



digging a trench filled with rock to direct the water to a culvert under their driveway. John reviewed the proposed work and doesn't have any issues with it. Dave Baczewski made a motion to authorize Harmony Cism and Nate Hendee to dig a trench in close proximity of the right of way as proposed, 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. The Highway Budget is over budget, mainly due to the Old Stage Road paving project. The project is complete, and grant funded. Nanette hopes to file the close out documents at the beginning of next week for reimbursement. It was noted that the Town operates on a cash basis therefore if the funds are not received in FY'23 the Highway Dept. will end with a deficit. It was noted that although the Highway Dept. will be over budget, the account has a positive balance from prior years, so it is solvent.

### **REMOVAL OF SCHULTZ TRAIL BRIDGE FROM PRIVATE PROPERTY**

Sarah explained that the Conservation Commission plans to remove the Schultz Trail bridge on June 11. Chris Cunningham spoke with the Andersons to relay the plan. The Andersons were fine with the proposal. The plan is to deconstruct the bridge onsite and remove it. They hope to reuse the bridge for other projects. Jim Anderson reached out to Bill to advise that he has pulled the bridge to the turnaround. The Conservation Commission will retrieve the bridge as planned.

### **COMMUNITY WASTEWATER PROJECT**

This is a follow up discussion from the May 31 meeting. Lee advised that the Planning Commission (PC) has provided answers to some of the 18 questions the Selectboard submitted to the PC (see attachment). It was noted that since the May 31 meeting, the Selectboard has received additional questions from residents. The Selectboard will need to review and decide if these questions will be added to the list. Lee proposed that the Outreach Committee create a document that includes the questions and answers and make it available to the public.

George Lamphere stated the Selectboard will need to answer some of the questions before they can be posted. Gordon explained that the PC is providing the information they have and are getting more information. Some of the questions, such as those regarding policy making decisions, will need to be answered by the Selectboard. The PC will discuss those types of questions at upcoming meetings and provide recommendations to the Board. Ultimately, it is up to the Selectboard how they want to distribute the information.

The Board discussed the answers submitted by the PC. Lee noted that these are the first responses and may not be the final answer. Please refer to the attached questions/answers for the following discussion:

*Question #2: How will the Westford Country Store (and any future commercial buildings) be treated regarding paying costs of construction, operation, and maintenance?*

Bill pointed out that part of this question falls under policy. Gordon explained that the PC anticipates providing more information. They can have a discussion with the store to find out what their future plans are, to see if anything additional is necessary. The idea behind this answer was to give a broad concept to demonstrate that kind of use may or may not require an additional fee. Bill personally feels that if the community values the store, the Town should

help with the cost of installing the pretreatment and step tank in the original cost of the construction cost. Dave asked if this decision will be part of the ordinance or a different type of policy document. Gordon advised it would be in the ordinance. George pointed out that what the Town decides today could be different than how it may be handled in the future. Potential development of commercial establishments and how they should be treated should be considered when drafting the ordinance. Lee elaborated that today the Town theoretically has a bucket of money to help existing establishments with installation but would not have the bucket of money in the future.

Gordon followed up on something Bill said that is related to question #6. The recommendation from the PC is that any property in the service area be permitted to connect at the time of construction at no charge. The estimated total project cost will include the cost of connecting existing properties. It is anticipated that the funding stack will be sufficient to justify paying for the connections. Gordon noted that this will provide a big incentive to join at that time which will help with spreading out the operation and maintenance costs. Bill is curious what the pretreatment infrastructure is and if the store will need it. If it is in addition to the step tank, he would like to see that included in the total cost of the project.

Regarding drip systems and pretreatment, Barb Peck feels this is an engineering question because each user may have to have pretreatment because there are things other than food that go down a drain. Gordon noted that the design does include pretreatment before the waste reaches the dispersal field. Lee pointed out an additional pretreatment may be required for commercial establishments at the source. The PC is recommending that construction costs for all connections be included in the project at the time of construction, which will need to be included in the ordinance.

