

**SPECIAL SELECTBOARD MEETING**  
**September 7, 2023**  
**Draft Minutes**

Present: Lee McClenny  
Bill Cleary  
Dave Baczewski

Callie Hamdy  
Greg Barrows

Guests: see attached.

The meeting was called to order at 6:30 p.m. The meeting was held in person and via Zoom.

**CHANGES TO AGENDA**

Added reorganization of town government to discussion, added two Executive Sessions.

**PUBLIC COMMENT**

There was no public comment.

**COMMUNITY WASTEWATER PROJECT**

This was a continued discussion from last meeting.

**Grant Funding, Bond Recommendation & Taxpayer/Ratepayer Impact**

Melissa Manka, Juli Beth Hinds, Amy Macrellis and Lynette Claudon were present. They had made a sheet of construction costs as of April 15, the contingency broken down as a separate cost, and the total project costs. The various funding sources the town has been awarded for the project is a little bit more than \$4 million dollars.

While on paper they have enough funds in hand to construct the project at no cost to the town, it does not feel fiscally responsible to fund the entire cost this way. They want the Selectboard to consider a recommended bond of \$326,000. They believe it is responsible to have funding available in case coverage of up to 50% of construction costs happens which equates to about 1.17 million. They have also stacked up what it would look like in terms of the total construction contingency and bond amount at the minimum recommendation of \$350,000 and the total bond authority of \$400,000.

Ultimately it is the Selectboard's decision on what amount to bond for. Ira noted that to have the 50% contingency authorized is both bad and good because there are contractors that will inflate bids to the amount they know we have. The consultants do not recommend going any higher than \$400,000. Vicky asked if we bonded for more than was needed could it be repurposed? Yes that was correct, especially considering the ARPA funding.

Bill says in the worst case scenario what happens if we put in for 50% contingency, but the project costs are 100%? Do we stop the project? Melissa explained we would know of that potential issue when the bids come in prior to construction beginning. We can go out to bid again or we would potentially have to go to another bond vote. A positive bond vote does not obligate the town to accept any bids. If they exceed our capabilities we go out to bid or go out to bond again. Bill asked what happens if the bond happens, we set it at 50%, we get a bid amount, the work starts and then contractors come back saying they cannot complete it for the bid amount? Lee believes that if we authorize that much more money we significantly increase the chance of the town paying that amount since contractors can see this public information on

how much money we are willing to spend. If the project exceeded costs it would have to go back to a bond vote and that is a pretty significant break for a contractor trying to milk us for money. Bill did not want to have to go to a second potential bond vote. Dave explained we do not need to go to another bond vote if we do not want to. Dave thinks 50% sounds reasonable. The bond amount needed to be set tonight. George added that setting a bond amount higher than what has been recommended by the consultants and state level people would not make fiscal sense and would further risk the town's willingness to pass a bond vote if voters felt that the bond amount was padded in any way over what is being recommended.

### **Bond Amount**

Dave thought \$350,000 was a fair number. Bill thinks it should be much higher. Lee asked Lynette for more information and advice. Lynette explained that the amount of grant funding that is available is unprecedented, but labor and supplies shortages are also a factor. She thinks the 100% bid escalation is rarer than not and that something more moderate would be more likely in our case. George stated that all three numbers presented were ones the Planning Commission was comfortable with. We will not go out to bid for a few years and things are unpredictable. The best we can do is listen to what people are experiencing and do what is fiscally responsible. If we do not have enough money the project does not move forward or moves forward requiring another bond vote. Lee asked for Juli Beth and Amy's recommendations. Juli Beth does not believe there is a recommended number, \$326,000 is the absolute minimum. \$350,000 is in the middle and \$400,000 is what they have been projecting this entire time. Amy agrees with what Juli Beth is offering, our low end is the minimum, \$350,000 splits the difference and \$400,000 is what they feel comfortable comprehending at the top limit. Seth Jensen was present. He asked Amy to if the % and total amount of the drip disposal cost is of the total project cost? It is not a large % of the total construction cost. The tanks and collection system etc. are much bigger components of the construction cost. Melissa explained it is approximately \$700,000 for the drip dispersal, the control building and equalization tanks. Bill made a motion to set the bond amount at \$400,000. Dave seconded. Motion passed 3-0.

### **Draft Resolution of Necessity**

Melissa explained the town attorney had reviewed the documents in August. If anything stands out it can be brought to the town attorney again. The board will circle around for approval for 9/14 when this is ready. Gordon and the board discussed a possible time for the town attorney to meet with the board regarding this.

### **Draft Bond Warning Language**

The board reviewed the Draft Bond Warning. Melissa will talk with David Rue to ensure that the documents can be finalized. The board will be given the information Friday or Monday in advance of 9/14's meeting.

### **REORGANIZATION OF TOWN GOVERNMENT STRUCTURE**

The board needs to decide if they want to put the increase of the number of board members to five to a floor vote. They anticipate this to be a floor vote during the public hearing for the wastewater on November 1<sup>st</sup>. Most of the public have been very positive towards this suggestion. Bill motioned to move forward setting a floor vote for November 1<sup>st</sup> for expanding the Selectboard to 5 members. Dave seconded. Motioned 3-0.

