

**Town of Londonderry, Vermont
Village Wastewater Committee
Meeting Minutes
Friday, March 8, 2024 – 9:00 AM**

**Neighborhood Connections, 5700 VT Rte. 100
Londonderry, VT**

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

Others in Attendance:

Chrissy Haskins (Dufresne Group – Project Engineers)

Online:

Shane O’Keefe (Administrator, Town of Londonderry), Emily Hackett (EI - Environmental Engineer – VT DEC) Heather Stephenson (interim Londonderry Planning Commission Chair)

1. Call meeting to order

The meeting was called to order at 9:03 AM.

2. Additions or Deletions to the Agenda:

No additions or deletions.

3. Approve Minutes of 02/20/23 meeting

It was agreed to approve minutes at the next meeting.

4. VWC – Debrief and NEXT STEPS

- a. 3/5/2024 BOND VOTE : PASSED for Both Villages!**
- b. Review VWW Ordinance – discuss Model proposed by WRC**
- c. Discuss Potential Fee Structures: Chrissy, Shane**
- d. Develop Draft RFP for Easement Appraisals: Chrissy, Shane**
- e. Discuss Next Steps for 90% Report – Chrissy, Emily**
- f. Confirm process for addressing incoming email Comments/Questions**

Sharon asked if the VWC wanted to discuss anything in particular under these listed items. Shane suggested that it seemed early to begin discussing the ordinance. Sharon said we have some draft language already put together by Sue Westa taken from information provided by Juli Beth Hinds from another ordinance. Tom asked if all election results had been made public.

Shane said there was a draft copy of the minutes of Town Meeting Day done by the Town Clerk on the Town website. He added that there was also a photograph of the signed copy of the results of the bond vote shared with the Vermont Journal and he believed that the photograph was also posted on the Town website. He said he has already connected with the bond counsel, Primmer, Piper, Eggleston & Cramer, in Montpelier to let them know of the results. He said that there is a certificate that needs to be signed by the Londonderry Town Clerk validating the vote, which occurs 30 days following Town Meeting. All the legalities that must occur for the bonding process to proceed are underway. He also added that these are the same bonding attorneys that were used for the Town Offices renovation bond, pointing out there are only a limited number of approved bonding counsel in the state of Vermont.

Gary asked if this might be a good time and opportunity to have Sue put together some outreach like an article in the *Chester Telegraph* or any of the local newspapers. He said stating how the bond vote was passed and the upcoming deadlines moving forward. Larry mentioned that he heard Sharon's interview by *Vermont Public*. Chrissy said there is also a transcript of the same.

Gary asked how many other towns in southern Vermont voted on similar items. Chrissy said zero had a similar type of vote. She added that she went through the list of all the towns in Vermont receiving ARPA grants and that as far as she knew, only one other town had a bond vote in another part of the state and it had also passed. Gary asked if Londonderry receives additional funds in consideration of other towns that got ARPA grants, but have not yet passed bond votes. Chrissy said any other ARPA grant recipient towns have until the end of August 2024 to pass a bond vote. Gary thought it might be good to mention that Londonderry was only one of two towns in the state to have their project to the point of proceeding with a bond vote. Chrissy said there were two VT towns that voted on bonds in 2023 where the votes failed, West Burke and Westford. She said that Westford did not need a bond vote but had decided to proceed with one. She said that West Burke had decided to reduce the scope of their project and fund it locally. The Town of Highgate had passed their bond vote on Town Meeting day being the only other town to pass a bond vote. Gary thought just a quick article about Londonderry's passing the bond, along with Highgate, highlighting the vote numbers for Londonderry would be a good idea, that would also be used to update the Windham Regional Commission's (WRC) website. Chrissy added that reducing it down to a graphic would be good for social media.

Heather Stephenson said the Vermont Public article had been posted on the Village Wastewater Facebook page.