*Question #4: How much will construction realistically cost, overall?*

Gordon clarified that the consultants have not been able to dive into this to refine the cost because the Town has been waiting for contracts to be signed. A year and a half ago the estimate was \$2.8 million, the estimate is now \$3.8 million. The consultants should know soon if that is a good number.

*Question #5: How much of this cost will taxpayers have to pay (i.e., what is the "funding stack", in detail)?*

Lee feels that the answer is straightforward, and that the Town is beginning to narrow the scope down. The Town will not have a final answer until the price is refined. He noted that because the grants the Town has received come from different sources and they have different terms and conditions, it's not clear how they will stack up. At this time, it appears the Town may be asking voters to approve a \$400,000 to \$600,000 bond. Gordon noted that the bond will be paid over 30 years and the interest rate will likely be 2%. Bill asked if the Town would be able to utilize the entire funding stack. Gordon advised that some of the grants require a match. Some of the grants allow other grants or federal funds to be used for the match, some don't. Once the Town knows if it has the CRRP grant it will have a better idea of how the funding stack will work. Dave stated the Town may be able to use Town ARPA funds for the match. Gordon added that the Town will want to look at applying grants to certain aspects of the project to maximize the funds.

*Question #6: Will there be incentives for property owners/businesses to connect during construction?*

The PC supports and recommends that all connections within the service area that connect during construction do so as part of the overall construction costs. Gordon stated that the PC feels that future connections be made by paying the Town a connection fee to protect the Town's investment by ensuring the connection is done properly. Bill asked if the engineers are building in connections for the ability for future connections. Gordon did not know the answer to this.

*Question #8: How much will operation and maintenance realistically cost, including administration, billing, etc., annually and over time?*

The estimated annual operations and maintenance (O&M) costs are estimated to be \$42,872 and include the administration of billing, etc. Bill believes it also includes some capital expenses such as replacing pumps over time. He asked if the Town knows how many property owners are expected to connect. Gordon did not have the number handy. He advised that each property is calculated on an equivalent user factor for O&M therefore breaking it down on a per property basis is not accurate.

Lee noted that the community system will be similar to a private residential system serving a household, therefore grease, textile products, etc. should not be put down the drain therefore users will need to be educated on this. George Lamphere added that each property will have a step tank to hold the solids, and there will be pretreatment, therefore if an item does go down the drain, it does not mean it will clog the drip system. It was noted that there are filters on the step tanks.

Bill feels that the O&M fee is an important number to have and if the Town needs to pick up a share of the cost, then that number is also needed. At this time, it does not appear to him that the O&M fees will be solely supported by the users. Gordon stated that it will be important to get as many properties connected initially as possible to spread out the cost. Dave pointed out that the reserve capacity needs to be factored in, which will impact the O&M cost. He wonders at what point property owners will be responsible for the infrastructure on their property, if at all, especially if a property owner is abusing or not maintaining the system. Is everything from the house part of the system, part of the O&M? Gordon stated that the Town has an interest in making sure that any work that is done on the system is done by a qualified professional and that the Town controls that work. It is one of the reasons why property that is connected will have an easement so the Town can provide maintenance and repairs. Bill wonders if the ordinance will be a living document that can be amended. The PC will help draft the ordinance based on what policies the Selectboard wants to implement.

Lori Johnson agreed that the Town should be responsible for making sure the maintenance and repairs are done timely and correctly.

*Question #10: Do user fees roll into the General Fund or is it required that they be kept separate?*

Greg agrees that there should be a separate fund to have an accurate accounting of revenue and expenses associated with the wastewater system. A separate checking account is not necessary.

