Select Board Members
X Liz, Scharf, Chair
X Randy Drury, Vice Chair
X Vic Dwire
X Peter O. Hood
X Zara Vincent

MIDDLESEX SELECT BOARD
Regular Meeting + Public Forum
Tuesday, August 6, 2024
Rumney Memorial School and via Zoom*
433 Shady Rill Road
Middlesex, Vermont 05602
(802) 223-5915

MINUTES
Regular Meeting

PRESENT: Chair Liz Scharf, Vice Chair Randy Drury, Select Board members Vic Dwire, Peter Hood*, and Zara Vincent (Chair of the Town Roads Subcommittee). Road Foreman/Road Commissioner/MVFD Fire Chief Eric Metivier, CVRPC Planner Lincoln Frasca, MCC Chair Adrienne Magida, Treasurer Cheryl Grandfield and Select Board Assistant Sarah Merriman*who took the minutes. The meeting was recorded on Zoom and by ORCA. (*indicates attended via Zoom)

Call to Order

Liz called the meeting to order at 5:40 PM. Guests were welcomed.
MOTION: Zara moved, and Randy seconded, approving the minutes from the July 23, 2024, Special Meeting. The motion passed and the minutes were signed by those present.
MOTION: Randy moved, and Vic seconded, approving the agenda for the August 6, 2024, Regular Select Board Meeting and Public Forum. The agenda was amended to include access permits or Zachary French on Notch Road and Richard Bradley on Macey Road. The motion passed.

Approving Modifications to 2023 EWP Program

Lincoln explained that due to the July 10, 2024, flooding, some of the projects already approved for the 2023 Emergency Watershed Program will need revisions. The Board reviewed the modifications including allotting an additional $1,800 which would leave the Town with only $2,000 for administrative expenses. Cheryl said that would be enough. The Board also reviewed the application for a Stream Alteration General Permit, the Operation and Maintenance Plan and the proposed Landowner Agreement which would shift the burden of maintaining the EWP improvements to each participating landowner.
MOTION: Vic moved an Zara seconded allocating $1,800 from the EWP administrative award toward additional engineering on the 2023 EWP projects that must be revised due to the July 10, 2024 flood, and authorizing Liz to sign the Operations and Maintenance Plan plus the Landowner Agreements on behalf of the Board. The motion passed.

Approving a New R.O.W. Use Application and Permit

The Board reviewed a draft application for residents who wish to dig under or across the Town road rights-of-way. Sarah said that with CVFiber installing lines across town, this has become a popular request. The application was borrowed from another municipality and modified for Middlesex. The town attorney reviewed and updated the permit.
MOTION: Zara moved, and Vic seconded, approving the R.O.W. application and permit. The motion passed.

Approving Access Permits for Zach French and Richard Bradley

MOTION: Randy moved, and Vic seconded, approving an access permit for Richard Bradley on Macey Road. The motion passed.
MOTION: Zara moved, and Vic seconded, approving an access permit for Zach French on Notch Road. The motion passed.

All orders were signed.

The regular meeting adjourned at 5:51 PM.

Roads & Rivers Public Forum

PRESENT: Town Moderator Susan Clark, Select Board Chair Liz Scharf, Vice Chair Randy Drury, Select Board members Vic Dwire, Peter Hood*, and Zara Vincent (Chair of the Town Roads Subcommittee). Road Foreman/Road Commissioner/MVFD Fire Chief Eric Metivier, Treasurer Cheryl Grandfield, former Treasurer Dorinda Crowell, Vermont DEC River Scientist Staci Pomeroy, CVRPC Senior Transportation Planner Reuben MacMartin, Todd Eaton from Vermont Local Roads, retired VT DEC River Scientist Mike Kline, Rupert Thouron, David Clemmons, Bennett Shapiro, EMC Coordinator Steve Dennis, Reney Woodard, Mark Kurts, Elliot Burg, MCC Chair Adrienne Magida, and Susan Warren. Lauri Scharf operated Zoom and Select Board Assistant Sarah Merriman* took the minutes. The meeting was recorded by ORCA. (*indicates attended via Zoom)

Opening Remarks and Introductions

Liz called the public forum to order at 6:00 PM and welcomed the audience of over 100 people and panelists. Liz provided a quick rundown of the challenges the Town is facing due to the impacts of two floods a year apart, including damage to roads totaling multiple millions of dollars. She said the Select Board decided there was a need for the community to come together and, reminding those in attendance that the Select Board were mostly volunteers, she thought it prudent to invite experts in their fields to speak as well.
Zara, who heads the Town Roads Subcommittee, gave a quick presentation on the committee, the backgrounds of its members, the various teams within the committee and its goals. The panelists introduced themselves.
Susan described the process: attendees were to meet in groups and write their questions on index cards which would then be sorted and read by the moderator.

