

WESTFORD SELECTBOARD MEETING
Thursday, Dec. 14, 2023
Draft Minutes

Present:	Dave Baczewski, Selectboard Member	Greg Barrows, Town Treasurer
	Bill Cleary, Selectboard Member	Sean Cushing, Highway Foreman
	Lee McClenny, Selectboard Chair	Carl Rogers, Asst. Town Admin.
	Holly Delisle, Town Administrator	Susan Larson, Minute Clerk

Guests: See page 5.

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

CALL TO ORDER

Selectboard Member Bill Cleary chaired the meeting because Lee McClenny attended on Zoom due to illness.

CHANGES TO AGENDA

There were no changes to the agenda.

PUBLIC COMMENT (Items not on the agenda)

Barb Peck - Selectboard in previous meetings said the November 7, 2023, vote was a referendum on the wastewater project proposed by the planning commission, not just the bond. Is a motion necessary from the selectboard to reflect that consensus? Bill and Dave said they do not know if a motion is procedurally required. They said the selectboard would be addressing the proposed wastewater project and the November 7 vote later in the meeting when they respond to the November 14, 2023, letter signed by seven residents. Barb said it was acceptable to her to wait until then to see if her question was adequately addressed.

MINUTES (REVIEW AND APPROVE)

Holly Delisle, Town Administrator will verify the cost for the town to board an unclaimed dog with the Humane Society of Chittenden County as noted on page 2 of the November 30, 2023, minutes.

On page 3, Monday December 12 should be corrected to Tuesday December 12.

Lee motioned to accept the selectboard draft minutes of November 30, 2023, as corrected and presented. Selectboard member Dave Baczewski seconded. Motion passed 3 - 0.

HIGHWAY DEPARTMENT

Sean Cushing, Highway Foreman presented the November 30 – December 14 Road Schedule.

Resident Jeremy Berger said Cambridge Road is impassable due to potholes, and that it has not had proper ditching in at least a decade. Sean and Bill said that it is “duly noted” that Cambridge Road needs attention. They said bad weather is the current issue.

Per Jeremy Berger's request and the selectboard's direction, Holly will reach out to the Town of Fairfax about putting a "No Through Trucks" sign at their end of Toof Road at Route 104. She will report back.

Lee motioned to accept and approve the road schedule as presented. Dave seconded. Motion passed 3 - 0.

FY24 HIGHWAY BUDGET STATUS RPORT

Treasurer Greg Barrows presented the FY24 highway budget status report.

AUDITOR'S REPORT

Rick Brigham, CPA with Sullivan Powers & Company, presented the June 30, 2023, draft audit report. He said he believes the library, recreation, and planning commission special revenue funds do not qualify as independent special revenue funds, and the firm recommends that these funds be combined with the general fund. If these are moved to the general fund, the town would receive an audit opinion of "clean, unqualified, which is the best opinion you can get," Rick said. The selectboard told Rick to make the change so that the town receives the "clean, unqualified opinion."

Rick recommends the town have a fraud risk assessment and a fraud policy.

DISCUSSION

Vermont Association of Snow Travelers (VAST) Road Travel Request

Saxon Hill Riders Trail Master Andy Doe requested permission for snowmobilers to travel short distances on the following town roads in order to connect to trails:

Cambridge Road	0.3 mile
Phelps Road	0.1 mile
Osgood Hill Road	0.1 mile

Andy also suggested a secondary feeder trail on the Town Common so that snowmobilers could have access to the Westford Country Store. This would add road travel from the town barns to the common crossing at Route 128. The selectboard said if Andy wanted to pursue this, he should contact Holly about putting the idea on a future selectboard meeting agenda, to allow Westford resident feedback.

Dave motioned to accept the VAST road travel request as briefed by Andy. Lee seconded. Motion passed 3 - 0.

