

## **SPECIAL SELECTBOARD MEETING**

**May 31, 2023**

### **Minutes**

Present:	Bill Cleary	Nanette Rogers
	Lee McClenny	Greg Barrows
	Dave Baczewski	Melissa Manka
		Harmony Cism

Guests: See page 5.

The meeting was called to order at 6:00pm. The meeting was held in person and via Zoom.

#### **CHANGES TO AGENDA**

Lee McClenny stated that this is a special working meeting of the Selectboard to work with the Planning Commission, Town Planner, and contractors for the wastewater project. The goal is to put together a work plan that will enable the Town to come to a well-informed yes or no vote on the bond issue by election day in November. There is a very full schedule. Questions about the work plan and work schedule are welcomed. The SB requests that other issues be held until a future SB meeting or public information meeting. Lee also noted that there will be more SB meetings. According to State law/State Constitution, SB meetings are warned for transparency and the agenda is set a week in advance. It is inefficient to introduce last-minute changes.

There were no changes to the agenda.

#### **PUBLIC COMMENT**

There was no public comment.

#### **DISCUSSION**

##### **REQUEST FROM WESTFORD COUNTRY STORE AND CAFÉ TO PLACE PICNIC TABLES ON COMMON**

Erin and Basil Panattu explained that Jeff Hutchins recently applied for a Certificate of Occupancy for an apartment above the store, after obtaining a modified WW permit which further limited seating at the Westford Country Store and Cafe. Outdoor benches and picnic tables had to be removed, which makes it difficult for customers to sit and eat. Erin and Basil have been looking into the possibility of putting some port-o-potties on the property to alleviate some of the seating restrictions. They are wondering about the possibility of placing picnic tables on the Town Common. These picnic tables, along with donated umbrellas from Coca-Cola and Sam Adams, would be for everyone in town to enjoy.

Seth Jensen remembers when the Town asked Scouts to help build picnic tables. He feels that it would be better to consider this as a beneficial offer, and that the town should graciously accept this offer. Pat Haller agreed.

Lori Johnson thinks it would be great to have more picnic tables. She expressed concern about broken and rotted tables. There is only one sound table. She is concerned about liability.

Suzanne Kearnes wished Erin and Basil the best of luck. A past survey indicated that the town wanted a store, and it needs the support of the town to work.

Barb Peck said that the town has expressed interest in revitalizing the Town Center and she thinks the store does just that. She agreed that picnic tables are a good idea, and that the town should be behind the store in every way. Barb said that a variance for the future might help the store succeed in this town.

Ned Robinson said that he supports the store whole-heartedly. Westford needs the store.

Jacob Kenney agreed with Ned. We need a central place in town. Many other towns have a central establishment. A local business is perfect. He believes that a variance should be in the scope.

Jeff Hutchins would like to talk about zoning regulations in the future. He said that the regulations need to be changed, or the store won't survive.

Barb agrees with Jeff. A variance may help to keep things going before the regulations are revised.

Bill Cleary said that the store has dealt with hurdle after hurdle. He doesn't want the town to have a reputation for being anti-business. Bill feels that the store has been under a microscope due to its proximity to the Town Office. He is in favor of picnic tables and levity with the store's other concerns.

Dave Baczewski said that he supports picnic tables on the common if they are kept in good condition. Lee agreed with as many as 5 tables.

Nanette added that we will need a certificate of insurance because these tables belong to the store and will need to be maintained by the store.

Erin and Basil had considered giving/donating the picnic tables to Town. Lee clarified that the tables would move back to the store at some point in future, so they shouldn't be given to the town. Nanette added that the town does not have the capacity to maintain and repair the tables.

Bill made a motion to allow the Westford Country Store to place 5 tables on the common. Dave seconded. Motion passed: 3-0

The SB okayed umbrellas with advertisements to be placed along with the picnic tables.

#### **GRANTS – ADMINISTRATION & AUTHORIZING OFFICIAL – ESTABLISH POLICY AND PROCEDURES**

Melissa introduced this subject. Moving forward, there are going to be quite a few grant agreements, financial updates, etc. It would simplify things to have someone in-house who can sign off on documents. Melissa brought up two items: 1) After SB review of grant agreements, can the Town Administrator be given the authority to sign documents that have been previously approved by the SB? 2) Documents need an authorized official. It would be good to have one individual, potentially Nanette, authorized to sign off on pre-prepared documents.

Lee clarified that Melissa is speaking about two signing authorities: One for the execution of previously approved grant agreements, and one for other documents associated with administration such as progress reports, reimbursement requests, financial updates, etc.

Bill stated that in the past, the Selectboard has given this sort of authority to Nanette. He doesn't want to see documents passing under the Selectboard's radar.

