

SELECTBOARD MEETING

June 22, 2023

Minutes

Present: Lee McClenny
Bill Cleary
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

Added access permit application to Highway Department, Westford Country Store zoning matters to Discussion, and added an Executive Session for personnel.

PUBLIC COMMENT

Vicky Ross, Westford Library Trustee, advised that it's Summer Passport time. She wanted to check with the Board to see if there were any trails that should be excluded. In the past Covey, Seymour, Schultz, Goodrich, and the school trails have been included in the program. Vicky advised that usage of the Schultz Trail would be limited to July and August to take into consideration hunting season. Also, new metal boxes were purchased. The box will sit on the ground and be loosely chained to a tree. Bill suggested the Library contact the Andersons to see if they are amenable for the Schultz Trail being included in the program for two months. Overall, the Board feels they would like the public to be able to use the trails as much as possible.

The Trustees would like to recommend the Town find a way to start operating and maintaining the water softener system. Two bags of salt have been put in the water softener and Brian Zinger has been contacted about up keeping regular maintenance. The Library is having the water tested, they'd like the Health Officer to schedule those tests annually and to budget funds to do so.

MINUTES

Bill Cleary made a motion to approve the May 31, 2023 minutes as amended, seconded by Lee McClenny. Motion passed: 2-0.

Bill Cleary made a motion to approve the June 8, 2023 minutes as written, seconded by Lee McClenny. Motion passed: 2-0.

ROAD SCHEDULE

John reviewed the June 9, 2023 through June 22, 2023 Road Schedule (see attached). Bill Cleary made a motion to approve the Road Schedule as presented, seconded by Lee McClenny. Motion passed: 2-0.

John advised that a couple of weeks ago, a school bus went off Old Stage Road which had recently been repaved. When the school bus was pulled back onto the road, the side of the road was damaged; a hump was created. John feels the school bus company should pay for the damage. He added that after the area is repaired it will continue to be an issue until it is

repared. It was noted that the towing company may be at fault. Nanette will reach out to EWSD (Essex Westford School District).

ACCESS PERMIT

An access permit application was submitted by William Dunkley. He put in an access off Old Stage Road for sap collection. He did not realize a permit was needed. John advised that a 24" culvert is needed, and that Will should contact him when he is ready to install it to ensure it is done correctly. Lee McClenny made a motion to approve the access permit, seconded by Bill Cleary. Motion passed: 2-0.

FY'23 HIGHWAY BUDGET STATUS REPORT

Greg Barrows reviewed the FY'23 Highway Budget status report. The Highway Department is currently over budget. The Town is expecting reimbursement for the Old Stage Road grant. It is unclear if the funds will hit the Town's account prior to June 30. If they do, the Highway Dept. will end the year under budget.

COMMUNITY WASTEWATER PROJECT

George Lamphere (Planning Commission) and Pat Haller (Outreach Committee) were present. The Selectboard continued where they left off with the answers the Planning Commission provided for the 18 questions submitted by the Board. Please refer to the attached questions/answers for the following discussion:

Question #17: Is there a standard 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?
There was no discussion on this question. Refer to the attachment for the answer provided by the Planning Commission.

Question #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?
There was no discussion on this question. Refer to the attachment for the answer provided by the Planning Commission.

Lee recognized an email from Andre Roy. Andre's concern is about a system failure due to engineering issues/design flaws. Who would bear the cost to correct the issue? It was noted that in the past projects have had a "warranty" for their work where the Town could go back to the engineers. This would usually be part of a contract or bond. Seth Jensen advised that the Outreach Committee answered a similar question that they can provide to the Selectboard. Vicky Ross asked if the Town's insurance provider has been contacted to discuss what, if anything, the Town's insurance policy would cover the system and what it would cost. Lee advised that the Town has not. Nanette will reach out to the insurance carrier.

