



### **ROAD SCHEDULE**

John Roberts, Road Foreman, presented the road schedule from August 25, 2023 – September 14, 2023. Bill motioned to approve the road schedule. Dave seconded. Motion passed 3-0.

Lee observed that there's been inquiries about ditching occurring in town. There are explanations for the purposes of such and the ditching is done to state standards. Chris Dubin from Regional Planning is writing a letter we can use to respond that explains how this is part of the state road and bridge standards that Westford follows.

### **FY'24 HIGHWAY BUDGET STATUS REPORT**

Greg Barrows, Treasurer, went over the FY'24 Highway Budget Status Report.

### **GOODYEAR CREDIT APPLICATION**

There is a Goodyear Tire store in Milton, and they have a lot more in stock than our previous vendor. We do not have an account with them; however, John would like to start one. We get municipal pricing, so our costs per tire would not change, but Goodyear has a more responsive service. Bill motion to approve the credit application for Goodyear Tire and Rubber for the Highway Department and authorized Greg Barrows to sign it. Dave seconded. Motion passed 3-0.

### **INTERMISSION**

Intermission began at 6:30 p.m. and ended at 6:40 p.m.

### **MUNICIPAL EXPERT CONSULTANT RESOURCES – Ron Rodjenski & Carl Rogers**

Ron Rodjenski and Carl Rogers were present. Carl's background was a master's degree in public administration, and he was Town Manager in Barre Town for 31 years. He's been helping Johnson in their Town Administrator transition since his retirement. If he were to help out Westford, he would prefer to work 2 days a week as he did in Johnson prior to the July floods.

Ron's background was in urban regional planning. He worked previously in Underhill, Richmond, and Hyde Park as a Town Administrator. He has retired in the past year and started a municipal consulting business. He was also called into Johnson to help with their administration transition along with Carl. He is interim town administrator in Hyde Park currently.

Lee wanted to publicly recognized Seth Jensen who pointed the town in this direction and to Vicky Ross for organizing this meeting. Vicky asked if they'd be able to help train a new administrator who maybe did not have a lot of municipal experience. That's somewhat what Carl's been doing currently. Bill asked if he'd do it again. Carl's enjoyed his mentor role in the past. Bill feels like both of them are completely qualified to help. We're not sure if Westford has pieced all puzzle pieces together to know enough where they fit in and Westford has been very lucky to have a good pool of applicants for the role. The board thanked Carl and Ron for their time.

### **COMMUNITY WASTEWATER PROJECT**

This was a continued discussion from last meeting.

### **Resolution of Necessity**

Amy Macrellis from Stone Environmental was present. She had a summary memo to present. All information given is further described in the engineering plans which can be seen on the [www.westfordsfuture.com](http://www.westfordsfuture.com) website. The total project cost is \$3,866,900. The contingency cost is 30%. That brings us to funding. The state and federal grant funds that have been awarded equal a little over \$4 million. That leaves a delta of \$133,000 above total project costs. At their last meeting the Selectboard approved a contingency of 50% and set the bond amount of \$400,000.

The resolution of necessity is a legal requirement on the path to having a bond vote and is part of state law. There's been a lot of work done on this document. As far as Lee's concerned, all his questions about the resolution have been answered by the consultants and attorney. Lee made a motion to approve the resolution of necessity as presented. Bill seconded. Motion passed 3-0.

### **Bond Warning**

This is another legal requirement prior to going to bond vote. This is to go to a bond vote on November 7<sup>th</sup> and a Public Meeting on November 1<sup>st</sup>. Bill had some correspondence with Lori Johnson who had asked for the warning to mention the operation and maintenance costs the town will incur. Lee's personal view is that if the town votes to build a municipal wastewater system we're taking this on until the project is over which is potentially forever. We're responsible for this project. He doesn't think it's necessary to say this is a long term or permanent commitment. He doesn't see what the legal need for that would be. Lori's argument was that the bond cost wasn't significant, but that the operation and maintenance costs were. Juli Beth wanted to make an important point about the bond warning language. This is the statutory purpose for the informational meeting prior to a vote, so the project can be described. The resolution of necessity and warning direct people to specific documents on the operation and maintenance costs. Bill thought the many informational meetings and the public hearing were a good avenue for people to get more information and air their concerns. Vicky asked how the ordinance gets referred to in the warning and ballot? Lee responded that the ordinance has been referred to in the informational meetings so far. In the scheme of things, the ordinance isn't decided formally until after there's a positive bond vote and construction. The Selectboard has been working on the ordinance in advance of that, so people know the answers to their questions.

