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
Tuesday, November 12, 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, Peter Hood*, and Zara Vincent* (Chair of the Town Roads Subcommittee). Treasurer Cheryl Grandfield. Road Commissioner/Foreman Chief Eric Metivier. Sandy Levine. Michelle Johnson. Former Road Foreman Paul Cerminara. Budget Committee Chair Mark Harris and committee member Elias Gardner*. 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 5:01 PM.
MOTION: Vic moved, and Zara seconded approving the minutes for the October 15, 2024, Middlesex Select Board meeting. The motion passed with Randy abstaining and the minutes were signed by those present.
MOTION: Randy moved to approve the amended agenda for the November 12, 2024 meeting; Vic seconded. The motion passed.

Highway Report

Eric submitted his weekly highway report. (Please see report, below.)
Liz relayed concerns from Carole Picard about a cross culvert on Brook Road. Eric said he'd look at the situation. Eric said J. Hutchins, Inc. was the only contractor available to patch Shady Rill Road for @ $22,000. The Board discussed the roof on the Highway Department salt shed.
FEMA Update: Zara said she and Eric met with FEMA and all documents for declared disaster 4720 have been submitted to FEMA. However, FEMA still has questions about roads that were submitted for payment long ago. Zara hoped a new PDM would speed things along. Liz asked if this is a normal pace; Zara said the subcommittee will give the new PDM a chance to work on the project for a week before going to Vermont's Senators and Congressman to get action.

Access permit for Daniel Mercer and Jessica Blais Approved

MOTION: Randy moved and Vic seconded approving an access permit on East Bear Swamp Road for Daniel Mercer and Jessica Blais. The motion passed.

Access Permit for Daniel Peirce/ Ivy Ventures

MOTION: Vic moved and Peter seconded approving an access permit for George Pierce of Ivy Ventures to build a single-family home off Zdon Road. The motion passed and the application was signed.

Right-of-Way Culvert Policy Passed Over

Zara said the Town Roads subcommittee worked on a policy for installation, maintenance and repair of culverts at the ends of driveways that are in the Town's rights-of-way. Liz asked about other culverts that aren't driveways. Should they also fall under this policy? Randy said the Town should approach those on a case-by-case basis. Vic said if the culvert is an access to something other than a house, it's still an access point and should be maintained by the Town.
Peter asked about enforcement of the policy. The Board decided violators are unlikely to occur since this policy places the burden of culvert maintenance on the Town. Randy raised concerns that if a culvert is not maintained that the Town might be liable for any damage of private property. Sandy explained that under "sovereign immunity" the Town cannot be sued for more than its insurance coverage allows. Peter confirmed.
Zara said FEMA is more likely to compensate the Town for driveway culvert replacements/repairs if there's a policy. Vic suggested not passing this policy because it was worthless. Zara responded by saying this policy is more than satisfying FEMA; it's about doing the right thing for the community. Anyway most of the proposed culvert policy currently exists in the Town's highway ordinance, aside from the final paragraph (about maintenance.) Randy said the policy creates the expectation that the Town will replace and maintain every culvert.
Cheryl asked why not make the landowners responsible for their own culverts? Liz said because if they're not maintained, Town roads could potentially be damaged. Michelle asked Eric what's his goal with this policy; Eric said in the previous town where he worked, the municipality was responsible for maintaining culverts.
Zara said most people in town assume the Town is responsible for the culverts. Paul said there was a time when private landowners would buy culverts through the Town and the Town would install them. That changed because municipalities do not pay sales taxes and this created a bookkeeping issue. Liz tabled this policy until the next meeting.

BUDGET WORKSHOP FY26

Highway Department presentation: the Board reviewed a spreadsheet prepared by the Foreman of potential expenses that proposed a 4.45% increase. Peter asked about capital expenditures. Mark said the Highway Department's proposal does not include capital expenditures and, in fact, there are few capital expenditures in the chute for FY26. Mark said the next truck replacement is in 2027. There seemed to be some confusion about whether a new truck was needed in 2025-2026.

Treasurer Report

Cheryl said the Town's been approved for the $3.5 million line of credit from Community Bank to cover the costs of road repairs that FEMA is expected to reimburse. She's also applied for a VT Bond Bank loan. It's unclear how much that loan will be for; it's based on outstanding expenses. The interest on the line of credit is 4.89% while the Bond Bank interest is 0.5%. She said the Town is holding steady, though a lot of people paid their taxes in full because of the flood and the WCUSSD 2nd -quarter bill of $1.2 million is due December 20th. There have been no FEMA payments recently.

Discussion of Town Hall Bond Defeat

Liz said there's no news on the MERP grant and she feels discouraged. The Town Hall subcommittee will meet to discuss next steps. First, she said, they need to find out if there's anything from MERP which could be used to make improvements to Town Hall. Then perhaps addressing repairs in a piecemeal fashion, bringing in construction volunteers or looking at combining the Highway Department garage and Town offices. Regardless, the radon in the Town Clerk's vault needs to be mitigated. Sandy said she hopes the committee should look at a wide range of options and perhaps expand the committee to include more people. Peter agreed and Randy concurred that necessary repairs have to be made. The Board discussed this, especially the heating system. Liz referred to the Town Plan and that it specifies Town buildings need to be energy efficient.

OTHER BUSINESS

All orders were signed.

Correspondence: Liz explained to the Board that she'd received email from the Town Attorney regarding correspondence he'd received from another lawyer representing residents of Mead Road. The Town Attorney asked how she'd like to proceed and the Board agreed this issue needed to be discussed in Executive Session under the provisions of lawyer/client confidentiality.
MOTION: Randy moved and Vic seconded entering into Executive Session under the provisions of
1. V.S.A § 313 (a) (1) (F). The motion passed and the Board entered Executive Session at 6:30 PM, exiting at 6:49 PM.

The meeting adjourned at 6:50 PM

THE ABOVE MINUTES WERE APPROVED AS A WARNED AGENDA ITEM AT A REGULARLY SCHEDULED MEETING OF THE MIDDLESEX SELECT BOARD ON NOVEMBER 19, 2024.

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LIZ SCHARF, CHAIR

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RANDY DRURY, VICE CHAIR

_____
VIC DWIRE

_____
PETER HOOD

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ZARA VINCENT

Bimonthly Road Report
10/16/2024-11/12/2024

Equipment

Kenworth- Running and no issues
International- Down with an issue with the turbo and actuator (currently being worked on at Buzzi's Garage)
Freightliner- Running and no issues
Grader- Running no issues
Excavator- Running and no issues

Road Work/Issues

Finished repairs on McCullough Hill Rd. Did some bank stabilization in two spots.
Worked on final grading for the winter on multiple roads.
Hauled in some road gravel to have for spring.
The patching on Shady Rill should be done by the middle of next week.
Cleaned two four-foot culverts on Lower Sunny Brook. They were over half full of debris. The two were by house number 53.

DRAFT