Update on Town Office Feasibility Project

This project was put on hold due to the amount of time the wastewater vote was taking. Holly asked former Westford Town Planner Melissa Manka for an update before Melissa left for her new job. Melissa recommended three issues be addressed before the town completes the town office feasibility study. These are/were:

I – Complete the Class II Wetlands delineation and send it to Bob Hoppe, project manager with Wiemann Lamphere Architects. (Completed)

II – Have the selectboard meet with Chris Haggerty of Button Professional Land Surveyors and attorney David Rugh of Stitzel Page & Fletcher to discuss the survey results and develop boundary agreements with the owners of the abutting property.

III – Wait for the wastewater vote, then determine the best next steps based on that decision.

Dave suggested gathering information that would eventually inform the project, like vault space/size needed. Lee said his understanding was the study was supposed to start with an assessment of a) what are the needs from a town office; b) what are the things that our town office can continue to do for the near future; and c) what are the things that it can't do. Then leadership can move into studying possible solutions and issues.

Holly and Dave will meet with the vendor for an update on the contract and answer fundamental questions so the Town can think about going forward.

Contract for Emergency Communications & Dispatch Services with the City of St. Albans

The annual fee for July 1, 2024, through June 30, 2025, is \$13,781. Lee said it is "expensive but absolutely necessary." Ben Bornstein said the issue of high cost was raised at Chittenden County Regional Planning Commission (CCRPC) legislative breakfast. He said the state legislature is considering some funding assistance for smaller locales.

The selectboard asked Holly to investigate a less expensive solution for 2025-26.

Dave motioned to approve the Emergency Communications and Dispatch Services contract as presented. Lee seconded. Motion passed 3 - 0.

Selectboard Response to the November 14, 2023, Letter Signed by Seven Residents Re: Planning Commission Actions on Wastewater

Lee McClenny wrote the response letter. Bill and Dave reviewed it. They agreed that while the letter is not the official voice of all three selectboard members, it is a consensus. They have some differences on the specifics. Dave said it is time to move on, rally all Westford residents, and find another solution. Dave thanked the planning commission publicly for taking on the process.

Lee read the letter, which is reprinted here:

"The writers of a letter addressed to the Selectboard describe the recent public debate over the WW project as "divisive" and believe the "bond vote" should be regarded as a referendum on the project.

Comment: The SB agrees that the public debate has been divisive and has stated that it considers the so-called "bond vote" a referendum on the project proposed by the PC. That said, it is the Selectboard's belief that a large majority of voters agree that the Town Office and Town Library need a solution to the current issues with their wastewater system and would likely support a future proposal to resolve that. We also believe that a smaller, yet unknown, number of voters would likely support including the so-called "civic buildings" (Westford Common Hall and Red Brick Meeting House) in that solution, and that an even smaller-yet group would likely support including private residences in the Village Center in such a project. The design of that project, the overall cost of the project and how much Town taxpayers would have to pay, as well as the cost of recurring operational and maintenance requirements and how those expenses are divided between property owners, would all have a direct effect, we believe, on how much public support there is for any proposal.

The writers also say they have some concerns about the PC's actions and intentions, as well. Specifically, that:

The PC members have treated "No" voters with "disdain, derision and deceit".

Comment: We all recognize that the public debate over the WW project has been divisive, but the SB believes any effort to determine who did or did not violate a non-existent code of neighborliness would be an entirely subjective, and likely pointless, exercise. We intend to focus not on where we've been, but on where we can go, together, from here.

The writers further state that the PC held meetings in "committees", not open to the public, to discuss issues that were later raised in and decided in public meetings.

Comment: We have seen no evidence that members of the PC violated the letter or the spirit of VT's Open Meeting Law.

The writers also say that the PC believes its role is to "convince" the public to accept its WW proposal, rather than simply presenting facts and listening to the views of the public, moreover the PC intends to continue working on this WW project despite a clear "No" vote.

Comment: The PC has studied the WW situation for years and has made a proposal that the members believe, in good faith, is in the best interests of the Town. This is the appropriate work of the PC. It would be strange, indeed, if the PC made no effort to explain how and why it came to make the recommendations it made. The PC's efforts have included many, many opportunities for the public to participate in meetings and to ask questions and make suggestions. Ultimately, voters need to decide for themselves whether the PC's arguments are persuasive, and whether its recommendations are the right route forward for our Town. In this event, voters decided by 52% to 47% that they do not want to pursue that specific WW recommendation. Since there was no petition for Reconsideration submitted by Dec 7th, this specific proposal has been rejected. The Town still has a wastewater problem, and the SB expects the PC to go back to work on the issue, taking into consideration the experience of public debate and the recent vote, to find and recommend a solution that could ultimately have strong public support.