Bill wanted to dispel some fears. This will be his fourth public hearing he's participated in. Westford has at our disposal a great moderator, Ed Chase, that will be running the public hearing. He hopes for transparency's sake that Ed will provide an opportunity for everybody to speak their piece. Nanette has been working for the town for 22 years and Ed has been moderating that entire time. He is a very fair moderator. Seth Jensen was present. He wanted to bring everybody's attention to the fact sheet distributed at last night's meeting. The first sentence states the project costs for both construction and OEM. In that summary table the second line states Operation & Maintenance starts in 2026 and gives a dollar rate. Two lines down it incorporates that into a property taxpayer rate. This will continue to be provided. Dave Lavallee was present, he thought many questions did not get answered at the meeting last night because the time was limited. Lee asked the Outreach Committee and Planning Commission to roll forward unanswered questions and answer them in the upcoming informational email on October 13.

Sheila Franz commented that ballots will already be mailed by the time the public hearing takes place. Amy Macrellis suggested that if the chat log is available from last night's meeting

that could be circulated to the Outreach Committee. Melissa wanted to make everyone aware there is the project website that has the FAQ. The project website has also been turned into a booklet that is now available. The Planning Commission also meets twice a month, and anybody is able to attend and submit questions there, Melissa is also available to answer questions. There are many avenues to ask questions beyond the meetings. Melissa will work with LCATV on getting the chat log from last night. Lee suggests the Planning Commission organize the next informational meeting to see if the time can be extended.

Dave thinks the number one topic when he talks to voters is about the OEM. He thinks that information is very important. He doesn't believe it belongs in the bond language, but he tries to bring visibility to that information because that's the transparency people are wanting. Bill motioned to approve the bond language and warning as presented. Dave seconded. Motion passed 3-0.

### **Ordinance**

Juli Beth Hinds was present to continue going over the draft ordinance.

#### *Allocation Given per Bedroom per Household*

They discussed bedrooms per household and how that affected the daily usage. Family sizes are not what they used to be. Just because somebody has 4-5 bedrooms does not mean their household size is bigger. On average, for single family residential we generally see up to 245 gallons per day. Lee asked what happens when somebody adds more bedrooms to their house? Do they plan for that? Or is that blocked by other zoning regulations? Juli Beth explained that a 10 bedroom request is no longer a single-family residence. At that point she'd suggest calling the town attorney. Amy Macrellis was present. She agreed with Juli Beth that that sort of expansion would not be considered a single-family home. That type of expansion would need to apply for an appropriate flow allocation as laid out in the ordinance and there would be a process for that. If there isn't a specific gallon per day in the ordinance, they can refer to the Chapter 1 flow table to come up with the correct flow allocation.

Lori Johnson was present and asked for the current flow table which was provided to her. Juli Beth further explained the table. Lee asked what's the problem with charging on the basis of each additional bedroom above three on the rate of 70 gallons per day? Juli Beth explained the problem we see is with the cost that adds with the cost of housing. We know that a 4-5 bedroom house with the average structure of families is never going to use that amount so why have them pay for it? That allocation can then go to a desired accessory unit. Why take it up when we know it's not being used? Why punish people for an additional bedroom? It takes away flexibility and adds costs.

Seth has sat in lots of Planning Commission and Selectboard meetings where people try to talk about hypotheticals and while it's good to anticipate things that might happen, we know that in this service area that there are 1 and 2 bedroom units, both multifamily and stand alone. Residents have expressed they want to have in-law apartments and accessory dwelling units with their potential capacity. The soil on the Jackson Farm Property allows this. We should structure the ordinance for the town that we have. Amy explained that the ordinance sets a basis for charging customers and the intent of the one bedroom, two bedroom and three or more-bedroom rates is that they were wanting to provide flexibility for customers in apartments that didn't have a lot of income. IN=n addition, the state is not going to cross check what residents and customers are paying against the flows that are entering the disposal field

as we are not metering at individual connections. We meter at the pump disposal field. There is some flexibility and possibility, if the town were to choose to take advantage of it, to look at the actual flows to get more capacity but that is the extent to which the state is going to look at what the flows are. Lee had no objection to the table as it was currently presented.

#### *Unallocated Capacity*

They discussed building sewers and connections as well as capacity allocation. Permanent capacity is the property of the town of Westford. This is where we set allocation of unused reserve. What has been discussed is to have the Selectboard reserve whatever share of the unallocated capacity of time of connection and operation they choose. Our service area is fixed at this point because of the funding. It is unlikely that we'd be in any position where we'd be in any restraint of capacity. It is up to the board to decide how much capacity they want to and how much they want to make available on what most systems operate on, a first come first serve basis. Lee thinks that we're good with what they have, which is a 20% strategic reserve held by the town for special circumstances for a greater measure of control over development and an unallocated portion which would be offered on a first come first come basis. The strategic reserve would be held back from the town and would be a decision on the sewer board in public activity on how to use it. They have already promised this to town residents.