## **CORRESPONDENCE**

Lee had been asked that if we approve the bond vote and move forward, who oversees the actual construction of the project and makes sure everything is followed from beginning to end? Is that done by the consultants? A town official? Greg believes it should be somebody from Stone or Birchline. It is what they do for a living. Lee asked if that has already been considered. Amy explained that Stone is under contract to get Westford to the bidding and final construction phase. At the end of final design, we will amend their services agreement to help us through the bidding process and through the construction. Some past clients have hired a project manager; however, the resident project engineer can do those tasks, or the town may want additional support. Regardless, Stone is here to help with that. VEC will be onboard providing a construction engineer to ensure grants are met. Ira Allen was present; he thinks there should be somebody available that is independent and works for the town only and that they should not be serving two or three consultant firms. Barb Peck was present. When she hears the term project manager that is more a managerial position, and she believes either a superintendent or a contractor would be appropriate. She wants it to be an independent experienced superintendent. Vicky believes a single point of contact to coordinate everything would be the most helpful. Melissa clarified that she has been working on the project for 16 years and has been managing all of the grants, administration, and funding during that time. She would be very concerned to throw somebody new into the project that does not have the experience and history as far as the administration of the paperwork, She would not recommend handing all of this over to somebody new. George Lamphere was present. He thinks it is important to recognize that the project has this type of management built into it. The town will have to decide down the road what level of project manager they want to have once they know the project is moving forward. From his personal experience, anybody that the town adds needs to be part of the team, not an adversarial person looking for problems. Lee asked if there is enough cost built into the budget. George believes there is, but what some of the community is suggesting, such as an independent person, likely exceeds what has been built into the project costs.

Kim Guidry was concerned about the ordinance and how the hold harmless makes it look like the only person responsible if a contractor breaks anything is the property owner. Lee asked if this went to the town attorney as well to see if it is consistent with other towns? Bill personally feels there needs to be another clause that says that any damages done by a contractor would be covered by the contractor's insurance. Seth explained this is addressed in the bid documents rather than the ordinance, but he does not think having these documents speak to each other is a bad idea. This project requires very significant insurance from the contractor. It will be discussed with the town attorney.

Pat Haller has seen quite a bit of sentiment against the project because it might contribute to increased housing, and he wanted to suggest that the wastewater project is an infrastructure project, not a development project. Zoning and ordinances control what we want to see in the village, not infrastructure projects. He suggested that the selectboard treat zoning and ordinances as a way to alleviate these fears, rather than not passing this project. He then gave some examples of such. Melissa clarified that the regulations are the land use and development regulations, so they allow and restrict development through the entire town. The grants received for the wastewater project do not have to do with the dimensional or density requirements in the village. It is difficult to increase density requirements that have been in place for a long time. The Planning Commission would not be in a position to take on regulatory changes for several years. What the Selectboard is currently discussing is holding

the wastewater reserve for emergency purposes, future municipal use, or perhaps to have some assurance. This is a way to regulation any potential development or expansion of use. Maureen Wilcox and Sheila Franz thought that the Neighborhood Development Area (NDA) was in conflict with this. This was untrue. The NDA is not a grant, it is a program the town belongs to at the state level. It has to do with keeping with traditional development patterns. There are some density requirements, but Melissa was not sure if they were per lot or per unit. The NDA currently encompasses the area from the Library to the Brick Meeting House. Some properties along this area are municipal and civic properties. Seth explained that the Planning Commission had actually proposed increasing the minimum lot size in the Common area to 3 acre zoning as a way of reducing development potential. At the time, the Selectboard rejected that proposal. How people in the community who were concerned about larger parcels responded to that was working with the land owners to make conservation easements. There is this talking point circulating in town regarding the wastewater project that it would add about 50-60 new houses. This is not actually what is possible, it is a unit of measurement of potential uses, not actual development potential. When we do need to talk about the future of the town center, Seth hopes we can refer to it as the town center when we are referring to private property as those private properties are not part of the Common. If people have concerns about how those private properties can be used, they should work with those property owners and purchase a conservation easements.

#### **COMMUNICATION**

There was no communication.

#### **EXECUTIVE SESSION**

Bill Cleary moved to enter Executive Session for Personnel at 8:00 p.m. and invited Road Foreman John Roberts to participate, seconded by Dave Baczewski, passed 3-0. The board discussed changes in Road Foreman's job description as well as overall performance of individual Road Crew members, steps needed to recruit for the empty Road Crew position and the condition of, and other considerations about, town roads as we rapidly approach autumn. Bill Cleary moved to exit Executive Session at 8:20 p.m., seconded by DB, and passed 3-0.

Bill Cleary moved to enter Executive Session for personnel at 8:25pm and invited consultant Vicky Ross to participate, seconded by Dave Baczewski, passed 3-0. The board discussed strategy, process, and timeline for interviewing applicants for permanent Town Administrator, invitation for possible temporary part-time Town Administrators to next Selectboard meeting, an offer of temporary, part-time employment to Deb Jorschick, and Selectboard members' individual availability for personnel and wastewater matters in the coming weeks. Bill Cleary moved to exit Executive Session at 9:10 p.m., Dave Baczewski seconded, passed 3-0.

#### **ADJOURN**

The meeting adjourned at 9:11 p.m.

Respectfully Submitted,

Lee McClenny, Chair  
Selectboard

Callie Hamdy  
Minute Clerk

**GUEST LIST**

John Roberts  
Vicky Ross  
Juli Beth Hinds  
Susan Larson  
Kim Guidry  
Ira Allen  
Seth Jensen  
Louise Jensen  
Melisa Manka  
Lynette Claudon  
Dave Lavallee  
George Lamphere  
Gordon Gebauer  
Pat Haller  
Amy Macrellis  
Lori Johnson  
Barb Peck  
Sheila Franz  
Ben Bornstein  
Eva Paquin  
Rich Staab  
Maureen Wilcox  
Mo Reilly  
Maura O'Brien  
Emily Hackett  
Travis Lavallee