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

MIDDLESEX SELECT BOARD
Tuesday, September 3, 2024
Middlesex Town Hall and via Zoom*
Middlesex Town Clerk's Office
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

MINUTES

PRESENT: Chair Liz Scharf, Vice Chair Randy Drury. Select Board members, Vic Dwire and Zara Vincent (Chair of the Town Roads Subcommittee). Road Commissioner/Foreman Eric Metivier. Former Road Foreman Paul Cerminara*, Leila Macey, and Lister Shelly Desjardin. * Select Board Assistant Sarah Merriman took the minutes and the meeting was recorded by ORCA. (*indicates attended via Zoom)

Call to Order

Liz called the meeting to order at 5:00 PM. Guests were welcomed. There were no amendments to the agenda.

MOTION: Zara moved, and Vic seconded approving the minutes from the August 20, 2024, Middlesex Select Board meeting. The motion passed and the minutes were signed by those present. Randy abstained since he did not attend that meeting.

MOTION: Zara moved, and Vic seconded approving the agenda for the September 3, 2024, Middlesex Select Board meeting. The motion passed.

Executive Session

MOTION: Zara moved, and Vic seconded entering executive session under 1 V.S.A. § 313 (a) (1)(D) to discuss a grievance against a Town employee and to permit Eric and Sarah to attend. The motion passed and the Board entered executive session at 5:05 PM. The Board exited executive session at 5:19 PM. No action was taken.

Highway Report/FEMA and Cowles's Culvert Concerns on East Hill Road

Eric reported that repairs on Bolduc and Tangletown roads have been completed and work is finishing up on Story Road. Zara said Dirt Tech has been working on East Hill, Brook and Center roads. The Board discussed a visit from FEMA last week re: individual assistance available for the 2024 floods. Zara updated the Board on Hazard Mitigation preliminary grant approvals noting the Town has been invited to apply for slope stabilization on Portal Road and instead of allocating $20,000 to work on the McCullough Hill bridge, that the Town apply the money to a study of the bridge. Ken Davis has resigned from the road committee and provided a list of suggestions the Board reviewed. Liz thanked Ken for his service to the Town Road Subcommittee.

Randy asked that Dirt Tech install road-closed signs nearer to the roads that are actually closed because there's been confusion concerning Brook, Center and McCullough Hill roads. Randy said there are many Dirt Tech bills that haven't been paid. Eric said the bills have had to be redone and broken down by road. Zara said she met with Steve, and he will talk to Dirt Tech about the right way to bill. Randy said people are wondering what's being done to make sure there's no duplicative billing on the 2023 vs 2024 floods. Zara said that's being handled with coding that breaks down emergency work for 2024 vs. permanent work for 2023. FEMA has given the Town the green light to proceed with Dirt Tech for 2024 road repairs, she said, since they were already on site during the 2024 flood. Randy said the 25% match has been waived for the 2023 flood, but what about the 2024 flood? The Board discussed this.

Liz signed the FY25 municipal roads grant for $12,000 to help the Town comply with the storm-water erosion standards.

Richard Cowles's culvert concern: Liz said Richard lives at 350 East Hill Road. He's concerned about water draining through the cross culvert into his pond and that the water will reach his barn/garage. He's referring to the Town's 2003 Highway Ordinance that states when culverts are placed across a Town road, the culvert owner shall obtain from owner of the affected property a signed agreement that will be filed with the town clerk before the culvert installation. Richard states no permission was granted to install the culvert which has been in place for at least 30 years. Initially it was a concrete culvert that was replaced with an 15" culvert and then a 24" culvert this summer after the July 2023 flood. Liz noted this is one size bigger than the state's minimum diameter.

Liz said Richard believes that if the Town removed the 24" culvert and installed a driveway culvert below on the opposite side of the road, that water coming down from his neighbor Bill Dorigan's will go through the new driveway culvert and continue through rip rap and stonework where the Town could install another culvert.

However, earlier today Eric met with State officials at Richard's property to assess his solution at a meeting arranged by Liz. She said it is the recommendation of the State and current and past foremen after this morning's assessment that removing that 24" cross culvert and installing a driveway culvert will not be sufficient. She said that section of East Hill Road will be blown out in the next big storm with Cowles's solution. The consensus among those present was that the 24" culvert remain and that water flowing through it should empty into a gully. Eric noted that ideally culverts on a slope that steep should be placed every 75 feet. Liz said the culverts on that section of road are more like 1,000 feet apart.

Liz read through state statutes pertaining to road and culverts sent by the Town attorney who's been contacted on this matter, referring to 19 V.S.A. §§ 950, 951 and 923, the last of which provides for a potential hearing.