Another question Andre asked was about the cost of pumping the step tanks. He noted that at one point the usage fees/maintenance would provide for the pumping out of the tanks. He asked if this was still the case who would bear this cost. Lee noted that the Board does not know the answer because it has not written the ordinance yet. The general discussion has been that the users would be responsible for maintenance costs on an ongoing basis, that the towns folk would not subsidize operation costs. Lee envisions a pooled share, and the Town would own and operate the system/hardware. George noted the Town still needs to decide on

civic buildings. George pointed out that all the taxpayers would be responsible for the town office and library. If the Town decides to reserve any capacity the Town will have to decide how to fund that. Would it be funded by existing users or a townwide tax? Lee explained that the reserve capacity includes capacity built beyond what is needed at the time of construction to accommodate new construction or other permitted uses and someone must pay for the capacity that is not being used. Seth advised that the Planning Commission intends to provide a list of options with pros and cons for the Selectboard to consider for the ordinance.

At one point the Planning Commission estimated the monthly cost for users to be approximately \$70. Bill feels that \$70 per month is expensive compared to the bill he received for his commercial establishment in Williston. Pat pointed out that new septic system owners pay approximately \$250 per year for an inspection as well as any maintenance and unexpected expenses, therefore he feels that the \$70 is reasonable.

Vicky asked for clarification of excess capacity and reserve capacity. Are they one in the same or different? George explained that the amount of capacity remaining after all the users have signed up is excess capacity. The Town can decide if any of the excess capacity will then be reserved. Bill pointed out that a reserve capacity is one way a town can limit the amount of growth within a defined time period.

Andre asked if the bond vote would cover the funding for the construction that was not met through grants or other sources. Lee advised yes. What is the implied cost of the operation and maintenance of the system and who would bear the cost for this? Would this be borne by all taxpayers? Lee stated that it is assumed that a significant cost will be borne by the users of the system, some additional costs will be borne by the Town, such as septic for municipal buildings, and there is a question on how the excess or reserve capacity will be paid.

Lori Johnson sent an email asking how do the 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? This was answered. The answer is no. New users that connect will need to have a water source if they are going to use the system.

Vicky noted that the Planning Commission (PC) has mentioned in the past a possible need for a municipal water system relating to future development around the town center, specifically in the case of the now defunct 1705 Project. That's where the question came from. It was noted that the community wastewater system is not functionally dependent on a municipal water system.

George advised that the PC is working on updating the list of questions with their latest responses and what options exist. George thinks it would be of value if a few members from the PC and a member or two from the Selectboard attended each other's meeting. The community is submitting good questions and good conversations are taking place. The engineers and consultants attend some of the PC meetings. He feels that the PC and Selectboard would benefit from the dialogue that is taking place. Lee mentioned RJ Moore's offer for people to see their community wastewater and water systems. Pat advised the Outreach Committee has discussed possibly coordinating a site visit to the see systems. Pat noted there is a relatively large system at the Westford School as well.

George explained that the PC is there to support and in some respect be an advisory role to the Selectboard. The Selectboard is the leading role for the ordinance, but the PC is available

to answer and help in any way they can. George encourages the Selectboard to focus on policy issues rather than the actual language of the ordinance because a draft ordinance is not necessary for the bond vote. What is needed is the Selectboard's position or decision on some of the key policy issues.

WESTFORD COUNTRY STORE ZONING MATTERS

Erin and Basil Panattu from the Westford Country Store were present to discuss the Certificate of Occupancy that was issued to Jeff Hutchins for the apartment. The wastewater permit only allows for one bedroom. When the Zoning Administrator, Harmony Cism, inspected the property, she determined the apartment had two bedrooms. Basil disagrees based on his understanding of the Town's Land Use Regulations. He feels one of the rooms does not meet the definition of a bedroom which is a room with a door, window, and a closet. The Zoning Administrator granted a temporary Certificate of Occupancy (CO), but Erin and Basil feel a full CO should have been issued.

