

SPECIAL TOWN MEETING
October 22, 2024
Minutes

Present: Bill Cleary
Wendy Doane
Casey Mathieu
Pat Haller
Deb Jorschick

Holly Delisle
Callie Hamdy
Maria Barden
Lee McClenny

Guests: see pages 4-5.

The meeting was called to order at 6:19 p.m. The meeting was held in person and via Zoom.

SPECIAL TOWN MEETING

This meeting was called to propose an advisory article for floor vote to use \$150,000 of Unassigned General Fund Balance to fund part of the purchase of 1705 VT Route 128, known locally as the "Pigeon Property". Holly and the Selectboard had prepared a slide show and presented it to the meeting. Bill thanked everyone for joining the meeting and turned it over to Lee McClenny, Moderator. Lee reviewed Roberts Rules of Order. Lee asked for non-voters to identify themselves by raised hands. No non-voters were present. Pat motioned to consider the article in question. Bill seconded. The motion passed. Lee read the article out loud.

Tara Pereira was present. She asked if there was an estimate of how much the post-purchase work would cost? Have we targeted any grants for the post-purchase work? Have we talked to the state about those potential grants? Will the Westford's Future Progress Report from 2019 be taken into account for any potential use of the property? Pat answered that until we know what the community wants with the property we do not know what the cost will be. However, LE Environmental produced a corrective action plan (CAP) based on having residential buildings on the site. LE Environmental's CAP estimated the cost to clean up the contamination at \$340,000. The cost will be updated once we know what the new plan for the property will be. Northern Border Regional Commission (NBRC), an original funding partner for Maple Shade is interested in hearing our ideas now that the Maple Shad project is not moving forward. We told them about this project, and they want us to reapply for grant funds from them when we are ready. Additionally, our BRELLA acceptance was forwarded to the Chittenden County Regional Planning Commission (CCRPC). They may be willing to help fund the roughly \$1,900 Phase I Environmental Assessment. The costs for renovation or building a new Town Office are unknown. We do have an estimate of \$50,000 to construct a 490 gallon per day proposed septic system. Tara asked if the FEMA flood plain map had been updated with the recent flooding? Holly explained the FEMA maps will be updated, but they have not finished that project and won't for some time.

Peggy Bouffard asked if this topic will come back to voters before the property is purchased if this vote is positive? Bill explained that if this vote tonight is positive the board will move forward with purchase. Pat explained they will be moving forward but are looking at April 1st, 2025, as the closing date, so we still have time to do due diligence between now and then.

Joan Farmer asked if this is the only option for wastewater we have left. Pat explained in his opinion, yes it is. Bill further stated that the Wastewater Alternatives Committee (WAC) is still working to find other alternatives. He does not know if WAC will continue or not. If WAC comes up with something else, it could provide more septic capacity for the Town Common area.

Koi Boynton asked the board to clarify whether 1705 is an option for wastewater or not. Pat explained it is an option for wastewater. David Tudhope had been granted a wastewater

permit for 490 gallons per day. However, the replacement well was located within the contaminated zone. Currently, the permit has been revoked, but the board does not expect it will be difficult to get the permit renewed with a new well placement. If they purchase the property they may be able to use the well that already exists at the town office/library parcel. Koi asked if she heard correctly that they could move it to a paper ballot? That was true.

Ed Chase was present. He would like to know if we are locked in to purchasing this property. The existence of the Purchase & Sales Agreement indicates we are buying it. What would be the impact of a negative vote? Wendy explained that while we do have a contract, the signing date is not until April 1, 2025. There is time to do due diligence and find a new well location. The vote tonight is an advisory vote and if it does not pass the board will have to take it into consideration. Bill explained a technicality that even with a 'no' vote the board could continue to move forward with the project, but did not think that was a good idea politically. He feels the board should figure out why it is a 'no' and find another way to get to a 'yes' vote. Ed asked again, are we locked into buying this property or not? Bill stated that there is a \$1,000 deposit that we would lose if we do not purchase the property. It is not his desire to break the agreement, but we could if there were problems.

Cate Ojala was present and asked to confirm that the vote is not a yes or no to purchase, it is yes or no to use the \$150,000 of unassigned funds. She wanted to know if the board has thought of an alternative way to fund the purchase of the property if we do not leverage the \$150,000? Casey explained that, yes, they are asking for permission to use \$150,000 from the unassigned fund balance. He does not see why they would find another way to fund the purchase when the unassigned funds are available. They will look at other ways to offset those funds later.

Robert Schipper asked if there has been much discussion on what the public access to the river would be if the property was purchased? Deb explained yes, they have considered that and yes, there will be public access to the river. Bill said one possibility is to engage the River Conservancy who could provide funding.