Randy stated if this culvert has been in place for 35 years, then there's nothing new. Liz said the fact it's been upgraded to a larger size could be interpreted as a new installation. Paul said Richard had suggested that stone armor from the culvert outlet on his own property would prevent any problems. If the Town wanted to make an in-kind contribution to that effort, it would be far less work and far less expensive than

altering the road. Eric said Richard was not receptive to that. Liz said State statutes to which she referred were implemented in 1985, so it matters if Richard bought his property before or after that date. (According to Town records, he received title to the property in 2000.)
Zara noted these culverts are being installed because they're required as part of the Build Back Better bill and because they're necessary. However, Eric said Richard has stopped the culvert from being connected to a ditch by placing a chair over the intake end. If the culvert is not connected before the next big storm, that road will wash away.
Considering the necessity of the cross culvert and that the road could be washed away without it, Randy and Vic said they don't see the need for a hearing under 19 V.S.A. §923. Shelley warned about setting a precedent with a hearing since there are hundreds of culverts in town.
The Board reviewed the Town's 2003 Highway Ordinance. Randy said his interpretation of the culvert clause is that it applies only to private landowners, not to the municipality. Liz said Todd Eaton of the VT Local Roads program who attended the September 3rd meeting on Cowles's property will provide a written report Cowles's culvert question. The Board decided to delay action on the matter until reading that report and consulting with the Town attorney.

Macey Road Access Permit Approved

After passing over approval of an access permit on Macey Road for Leila Macey at its last meeting due to concern from neighbor Gloria Hobson that a driveway could impact her spring, Eric said the proposed access is 1,700 feet from the West Hill and Macey roads intersection and, therefore, way past Gloria Hobson's house. It's nowhere near her spring line. There will be an 18" culvert.
MOTION: Vic moved, and Zara seconded approving the access permit for Leila Macey on Macey Road. The motion passed and Liz signed the permit.

Town Website RFPs

Sarah said the Town has received over 20 proposals from around the world in response to an RFP for an improved Town website and that proposals range from $5,000 to over $90,000. They're currently being reviewed by Lauri Scharf who wrote the RFP. She also suggested putting IT services out to bid since those might be able to be merged with a new website. Randy said he did not recommend the Town upgrade the server until this was done. The Board passed over this agenda item.

Accepting George Longenecker's Resignations/Approving Kim Hagen's Appointment to the MCC

The Board reviewed George's letter informing the Town that he was resigning from the Budget Committee and the Conservation Commission because he and his wife are moving out of state. Liz thanked him for his many years of service to the Town in those roles; the Board concurred.
MOTION: Randy moved, and Vic seconded, approving George Longenecker's resignation from the Town Budget Committee and the Conservation Commission with reluctance. The motion passed.
MOTION: Zara moved, and Vic seconded approving the Conservation Commission's recommendation that Kim Hagen be appointed to the Commission. The motion passed.

OTHER BUSINESS

MERP UPDATE: Liz informed the Board that after what appeared to be an encouraging energy assessment of Town Hall and the Fire Department's heating systems, the Town has not been invited to apply for a grant under the State's Municipal Energy Resilience Program due to an overwhelming influx of applications. The State has decided only 80 of the most energy "cost-burdened" towns have been invited to apply and Middlesex is not one of them. That means the $500,000 that Town had been banking on to offset the costs of a Town Hall renovation is not happening. Randy said a big push for the renovation – versus building new or elsewhere – this year hinged on receiving those funds. Even if the Town were eligible to apply, Liz said the Town had been recommended to receive only $100,000. She said it was unfortunate the Board didn't learn about its ineligibility until after it approved putting the $2.5 million bond question on the November 5th ballot, which it was constrained to do because of printing deadlines.
Vic asked why not simply fix the big issues like mitigating radon in the vault; Randy said there's no money in the budget and the Board didn't want to throw good money after bad if Town Hall was going to be rebuilt. Liz said she's going to research if there's any hope of receiving a MERP grant, regardless.

All orders were signed by those present.

The meeting adjourned at 6;37 PM.

THE ABOVE MINUTES WERE APPROVED AS A WARNED AGENDA ITEM AT A REGULARLY SCHEDULED MEETING OF THE MIDDLESEX SELECT BOARD ON SEPTEMBER 17, 2024.

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LIZ SCHARF, CHAIR

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RANDY DRURY, VICE CHAIR

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VIC DWIRE
_____N/A_____
PETER HOOD

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ZARA VINCENT