Gary asked where the contract with the WRC stood. Shane asked Chrissy when there would be a transition from the CWSRF (Clean Water State Revolving Fund) to the ARPA grant funding. She said there will be some overlap while the 90% report is still being reviewed as well as the Environmental impact information. She said there is a little more yet to do under the Preliminary stage, but that the Design stage needs to begin also. She said Dufresne Group needs a contract under the ARPA funding to begin the Design stage, while concurrently closing out the preliminary. She said the timeline required the Design stage to be completed by the end of September 2024 and all the permit applications submitted. She said there may be some

flexibility as to when the permits are actually received, but application for the permitting would have to be done by the end of September, 2024. She said that the south village will need to some additional time consideration for meeting the timeline since it involves not just design and permitting for the construction of the initial phase included under this funding, but the design and permitting needed to include the additional phase as combined, the initial phase and the future phase would create a system that would fall under the Indirect Discharge Program. This means it should have priority with moving forward ASAP to have the design ready to be submitted for permitting by June 2024.

Shane said that he assumed solicitation to bring Dufresne Group on to do this work would not be needed. Chrissy confirmed that this had already been done with the solicitation for the Preliminary stage. Shane asked about what sort of contract was going to be used. Chrissy said they have to use an Engineers Joint Contract Documents Committee® (EJCDC) contract, the same as used previously and as required for the funding. Chrissy said it would have to be reviewed by Emily before the Town can execute it. Shane said that Chrissy (Dufresne Group) would be preparing the contracts, there being two contracts, one for each village. Shane stressed the importance of bookkeeping for each of the projects to distinguish them from one another in consideration of the two bond votes, one for each.

Tom voiced concern about the timeline and administration, asking Chrissy what they have so far regarding design drawings. Chrissy said that as part of the 90% report there were conceptual drawing which were based on Lidar contour (elevation) information and that field surveys would need to take place to confirm. She added that a boundary survey would need to be done for the private property, saying that the same engineering firm, Mance Engineering Partners, PC, also has a licensed land surveyor on staff that can do the boundary survey. Tom asked about what will be needed for user hook-up easements. Chrissy responded that is usually easier and less complicated for those arrangements, adding that the connection easements do not have to be determined until 2025.

Chrissy said the two things that need to move forward immediately are system design and an appraisal for the private property so the easement agreements can be completed. Shane said that Sue Westa had put together a scope of work and an RFP for appraisals, adding that he would use the Town's RFP boiler plate and attach the scope of work she had prepared. He said he would try to work on that next week following this meeting and get RFP's out. He said the difficulty is not so much the work needed for an appraisal as finding an appraiser that is available. Tom wanted to clarify that the appraisal work would come through the Town and the survey work would be done by Dufresne Group (DG). Chrissy confirmed. Sharon asked if Mance Engineering would be ready to perform the survey work. Chrissy said that she did not know their schedule, but had another surveyor they also use, that is usually available.

Shane asked if the Town's donation of the easement could be used for match or may be reimbursable. Chrissy said that it was being discussed, but that she had not heard anything about a decision. Shane said the Town property used for the south village system would have to be appraised to determine any value used for donation or reimbursement.

Gary asked if more test pits would have to occur and Chrissy responded that more would have to be done on the Town property because there was some relocation to a different spot, even though some test pits were done for a basis. Gary asked about test pits along the piping route. Chrissy said they do soil borings and that DG had a boring contractor that is available to them. Tom asked how the borings were done, whether they were geo-probes or another method. Chrissy said solid auger boring was the method. Tom asked what happens when solid rock is hit. Chrissy said that means a refusal of going further. Gary asked if there was still an arrangement to have test pits done on an on-call basis. Chrissy believed that Hunter Excavating should still be available under the original RPF. Shane said right. Gary asked if the cost for the additional test pits would come out of DG's budget. Chrissy said that their budget for test pits had been expended, but the cost could come out of the Design stage funding, adding that an archeological review needed to be done first. She said that along the road, no archeological was necessary, because the soil has generally already been disturbed, but where additional test pits were needed, it was required. Borings along the road would be done every 200 feet. Chrissy said two things the borings along the piping route are looking for, would be "refusal" (solid rock/ledge) and very wet spots.