Kim Guidry was present. She asked about the hold harmless. If something were to occur during construction, she'd like language in the ordinance on contractors being accountable for those damages. That was part of the contract with the contractors. This was answered from the town attorney, who specifically instructed it is not an ordinance issue. OEM issues would also be covered by this.

Capacity Allocation after initial construction is the procedure and bureaucracy of giving people their allocation. It's a two-step process. The owner of real property must sign an application and then they'd get a preliminary allocation that would be valid for a year, as proposed in the draft. It's extendable if in 30 days prior to expiration it's asked for again. Then you have to go back to the drawing board.

#### *User Charges and Sewer Connection Fees*

This establishes the authority of the board to charge fees. Usually this is done annually, which the board has already discussed as doing in part of the budget process. Properties connecting at time of initial construction will be exempt of a sewer connection and allocation capacity fee. Are there other uses that will be exempt? Or do they want it up to the discretion of sewer board to waive those fees? To incentivize people to connect, it's typical they pay for the entire allocation and permit. It is uncommon, but not illegal to not pay for connections after construction, but that's money that we'd need to budget. Lee thinks this ought to be in up to the sewer board, Bill doesn't mind having the language in the ordinance that gives the board the ability to do so if they choose.

#### *User Charge System*

The board had already discussed doing this annually as part of the budget process. The draft language is what Juli Beth understands to be the town's promise to pay the bonded amount and OEM costs. Lee asked if it's complicated to estimate and recalculate those costs yearly vs biannually. Greg doesn't think it's an undue burden once you get into the habit of doing it and given the size of the service area. If someone has a preliminary allocation they are holding, do

we want them to pay for that? Lee thinks no, he doesn't want them to pay. We've given them permission and a promise, they aren't however using the capacity. If a business is not generating income, or if a residential user doesn't have a house to live in, why should they have to pay if they're not using it as long as they have the preliminary? As long as the building is operational then we'll start charging. If they haven't built after three years something is wrong with the project and they go back to the drawing board. Dave thinks they should pay, so did Bill. We have to start recouping the costs somewhere. Bill thinks it could be a situation where they're going through the Developmental Review Board so the fate of the project could be uncertain. Dave thinks maybe the expectation should be that they pay as soon as they are permitted and it's an investment on their part for the property. They can ask for an exemption for policy based or unexpected delays etc. Lee asked how we charge for other things or similar? We don't charge somebody for an addition to their home until its finished. Dave thinks from the town's perspective they want to lessen the burden the entire town is paying for the unallocated capacity. Juli Beth suggested that's something that can work when you get a year with a preliminary, but when you go to renew it you either pay or you apply for an exemption. They mean people cannot hold the capacity forever and not do anything. The board was in agreement for this language.

#### *Dedicated Funds for Major Expenses*

We will at some point need to develop a fund policy for establishment of a fund for major repairs, who gets to use it, what it's for etc. This did not need to be done in the ordinance, it's usually a policy that's developed. The board had no objection. Bill believes there's part of the OEM that covers that. Juli Beth confirmed this was true.

#### *Applicability of Charges*

We could ask people who hold preliminary approvals to pay a capital charge. JB would recommend we not try and do a capital charge. Our rate will always have a component that's bonded debt and part that is a component. She suggests making these rates combined for simplicities sake.

#### *High Strength Waste Surcharge*

This authorizes the board to charge a High Strength Waste Surcharge. Juli Beth recommends tabling this until we see who is likely to connect. This will increase the amount of energy required and demands on the system.

#### *Determination of Allocated Capacity*

This is saying that we'll charge rates based on cost per gallon and the user's allocation. Everything that's been shown the board and community has been based on a cost per gallon.

The only other burning question is how often do we bill for anything. Bill wants to bill quarterly as we do with taxes. George Lamphere suggested saying no less than quarterly. The board talked about making penalties the same as those charged for tax payments: 1% interest every month with an 8 % penalty in the fourth quarter if left unpaid. Juli Beth suggested 1-1.5% per months interest.

Melissa thanked everybody for their work on the ordinance. As far as the next steps, we'll have a draft for the 9/28 meeting. She asked if the Selectboard would like a policy resolution, which takes out the key policy issues of the ordinance, and puts them into a resolution document approved by the Selectboard as a promise that those policies will move forward? Or will they

keep it in the draft ordinance. Lee thinks a policy document that extracts key policy seems like a tough job and a job that only opens up everybody to criticism. They went through the entire draft ordinance to get it right early on. It's not an approachable document, so there is an argument to be made, but how common is that? Juli Beth responded very. Juli Beth thinks they should think about this for review for the meetings in October because it needs to be looked at by the town attorney. She suggested a new draft be looked at by the attorney on 10/12. Dave wanted the executive summary. He thinks it's the document that summarized the Selectboard's intent and will inform voters. Bill understands the need but appreciates Lee's desire to streamline the project.

