

SELECTBOARD MEETING
April 25, 2024
Minutes

Present:	Bill Cleary	Holly Delisle
	Pat Haller	Callie Hamdy
	Wendy Doane	Greg Barrows
	Casey Mathieu	Sean Cushing

Guests: see page 7

The meeting was called to order at 6:15 p.m. The meeting was held in person and via Zoom.

CHANGES TO AGENDA

Added Recreation Committee appointment, Conservation Commission work on Goodrich Trail, Added 10 additional minutes to the Conservation Commission items. Added River Conservancy discussion under Wastewater Update.

PUBLIC COMMENT

Carol Winfield wanted to briefly talk about the river conservancy and the 1705 property. Bill preferred to talk about this during the Wastewater discussion.

Dave Gauthier does not know where the property line is in the Town Office parking lot, but he had noted two dead trees that could come down on cars. He requested they be cut.

Vicky Ross wanted to let the Selectboard know that the Library Trustees decided not to have a Passport Program this year due to waning interest in the summer program. They predict it will resume after this year's break.

MINUTES

Wendy motioned to approve the April 11, 2024 Minutes as written. Casey seconded. Motion passed 4-0.

CCRPC REPRESENTATIVE

Ben Bornstein was present and gave an update from the CCRPC. Ben also noted that there are two representative vacancies for Westford within other CCRPC committees. Holly put a description of the positions on Front Porch Forum. Bill mentioned that while it is not mandatory that we fill these seats, leaving them unfilled leaves us unrepresented. Holly pointed out Westford's unique quality in Chittenden County and thought this was further need for representation at the county level.

ROAD SCHEDULE

Sean Cushing, Road Foreman, went over the Road Schedule from April 12, 2024 to April 25, 2024. Wendy motioned to approve the Road Schedule as presented. Pat seconded. Motion passed 4-0.

FY'24 HIGHWAY BUDGET STATUS REPORT

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

GRANTS IN AID FOR STATE HIGHWAYS LETTER OF INTENT

This is an annual item from the State. The State distributes money to municipalities for improving roads. Historically Westford has indicated interest and has been awarded \$18,000-\$20,000 per year. Wendy moved to direct the Town Administrator to sign the Letter of Intent for the Grants in Aid for State Highways. Pat seconded. Motion passed 4-0.

CONSERVATION COMMISSION REQUEST FOR GRAVEL

Kirsten Tyler and Joel Fay from the Conservation Commission were present. Multiple places on trails behind the school are significantly wet and degraded. They were hoping to improve and dry out those areas by hauling in gravel. They requested to have the Highway Department dump 6-7 yards behind the Conservation Commission shed. The cost of the gravel would be reimbursed from Conservation Commission Funds. Sean did not think there would be a problem doing that. Bill thought they did not need to reimburse the Highway Department funds as it all ultimately comes from the same place. There were no objections to this.

CONSERVATION COMMISSION FUNDS CLARIFICATION

MJ Featherstone, Bookkeeper, had run many reports and went through the fiscal history of the Conservation Commission. At one point the funds were distributed in CDS and separate accounts. Around 2014, most of the Conservation Commission funds were put into one single fund approved by a town meeting day article. The funds were to be used for Conservation Commission items. There were some funds the Conservation Commission was given separately for property purchase which was put into the same fund. The fund is not restricted and there is nothing stopping the Conservation Commission from asking to use those funds. Kirsten explained that some of the original \$11,000 for land acquisition was spent on Maple Shade and it rolled over into the same account at the end of the fiscal year. As it stands now, all the money the Conservation Commission has is in their Conservation Fund account. That fund also has donations and logging money from Maple Shade. Holly suggested keeping this account as is, along with the GL account for their budget, and opening a CD or separate account for the restricted funds. Kirsten thought this sounded very simple. Their goal is to not accidentally spend money that is restricted. Pat made a motion that the Conservation Commission can spend funds up to \$500 without having to work with the Selectboard on it. Casey seconded. Motion passed 4-0.