Tom asked what the standard burial depth was. Chrissy responded that generally it was about 5 feet in plowed areas. She said Vtrans (VT Agency of Transportation) permits would be needed to do the borings.

Shane asked if the State had a standard form for easements or if the Town would have to draft their own. Chrissy said she believed there was no standard form, but that VTrans had a sample that may be able to be used. She said she would share that with him. Shane said he would also ask the Town attorney if he might have a form that could be drawn from or used. Gary asked if the VWC could do anything to help identify things like culverts, drains and any other infrastructure or would the surveyors do that. Chrissy said the surveyor would do that. Chrissy said all the stormwater infrastructure is mapped by VTrans and Shane added that the Town has an inventory of all culverts and recommended discussions with VTrans and their District point person, Mark Pickering, to coordinate, begin soon. There was concern about ledge, with knowledge that there is a lot visible between the Prouty Town property and the north village, with restrictions caused by the river and the visible ledge. Coming from the south village to the Prouty Town property there didn't appear to be the same restrictions.

Tom asked if the VWC should begin canvassing people within the service area to begin to determine who is interested in hooking into the system, who is not. Chrissy said that since the bond vote passed, there have been a lot more inquires about hooking up. Sharon voiced concern about all inquiries getting to Chrissy when potential users ask others about hooking up. Chrissy said that she has a list of all the inquiries so far and there seems to be some coordination that funnels the inquiries to her. (Emily Joined the meeting at 29:23 minutes from the meeting start). Gary asked if the project was at the point where there was a need to develop a letter of interest or form where people could sign on to an intent to hook into the system? Chrissy thought this would be a good time to develop such a letter. Gary said it could

also ask about specifics of the property related to wastewater hook-up, like a brief description of the property, who would be the main contact person and information on how to contact them, how many bedrooms and any other specific information needed. He said we could keep this information on file to use going forward.

Emily congratulated the VWC on the passage of the bond issue.

The first question asked of Emily was whether the appraised value of the Prouty Town property could be used as part of the local match. Emily said she realized that Shane had asked about this a while ago, but that she had not yet gotten an answer and will inquire again. Shane asked about a response regarding a refusal of reimbursement for test pit work. Emily said she has not gotten an answer regarding this saying there have been some refusals on numerous projects, not just Londonderry's so they are trying to sort out why and hope to have it sorted out soon. Shane said its is not a huge dollar amount, but he does not want the resolution to this to be lost among all the other paperwork for the project. Emily said that some of the complication comes from which budgets and buckets some expenses and payments we placed in.

Tom asked if Chrissy may be able to provide a schedule for what comes next, what the critical steps are and when they need to be completed. Chrissy said that would be a part of the Design stage contract. She said that Emily will have to review the contract so she cannot say when it would get to Shane, but she hoped to have a contract with the schedule put together by the end of the following week for Emily to review.

Tom expressed concern about meeting all the timeline requirements. Chrissy said she can include another schedule that would not fall under the contract but would include other items that would be relevant to the Town and VWC.

Chrissy discussed the overlap between contracts and asked Emily was okay with this. Emily said that any work that falls under the CWSRF the PER (Preliminary Engineering Report) acceptance letter has to be done before Step 2 was able to pay out. The EID (Environmental Information Document) could just be a draft because the environmental review process is tied to Section 106 and they have until 90% Design to comment. Emily's team would review and eventually the Town signs the EID. The document would be a FONSI (Finding Of No Significant Impact) which requires a hearing and a 30 day comment period and automatically fits into that process because it is a new Indirect Discharge project.