Further, the writers state that the PC only welcomes members who agree with existing members, and does not welcome new, different ideas or solutions. It is "inappropriate" for the PC to screen and effectively select new members. PC members should not be automatically renewed in their positions. One or more PC members have possible conflict(s) of interest, not further specified.

Comment: The SB, by State law, appoints members of the PC and can remove them at any time by unanimous vote. We have encouraged interested Town residents to put their name forward for vacancies on the PC (as well as for the full range of other voluntary positions in Town administration, as they have become vacant). We have sought the informed input and recommendation of every Town Committee and Commission when a vacancy has occurred, but no one has been "automatically renewed" in any position. The terms of service of the PC (and other committees and commissions) are available on the Town website. We invite public input, including during SB meetings, to help us make decisions on such appointments. In a town of only 2,200 people, it can be hard to find anyone who is both qualified for and entirely disinterested in the work of the Town, but the SB is unaware of any obvious or clear conflict of interest affecting any member of the PC.

The writers ask the SB to interpret the recent vote as a "referendum" on the WW project or, failing that, to hold a referendum on the WW project or they will submit a petition for Reconsideration to force that issue.

Comment: The writers of the letter did not, in the end, submit a petition for Reconsideration. That said, the SB has made clear that we unanimously consider the recent vote as a "Yes" or "No" decision, in effect as a "referendum," on the specific WW project recommended by the PC. Voters decided to reject the PC's recommended project, and public debate prior to the vote made clear that "No" voters had a range of objections, including to the project's design, anticipated costs and cost-sharing, and the potential development impact of the proposal. The SB believes that the specific project recommended by the PC and considered by the public on November 7th is dead, but that certain components of that project, as adapted, amended, or updated, might find voter support. Therefore, I support directing the PC to turn its attention as a

matter of urgency and importance to alternative options for resolving our Town's WW challenges, consistent with the Town Plan. I also support directing the PC to research and recommend a methodology for gaining insights into voters' views on the future shape, role, function, and appearance of the Town Common and Village Center around it, to help inform future public discussion and debate on our Town Plan and possible changes to our zoning regulations."

There was then more than an hour of discussion and comments from both residents and selectboard members.

The discussion included the December 8, 2023, petition signed by 195 residents asking, in part, that the selectboard "allow for continuance of the Planning Commission to pursue Town Plan Priority 1.4.1 in the adopted 2021 Town Plan" and "consider the proposed community wastewater system as presented for a bond vote November 7, 2023, as extremely important to remain in consideration, but with changes to address public concerns ...;" and "provide a likely funding/bond scenario"

The selectboard asked and authorized Ron Rodjenski of Stone Shore Consulting and Westford's project manager, to reach out to the people administering the grants already received for the wastewater project, telling them the town would like to hang on to them temporarily.

Bill, on behalf of the selectboard, gave direction to the planning commission, asking "if they'd be gracious enough to move forward with alternative plans and to put your thinking caps on and maybe come up with some alternative alternative plans, just so that we can feel that we grasped all the possibilities."

Dave said the town also needs to take the time to do an analysis and comparison between all plans, even some of the options already engineered.

FY25 BUDGET WORKSHOPS

Interim Assistant Town Administrator Carl Rogers presented details of the FY25 Capital Plan and Highway Department draft budgets.

a - Capital Plan FY25 Draft Budget

Increase of 8.98%, or \$193,976.

b - Highway Department FY25 Draft Budget

Highway Department budget Increase of \$119,059.

Roads Department budget increase of \$119,809.

Garage Department budget decrease of \$750.

Permits Department budget unchanged.

Sean Cushing, the new highway foreman, will review this draft budget for changes.

c - Volunteer Fire Department FY25 Draft Budget

The department requested a level funded budget for basic operations.