ATVs ON COVEY TRAIL

Bill recalled that this issue has come up at least yearly since he has been on the board. The problem, in his opinion, with regulating this is that some people have deeded rights to use the trail. Holly noted that there is only one person with permission for Covey Trail and she had spoken to the family. They explained the vehicle they use is a Gator to maintain land they have off Covey Trail, and they have not used it since November. They have also noticed ATVs using the trails. Melissa Milne was present. She is a landowner on the trail. She knows the permitted landowner and confirms that it was not them. On the other side of the trail there is a sign indicating 'No Motor Vehicles' and they are requesting the Stoney Ridge side have the same signage. Bill was not sure how effective it would be, but if it could bring peace to a landowner, he was all for it. He suggested the Conservation Commission could pay for the sign in exchange for the gravel. Melissa thought putting the sign on the existing signpost nearby would be sufficient if it was nearest to the boulders.

REQUEST FOR WORK ON GOODRICH TRAIL

Kirsten Tyler was present. A portion of the Goodrich Trail starting at the Underhill Trailhead has become impassable due to wet conditions and motor vehicle use on the trail. The Conservation Commission was advised to raise the tread significantly. It would cost \$4,000. All work would take place within the trail boundary right-of-way during summer of 2024. If this is approved by Selectboard they will contact the landowner and get input before moving forward.

Jamie Hazen, the landowner, was present. He noted there are wetlands there that might restrict the improvement and potential ditching. Joel Fay was present and noted that he had walked that section with Trail Works, who would complete the work, and their plan was to ditch

the uphill side down to the low point and have the water drain there. They would be using all existing material, no new material would be brought in. There had been no discussion from Trail Works about wetlands. Jamie thought this seemed like a band aid solution because the entire trail is wet. He would be in favor of keeping the trail as is. Pat asked if it is left as is, is it impassable? Ben Bornstein was present. Access to his parcel uses Goodrich Trail. Public policy and state law is that one should not be landlocked. His concern is he and A. Johnson's need for access is for all vehicles. He thinks the trail could be upgraded, but it cannot be downgraded or blocked. Kirsten explained that the point of improving the trail was not to add any restrictions to anybody with access needs, but to make the walking and recreation more enjoyable. Barb Peck felt that any materials put on it would be too muddy. She feels they are rushing to improvement. Harmony Cism, Zoning Administrator, was present. From a zoning standpoint they could potentially need DRB review depending on the type of work and if the part of the trail is in the WRO. She thought they should come talk to her prior. Carol Winfield wondered if there might be a different improvement that might be more amendable to Jamie. She thought boardwalks could be a good option. Bill would like to table this for a future meeting. Pat trusts the Conservation Commission; he feels they are identifying a fix through their long term experience that would work. Wendy thinks it was a good discussion that will overall improve the project, she also thinks it needs more discussion between the landowners, DEC, Conservation Commission, etc. She trusts and appreciates the Conservation Commission's experience. This will be on another agenda.

WESTFORD FARMER'S MARKET REQUEST FOR PORT-O-LET

This was a request for the Westford's Farmer's Market to use the common port-o-let. Bill did not have a problem with this use. Kirsten Tyler explained the Farmer's Market is every Wednesday from 3:30-6:30pm in the summer. The Country Store will host the Market in their side yard, but they were worried about the usage of their bathroom. They asked to use the port-o-let on the Common. Holly pointed out that if we have a public port-o-let it is difficult to restrict who uses it. Pat was in agreement. He asked why the Farmer's Market will not be on the Common? It is because the Town requires that Food Vendors hold insurance for their business and that is a barrier to a lot of potential sellers. The Country Store was able to draw up a legal agreement all the vendors can sign instead, lowering their barrier to entry. Bill is in support. Wendy made a motion to allow the Westford's Farmer's market to use the port-o-let. Pat seconded. Motion 4-0.

