

Town of Londonderry, Vermont
Village Wastewater Committee
Special Meeting Minutes
Friday, October 27, 2023 – 9:00 AM
Neighborhood Connections, 5700 VT Rte. 100
Londonderry, VT

Village Wastewater Committee (VWC) Members Present: Sharon Crossman, Larry Gubb, Tom Metcalfe, Gary Hedman (online)

Others in Attendance:

Online: Chrissy Haskins (Dufresne Group – Project Engineers), Susan Westa (Windham Regional Commission), Juli Beth Hinds (Principal at Birchline Planning LLC), Chris Campany (Executive Director, Windham Regional Commission), Emily Hackett (EI - Environmental Engineer – VT DEC)

1. Call meeting to order

The meeting was called to order at 9:07 AM

2. Additions or Deletions to the Agenda:

None

3. Approve Minutes of 10/17/23 meeting

Minutes for this public informational not completed at this time.

4. VWW Public Presentation at Flood Brook School – Debrief and discuss/ decide Next steps with our Speakers.

Chris Campany spoke to the need for this Committee to make recommendations to the Londonderry Selectboard regarding the timeline and deadlines approaching where a solid direction for the project need to be determine with regard to retaining grant funds for both villages, in consideration of best viability for project completion or taking the project to construction. Because certain decisions must be made in time to complete the necessary paperwork, review and approval, the time is upon the Committee to discuss and make the recommendation to the Selectboard. He said that Emily Hackett could better explain and would have more details when she was able to join the meeting.

Members of the Committee and those who were presenters at the October 17, 2023 public meeting and presentation, voiced their impressions about the event. Sharon said she had heard some positive reactions and from people who said they learned something new, which changed their mind about the need for municipal wastewater (WW) and their own

potential to hook into the system. Sue Westa expressed her feeling that there was positive reception to the presentations and that there was no real opposition expressed. Larry felt the same and noted that people were attentive to what was being said and how it related to themselves and by learning new information, perhaps recognized the importance of municipal/community WW systems for all kinds of purposes.

Tom asked about property owners within the designated service areas and whether they had been directly contacted about the presentation and about the work of the VWC. Sue, Chrissy and Sharon said that the same people who got notices about the June public informational meeting, got notices about the October, 17, informational meeting.

Chris said that he recalled quite a bit of publicity across the past few years that publicized meetings. Chrissy said surveys went out early on when Dufresne Group was contracted and there was about a 30% return to the survey questions. A number of property owners in both villages had been personally contacted to discuss the projects and there were several “gatherings” of community members to provide information and answer as many questions as were possible to answer, based on what was known at the time from progress to gather information about potential system sites.

Tom and Juli Beth Hinds asked about a plan to communicate with property owners. Chrissy responded that efforts have been made since the beginning. Larry asked how we get property owners to engage in the process or know they are getting the information. Sharon said that information has not been comprehensive because there has not been comprehensive information to provide about specifics beyond general information about potential types of systems, examples of where they have been placed, what other towns have and are doing and what to look for as this Committee gathers more information as the process progresses.

Obtaining potential sites has been a problem causing delays in moving forward with field visits to determine suitability and best sites, then obtain archeological reviews, with staff shortages and weather constraints. These delays have caused delays in the next steps of doing test pits and then hydrological analysis which are required to determine the potential capacity of any system on a property. Without this information individual system designs cannot be complete, the properties or easements that need to be purchased cannot be determined and the overall cost estimate of a project cannot be offered. That makes it hard to determine what may be needed beyond grant funding (and match) to complete any projects and to figure out what capital construction costs would be and then user fees. Sharon asked how we move forward.

Juli Beth said there is some information still needed, to be able to pull together more definitive information and asked Chrissy if she had any thoughts on when that sort of information might be available. Chrissy responded that now that some test pits have been done and a number of potential sites. She said the next step for the Committee would be to make a decision about continuing to pursue additional sites or to concentrate time,

energy and funds towards the sites known as viable from the testing that has been done to date. She mentioned that there will be a requirement by the State to have a 90% PER (Preliminary Engineering Report) by February 1st 2024 for both villages. Chrissy just learned about this information, that morning. She said the south village is looking promising and things are moving forward with defining systems and capacity. With that information cost estimates can be done. She said it is very likely that the capacity needed would not be found to provide the same sort of detailed information and because of difficulty in finding potential sites to meet a needed level of capacity and gathering all the information needed for each site, the available time to look further or discuss an alternative of cluster systems is too short to meet the timelines to complete all that needs to be done within them. She said the discussion at the State level will be whether there is enough known about potential systems and capacity to meet the timelines and take the north village all the way to construction. She said the State would like to continue working to move work in the north village along as far as possible so that additional funding might complete work in the north village at a later time, but to concentrate on the south village where there is more complete information and a higher probability of moving that project all the way to construction. She summarized the key factor as being able to answer the question of whether the north village project can have all the systems needed, meet the state criteria for funding within the timeline needed to complete the work.