Treasurer Presentation

Cheryl yielded the floor to Dorinda who'd handled the flood-repair bills and FEMA submissions as Treasurer last year. Dorinda said $2.33 million in flood damage to the roads in 2023 has been submitted to FEMA for reimbursement. Of that, FEMA has paid the Town only $529,576. There is still $1,807,957 outstanding. To date, five FEMA project development managers have come and gone in the past year.
To cover the repair expenses, the Town spent most of its ARPA funds and took out a line of credit from Community Bank, tapping into $1.5 million out of a potential $3 million. The Vermont Bond Bank offered better interest, so the Town took out a loan from them and paid down part of the Community Bank loan. Still, it's likely the Town will rack up about $49,000 in interest, though there is a possibility the State might reimburse that. For every $100,000 received from FEMA, the Town must pay the bond bank $50,000.
Meanwhile, the Town has already incurred $517,000 in repair bills due to the July 10, 2024, flood and an emergency disaster has yet to be declared, Dorinda said. There is still $2,362,06 in contracted permanent work for 2023 damage.
Liz noted that she expects FEMA will reimburse the Town for the 2023 expenses. However, before that happens, the Town still must pay its regular bills. Cheryl said the Town has been 100% reimbursed for repairs on Brook and Government Hill roads. Rupert asked about the overlap between last year's work and this year's work. Eric said there's some overlap, but not as much as the Town would hope. David Clemmons asked about the change orders in the Treasurer's report. Eric said they were for the 2023 flood.

Staci Pomeroy's Presentation of the Great Brook

Staci provided a slide show illustrating how over the millennia the Great Brook watershed has worn down parts of Great Brook until it created a scenario where there is a very confined river, road and valley wall. There's little room for the river to move and, yet, because the river is so deep and narrow, when it rains, the confined water generates far more power. Since water doesn't like to bend at 90-degree angles, clogs occur at the bends causing further damage. She said there's a 4-foot head cut in the stream and it's moving its way through the system, eroding the riverbed down to its glacial till which has no support. She said a few homes along the Great Brook are on small parcels between the road, river and valley wall that are susceptible to erosion. She said further downstream the river opens up where wood and sediment end up deposited and then it hits bedrock and, therefore, another confined channel. She said the landscape, therefore, is contributing to the challenges facing the town during floods.
Randy asked about removing material and dredging, which has historically been done in some Vermont rivers. Staci said removal of material is allowed in certain circumstances and asked that property owners abutting streams work with her office before taking that step. This will prevent further damage to the stream bed and avoid excessive erosion. Bennett asked if dredging can speed up water; Staci confirmed it can lead to narrowing and deepening streams which adds velocity.

Elliot Burg asked about prevention measures, if any; Staci said stream engineers, the community and consultants can collaborate to address the challenges. There are tough questions for a community to address: Do you give up portions of your road? Do you shift a road by purchasing more rights of ways? Are there some homes that need to consider a buyout or change of use? These are not easy decisions to make.

Questions & Answers

Reney Woodard asked about state-owned culverts near Lower Sunny Brook that she says get clogged and contribute to the flooding in her home. Staci noted that VTrans, which maintains the culverts, used to be in control of only major streams. Mike added that a state program will permit clearing those culverts if it's a safety issue. Todd said VTrans also has an asset management program and a limited budget with the same labor issues that towns are facing. He suggested contacting the District Transportation Manager instead of the state garage on US Route 2.

Susan read a question: who should manage (driveway) culverts, the homeowners or the Town?