CSWD BUDGET PRESENTATION

Alice Certa and Sarah Reeves from CSWD were present and gave a PowerPoint presentation of their budget.

Bill thought the biggest change affecting Westford was the increase to the per ton fee that haulers pay to CSWD. It will be an 11% increase from previous years. Alice mentioned that district fees are generally included in the haulers' contract with the town. Holly explained that currently our contract does not allow Myers to extend increased CSWD fees to the taxpayers, but as we go into a new contract that is something to keep an eye on. The district fees are a very small component of what is put on the customer.

Bill had a question about our CSWD Cleanup Fund. Each year we have a new amount of \$2,500 that cannot be carried over, but it becomes available again every year for projects. Bill asked what other towns had used their funds for. Some towns did a tire round up, road cleanup, augment green up day, hoarding cleanup, demolition help, lots of dumpsters, provision of compost bins, etc. Pat made a motion to approve the CSWD budget as presented. Wendy seconded. Motion passed 4-0.

LIVESTOCK ORDINANCE DRAFT REVIEW

Holly had provided a draft of the new livestock ordinance as written by the town attorney. Holly feels that the definitions considering certain fowl to be livestock may not be necessary. A lot of people have backyard chickens and ducks. She feels this is more to target larger livestock. Wendy asked what the significance of Holly's highlight of the impoundment section was. Holly said it was to call out that we do not have an agreement with anybody that could impound livestock animals right now. Pat was thinking of a neighbor who has piglets. The per-head fine seems steep for people that have a larger number of animals. Bill mentioned that ordinances like this give the Selectboard a bit of discretion on how they would like to act. Wendy felt like it was a good first pass. Bill feels that as the offenses continue his degree of wanting to do something about it escalates. He had tried having a conversation with the livestock owner about the incidents that have spurned this, and it did not go well. Pat offered to speak with that landowner in the future as they are neighbors.

SELECTBOARD RULES OF PROCEDURE REVIEW

Bill noted that some recent meetings brought procedural questions to the surface. The rules of procedure allowed the public to weigh in after a motion was made by a Selectboard member, however last time this prevented discussion amongst the Selectboard. His solution is to allow discussion on the topic but cut off public comment once the motion has been made. He proposes that the Selectboard only allow comments on matters of procedure or to have the motion repeated. He thinks the board needs their own time to discuss things. Casey was in agreement. Pat agrees as well, but he wants to make sure we are not indicating a lack of interest in the public's feedback. He wants to make sure this new rule does not prevent the Selectboard from providing opportunities for communication, but still allows the Selectboard to get through the work they need to do. Wendy thinks the board needs time to discuss amongst themselves before a vote is finalized. She is concerned that if something new comes up during that discussion, will the Selectboard choose not to entertain public comment on a new understanding/new subject? Ira Allen was present. He's curious whether the proposal allows for an amendment to the motion. He believes if there's an amendment then the vote is first on the amendment and second on the motion as amended. Bill thought that once the motion had changed, we could open it up to public comment.

Carol Winfield wondered about a 50/50 approach that it be up to the discretion of the chair close discussion or continue. She shares concerns with Wendy about what happens when a new subject/fact/point of view etc. comes up that could affect the motion. A motion does not necessarily follow what the previous discussion was. Bill noted this was not an attempt to silence the public, but rather a way to ensure the board has time to talk amongst themselves.

Barb Peck pointed out that we are not following Robert's Rules, but she feels they could easily call the question which stops debate and moves it to a vote. She felt discussion after the motion but before the vote was a mistake. Pat thinks the only discussion after a motion should be amongst Selectboard members for clarification. Barb disagrees. Martha Heath was present. As somebody who has chaired a lot of school board meetings, she shared that their procedure was to bring the item up, motion, let the board discuss it, and then let the audience comment. She thinks it is important for the board to discuss first. They are not having a public meeting; they are having a meeting of the board that takes place in public. Holly noted this is one section of the rules of procedure. Pat thought Martha's suggestion was interesting. Bill thinks that if they decide to go this route, they may need reminders about the change. Wendy likes that they should have ideas formulated as individuals, but they may want to refine, discuss, and have input on. They decided to do a trial run of this new procedure before officially changing the rules.

