied on the Road Crew to fix loose boards and other tasks such as adding salt to the water softening system.

Vicky explained that the library has an on-demand hot water system which they have had to replace several times. The contractor replacing the system has advised that failure to perform routine maintenance of the water softening system has contributed to the deterioration of the tanks. She added that the library often has small projects they need done. The library has been fortunate to find volunteers to help but it's not the same as submitting a request and having it done timely by a professional.

Lee sees the need, but noted the next budget has been set and approved therefore this would be an unbudgeted expense. Nanette pointed out that the budget includes a line item for building maintenance. Bill doesn't think it's the best approach to have a single person; he feels it should be on a case-by-case basis. Nanette asked about routine maintenance, such as monitoring the water softener, which does not get done because staff do not have the time, and the bags are quite heavy. Bill suggested contacting Brian Zinger to see if he is interested in adding this to the custodial contract. Nanette will reach out to Brian.

UPDATE ON ARPA FUNDS AND PROJECTS

Greg provided a spreadsheet showing an accounting of the ARPA funds and the approved projects. The spreadsheet is updated when requests are submitted for funds and when interest has been earned. The Board appreciated the spreadsheet and being updated on the ARPA funds.

Ben Bornstein provided a brief update on his ARPA project, which was for EMS training for high schoolers. The program was well attended. Participants completed all the assignments and were offered internships after passing the practical and written exams. Dave thought this would be a great article for the newsletter.

BRIEF UPDATE ON MEETING WITH CCRPC REGARDING TRAFFIC STUDY

George Lamphere, Lee, and Nanette met with CCRPC (Chittenden County Regional Planning Commission) staff to explain what the Town is looking for regarding a traffic study, which would focus on Woods Hollow Road, Old Stage Road, Brookside Road, and Cambridge Road. The study would gather traffic data concerning traffic volume and speed over an extended period of time, and general safety on the roads.

In response, CCRPC is tweaking the first of what will be a series of data collection which will start soon. This will attempt to give us hard data of what's going on during different times of the day. This is a multi-year project therefore the data will not be very useful until there is data that can be compared. The work the CCRPC will be doing will be at no cost to the Town.

Barb Peck noted that when development occurs on a state road, a traffic audit for safety is done. It takes about a year to complete and is done at the request of the PC or Selectboard. About a year ago, she mentioned the audit at a PC meeting to see if the PC had looked into it, they had not.

Lee noted that the CCRPC was clear that the science and art of traffic calming is highly developed for paved roads, but there are very few tools for gravel roads.

CORRESPONDENCE

Nancy Patch, Craig Helfrich, and John and Wendy Doane submitted letters of support for the work the Planning Commission, Melissa and the Selectboard have done on the wastewater Project. Nanette will pass them on the PC.

Joe Franz submitted a thank you to the Board for following up on this recommendation for the traffic study.

An inquiry was submitted regarding how the consultants for the wastewater project were being paid. Bill explained that State ARPA and the CWSRF (Clean Water State Revolving Fund) were used to fund the consultant fees not Town funds. There were also questions about whether invoices had been submitted. Greg is not aware of any invoices being submitted. Per correspondence from Melissa, she is waiting for the finalized State ARPA agreement and the CWSRF so invoices can be submitted and paid. These funds do not need to be paid back if the bond vote fails. Vicky asked how the Planning Commission monitors work done by the consultants if invoices haven't been submitted, and if the work is within the amount of funds available. Seth advised Melissa monitors their progress. Seth explained there was a delay by DEC but things have improved a lot. There is a 30% plan review by DEC that needs to be thorough. There needs to be time for them to conduct the review, but they also need to do it timely. He feels having a member of the Selectboard ready to express the importance of a timely but thorough review would be helpful as not to jeopardize a vote for November. The Board will be happy to do that.

There was an exchange of questions about the denial of a slaughterhouse permit for the Butcher Barn. It was noted that the Town is not aware of a permit and the Town has no jurisdiction. It is believed this is something that is at the State level. Bill suggested that the Town write a letter of support if the Butcher Barn continues to have trouble with obtaining a permit. Barb stated she believes that the owner of the Butcher Barn purchased a slaughterhouse in Grand Isle, which is associated with the permit, not Westford.

The Agency of Transportation responded to the Town of Underhill's request for a speed and safety study on Route 15. Traffic Operations will conduct a study and forward their recommendation to the Vermont Traffic Committee for their consideration.

The Rec Dept. received a request asking not to allow the Wastewater Outreach Committee to have an informational table on the Common during the Fourth of July. The argument was that the issue is partisan and therefore it should not be permitted. Lee feels the Outreach Committee is not a partisan body. Their job is to inform, not to influence. The question of

wastewater is of public interest. The opportunity to reach the public during the Fourth of July would be an excellent opportunity. Dave also thinks it's a great opportunity. If he thinks the public should have an informed vote, he can't say no to it. He doesn't see it as an adversarial relationship. He thinks it's an opportunity to gather more questions from the public. Bill thought if the Outreach Committee could have an informational booth, the opponents should also be allowed a booth. Nanette pointed out that the Jackson Project had a booth during the Fourth of July. The Planning Commission has also had booths on the Fourth of July when they've conducted surveys while rewriting the Town Plan. It's not uncommon for a sanctioned town organization to engage citizens and to distribute information.

COMMUNICATION

A notice regarding roadside mowing beginning soon will be posted on Front Porch Forum. Nanette will send the Selectboard's list of questions for wastewater to the Planning Commission. Nanette will follow up with Sheriff Gamelin regarding funds for traffic enforcement. The letters of support for the wastewater project will be forwarded to the Planning Commission.

APPROVE MOVING FUNDS FROM GENERAL FUND TO THEIR RESPECTIVE RESERVE FUNDS

Nanette explained that approval is needed to move funds from the General Fund to their respective reserve funds. A memo was provided identifying the reserves and the amounts. Lee McClenny made a motion to authorize the transfer of funds from the General Fund to their respective reserve funds as outlined in the memo, seconded by Bill Cleary. Motion passed: 3-0.

REVIEW FY'23 GENERAL FUND BUDGET STATUS REPORT

Greg Barrows, Treasurer, reviewed the FY'23 General Fund Budget status report. He and Nanette prepared a spreadsheet that shows a rough projection of where the Town's finances will be at the end of the fiscal year. Greg thinks the budget looks good.

ACCOUNTS PAYABLE AND PAYROLL WARRANTS.

The Board signed the accounts payable and payroll warrants.

EXECUTIVE SESSION

Bill Cleary made a motion to enter Executive Session at 8:23 p.m. to discuss personnel, seconded by Lee McClenny. Motion passed: 3-0. People in attendance were Lee McClenny, Dave Baczewski, Bill Cleary, and Nanette Rogers. The Board exited Executive Session at 9:22 p.m. No action taken.

ADJOURN

The meeting was adjourned at 9:22 p.m.

Respectfully Submitted,

Lee McClenny, Chair
Selectboard

Harmony Cism
Minute Clerk

GUEST LIST

Seth Jensen (Planning Commission)
Louise Jensen
Lori Johnson
Pat Haller
Ben Bornstein (CCRPC Rep)
Barb Peck
RJ Moore
Joe Franz
Sheila Franz
Maureen Wilcox
Eric Ford
Kim Guidry
Ira Allen
Francois Ross
Vicky Ross
Gordon Gebauer (Planning Commission)
Dave Lavallee