An increase of \$37,172 was requested for the proposed on-call payments.

The selectboard and volunteer fire department members Steve Willard and Garrett Bartlett decided to budget half that amount and see how much is spent this first year. The town's contingency fund could be used to pay anything over the budgeted amount, if needed, the selectboard said.

Steve and Garrett asked about buying a new fire truck. The selectboard said it is a town decision. They directed Steve and Garrett to begin a bond petition to get it on the Town Meeting Day ballot.

d – Dues and Assessments

Holly reviewed all. Bill said none were significant enough to worry about.

e - Donations and Miscellaneous

Holly reviewed the various costs and requests. The selectboard recommended level funding for the groups asking for a donation, including the Brick Meeting House, the Westford Common Hall, and the Westford Historical Society.

TREASURER

Treasurer Greg Barrows presented a review of the FY24 General Fund budget status report.

The selectboard reviewed and approved accounts payable and payroll warrants.

CORRESPONDENCE

Stitzel Page & Fletcher, PC, Attorneys at Law, the town's legal team, advised their rates will increase beginning July 1, 2024.

Owners/Of Counsel to \$210 per hour. (An increase of \$10 an hour for the town.)

Associates to \$185 per hour. (No historic figures available.)

Specialized services to \$250 per hour. (No historic figures available.)

Vermont Assessors and Listers Association (VALA) chair Stacey Bradley sent a letter about Vermont House Bill H. 480, which would implement a new statewide reappraisal system. There is concern the bill would eliminate municipal control over the Grand List and eliminate local control over town funding. VALA is working to amend the bill's language to best represent the interests of local jurisdictions. Holly will ask if there is anything Westford should do.

Chittenden County Assistant Judges Suzanne Brown and Constance Ramsey invited town officials to the Chittenden County Preliminary Proposed Budget Hearing at noon on Friday, Dec. 15, 2023, at the Chittenden County Courthouse at 175 Main Street, in Burlington.

Town Plan Priority 1.4.1 Petition Signed by 195 Residents

Discussed earlier under 5b - Update on Town Office Feasibility Project.

Selectboard member Bill Cleary reported that in addition to this petition, the town received ten emails asking the selectboard to honor the November 7, 2023, wastewater vote. He also reminded everyone of a petition signed about a year ago asking the planning commission to study alternatives.

COMMUNICATION

None.

EXECUTIVE SESSION - PERSONNEL

Bill moved to find that premature public knowledge of matters relating to town personnel would put the town at a significant disadvantage. Dave seconded. Motion passed 3 – 0.

Bill moved to enter executive session to discuss personnel and invite Holly Delisle and Carl Roges to attend. Dave seconded. Motion passed 3 – 0.

Executive Session adjourned at 11:05 p.m. No action taken.

ADJOURNMENT

The meeting was adjourned at 11:05 p.m.

GUEST LIST

Jeremy Berger
Rick Brigham
Barb Peck
Maureen Wilcox
Ira Allen
Dick Lavallee
Tess Lavallee
Kim Guidry
Ron Rodjenski
Harmony Cism
Nate Hendee
Sheila Grans
Joe Grans
Dave Lavallee
Sue Roediger
Lori Johnson
Erin Panattu
Basil Panattu

Andrea Letorney
Vicky Ross
Mark Letorney
Martha Heath
Andre Roy
Becky Roy
Maura O'Brien
Clayton Wilburn
Andy Doe
Rich Golden
Seth Jensen
Steve Willard
Garrett Bartlett
Wendy Doane
Pat Haller
Ben Bornstein
Carol Winfield
Joel Fay

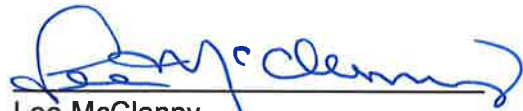
Respectfully Submitted

Bill Cleary
Selectboard

Susan Larson
Minute Clerk


ADOPTED THIS 28 TH DAY OF DECEMBER 2023.

WESTFORD SELECTBOARD



Lee McClenny

David Baczewski



William Cleary, Chair for this Meeting