MUNICIPAL ARPA REQUEST: DIGITAL PARCEL UPDATE & PLAT SCANNER

Callie Hamdy, Town Clerk, and Harmony Cism, Zoning Administrator, were requesting ARPA dollars to be taken from the IT and HCAV improvements line item to pay for a GIS Data update and Plat Scanner. The GIS Data update would ensure that our digitized plat maps are up to date as would our interactive map. The purchase of a plat scanner will allow Callie and Harmony to keep digitizing larger items such as plats, keeping them more accessible to the public. Bill made a motion to approve the use of ARPA funds from the IT and HVAC Improvement line and the balance from the Unallocated ARPA funds. Casey seconded. Motion passed 4-0.

WASTEWATER ALTERNATIVES COMMITTEE WORK UPDATE

The WAC has met twice since the last Selectboard meeting. They have put updates out on FPF and in the newsletter. They have finished the matrix document, which is posted on the website, and now they are in a state of limbo. Without Selectboard approval to go forward with investigating the Westford Common Hall etc. they're wondering if it makes sense to ask Holly to work with the Town Attorney to come up with a better legal agreement for investigating private properties. The 1705 property is no longer under contract and is back on the market. After speaking with George Pigeon, he gave permission to continue research. At this point the WAC is moving forward as planned with 1705. Holly asked if the Selectboard had more direction now that Maple Shade is no longer on the list of consideration. Wendy asked if we were using the agreement Stone had provided? Yes, however it does not protect either party if a party backs out.

Pat noted that Emily Hackett said the 1705 property was not permissible for wastewater. Holly had received a letter from Bruce Douglas from the Agency of Natural Resources (ANR) regarding what Emily said. Bruce explained that it is not the determination of the ANR. Emily's judgement is not one ANR is willing to make without a permit application. Holly also mentioned that the scope of work asks for maximum capacity, with or without the dug well on the property.

Casey asked if we were moving forward on the \$5,000 for the WAC. Bill thinks we should re-engage the engineer and authorize WAC to work with the River Conservancy to see what financial help they could give us with purchasing 1705. Another idea he has heard is to do water metering to determine what our real uses are. Bill did not agree with the state's usage calculations. Lori mentioned they are the state's rules, and she does not know if we can get around them.

Wendy is concerned about the continued cost of this research. All the research done on wastewater for the past 16 years was done on municipal grants, not taxpayer money. Bill clarified that the Planning Commission used their special project funds to fund research so that was taxpayer money. Wendy asked where we stop using taxpayer funds before finding other funding sources? Pat agrees, but what he thought that the \$5,000 came from ARPA funds. Casey made a motion to use the original \$5,000 of ARPA funds for WAC to continue with 1705. Pat seconded. Motion passed 4-0.

Bill thought that the 1705 Property is a strategic asset for multiple reasons. Pat agrees, even if it does not have the wastewater capacity we should discuss if it is worth purchasing it. To him it depends on who can fund it. Bill thought we should allow WAC to engage River Conservancy. Wendy noted that in the past the River Conservancy was strict that their purchase include a housing component. Pat thinks the struggle is that typically the River Conservancy's funds are from the Housing and Conservation board so that is typically the recipe they require. Carol Winfield noted that the conservation part of Housing and

Conservation does consider properties that are not going to be developed. Wendy asked about the Corrective Action Plan (CAP). She recalled that they got a letter from the River Conservancy saying the CAP had been complete and another from Taylor Newton at CCRPC saying it was not. Where do we stand? Carol clarified that the plan has been completed but the work outlined in the plan has not been completed. Carol believes that capping the contaminated area with soil and paving is a legitimate fix for the brownfield. Pat noted that the existing plan did not require paving, so we may or may not need paving. Bill made a motion to authorize WAC to pick a representative to approach River Conservancy and get them to express in certain terms what their commitment is and stipulations and start a discussion about 1705. Casey seconded. Motion passed 4-0.