Chris Campany added that in a conversation he and Sue Westa had with Lynnette Claudon from the state, if the Town wished to concentrate ARPA funding toward completing the south village, but keep state funding for the north village to keep it moving forward, an amendment to the grant agreement/contract would have to take place and the Selectboard would have to make that decision in time for the amendment documents to be prepared by the end of the year. He mentioned that Emily could clarify. He said that in order to meet that deadline the Selectboard would have to make the decision before the end of November and that would be based on a recommendation from the VWC. He said with the amendment funds can still be used to further engineering work in the north village, but not to the point of completion. That would position the north village well for finding other sources of funding then do construction of the systems and preserve funding for construction for the south village.

Juli Beth stressed the importance of making the decision in time to complete the amendment documents. Chrissy stressed that with an amendment, work can continue for the north village, but due to the complexity of all the things that need to come together to meet the deadlines needed to take the north village to the construction level will not be possible in large part to being able to put agreements together with all property owners.

Chris Campany stated that it would be better to turn the focus to the south village as it is the most promising with regard to taking it to construction. In that way the Town does not risk missing the deadlines and losing the funding and the north village will still be able to move forward with engineering. He added that the deadlines are not set by the State, but by the federal government, in consideration that the funding comes from that level. He

said that the VWC has been working to try to meet the deadlines and so the need for an amendment would not be due to anything the VWC has done or not done, but due to the circumstances of not being able to consolidate enough potential capacity at this time, for the north village, in time to meet the deadlines. What the VWC would be doing would be a modification of the agreement/contract to make the most of the funding the Town has received and be able to continue on, rather than risk the possibility of losing the funding. This would allow more immediate concentration on the south village, which is believed to have the best potential to go to construction. Chrissy agreed, saying that both Emily and Lynnette have agreed that the south village project can meet the deadlines and go to construction. Chris added that in consideration of being a single town trying to move two projects forward, where most towns are talking about a single project, Londonderry has done well and even with the amendment will accomplish a lot even if the north village does not go to construction under this funding.

Juli Beth suggested putting something together updates the two projects stating the status of the two village projects sent to the north village service areas. The information should mention the status of the north village with regard to where it stands, where it is going and the same for the south village with the mention of potential capacity, that a number of prospective sites have been located and are in various stages of further investigation with “significant engineering to define the user service area, flows, costs and options is under way. There is a major milestone on February 1st” as well as stating that while there is a cost to do the project, but the cost will only become more expensive and the are millions of dollars to help make this possible, that other communities have not had to begin with. She said that if the prospective sites are relatively secured, to specifically let those within the South Londonderry service area know this, as well as what is not yet known, with a targeted update. She suggested putting more FAQ’s on the website and more information specific to Londonderry with less about what some other towns have done. Sue and Juli Beth will coordinate on some updates to the website.

Sharon asked for clarification of where Juli Beth fits into the project with regard to contracted consulting. Sue said that Juli Beth falls under the WRC contract with the Town of Londonderry. Tom discussed the communication plan Juli Beth mentioned and added that he would also like to know what questions do we need to ask the Selectboard, the property owners, the service area property owners and voters and what sorts of things do we need to know from them and what do we need them to do. He added that he thought knowing what we need them to do was primarily a Selectboard question based on critical path issues and deadlines that we don’t want to miss and that any contracts are adjusted to what the current reality is and what the VWC has accomplished to date. Tom felt that Juli Beth had a wealth of knowledge and experience to help us. Sharon agreed that what the VWC needs is a developed plan for best and simplest ways to move forward were willing to get as much help with that as possible.

Chris reiterated that update communications about and directed to the north village would be different under than circumstances than those directed to the south village. He asked if

Juli Beth might be able to help craft what the Selectboard needs to consider and make a decision at their next meeting (November 6), regarding the current circumstances of the projects and the direction going forward, based on the critical path of decisions that need to be made to meet deadlines for an amendment to the current project agreements/contracts.

The Selectboard decision will then frame what the public outreach would then become.