Melissa clarified that these are documents that would have been previously approved by the Selectboard. Administration documents do not need approval, just a signature by an authorized official. The Selectboard could certainly be copied on these documents.

Lee believes that grant agreements must be reviewed and signed by the Selectboard. Administrative documents can be signed by an authorized official, as long as the Selectboard knows about them.

Dave said that it would make sense for the Town Administrator to be given this responsibility. The request would not be overriding the Selectboard authority but rather trying to overcome signing delays.

Seth thought that having staff level review makes sense. Selectboard members have day jobs and 3-year terms. The need to be kept informed but grant progress reports can have staff sign off on documents and pass information along to the Selectboard so that important deadlines aren't missed with grants.

Barb asked for clarification on what an authorizing agent is. Is it the Selectboard? Bill explained that the Selectboard appoints the authorizing agent.

Mo clarified that the term she used was “authorizing official”. The role is someone who can act on behalf of the body. It can be a municipality, an organization, or an individual. The Selectboard can delegate an authorizing official to submit a progress report or a reimbursement request for grants.

Dave suggested addressing this at a later meeting. The Selectboard asked Melissa and Nanette to work together to come up with a draft motion for the next meeting.

Amy Macrellis added that it might be helpful to look at the State ARPA grant agreement which uses slightly different language. It may be beneficial to use the terminology found in the grant agreement.

#### **STATE ARPA AGREEMENT – ACTION**

The final State ARPA grant agreement document was provided at this meeting with one update. The Selectboard must determine whether to act on the grant agreement. This will allow us to continue with Step 2 work.

Lee asked if this obligates the town regardless of how the project progresses. If there is a positive bond vote, and we proceed with the project and spend money, is there a deadline to use the money? Melissa explained that there are state deadlines. The town can spend money and receive reimbursement regardless of whether projects make it to construction. The state can pull back unspent money to be given to other recipients but not spent funds. The document needs to be accepted and signed on behalf of Westford using DocuSign. An individual must be designated as subrecipient and authorized signer.

Bill motioned to approve the ARPA grant agreement as amended and allow Nanette to be signatory, Dave seconded. Motion passed: 3-0.

#### **STATE CWSRF AGREEMENT – ACTION**

Melissa stated that we are still waiting for ANR supervisors to sign the document. This topic will have to be moved to a future Selectboard meeting.

#### **PROJECT MILESTONES & SCHEDULES – REVIEW AND REFINE**

George Lamphere introduced 3 documents:

- **WASTEWATER MASTER SCHEDULE SUMMARY** is a document that the Planning Commission would like to work with the Selectboard on to ensure that town interests and needs are understood. This is not a schedule for engineers or construction. It is a living document that will continuously evolve. The biggest value lies with the Selectboard letting the Planning Commission know, at any time, what is working and what is not working within the Master Schedule. This is the document that will most accurately reflect the working relationship between the PC and the Selectboard
- **PROJECT SCHEDULE** is Stone Environmental’s tool specifically to meet their needs and some needs within grant structures.
- **CALENDAR & COMMUNICATION SCHEDULE** was put together by the Outreach Committee. This is a tool related to public outreach and milestones. It will evolve over time, and it contains important things that must happen.

Melissa added that she has tried to incorporate comments that have been received. The Master Schedule is a summary of what needs to happen to get to a bond vote.

Bill noticed that there is a lot happening during Sept 26-28. Can this be spread out? Amy clarified that the ordinance doesn’t have to be finished, but key decisions need to be made. Juli Beth Hinds stated that there is no need to adopt an ordinance unless there is a positive bond vote.

Dave said that when the finish date and deadlines are on the same day, there is no buffer. He would also like to see some indication of which parts of the project have started or are ongoing. The bold colors on the chart make it difficult to see what is written.

Lee observed that a budget will be set based on a 30% final design. Is that indicating that we will get close to actual cost? Amy said that we are likely to be further along than other 30% designs of projects of a similar nature. Our funding stack is further advanced than many other village wastewater projects. By mid-August, there should be enough information to inform the design. Ledge probes will begin advancing the week after school gets out. Surveying should be complete by the end of June. Some of the big questions will have answers by then. Easements will not be acquired until there is a positive bond vote. The State requires that if the project will build infrastructure on private properties, the town needs easements to perform maintenance. Construction easements will also be needed. It is unlikely that there will be any costs associated with easements, other than legal fees. Easements will not be purchased; they are a voluntary opportunity for the property owner.

Vicky asked how the public can access these docs? They are available on the website, but they can change hourly. George suggested that the Planning Commission refine the Master Schedule based on feedback from the Selectboard and bring it back to a future meeting. An “as of” date should be included on every printed document, with the understanding that there may be changes beyond that date. Seth added that any document needs to be interpreted in its full context.

