

NORWICH PLANNING COMMISSION
Tuesday April 13, 2021, 6:30pm

MINUTES

Zoom Meeting

<https://us02web.zoom.us/j/89339717735>

Meeting ID: 893 3971 7735

Members Present: Brian Loeb, Jaci Allen, Jeff Lubell, Leah Romano, Ernie Ciccotelli, Jeff Goodrich
Public Present: Mary Layton, Stuart Richards, Linda Cook, Roger Arnold, Claudette Brochu, Robert Gere, Elissa Close
Staff: Rod Francis

Meeting Opened: 6:33pm

1. Approve Agenda:

Allen moved and Goodrich seconded a motion to amend the agenda to defer the election of officers to the May meeting. Motion carried 6 – 0.

Lubell moved and Loeb seconded a motion to defer item 7, Planning Commissioner code of conduct, ethics to the May meeting. Motion carried 6 – 0.

Goodrich moved and Loeb seconded a motion to treat item 8 wastewater study as separate items: i) any deliberation or action on the wastewater situation with regard to the Marion Cross School (MCS) which may include Lubell's suggested resolution, and ii) general discussion concerning a wastewater study.

Goodrich sought clarification with regard to the discussion of item 8 wastewater study asking if it included the proposed resolution from Lubell circulated in the packet. If so, he would recuse himself from any action taken by the commission with regard to MCS, but sought to be recognized as a member of the public in any more general discussion of wastewater.

Allen sought clarification with regard to what recusal means and the extent to which a commissioner who seeks recusal can then subsequently participate in the deliberation and discussion.

Goodrich responded that he cannot participate in the deliberative process or any action (vote) that involved his client the Norwich School District (NSD) – Marion Cross School, he asked that he be allowed to sit in the audience and be afforded the same recognition as a member of the public.

Allen sought further clarification with regard to a commissioner participating as a member of the public.

Francis clarified that a commissioner is an appointed member of a commission who is compelled to recuse themselves due to an observed conflict they should remain silent or preferably absent themselves so that there is no suggestion that they have influenced the deliberations or actions of the commission.

Goodrich suggested that in his time working in Vermont and New Hampshire he had seen various commissioners and board members step down from their roll on the commission or board, represent a client or application to the board or commission, not participate in the deliberations or actions, and then resume their appointed seat.

Goodrich agreed to withdraw his motion and it was decided not to break up item 8 discussion of wastewater study into two parts.

Lubell moved and Loeb seconded a motion to approve the agenda as amended by the preceding two motions. Motion carried 6 – 0.

2. Meeting Objectives:

- Discussion of wastewater issues

3. **Public Comment: Stuart Richards** asked for clarification that there will be no public input sought on the substantive item (wastewater issues) on the agenda, and expressed disappointment with the decision not to allow public comment.
4. **Review and approve Minutes March 4, 2021:**
Allen moved and Lubell seconded a motion to approve the minutes of March 4, 2021. Motion carried 5 — 0 — 1.
5. **Announcements, Reports, Updates & Correspondence:**
 - **Updates:** Loeb informed the meeting on the work of the Childcare Committee which includes:
 - i. one-on-one interviews with childcare providers
 - ii. designing a survey for childcare customers
 - iii. working with Let's Grow Kids on identifying the most effective forms of municipal support for childcare delivery

6. Discussion of wastewater study

Francis informed the meeting about the Clean Water State Revolving Loan Fund (CWSRLF) and discussions he had with Tom Brown the Team Lead for the program operated by the Agency of Natural Resources (ANR) Department of Environmental Conservation (DEC).

- There is no calendar for making application to the fund, applications may be submitted anytime
- The program supports feasibility and preliminary engineering studies
- For studies the program covers 50 percent of eligible costs, municipalities may defer payments on the remaining 50 percent (their contribution) for five years and then make 5 annual payments. The loans are interest free
- Typical studies similar to Norwich are approximately \$30,000
- If the studies result in an approved capital project, the study costs are rolled over into the capital loan for the project, further delaying the repayment
- The program reviews a town's Request for Qualifications (RFQs) and then authorizes the process

Francis commented on the recent decision by the Governor to make village wastewater treatment a priority for the allocation of the expected federal American Rescue Plan Act (ARPA) when they become available, but suggested it was too early to tell how the state proposed to disburse these funds.

Commissioners continued to discuss the CWSRLF program and how it fit with the objectives of the commission. Romano observed that there is a connection between the need for NSD to resolve ongoing wastewater challenges and the purpose of this study. Lubell asked if there had been any further information provided by the Norwich School District. Francis told the meeting that there had been no correspondence from NSD.

Stuart Richards directed the meeting to the most recent minutes from an NSD meeting which indicated that during the month of April there will be extensive testing exploring other properties.

Ciccotelli noted that NSD as a key stakeholder is yet to provide any direction to the Commission or the town.

Lubell introduced the text of a resolution he prepared which was circulated in the packet:

- The Planning Commission recommends that the town of Norwich procure a wastewater study on an expedited basis to assess the need and demand for, and technical feasibility and potential cost of, a wastewater solution for the village center area and along potential routes to connect to either the Hanover or Hartford sewer systems. The study should also look at alternative wastewater solutions, engage Norwich residents to gauge their view and concerns, and identify potential solutions to meet the needs identified, including the needs of the school as well as the needs of other landowners in Norwich. The study will also provide valuable input for the review of the town's land use regulations called for by the Norwich town plan.
- The study will help the Planning Commission make an informed recommendation about how to address the school district's needs and whether and if so how to meet any other wastewater needs identified through the study.

- As the study proceeds, the Planning Commission recommends that the town engage the school district, and other parties working with the district, to better understand their proposal and its technical and financial feasibility.

Commissioners discussed the proposed resolution.

Roger Arnold referenced relevant actions from the 2020 town plan which identify the need for a wastewater study in support of economic development, ensuring the ongoing viability of the village and revising land use regulations. He indicated that the Selectboard is looking for a recommendation from the Planning Commission that furthers work on these action items included in the town plan.

Stuart Richards commented that there have been studies on this topic every ten to fifteen years, in each instance the conclusion was similar, the village doesn't need to hook up to a neighboring town's treatment system, and the costs are too high. MCS does need a wastewater solution, but that doesn't necessarily mean hooking up to a municipal system.

Lubell moved and Loeb seconded a motion to approve the resolution. Motion carried 5 – 0 – 1

7. Other Business: None

Public Comment: Stuart Richards commented that if the Selectboard accepts this recommendation then it first needs to make a determination concerning who agrees to hook up to any municipal system and what are they are willing to pay.

8. Goodrich moved and Allen seconded a motion to adjourn. Motion carried 6 – 0.

Meeting adjourned: 8:29pm

Future Meetings:

- Tuesday, May 11, 6:30pm Regular Meeting
- Tuesday, June 8, 6:30pm Regular Meeting

Respectfully submitted,

Rod Francis

APPROVED 05-11-2021