Juli Beth asked who might be the best communicator with the Selectboard. Sharon responded that the Selectboard relies heavily on the Town Administrator for research, discussion and recommendations for decisions. All agreed, including Chris and Chris suggested that because Shane has been very busy with flooding issues, he has not had the chance to participate in VWC meetings and needed to be debrief on where things stand so that he can apply his experience and expertise in framing the question to go before the Selectboard that they would decide upon. Sharon mentioned that Chrissy has also been able to relate the status of the projects before the Selectboard. Chris suggested that if Chrissy could, to put together a description of what the Selectboard would be deciding upon with bullet points for specific actions that need to happen, what they affect and lead to and what comes next. Chris suggested a meeting with Shane to bring him up to speed and allow him to ask questions so he has a full understanding of what needs to be posed to the Selectboard so he can answer questions they will have. He suggested that Chrissy be present and Emily as well to ensure any State requirements are understood. Juli Beth was concerned that relay of the State requirements might not fit well with the urgency of the need for the Selectboard to make a decision in a short time frame. She suggested that it would be better to have Emily relate the State's requirements to Shane prior to the Selectboard meeting. Chris reiterated that better definition of what the Selectboard needs to do by certain dates is needed.

Emily Hackett joined the meeting and was able to clarify some of the earlier discussion. Emily said the ARPA grant has not been written to completion, saying that the north village would unlikely meet the requirements. She said the south village has a positive chance of going forward to construction with more support for that project than the north village, from the standpoint of suitable sites and property owners. She was hopeful that the north village would still be able to get through final design even if it would not meet the deadlines required to go to construction. She mentioned that the minimum requirements for the ARPA grant mean at least 20 connections and a minimum of 6,000 gal/day. She said that based on what we know now about the north village, the economics of the project do not work out. Based on what is currently available, for potential sites, the cost would be prohibitive. Should more sites and/or alternative solutions continue to be found, that may change, but there is not enough time to complete that work to meet the required deadlines. She reiterated Chris Company's thoughts about one Town working on two projects and how difficult it is to get both done.

Tom asked for clarification about the requirements for 20 connections and more than 6,000 gal./day. Emily responded that it would be a requirement of the ARPA grant that the Town

would sign on to. She said that land acquisition and easement agreements needed to be completed by December 31, 2023. She said that she told Shane that some of that might be extended to February 1st. She said if the acquisitions have not been complete by then, the State needs to make more decisions. If a bond vote is needed, that would have to occur by the end of August, 2024. She said the timelines and milestone that the Town was made aware of over a year ago have not changed. Where we are now is that there is no viable project in the north village, there is in the south village. Tom asked for clarification about what the basis for the determination in the north village was and if it was related to the potential number of gallons per day of capacity and meeting the requirements of 20 hookups. Emily said this was true and added that cluster systems may be a possibility, but the number needed and all that needs to take place in agreements with property owners takes more time than is available for the north village to meet the timeline deadlines. She said that all the money has to be reallocated by the end of 2024. She said that depending upon the circumstances of how cluster systems and property owner agreements might come together in the next year, funds could cover all the design, possibly even construct one of the cluster systems. She said that we are not yet at a 60% PER and need to have a 90% PER by February 1st, 2024 because that is related to the “Priority List Applications” (PLA), especially since the date for the PLA had been moved up six weeks. The reason for this is Beta testing for a new system (computer?) during the month of March which is normally the month the PLA are reviewed.

Chris asked Emily to clarify his earlier understanding of the need for an amendment and done in time for the preparation of documents by the end of the year. Emily was unsure whether Lynette was talking about an ESA amendment or an ARPA amendment, because the ARPA grant has not yet been issued. Emily will get together with Lynette and Shane to discuss. Emily iterated that the discussion of an amendment to focus on the south village while continuing with as much as can be done to forward the north village has taken place several times in several VWC meetings so this is not a surprise and that the north village has been taking energy and time away from concentrating on taking the south village project to where it needs to go to meet all the requirements and deadlines, in consideration of it being, based on what is known, a viable project to go to construction.

Juli Beth asked to clarify about whether conversations could continue with property owners in the north village and design cluster systems. Emily said yes, that could continue, but funding would be cut back, still leaving enough, should all factors align to possibly construct a cluster system. She said that the amendment would likely cut back on the several million, but leave a portion to continue work, assuming agreements with property owners might be found (as there are none currently) to do one or several cluster systems. She also said that depending upon what the cost of a project for any village amounts to, the ARPA Grant may be able to cover the cost, eliminating the need for a bond vote, unless money needs to be borrowed to cover the required 10% grant match or any other prior grant repayment costs associated with the project. She mentioned the importance of looking into other sources of funding such as the CRRP (Community Recovery and Revitalization Program). She continued

to stress that the 90% PER needed to be completed for the south village by February 1st, 2024.