Rebecca Davanon asked is the current valuation of the property a commercial one or residential. Holly explained a new appraisal has not been done on the property at this point. The last appraisal was during the previous 1705 Project. Additionally, the purchase price was not based solely on an appraisal, it was agreed upon between the Selectboard and the Pigeon Family Trust. Rebecca read a statement out loud. She does not believe the town should feel pressured to purchase a property just because the Pigeon Trust wants to sell. She would assume the property would be able to support wastewater and potable water. If the property cannot meet those needs, then the price needs to be renegotiated. Until the state has approved a permit, she does not believe the town should purchase the property. She also believes the town should look more closely at the mound septic system as it is close to the river, and it is partially in the state-approved river corridor. Additionally, the FEMA maps for flooding are not yet updated. She would like the town to consider those risks and present them to the public prior to purchase. Additionally, she would like to see the anticipated O&M costs associated with the pre-treatment system. It is her opinion that the other uses of the property other than wastewater can be figured out later, after purchase, but site conditions for water infrastructure should be figured out prior to purchase. For these reasons she does not approve of Selectboard using the \$150,000 in funds for the purchase currently. She does not think we have enough information but supports future use of the site.

Natalie Aulicino was present. She owns a property with adjacent river frontage to 1705. If we have river access how would that be contained to just 1705's frontage? Bill thought it was an

interesting question. He does not think the selectboard had considered this. Natalie notices that people use her property to access the river without permission and they leave trash etc. Bill said they will take that into consideration.

Sheila Franz was present. She commended the Selectboard on the unanimous decision to propose this project. The voters selected these people for the job, and they voted unanimously. She feels we have come together as a town. She thinks the work that has been done by Tudhope is very basic and she is sure it is done well. She feels the property is high up from the river. She thinks the 15 gallons per minute output of the town office/library's well will serve the septic system just fine.

Bob Bancroft was present. For over 15 years various Selectboards have recognized the septic problems for the town. He feels we are very close to needing to expand the Town Office building. In 2013 the town purchased the Spiller property for wastewater/septic needs. Then the plan was that the White Church (Westford Common Hall) could provide septic, but they were not interested. That still would not have taken care of the space issues in the town office. He encouraged people to vote yes. If we do not buy this what is the town going to do?

Michael Kirick asked what BRELLA is. Holly explained the BRELLA program is a liability limitation program. Being enrolled limits our liability if contamination on the site were to migrate. It protects the town from potential lawsuits and comes with an environmental study requirement. They also offer funding, but it is not guaranteed. That funding comes from the Federal Government. We were accepted into the program on 10/21. Acceptance into the BRELLA program was one of the contingencies of the Purchase & Sales Agreement.

Alice Astarita understands the sale will be final in April. When do the ARPA funds run out? Holly explained the ARPA funds have a couple deadlines. Funds must be allocated for projects by December of 2024. They require the funds to be spent by December of 2026. VLCT stated that if we have a purchase and sales agreement, it counts the funds as spent.

Ilene Chase thought it looked like a lovely piece of property, but she is concerned with the number of things the board does not know. If UVM comes in and finds something in their archaeological dig then it is done. There are too many unknowns, in her opinion.

Bill Hill felt grateful to be part of a town that has budgeted responsibly over the years, giving us the money to make a strategic investment. We are fortunate to have the option.

Carol Winfield understands that there are a lot of unknowns, but there was an approved septic design that would cover the current needs of the town office and library. She stated that the current system could fail at any moment, and this is an opportunity to fix that. Maple Shade, which was funded up to \$4 million dollars, could have fixed that problem, but was voted down. The septic system for 1705 has been estimated to cost \$50,000. She believes there will be expenses, but she questions where we would put a septic system if we don't buy 1705. If WAC finds additional capacity it still will cost money, in her opinion. There are grants available that she hopes we can get. She believes there is urgency because the Pigeon Trust would like the property sold.

Vicky Ross clarified Carol's comments. She does not believe the current system is in active failure. She recalls hearing people say the current system is insufficient and she believes it does not offer sustainability. Even if we went into active failure tomorrow, she does not want people to think the library and town office would be immediately shuttered.

Clayton Wilburn was present. He has professional experience with Methyl tert-butyl ether (MTBE). The biggest issue with MTBE is that it has a history of leaching into

groundwater. He recalls hearing talk about capping the contaminated soil but not about the ground water plumes. He thinks these are things we must consider and saying there is an approved plan is too quick in his opinion. He would like river access but understands the concerns people have about river access next to their property. He believes we can do this in a way that does not endanger people. If somebody purchased the property it could damage them unknowingly in his opinion. He urges people to factor in all the possibilities.