Tom Orfeo asked when the legal document will be available that will outline responsibilities and cost. Lee answered that it will be available before the bond vote is warned. All of the information that people need to make an informed decision will be available. Some of it will be contained in the draft ordinance.

Lee spoke about the list of 18 questions. This is a list of questions that the community will need to have answers to before they can vote yes or no. Lee asked for information from the Planning Commission and contractors to outlay which of these questions need to be answered by the Selectboard.

### **PROJECT COST SUMMARY – OVERVIEW**

Amy introduced a spreadsheet from the State of Vermont. The document builds a total project cost off the construction costs. There is, at minimum, an included 25% contingency. This larger contingency is to ensure that we get the full grant amount with match. Construction cost is in the order of \$2.9 million, which is higher than the 2021 preliminary engineering estimate. The total project cost is closer to \$3.78 million. This document illustrates how the State and other entities will help the town pay for this project. Bill asked that these documents be available at the Town Office with an “as of” date for residents to view.

### **FUNDING STACK – OVERVIEW**

George explained that the funding stack represents where we stand today. It includes what we’ve been awarded, which items are pending, etc. Lee asked if any possible grants and potential additional funding are on this list. Amy responded yes, including the CRRP Grant which should have a decision in June. Melissa explained that the CWSRF subsidy is the total as of today for prior work and step 2 work that has begun. George added that the state has 3 steps, and that funding can roll forward to the next project.

A resident asked if there is an estimate of annual operation and maintenance costs. Lee responded that this is one of the 18 pending questions that the Selectboard will work on. Amy added that the Preliminary Engineering Report did include an annual O&M estimate of around \$40K-\$50K per year. This number will be updated as the design moves forward.

### **SEWER ORDINANCE DEVELOPMENT, RESOLUTION 7 SPECIAL TOWN MEETING/BOND VOTE WARNING**

JB Hinds explained that the Selectboard had already looked at documents in 2021/2022. Several of the issues in the list of 18 questions can be worked out in a draft ordinance. Dave said that the Selectboard

needs to be informed on how to make a decision. Real world examples are needed for him to make informed decisions. It is Birchline's intent to support that decision making.

Melissa said that it is critical to determine dates that the Selectboard is available to meet and have proper consultant staff support within the next month or two. Lee noted that when the Selectboard meets it is a Selectboard meeting and should be warned as a Selectboard meeting. George added that every meeting between now and the bond vote will contain critical information and be valuable. The Selectboard was asked to attend the 6/5/23 Planning Commission meeting to hear about the town Stormwater Conceptual Plan and ask questions before the grant is closed out at the end of the fiscal year. Lee explained that if the Selectboard attends a Planning Commission meeting, they cannot make binding decisions. Those can only be done at a duly warned Selectboard meeting.

Gordon Gebauer asked about the next step forward from here, including dates to discuss matters. Lee responded that the Planning Commission needs to lay out their future agenda, and identify which meetings need Selectboard involvement. The Selectboard need to look at what is on their plates and figure out how to work together. George proposed outlining a few items and suggestions for future meetings and presenting them in a memo to the Selectboard. Melissa stated that at the 6/19/23 Planning Commission meeting, the project consultants are going to be present. It would be beneficial for the Selectboard to attend this meeting. The consultants can also meet with the Selectboard.

Gordon stated that this will be an evolving process. More memos will be drafted at future Planning Commission meetings. The Planning Commission can look at what can be done now vs. what will be done when we move forward. Questions align with critical questions on the documents. JB Hinds has worked through the 18 questions, and many are able to be answered. They need to be answered to the satisfaction of town residents.

#### **ADJOURN**

The meeting adjourned at 8:32pm.

#### **GUEST LIST**

George Lamphere  
Mo Reilly  
Mark Letorney  
Gordon Gebauer  
Seth Jensen  
Pat Haller  
Ned Robinson  
Deb Hazel  
Maureen Wilcox  
Francois Ross  
Basil & Erin Panattu  
Suzanne Kearnes  
Dave Gauthier

Eric Ford  
Jacob Kenney  
Barb Peck  
Kim Guidry & Ira Allen  
Sheila Franz & Joe Franz  
Carol Winfield  
Trent  
Peter Lazorchak  
Tom Orfeo  
Vicky Ross  
Juli Beth Hinds  
Rich Golden  
Anna Muth

Ned Robinson  
Deb Hazel  
Maureen Wilcox  
Francois Ross  
Heather Armata  
Trent  
Jeff Hutchinson  
Jordan Hutchinson  
Lori Johnson  
Amy Macrellis  
Scott Hazen  
Andy