*Question #14: Will there be a potential cash flow bottleneck requiring the Town to borrow additional money?*

The PC has recommended that the Town establish a line of credit. Greg stated that this is something the Town can do but it has not been done yet. Vicky suggested looking into increasing the bond amount to include the short-term cash flow needs and then applying the grant funds to reduce the bond, especially if the bond interest rate is 2%. Greg felt it was worth looking into. Bill pointed out that the Town has been able to float some large expenses over the past year or two before reimbursements have been received. He feels the Town should determine if it can do the same with this project. Dave and Lee agreed. George stated that if this is added to the bond vote, it should be segregated. He advised that the PC has been asked as part of the grant application process to show it can sustain a project of this magnitude. He feels that when the project goes out to bid, this will be a factor as well. Bill asked if the Town should open the line of credit before or after a bond vote and for how much. Greg advised before. Gordon feels that \$200,000 is a reasonable amount based on the numbers the PC has.

#### **REQUEST TO HOLD EVENT ON TOWN COMMON & FIREWORKS DISPLAY**

Basil and Erin Panattu (Westford Country Store & Café) and Jeff Hutchins (Butcher Barn) are requesting permission to hold an event for the community on the Town Common July 14 and to shoot fireworks from the town garage property. The event will include a BBQ and bouncy house. Nanette expressed concern with shooting fireworks from the town garage due to combustibles. Erin advised that North Star, the company that would launch the fireworks, will be responsible for inspecting the property to ensure it is adequate and safe. Bill is fine with the fireworks if North Star provides a certificate of insurance. John pointed out that many people park at the town garage during events such as the Winter Festival. Lisa from Butcher Barn wants to make sure they are working with the appropriate people for logistics. Lori Johnson advised that BBQs are prohibited from the gazebo and structures such as a bouncy house or tent are not allowed on the grass, but canopies are fine. Bill Cleary made a motion to allow the Westford Country Store & Café in partnership with the Butcher Barn to hold an event on July 14 on the town common with a firework display at the town garage providing that North Star provides the Town with a certificate of liability insurance, and that the Westford Country Store and Butcher Barn comply with municipal regulations and rules of the common, seconded by Dave Baczewski. Motion passed: 3-0.

#### **FOURTH OF JULY PERMISSION FOR USE OF 128**

The Vermont Agency of Transportation requires an application to hold a parade on a state highway. Part of that application involves a letter of support from the Selectboard. Nanette provided the Selectboard with a letter and is asking them to approve it. Bill Cleary made a motion to approve the letter as drafted, seconded by Dave Baczewski. Motion passed: 3-0.

#### **UNLICENSED DOG WARRANT**

A warrant and a list of unlicensed dogs were provided to the Selectboard. The warrant authorizes the Dog Wardens the ability to enforce the Dog Ordinance for licensing dogs. It was noted that the language for the warrant comes directly from State Statute and includes that a dog may be destroyed in a humane way, however Westford has not done that in the past.

Bill Cleary made a motion to approve the warrant as presented, seconded by Dave Baczewski. Motion passed: 3-0.

### **CORRESPONDENCE**

An email was received from Melissa Manka with a revised Master Schedule for the wastewater project as discussed at the May 31 meeting. George advised that the PC would like feedback from the Board. Dave said he liked the form. The only comment he made was that he would like any changes that have been made since the last version to be identified so they are easily noticed. George agrees but is wondering who would be responsible for that. Is it the individual owners? Or will someone receive periodic updates on action items and that single person would update it?

The Board received the amended CWSRF Step 2 Loan Agreement. The Board is being asked to approve and execute the agreement. The agreement will allow the Town to access an additional \$125,000 to complete the final design work of the wastewater system. George stated that there is no change from prior conversations and that the loan is forgivable, even if the project does not go forward. Dave Baczewski made a motion to approve the CWSRF RFI-267-2.1 loan agreement, seconded by Bill Cleary. Motion passed: 3-0.

Additional questions for the wastewater project were submitted to the Selectboard by Carol Winfield and Maureen Wilcox. Barb Peck submitted an email regarding freeze risks to drip system dispersal effluent systems in cold climates. Lori Johnson provided an email regarding cost allocation of O&M.

### **COMMUNICATION**

The Board would like to request that the Outreach Committee find a way for the questions that are being answered to be made available, noting that the document is a living document and that the answers may change.