Tom asked Chrissy how far we were away from the 60% PER. Chrissy responded that it should be complete by the end of this year. Next would come a public meeting for that, which would then provide what is needed to complete the 90% in January. Tom asked about the prior goal of having the 60% PER and the public meeting following that done in November of this year. Emily responded that because the two projects were tied together as one, the lack of progress in the north village has prevented the ability to have a complete 60% PER done. Emily mentioned the possibility of separating the two so the PER for the sought village can proceed to 60% then 90% PER without being dragged down by the current lack of progress in the north village. That would still allow work on the north village PER, but prioritize the south village. She said she would discuss more with Lynnette and Chrissy.

Several asked for clarification on the process, asking about the required public meeting following the 60% PER submittal. Emily reiterated that a public meeting was required to present the alternatives (site and project) to the public with the Selectboard then making a decision on what the project will be. She said that the usual procedure has been the Committees making a recommendation to the Selectboard, but the decision being totally up to the Selectboard. The 60% meeting is also tied to the environmental review process.

Chris asked Chrissy about when the public meeting would likely take place. Chrissy said very early in January 2024. Sue said that plans should begin now to establish a date and location as well as work on getting information out. Chris said that plans would also have to be made for a presentation of the 90% PER. Larry asked what these would be considered, meetings or hearings. Emily said that a “hearing” is defined by what is opened and closed within a “meeting”. People would be invited to a meeting during which a hearing would be held, when a hearing is required. She said there are forms on the State website to be filled out prior to each meeting and that Chrissy could work with the committee to fill them out, to make sure all the requirements are met.

Chris reviewed steps and decision points that need to be completed in the next few weeks and months.

1. November – Selectboard decision on what needs to happen going forward regarding an amendment to the current agreement to direct focus on moving the south village project forward to construction and putting the north village project in the background, but still working on it, at a lower priority level. Emily and Lynnette to inform the VWC and Shane O’Keefe as to what needs to be done.
2. A 60% PER will be done by Chrissy by the end of December with a public meeting with a hearing to take place very early in January 2024 to present the alternatives, requiring a Selectboard decision as to what the project will be. Decision to be made at a Selectboard meeting. The VWC has to complete with the help of Chrissy the Priority List Applications (PLA) by January 15th.

3. 90% PER is completed and submitted by February 1st 2024, followed by a meeting between the Town and the State.

Tom expressed concern about a very tight and compressed time schedule and thought that if the projects could not be separated he would like to concentrate in the south village and keep the north village in the background, still working on it, but not with priority.

Emily recommended that the 60% PER for the south village be moved forward with the public meeting focusing on just the south village leaving to the north village to lag a bit. She said the amendment we have spoken about, were it to happen would allow the north village to still be worked on, but with deadlines pushed out further because it would not have to meet the timeline requirements a project slated for construction would. She said that concentrating on the south village through the 90% PER and see where the north village ends up, possibly as an amendment should a cluster system or several begin to take shape.

Discussion turned to some of the difficulties faced in the north village with regard to Potential sites and needed capacity. Soils and groundwater testing have resulted in less capacity potential than originally predicted at preliminary review and more expensive mound systems with added accessibility expenses for larger systems, meaning smaller cluster systems would likely be the type of systems needed in the north village.

Sharon asked about one potential site in the north village that is pending an agreement and if there is any possibility of doing an additional system or expanding the system estimated for that property. Chrissy said that there is no possibility to force a larger system than allowed and because of steep slopes on the property there is no additional area than the area estimated to yield a capacity between 4,000-6,000 gal./day. She said the per gallon cost increased because of the downward estimate for the size of the system.

Chris discussed what sort of ongoing support the VWC needs to continue public outreach. Juli Beth spoke to who would be best in the community to support the project saying it varied from town to town, project to project.

Sharon asked about other projects and Juli Beth's experience and who to look for. Juli Beth said that the skill sets needed to communicate with the public in support of it are the most important.

Juli Beth said the biggest question to work on is how much do people in the proposed service area know about the project, how much information can the VWC provide them about costs, requirements or incentives to hook up and some level of interest or commitment from them to know how many plan to hook into the system so that user fees etc. can be further defined. She said that getting this information out and information back from property owners needs to happen very soon. She stressed the importance of being as accurate with estimate numbers as possible so numbers too large or too small do not

become ingrained into people's minds. She also said the we need to be careful in how we present any information as well.

Sue asked when we were likely to know cost estimates. Chrissy said we should know after The 60% PER.