Orah Moore was present. She planned to vote no. She has appreciated listening to all the possibilities for the town with the property and hearing the due diligence the Selectboard intends to take. She believed everyone is interested in seeing that property do well. What she's hearing from the board is we have an opportunity to move forward in a thoughtful way on the property. She believes the value is an agreed value. She is leaning towards yes, but she wants the town to work hard at looking into the contamination issues before April 1st. If it can't be resolved it will be an issue to anybody that might take on the property.

Pat Haller thanked Orah and Clay. He has previous experience as a groundwater soil scientist. This site has had contamination from underground storage tanks near the garage which has been investigated by LE Environmental. One of the wells on the property does have evidence of chemicals such as MTBE. For the past three years test wells have been reported every three months. Results show that contaminated water has not moved because the soil is clay. On top of that, part of the requirements if we do purchase it will be to produce a corrective action plan under BRELLA. The corrective action plans from several years ago were exactly that. We need to do our due diligence, but there has been a lot done already on the site.

Paul Birnholz called the question to a vote which was seconded. The motion passed. Orah Moore called for a paper ballot. There was support from at least 7 other people.

The results were:

Yes: 120

No: 28

The article was passed.

It was motioned to close the meeting. There was a second.

ADJOURN

The meeting adjourned at 7:43p.m.

Respectfully Submitted,

Bill Cleary, Chair
Selectboard

Callie Hamdy
Minute Clerk

GUEST LIST

Jeremy Berger
Tina Scanlon
Marty Scanlon
Anne Maloney

Martha Heath
Louise Jensen
Andrea Letorney
Mark Letorney

Timothy Allen
Thomas Lane
Janine Vrba
Joan Vrba

GUEST LIST CONTINUED

Kim Maloney
Barb Peck
Edward Meehan
Mo Reilly
Janice Hunt
Sue Roediger
Ross Hughes
Jenny Hughes
Lani Plonski
Cheryl Swanson
Paul Birnholz
Susan Schmidt
Tom Orfeo
Carol Winfield
David Lavallo
Michol Kolinich
Michelle Brennen
Marge McIntosh
Larry Couture
Michael Hechmer
Patricia Hechmer
Lynn Gauthier
David Gauthier
Martha Steady
Caitlin Ojala
Cori Hill
Bill Hill
Julia Andrews
Robert Bancroft
Natalie Aulicino
Martha Bennett
Deniss Bennett
Kim Catella
Art Woolf
Pauline Perry
Ron Perry
Leslie Moore
Maureen Wilcox
Millie Therrien
Ray Lavigne
Diane Siegrist
Alice Astarita
Don Pouliot
Nancy Patch
Ron Rodjenski
Marcel

Linda B Mathieu
Richard Mathieu
Ellen Gokey
Michael Saunders
Dave Winfield
Noreen Pigeon
George Pigeon
Barry Conolly
Wendy Tucker
Lynn Bursell
Erick Brennen
Ben Stark
Ilene Chase
Ed Chase
Travis Rock
Caroline Brown
Wayne Brown
Margaret Bouffard
James Bouffard
Phyllis Bouffard
Mark Bouffard
Joan Farmer
Ann Drinkwine
Jennifer Harper
Calef Letorney
Sarah Robinson
John Doane
Mark Winer
Carma Start
Beth Albarelli-Lane
Jamil Ghosheh
Patrick Grant
Annie Williams
Max Tyler
Koi Boynton
Anne Schipper
Robert Schipper
Beth Menut
Alex Barden
Sharon Von Bruns
Peter Armata II
Heather Armata
Louise Jensen
Denise Laforce
Maura O'Brien
Dave Lavallo

Doug Hinshaw
Bree Drapa
Mark Letorney
Timothy Allen
Tara Pereira
Frank Antonucci
Trish Indoe
John Reilly
Marijke Reilly
Orah Moore
Michael Kirick
Charles Cavanaugh
Ray Geddens
Lori Johnson
Kim Phillips
Scot Phillips
William Phillips
Richard Lavallo
Sheila Franz
Becky Roy
Vicky Ross
Kim Guidry
Ira Allen
Kevin Perry
Ann Pigeon
Ron Frey
Matt Wamsganz
Rich Golden
Dennis O'Donnell
Barb Cady
Andrew Fulton
India Tresselt
Meredith Rivlin
Merrill Allen
Gavin Cook
Debra Hazel
David Hazel
David Crary
Amdework Assefa
Glenn Minor
Rebecca Davanon
Clayton Wilburn
Ian Gehlbach
Celeste Gaspari
Stacia McIntosh

ADOPTED THIS 24 DAY OF OCTOBER 2024.

WESTFORD SELECTBOARD



William Cleary, Chair



Patrick Haller



Casey Mathieu



Deb Sawyer Jorschick



Wendy Doane