Todd said different towns have different policies. In his opinion, the municipality should manage all culverts in its right-of-way. (Middlesex road policy says homeowners are responsible for their own culverts.)

Liz asked why so many driveways washed out. Was it because the culverts were poorly sized or was it the speed of the water?

Tod said likely the culverts weren't sized for a flood that has a 1% chance of occurring. Staci concurred about the impact of a 1% flood. She said an 18" culvert may work for one location but may not be sufficient for the bottom of a driveway.

Bennett questioned referring to the 2024 and 2023 floods as 1% - or 100-year floods - since that distorts the reality. Staci said that's the only terminology available right now.

Susan read a question: What are the guidelines for road repairs? Do the town/contractors have access to river scientists to maximize prevention and avoid damage?

Todd said documentation is provided to municipalities which must adopt or reject Road & Bridge Standards. There is also a Municipal Roads Grant Program that requires engineering of hydrologically connected road segments and there are standards that must be followed and that benefit the roads. Staci added that stream engineers have been working with the Town road crew and Dirt Tech which is contracted to perform permanent repairs. Reuben said the CVRPC assists towns with hazard-mitigation planning and funding. His organization helps town identify alternative access for parcels and abandoning infrastructure that can't be sustained in the long run. Eric confirmed that Middlesex follows state standards for roads and bridges.

Susan read a question about the effectiveness of rip rap, the sizeable stones added to support riverbanks.

Stacy said rip rap is not a permanent solution; it's a hard armor that provides a higher level of erosion protection. The challenge on Great Brook is that it's sitting on soft glacial till so the rip rap might be undermined. It needs to be connected to a stable location. The other challenge is that rocks speed up water velocity along the riverbanks.

Todd said stones in the ditches armor the ditches to reduce erosion and filter out sediment. It's the most economical choice for a short-term solution. He said it's too expensive to design a road to withstand a 100-year flood.

Mark Kurts said the culverts are accurately sized, it's the volume of water that's doing damage. He asked if it's possible to install a dam above Great Brook to catch the water. Staci said most dams built in Vermont are not used for flood control and a dam will create a pond. Mark likened the homes along Great Brook to a microcosm of Montpelier before the Wrightsville Reservoir and dam were constructed.

Susan read a question about who determines what town roads are going to be maintained and when.

Eric said the Town doesn't have a culvert-cleaning schedule. Zara said the #1 priority is making the roads passable for emergency vehicles and then rebuilding roads so they're safer. She said the Town Roads Subcommittee had been working diligently on finding funding sources, so taxes aren't affected. Reuben said CVRPC maintains a culvert inventory on a 5-year cycle. Sarah said the public can see each culvert and its condition by going to https://www.vtculverts.org

Susan read a question about solutions for people living on Class 4 roads.

Staci said FEMA may have mitigation funds for those who qualify. A homeowner in a mapped floodplain can apply for a Hazard Mitigation Grant buyout. The Flood Resilient Community Fund addresses homeowners who are at flood risk but who don't live in the floodplain. That fund has been depleted but may be refreshed this year.

Liz asked about the Emergency Watershed Program. Staci said the EWP is run out of the USDA's Natural Resource Conservation Service and requires a municipal sponsor. It provides bank stabilization and removal of debris for homeowners living along rivers. Not every home will qualify. Adrienne said in 2023, 30 Middlesex homeowners applied for this program and only ten were qualified. The bank stabilizations begin this fall and 100% of the costs are covered by the program.

Susan read a question about the long-term outlook for this situation. Zara said one of the four teams on the Town Roads Subcommittee looks at the future. Todd applauded the Town Roads Subcommittee, urging the community to support it as much as possible.

Susan Warren thanked Eric and the Middlesex road crew. Susan Clark said every question would be compiled and given to Zara who will post them on https://www.whatsnextmiddlesex.org/

The meeting adjourned at 8 PM.

THE ABOVE MINUTES WERE APPROVED AS A WARNED AGENDA ITEM AT A REGULARLY SCHEDULED MEETING OF THE MIDDLESEX SELECT BOARD ON AUGUST 20, 2024.

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LIZ SCHARF, CHAIR

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RANDY DRURY, VICE CHAIR

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VIC DWIRE

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PETER HOOD

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ZARA VINCENT

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