Lee spoke with Harmony the Zoning Administrator regarding the zoning matters raised by Erin and Basil. Harmony provided him with a drawing of the apartment submitted by Dave Miskell, which was a drawing over the downstairs (store) plan.

It was noted that decisions of the Zoning Administrator can be appealed to the DRB (Development Review Board). Basil believes Harmony is misinterpreting the Zoning Regulations and feels that misinterpretation may also affect other people. Mark Letorney spoke in reference to the requirements of a bedroom, noting those are set by the State of Vermont and the number of bedrooms determines wastewater capacity. The State of Vermont has taken over wastewater review and certification, therefore the Town does not have the ability to change those regulations. He suggested working with the Zoning Administrator regarding the bedrooms. Lee asked if David Miskell's drawing reflects the apartment as it is now or before. Erin and Basil advised it is not too scale, but the rooms are shown correctly. Bill suggested setting up a meeting with Basil, Erin, Harmony, and a member of the Selectboard to review Erin and Basil's concern.

LIBRARY TRUSTEE RESIGNATION

Leanne Saddlemire submitted a letter of resignation as a Library Trustee effective August 9, 2023. Lee McClenny made a motion to accept Leanne's resignation, seconded by Bill Cleary. Motion passed: 2-0.

CORRESPONDENCE

Louise Jensen submitted two letters. The first was regarding the Common. She was appalled that the Common Committee had suggested that children's activities at an upcoming event be put on the gravel to prevent damage to the grass. She feels the Common is not a showpiece, but common public land to be used and that denying those uses is bad. The letter will be passed on to the Common Committee.

Louise's second letter is regarding the Common Committee and a recent meeting held by the Committee. It will be passed along.

Sheriff Gamelin provided an update on a grant for speed enforcement. They Sheriff's Office Based on the type of grant, the hours cannot be on the Town's backroads but can be on Route

128 and Westford Milton Road. Bill didn't think the number of extra hours was anything significant. The Sheriff's Office submitted an invoice for the remaining fiscal year coverage.

Ben Bornstein sent correspondence on the final report for his ARPA project for Emergency Responders. The project came in under budget and was very successful.

COMMUNICATION

There was no outgoing communication.

REVIEW FY'23 GENERAL FUND BUDGET STATUS REPORT

Greg Barrows, Treasurer, reviewed the FY'23 General Fund budget status report. The General Fund will end the year under budget.

ACCOUNTS PAYABLE AND PAYROLL WARRANTS.

The Board approved and signed the accounts payable and payroll warrants.

EXECUTIVE SESSION

At 8:01 p.m., Bill Cleary made a motion to enter Executive Session for a personnel matter, seconded by Lee McClenny. Motion passed: 2-0. People in attendance were Lee McClenny, Bill Cleary, and Nanette Rogers. The Board exited Executive Session at 8:35 p.m. No action taken.

ADJOURN

The meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Lee McClenny, Chair
Selectboard

Callie Hamdy
Minute Clerk

GUEST LIST

George Lamphere
Ben Bornstein
Pat Haller
Andre Roy
Barb Peck
Sheila Franz
Vicky Ross
Kim Guidry
Erin & Basil Panattu
Seth Jensen
Ira Allen
Mark Letorney

TOWN OF WESTFORD HIGHWAY DEPT.
ROAD SCHEDULE
June 9, 2023 – June 22, 2023

Work to be done.

- Grade roads.
- Haul in road gravel and winter sand.
- Replace a few cross culverts.
- Start Phelps Road project.

Work completed

- Hauled in road gravel.
- Replace a driveway culvert on Brookside Road and ditched a section of that road.
- Started ditching on a section of Huntley Road.
- Graded the South end of Woods Hollow Road, Cambridge Road, and Plains Road.
- Cut a few trees that had come down during the latest rain.

Approved at the 6/22/23 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 31st 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 31st 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?
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.**