### **FY'23 GENERAL FUND BUDGET STATUS REPORT**

Greg advised that the first CD purchased by the Town is maturing. The interest will be transferred to the General Fund. Greg will reinvest the CD for 12 months. The Town has four CDs. Once they have all matured, they will be 12-month CDs expiring every three months.

Greg Barrows reviewed the FY'23 General Fund budget status report. The General Fund has a positive balance of \$116,962.

### **ACCOUNTS PAYABLE AND PAYROLL WARRANTS.**

The Board members signed the accounts payable and payroll warrants.

### **ADJOURN**

The meeting adjourned at 8:33 p.m.

Respectfully Submitted,

Lee McClenny, Chair  
Selectboard

Nanette Rogers  
Town Administrator

**GUEST LIST**

George Lamphere  
Barb Peck  
Sheila and Joe Franz  
Gordon Gebauer  
Kim Guidry  
Vicky Ross  
Harmony Cism  
Nate Hendee  
Elisa Rosenblatt  
Pat Haller  
Ben Bornstein  
Lori Johnson  
Lisa Hallstrom  
Louise Jensen  
Erin Panattu  
Kati Anderson  
Sarah Pinto  
Dave Lavallee  
Seth Jenson  
Chris Cunningham  
Jeff Hutchins  
Lisa Larock

**TOWN OF WESTFORD HIGHWAY DEPT.  
ROAD SCHEDULE  
May 26, 2023 – June 8, 2023**

Work to be done

- Replace a driveway culvert on Brookside Road.
- Grade roads.
- Haul in road gravel.
- Start Phelps Road project.

Work completed

- Hauled in road gravel.
- Finished ditching on Plains Road.
- The first roadside mowing was done.
- Replaced a few road signs.

Approved at the 6/18/23 Selectboard Meeting.



**Planning Commission First Response to  
SELECTBOARD QUESTIONS FOR COMMUNITY WASTEWATER SYSTEM**

1. Will not-for-profit or "civic" entities (WCH, BMHS, Historical Society, etc.) buildings be treated as private residential property, as municipal buildings, or as something else regarding paying for costs of construction, operation, and maintenance?
2. How will the Westford Country Store (and any future commercial buildings) be treated regarding paying for costs of construction, operation, and maintenance?

**A: The Planning Commission supports and recommends that the Westford Country Store and Cafe, like all other properties within the service area, be permitted to connect to the system, at the time of construction, for no charge. The total estimated project cost includes the cost for properties within the service area to connect to the system at the time of construction. The Planning Commission anticipates that it will secure sufficient grant funding to cover the vast majority of the total project cost. The Planning Commission supports and recommends that future commercial buildings be required to pay a fee to the Town to cover the cost to connect to the system.**

The Westford Country Store and Cafe, as well as other future commercial establishments (and residential buildings), will have to pay their own share of operation and maintenance costs. How much to charge a commercial enterprise, like the Westford Country Store and Cafe, for operation and maintenance is a more challenging question. If the system is constructed, the store would be able to fully utilize the apartment and its seating area. The number of seats and/or bedrooms will drive the wastewater capacity the store will need from the community system and will result in the State issuing a permit for the capacity needed. This capacity must then be converted to a unit of measurement used by wastewater engineers called "Equivalent Users". A more detailed explanation of how to evaluate Equivalent Users will be discussed in the coming weeks. As a brief refresher: Equivalent User = Equivalent Residential User = 245 gallons/day (See supplemental PER Table 1; EID Table 2; 2019 Wastewater System and Potable Water Supply Rules Table 8-1). That 245 gallons/day becomes the equivalency basis for determining how and in what amount other types of uses can acquire capacity in a larger shared system like the one proposed.

Further, whether to charge the Store an additional amount for operation and maintenance due to food preparation is a policy decision to be decided. Food preparation can result in the generation of 'high strength' wastewater (high strength = more organic content compared to standard residential wastewater). Depending on existing wastewater character and the Cafe's anticipated plans, the initial connection could include pre-treatment, in addition to a STEP tank and grease trap, to bring the effluent closer to that of standard residential wastewater prior to entering the collection system.