Tom mentioned he put together a to do list and a critical decision/milestones issue in an effort to make sure everyone is clear on what has to happen next. Chris said that it is something Sue will prepare following information from Emily, Chrissy and Lynnette and will provide the result to the VWC and to Shane. It will also outline the critical decisions and timelines that need to be met.

Juli Beth clarified that after the 60% public meeting and hearing the Selectboard will Essentially be endorsing the alternative recommended by the consulting engineer. Tom said he preferred to have a critical path that goes out up to 6 months to make sure things stay on target. Chris said that will be provided hopefully in the next week so items on it can be forwarded.

Chrissy wanted to add several things before the meeting was adjourned. She said she sent out via e-mail, clarification to the committee about discussion during the public informational meeting funding that was available from the State for private septic system replacement and a link sent with her e-mail to that funding information. She wanted all to be clear as to how specific the requirements for funding are in that a system has to be a failed system and be able to replace it as a "best fit" or replace it completely on another location on your property according to full regulations and one has to fall under the definition of having a "low income". It's not funding that can be used for this project, a community system or by the Town, but for private property owners only, who meet the income eligibility requirements.

Her other clarification was regarding a property owner on Winhall Hollow Road who Suggested they were just outside of the service area. She said the specific property was across the river and quite a distance from the proposed service area. Emily added that they would have to be within the ¼ mile buffer in order to be connected to the project, otherwise the Town would have to pay for the construction for that connection. Chrissy said the property may lay within the ¼ buffer but will not include a sewer line towards it because of the river Chris asked if there were any graphics that would show that. Chrissy said a fact sheet went out in the summer. Chrissy said that she sent information about this to the VWC in the last few days.

Tom had a question regarding the failed system. He asked about a small lot, with a failed system, without the proper distance from their well and without a replacement area, does the state have a "best fix" solution and is there a point at which a property has to be abandoned? Chrissy responded that yes, there is a "best fit" solution, as the State is not interested in requiring people to abandon their properties. There are limitations to the

“best fix” including not being able to build a replacement in a floodway. If a property ends up needing a “best fix” solution, it is frozen in time with regard to any additions to the property that would add something like a bedroom, a restaurant seat, any square footage to a dry goods store. Essentially all that can happen is maintaining an existing use.

Chris Campany noted that an estimated 90% of properties in Vermont village may need a “best fix” at some point and this means wastewater is almost imperative for these properties to not become stuck, with regard to not being able to make any changes to them that would alter their current situation in relation to their onsite septic and water. He stressed that this has a huge effect on the need for affordable housing units, suggesting a map of the state be produced showing where there is infrastructure like wastewater to support things like affordable housing and commercial operations, beyond what exists, even on a small scale. He said that this is the basis for doing the projects and that communicating this often gets lost, when it is important for the community to identify what its needs are, into the future. He said the limitations present the driving factor for doing these projects, so it is important for the community to understand how those limitations will affect the community going forward if nothing is done. Sharon referred to Juli Beth’s examples for some towns where the businesses are in “best fix” scenarios. Juli Beth cited several of them again, suggesting that some businesses it affected more than the capacity to expand and grow, but their capacity to stay in business. Emily added that this is why the Governor backs these projects, based on “smart growth” and how there is a wide reasoning Behind these project across the state. Juli Beth said that it is not about “smart growth” anymore as many business owners are not so much looking at growth as much as how they can continue their businesses, saying that without infrastructure, many village center businesses will not be able to continue as their systems fail and the “best fix” is a costly one. She repeated the one example where a movie theater was having to pump their system weekly at a cost of \$350 which was unsustainable to their business, without a municipal wastewater solution.

5. Next VWC Meeting

Next meeting would be scheduled for next Friday, November 3, 2023, at 9:00 PM, Flood Brook School

6. Adjourn:

Larry made a motion to adjourn the meeting. Tom seconded, motion approved
All approved to adjourn and the meeting was adjourned at 11:06 AM

The next regular meetings of the VWC will be **the first Friday of every month at 10:09 AM**
and **the third Tuesday of every month at 6:00 PM**

Respectfully Submitted,
Larry Gubb
Secretary, Village Wastewater Committee

Approved _____.

Village Wastewater Committee

Sharon Crossman, Interim Chair

Link to AV recording of October 27, 2023 meeting below.

Topic: Village Waste Water Project

Date: Oct 27, 2023 09:05 AM Eastern Time (US and Canada)

You can copy the recording information below and share with others

<https://us06web.zoom.us/rec/share/PRci6w2Z1h7G9ZSTU-m2LLkKsVht5xIBuZ-jMI-nExhsnZQK7fkWAEDvROb3v6-f.1OXZ2gOMSiAhwIGF>

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