RECREATION COMMITTEE APPOINTMENT

Greg Arendt put his name forward for a Recreation Committee Appointment. Pat made a motion to appoint Greg to the Recreation Committee. Wendy seconded. Motion passed 4-0.

FY'24 GENERAL FUND BUDGET STATUS REPORT

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

REVIEW AND APPROVE ACCOUNTS PAYABLE & PAYROLL WARRANTS

Greg Barrows, Treasurer, went over the Accounts Payable & Payroll Warrants.

CORRESPONDENCE

Stone Environmental had provided us with a contract termination letter.

Two requests to reform the road committee were received. The previous road committee had recommendations and Pat would trust we have adopted those recommendations, which included a lot of ditching. Pat wondered if the first step is not producing a road committee yet, but looking at the recommendations from last time and seeing where we are. He feels the Highway Department knows what they are doing. Bill agreed with Pat. Wendy asked if we ever get feedback from the state. Yes, that is how we get grant money. CCRPC says that Westford is far beyond most other towns in terms of hydrologically connected segments. Paving comes up every year. Regardless of what it might do to the rural character, in Pat's opinion, it is very expensive. Have we ever produced a good bullet point explanation that this is the cost and compare it to the cost of dirt road maintenance? He feels we owe some due diligence to give an answer. Jeff Hutchins once mentioned it is \$1 million per mile to pave, Bill would like confirmation on that number. Ben will ask CCRPC about grants for major corridors.

Received correspondence about selectboard not continuing the state ARPA funds expressing disappointment.

Sheila Franz had written in agreeing with George Lamphere's suggestion to revisit the town plan. She thinks it is time and we should do it with a lot of thought and outreach. She would like to see traffic considered part of the town plan.

Correspondence about behavior at a recent Planning Commission meeting. The Planning Commission had responded.

Westford Library wants to have a meet and greet with the new selectboard in the summer. It would be a warned meeting.

Resident that did not like Bill's behavior in the last meeting. He recognized it was a contentious meeting and he thought he did the best job he could. Pat thought that Bill owed the resident an apology, but Bill disagreed. Wendy thought it was a meeting with high emotions and we are all human.

COMMUNICATION

Set up a public hearing to discuss with the public the Planning Commission regulation changes during the second meeting in May.

EXECUTIVE SESSION

Bill mentioned that matters of personnel would put the town at significant disadvantage. Casey seconded. Motion passed 4-0. Moved to enter executive session and invite Holly Delisle and Sean Cushing to attend at 10:02. Wendy second motion passed 4-0.

No action was taken.

ADJOURN

The meeting adjourned at 10:54 p.m.

Respectfully Submitted,

Bill Cleary, Chair
Selectboard

Callie Hamdy
Minute Clerk

GUEST LIST

Dave Gauthier
Carol Winfield
Melissa Milne
Dave Lavallee
Kirsten Tyler
Lori Johnson
Joel Fay
Ben Bornstein
Sarah Reeves


Paul Birnholz
Harmony Cism
Jamie Hazen
Kim Guidry
Ira Allen
Sheila Franz
Vicky Ross
Maureen Wilcox
Robert Milne

Barb Peck
Basil and Erin Panattu
Sue Roediger
Martha Heath
Dick and Tess Lavallee
Alice Certa
Mark Letorney


ADOPTED THIS 9th TH DAY OF MAY 2024.

WESTFORD SELECTBOARD

William Cleary, Chair




Patrick Haller



Casey Mathieu



Deb Sawyer Jorschick



Wendy Doane