### **November 1, 2023 Special Town Meeting – Outreach Advisory Committee offer of assistance.**

The Outreach Committee was reaching out to see if the Selectboard needed any assistance running the Public Hearing on November 1<sup>st</sup>, such as running the hybrid option, helping with presentation, or a panel of speakers. LCATV has indicated they will need somebody to operate the zoom. This is needed so people's online questions are seen. Bill thinks somebody working the zoom should be a town office employee. Nanette offered her assistance.

### **POSSIBLE RESTRUCTURE OF TOWN MANAGEMENT**

This discussion was continued from the last meeting regarding moving towards a vote to expand the Selectboard from 3 to 5 members. This is the draft warning for that meeting. The town attorney suggested having this before the Public Hearing. Bill doesn't think expanding the Selectboard will be a controversial subject, although if the floor vote goes up against the Bond Vote Public Hearing it would need to be recessed until after. Bill suggested a 6:30 p.m. time frame. Zoom would not be able to participate in this vote and it would be limited to those in person which the warning makes clear. Vicky suggested 6:00 p.m. The board was in agreement. Nanette will have the warning reading for formal approval at the next meeting.

### **DOG WARDEN RESIGNATION**

Elisabeth Smith had put in her resignation as Dog Warden. Bill motioned to accept her resignation with gratitude for her hard work. She had come up with the Dog Warden ARPA request and he thanked her for time served. Immediately he thinks we should post looking for an additional Dog Warden. Bill mentioned that it would be appropriate to reach out to Matt Bartholomew, our current remaining Dog Warden, let him know this has happened and let him know he may need to step up. Lee seconded. Motion passed 3-0.

### **CORRESPONDENCE**

Ben Bornstein had reached out with his progress on the MERP mini grant. It requires Selectboard action. Ben summarized the MERP mini grant. Ben had also been asked to help with recruitment for the volunteer fire department. Part of the mini grant is community outreach and resilience. The idea would be to do some recruitment and have an open house so residents can see the efforts made by the Highway and Fire Departments in this. They'd been given a list of three contractors which has gone down to a single contractor due to factors outside our control. Bill does not think a traditional bid process is needed here. Bill made a motion to agree to sign the MERP mini grant agreement as presented by Ben Bornstein. Dave seconded. Motion passed 3-0.

An email had been received from William Dunkley about the use of his ATV on the roads. Nanette would like to look into this more. At one point in time the Selectboard was granting permission and our attorney said we should not be.

An email had been received from Erin and Basil Pannatu saying they were approached about being in a video for support of the Wastewater Project. They don't want to be mentioned in regard to support or opposition. They have to serve all customers and wish to remain neutral. The Selectboard passed this along to the Planning Commission and the relevant materials were edited to remove the store from them. Erin was present at the meeting. There was a pamphlet handed out at the informational meeting yesterday at the school that referenced the store. George will check with the Outreach Committee. Lee does not recall the country store reference in that material, but the Planning Commission will check those materials again. Melissa was present. For clarification, when they received the email, the Outreach Committee did revise the video and the website. However, they were in the process of turning the website into paper form and it did go to print. There are a couple sentences that speak to the store's change in wastewater permit, and it had already gone to print prior to receiving the email so those documents will be revised in the next printing.

### **COMMUNICATION**

Advertise for Dog Warden job, put ditching information on FPF, public update on the progress for the Town Administrator position, information on the transition team etc, communication about the increased sb floor vote,

### **FY'24 GENERAL FUND BUDGET STATUS REPORT**

Greg Barrows, Treasurer, went over the FY'24 General Fund Budget Status Report.

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

The board reviewed and signed the accounts payable and payroll warrants.

### **EXECUTIVE SESSION**

Bill motioned to go into executive session at 9:37 pm for personnel. Lee Seconded. Motion passed 3-0.

### **ADJOURN**

The meeting adjourned at 10:35 p.m.

Respectfully Submitted,

Lee McClenny, Chair  
Selectboard

Callie Hamdy  
Minute Clerk

### **GUEST LIST**



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September 14, 2023  
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George Lamphere  
Vicky Ross  
Louise Jensen  
Juli Beth Hinds  
Carl Rogers  
Melissa Manka  
Ira Allen  
Kim Guidry  
Sheila Franz  
Lori Johnson  
Ron Rodjenski  
Maureen Wilcox  
Ben Bornstein  
Barb Peck  
Gordon Gebauer  
Maria Barden  
Dave Lavallee  
Seth Jensen  
Amy Macrellis  
Emily  
Sue  
Erin and Basil Pannatu