3. Will multiple housing units or "affordable housing" units be treated differently from other private residential housing regarding costs of construction, operation, and maintenance? Will there be any incentives?

4. How much will construction realistically cost, overall?

**A: The current estimated total project cost, from the beginning of the planning process several years ago, to the end of construction, is approximately \$3.8 million, as summarized in the Project Cost Summary (PCS) provided to the Selectboard at its May 31<sup>st</sup> meeting. This includes significant contingencies, as required by the State and grant funding sources, in order to account for cost overruns, inflation and to fulfill grant award requirements. Contingencies of between 25% and 75% were required. The Engineers Opinion of Probable Total Project Cost, as set out on page 26 of the Supplemental PER, was \$2,846,000. This opinion was rendered in January 2022. The Town's engineers are currently working to refine the project design and will be able to provide a refined estimate after further investigation and analysis.**

5. How much of this cost will taxpayers have to pay (i.e., what is "funding stack", in detail)?

**A: The current "funding stack", which was provided to the SB at its May 31<sup>st</sup> meeting, will be updated once the Town receives word on its most recent grant application. The Town is awaiting final approval from CRRP of its grant application in the amount of \$757,472. The application was approved by the first level review. This approval must go to CRRP's next level of review. The Town anticipates the next level of review will also approve the \$757,472 grant. Assuming the Town receives this grant, then the total amount of grant funding that the Town will be awarded is approximately \$4.0 million, to pay for a project that is currently estimated to cost \$3.8 million. What this means is that fundamentally, Westford has been awarded sufficient funds to ensure that its local match (i.e., the bond amount that would have to be repaid from any combination of user fees and general fund) will be a relatively small amount in comparison to the total project cost. The exact amount of the local match (bond) is a little complicated to determine at this time. Certain grants require matching funds, which in some instances may come from other grants, and in some instances may not. Further, how the final bond amount sugars off to assessed value is unknown until the Town's consultant team and town staff allocate the available grant funds to the project in a way that leverages the maximum amount of external grant funding.**

**At this time, based on the anticipated 'funding stack', the estimated minimum bond amount will likely be about \$400,000 and the worst-case maximum is likely about \$600,000. The bond may be repaid over a period of up to thirty years.**

6. Will there be incentives for property owners/businesses to connect during construction?
- A: The Planning Commission supports and recommends that all municipal, civic, commercial and residential properties within the service area, that choose to connect at the time of construction, be permitted to connect to the system for no charge. The total estimated project cost of \$3.8 million includes the cost for properties within the service area to connect to the system at the time of construction. The Planning Commission anticipates that it will secure sufficient grant funding to cover the vast majority of the total project cost, including the cost for interested property owners to connect at the time of construction. This funding should be used as an incentive to encourage property owners to connect at the time of construction, which will also help spread out the operation and maintenance costs. At this time, the Planning Commission supports and recommends that future structures, and any existing structures that choose to connect after construction, be required to pay a connection fee to the Town to cover the full cost of designing, permitting, and constructing future connections to meet State and Town regulations. That fee should be adjusted annually to account for increased costs.**
7. How much should new system users pay to connect to the system after construction is complete to offset general construction costs, and costs for installation of needed equipment (tank, pump, etc.) on their own property?
8. How much will operation and maintenance realistically cost, including administration, billing, etc., annually and over time?
- A: The estimated operation and maintenance costs are detailed on Page 27 of the Supplemental Preliminary Engineering Report. The current estimate for annual operation and maintenance costs is \$42,872. This amount must be refined as part of the Town's ongoing efforts to update the cost estimates. The updated estimate will include not only costs for system related maintenance, which is generally done through contract operators, but for Town billing and management as well.**
- The estimate of \$42,872 is roughly consistent with the experience for other systems of comparable size. The Town of Warren's annual budget is roughly \$39,000. The Planning Commission and its consultants will seek information from other communities with wastewater systems as to their annual budgets. The estimate for operation and maintenance must be projected forward with inflation factors since the system would not begin operating until 2025 at the earliest.**
9. How will those costs be divided among system users? Will other taxpayers pay a portion of those costs?