She added that there is a process which will include some of Emily's team, some of the VWC, some of Chrissy's team. She said since last year, some of her team's process has been pushed out because of the environmental review because it is tied to archeology. She added that this means it is critical to get the archeological reviews done as soon as possible. She also said that she will coordinate with Chrissy to move this forward. Shane asked if all of this will be included in the forthcoming schedule and Chrissy responded yes. Chrissy also elaborated on what Emily had presented saying that normally the EID is approved earlier in the process. She said the main concern is that due to the archeology reviews the Division for Historic Preservation has the

capacity to stop a project at the 90% design stage. Emily said what the Division wants to look for is called an Area of Potential Effects (APE). She said because of this, her team and Chrissy's team want to design then excavate where the systems will be early on so that mitigation if needed can be done and there is less of an issue, if any, further down the line. Emily said that anything that is being paid for by the grant funds and being excavated is to be reviewed by the Division for Historic Preservation. Chrissy added that it does not have to be immensely significant and can be something like an old cellar hole. Chrissy described the process as first nailing down exactly where the systems will go on the ground, then there will be a desktop review. If anything is found within that review, then there will be further excavating to search for any historically significant effects. Shane mentioned that this was why the contingency was increased. Emily said that this is why the APE is important to send them because that is where they want the ARA (Archeological Resource Assessment) done. From there they will say most area is cleared, except for any area they see they want to do a Phase 1B. If there is a chance to move to another area, that would be done. Chrissy said that generally the leach field areas and connection areas are of concern. The piping route being along a highway has mostly been placed in previously disturbed soil. Chrissy said it is hard to do full assessments on properties in the service area before knowing which owners wish to hook into the system. She said likely what will happen will be a desktop review first, then approaching property owners to gauge their desire to hook into the system, before looking for more archeological detail.

Emily said that Westford did a lot of landowner surveys early in their process (at the 30% report) for all the properties in the proposed service area, asking about their electrical service, the location of their septic tanks. She said this allowed them to get through the initial archeological review faster. Chrissy said she already had some information on about 40% of the properties in the south village.

Chrissy asked if there was an update on when comments would be completed in the 90% report. Emily said she hoped to see them soon, possibly next week. Tom asked if then the 90% report needs to go to a 100% report. Chrissy responded that this needs to happen by April 15, 2024. Sharon asked if that was going to be possible. Chrissy said it would depend upon how many comments and how big they were. Emily said there is a lot of pressure from many directions, including the legislature, as they are searching for money. Chrissy said that it is not just the wastewater programs that are looking for money. Emily said it was important to keep on working toward completion, especially now that the bond vote passed.

Shane brought up the subject of having a project manager to run the project for the Town, dedicating all their time toward the project and in addition to the work of Dufresne Group. Chrissy agreed that there was a lot more work involved than the engineering. Shane said it may be possible to hire the WRC as the Town has done for a culvert project to take on this role. Gary asked Chrissy if OPM (Organizational Project Management) if there was money for this in the grant. She said yes, but there is a cap on the amount eligible. Larry asked if the creation of such a position would need a recommendation to the Selectboard from the VWC.

Shane suggested that the VWC meet with the Selectboard at their next meeting March 18, 2024 to discuss next steps.

Gary asked if there were any other levels of government review permitting and guidelines that needed to be met as a part of this process. Chrissy said no, adding that all these programs were delegated to the State. She said the north village project will be under the Regional Wastewater Program, the south village will be a joint Regional Wastewater Program and Indirect Discharge Program based on constructing only a Regional Wastewater Program system initially, then expanding it to an Indirect Discharge Program system in the next phase. Emily added that all the permitting for the ARPA funded disposal field projects will fall under Achouak Arfaoui who is the Indirect Discharge Technical Analyst and Regional Engineer for the Vermont Department of Environmental Conservation (DEC). Chrissy said other permitting would be required from VTrans for any work within a State right-of-way (R.O.W.). Most permitting will come from the DEC. Tom asked about permitting in the flood plain. Chrissy said that everything installed in the flood plain will be underground. She said that generally a sign off on everything in the flood plain will be asked for to have on record that a permit is not required.. Work will also be coordinated with the Town's flood plain coordinator. Tom asked about control panels for the pumps. Chrissy said the control panels will be above flood level adding that there may be some pump chambers where flood proofing would have to take place. She said no grade elevation changes will be made in the flood plain. She said there is not yet a sign off for Act 250, but plans can now be sent to the Act 250 coordinator for comments. She added that none of the disposal field properties are currently under Act 250 jurisdiction. There will be a need for some general construction permits to deal with things like erosion control. She said that any project that disturbs more than 1 acre of soil is required to have a general construction permit.

Chrissy said that comments are coming to her and she is passing them along to Tom. She said one question asked, "who buys zero percent bonds"? She explained that there are no zero percent bonds, it was a bond vote for a zero percent loan through the Clean Water State Revolving Fund (CWSRF). The zero percent loan is for municipal water and wastewater systems. The money is provided by a bond bank through the CWSRF, rather than an investment sort of bond. It is a 0% interest loan through a municipal bond bank. Shane added that regardless of how the money comes to the Town, if the Town wants to borrow money for more than 5 years, this is the process it would go through.

Chrissy said the e-mail address continue to be offered so questions come to Chrissy and either she or Tom can respond to them.

Gary brought up discussion of presenting a strategy for how to manage or prioritize a larger demand for capacity than is available. Chrissy responded, that there is a prioritization already which places anyone in a floodplain or floodway as being in the top tier of priority. Next might come those with an undersized system which cannot serve the number of bedrooms, number of seats or other spaces in a structure that would require a larger system. Anyone with a failed system would also fall into the top tier of priority. Another would be groupings of structures that wish or need to hook in, as extending a pipe for a single property where no other properties

need to hook in, is not cost effective. Beyond that, if there was more demand than capacity, the VWC might make a recommendation to the SB as to which properties take priority. Chrissy said there were requests coming in from outside the mapped service area. Tom mentioned two requests on the other side of the river from the south village center and they were not included in the initial service area. Chrissy mentioned another house on River Road that has no current septic of any kind. The owner had asked about hooking into the system, adding to the number of buildings on that side of the river that have inquired about hooking into the system. Emily asked if these properties fell into the ¼ mile buffer zone. Chrissy responded that they did. Chrissy said that once there was a more complete response, there would be a better sense of interest in hookups versus capacity.

5. Other

a. Consider Repeat of Water Testing Program: Request fresh kits for both villages

Sharon asked if we should continue with the water testing program. Chrissy responded that the Town had the test kits and should resume using those kits. She said the results would not be in the report, but that it would be worthwhile to have the information and to utilize the kits.

Shane reiterated the importance of the VWC connecting with the SB to discuss the next steps. He also asked if Chrissy would copy him throughout the process of developing the new contract. Chrissy responded that she would.

Tom said that Chrissy should reach out to the VWC with anything she may need help with. Chrissy said that at some point she could use help with outreach.

Shane asked if that could wait until the meeting with the SB on March 18, 2024. He also asked if it might be possible to choose April 1, 2024 as a date to have a contract with the Dufresne Group ready. Chrissy said that if she could have it done by the end of next week, that would give Emily two weeks to review. Emily and Chrissy believed that would be possible do and Emily said the ESA is a top priority. Shane said the SB meets on April 1st and the 15th and if April 1st does not work April 15th would work.

11. Next VWC Meeting Date

The next meeting of the VWC would be in March 18, 2024 at 6:00 PM

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

12. Adjourn

Gary made a motion to adjourn
Tom seconded

Motion passed
Meeting was adjourned at 10:14 AM

Respectfully Submitted,
Larry Gubb
Secretary, Village Wastewater Committee

Approved _____
Village Wastewater Committee
Sharon Crossman, Interim Chair

Link to AV recording of March 8, 2024 meeting below.
Topic: Village Waste Water Study (Gail Mann- 802-856-7669)
Date: Mar 8, 2024 08:57 AM Eastern Time (US and Canada)
You can copy the recording information below and share with others

https://us06web.zoom.us/rec/share/q2boc-O8TG9sphyjvG8laeH2BudEN5nRt54npe4OUDRahZ_z9K9AZzFdB0r7OrSI.dqcY7u1Wil3eWy9y
Passcode: cj2q\$^gS

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