10. Do user fees roll into the General Fund or is it required that they be kept separate?  
**A: While a separate FUND is not absolutely required, separate ACCOUNTING of receipts and expenditures is required. For this reason, most Vermont towns have a separate fund/account for user fees and other system receipts, expenses, and reserves. See 24 VSA §3616**
11. What are the terms attached to grants and other funds in the funding stack? What parts are potentially vulnerable to loss if construction takes longer than anticipated (i.e., how much additional money might taxpayers have to provide, under what circumstances)?
12. What is the likelihood of cost overruns? Is there a plan if an overrun does occur? Is there/should there be a risk assessment?
13. Is insurance available to protect against such loss of outside grants and/or cost overruns?
14. Will there be potential cash flow bottlenecks requiring the Town to borrow additional money?  
**A: Last year the Planning Commission suggested that the Selectboard direct the Town Treasurer to establish a line of credit for this purpose. For a project of this size, the largest bills from contractors during construction will likely be between \$100,000 and \$115,000. Towns that have constructed similar infrastructure projects have used short-term lines of credit to ensure sufficient cash flow to comfortably pay contractors before State reimbursement is made. The Planning Commission recommends that the Selectboard establish a line of credit for this purpose.**
15. What is the appropriate "reserve" capacity for the system? How many buildings, toilets/sinks, and people should the design include to accommodate growth in population inside the service area? Should the design include the possibility of geographic growth, too?
16. Will the system design be robust enough to deal with extreme cold, power outages, or other threats to reliable operation? How are system users compensated for any suspension in service?

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17. Is there a Standard of Operating Procedure for when there is an emergency in order to make any costs incurred due to the emergency eligible for FEMA or other funding?  
**A: The response below is from Ben Rose, Recovery and Mitigation Section Chief at the Vermont Emergency Management Agency:**

**Westford has accessed these funds before. The short answer is that there is a simple and well-trodden path for a community to seek FEMA assistance in the aftermath of a federally-declared disaster through FEMA's "Public Assistance" (PA) program. Westford has been an applicant for FEMA PA in previous events, e.g., the November 2019 storm. For municipal infrastructure which is damaged during**

a storm (assuming that it is declared a federal disaster covering Chittenden County) the process is fairly straightforward:

**1. Report the damages to Vermont Emergency Management (note that the regional planning commissions are generally tasked with reaching out to each town's Emergency Management Director to collect information about damages incurred). Once VEM knows a community has incurred damages, we reach out about next steps in working with FEMA.**

**2. Do whatever is necessary to expeditiously repair the damaged facilities, following your own procurement policies, etc. and maintaining good records of expenditures. FEMA PA is a reimbursement program, so a community should never need to "wait for FEMA" to do what needs to be done to fix broken things.**

**3. Submit a "request for public assistance" (RPA) form on-line through the FEMA Grants Portal. That is not as hard as it sounds, and Westford has successfully done it before.**

18. How do limits in the existing supply of potable water in the service area limit or affect the potential size of the system? Does an expanded water supply need to be found to operate the system?

**A: Water supplies in the proposed service area do not affect the design of the proposed wastewater system or the capacity of the disposal site. It is assumed that connected users will be discharging water from their own on-site water sources into the wastewater system. For existing structures, these on-site water sources already exist.**

**The answer to the second question is no. The entire design of the system assumes that water supplies will remain 'as is' meaning that connected users will continue to use on-site wells as water supply. Connected users do not need to have an expanded water supply to use the system. Any new development that occurs within the service area will be required to have its own sufficient water source and will need to obtain a potable water supply permit from the State.**

**Moving wastewater away from individual on-site systems (as present throughout the Common area) to an off-site treatment area will reduce the risk of contamination to existing potable water sources in an around the Town Center and may allow for additional wells to be located where they may not be able to be located today due to state required isolation zones.**