Select Board Members
_x_ Liz Scharf, Chair
_x_ Zara Vincent, Vice Chair
_x_ Stacey Skadberg
_x_ Larry Rooney
_x_ Paul Cerminara

Middlesex Select Board
5:00 PM
Tuesday, May 6, 2025
Middlesex Town Hall and via Zoom*
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

MINUTES

Present: Liz Scharf, Zara Vincent, Larry Rooney, Stacey Skadberg, Paul Cerminara.
Also Present: Cheryl Grandfield, Town Clerk & Town Treasurer, Eric Metivier, Road Foreman & Road Commissioner, Janet McKinstry, Gary Lamell and Hannah Brown of the Cemetery Commission, Sandy Levine and Dave Magida of the Planning Commission, Shelly Desjardins, Larry Clements, Randy George and Eliza Cain of Red Hen Baking Co., Russ Bennett of Planetary Matters and Galaxy of Yes, ORCA Media.
Also Present via Zoom: Kevin Thompson, Zoning Administrator, and Dorinda Crowell.

The meeting was called to order at 5:00 PM by Chair Scharf.

April 15, 2025 Minutes: Vice Chair Vincent moved to approve the minutes. Mr. Rooney seconded. The motion passed.

May 6, 2025 Agenda: The agenda was revised to add review of a driveway access permit for Eric and Amy Rose. Vice Chair Vincent moved to approve the revised agenda. Mr. Cerminara seconded. The motion passed.

Cemetery Commission Procedures and Ethics Discussion. Chair Scharf, as Town Ethics Officer, reported on concerns that had been raised regarding the Middlesex Cemetery Commission's ("MCC") compliance with Vermont's Open Meeting Law (1 V.S.A. §§ 310-314) and the newly enacted Statewide Municipal Code of Ethics (Act 171).

The MCC consists of three elected commissioners responsible for managing certain town burial grounds. Hannah Brown was recently elected to the third seat following a successful write-in campaign at Town Meeting 2025. Ms. Brown attempted to convene an organizational meeting but was unable to reach the other commissioners. In the interim, she posted a request for mowing bids and was informed that, in past years, the contract had been awarded to a relative of a commissioner without a formal bidding process. Chair Scharf highlighted certain provisions within the Statewide Municipal Code of Ethics, which prohibit municipal officers from granting preferential treatment based on personal relationships.

Janet McKinstry questioned the legitimacy of Ms. Brown's election, asserting that commission vacancies must be filled by appointment. However, under 17 V.S.A. § 5374, vacancies on a cemetery commission may be filled by the remaining commissioners only until the next annual meeting at which point the voters would elect a commissioner to carry out the remainder of the term. MCC's organizational meeting is scheduled for May 8, 2025. Chair Scharf emphasized that the meeting must comply with Open Meeting Law and all commissioners are required to complete the state ethics training.

Permit Review and Approval. The board considered the following permits:

- Driveway access permits for (i) Dexter Lefavour, 42 Dolan Road; (ii) Jacob Henricks, North Bear Swamp Road; and (iii) Eric and Amy Rose, West Hill Road. **Motion:** Vice Char Vincent moved to approve the permits, and Mr. Cerminara seconded. The motion passed.
- A right of way permit for Cliff and Laurie Dodge, 71 Lower Sunny Brook Rd.
  - **Motion:** Mr. Cerminara moved to approve the permit, and Mr. Rooney seconded. The motion passed.
- WEC permits for (i) pole setting for Anne Connell on E Bear Swamp Rd and (ii) running a conductor on E Bear Swamp for John Hughes.
  - **Motion:** Mr. Rooney moved to approve the permits, and Vice Chair Vincent seconded. The motion passed.

Highway Report: Two critical road issues were reported: (i) a failing culvert near 126 Brook Road, and (ii) a section of Old Brook Road that is eroding into the brook. Mr. Metivier joined the meeting during this discussion, having just returned from a site inspection of Old Brook Road. He confirmed the damage is significant, and the road is currently reduced to one

lane. While repairs are expected to be costly, Mr. Metivier believes the damage qualifies for submission to FEMA as part of the 2024 flooding. The road remains passable, but concerns were raised about safety if conditions worsen. Larry Clements asked about whether the road remains safe for larger delivery vehicles; Mr. Metivier cautioned against such use unless absolutely necessary. Dorinda Crowell raised concerns about where to park if the road becomes impassable. In that event, residents may be advised to park along the road before the washout to maintain access.

Municipal Planning Grant. The town was awarded $13,261 to inventory and prioritize the replacement of undersized road and driveway culverts within the town right of way. A solid win for the hard work of the Roads Committee!

Planning Commission Proposed Zoning Changes. Sandy Levine and Dave Magida presented the Planning Commission's proposed amendments to Middlesex's zoning regulations, summarized as three core changes:

(i) rezoning the area west of the village along Route 2 from "Industrial" to "Mixed Use";
(ii) incorporating select "Industrial" uses into the "Mixed Use" district; and
(iii) increasing maximum height limits under certain conditions.

Kevin Thompson provided context, explaining that several businesses have expressed interest in leasing or buying property within the Industrial District but were deterred by restrictive permitted uses. In addition, the area has not seen heavy industry operations and is better suited for mixed use. Standalone retail (e.g., Dollar General) would remain prohibited under the proposed changes, but accessory retail—such as a food manufacturer selling its products on-site—would be allowed.

The proposed amendments would raise the permitted height limit in the Mixed Use district to three stories or 45 feet for multi-family and mixed-use buildings, and two stories or 35 feet for other uses. Structures up to 60 feet could be approved by the Development Review Board, provided the project satisfies the requirements of a conditional use review. Permissible uses added to Mixed Use would include galleries/studios, public facilities, rail sidings, and transit/transportation facilities.

Randy George and Eliza Cain of Red Hen Baking Co. voiced support for the proposed changes. Their plans to move the bakery and restaurant to Welch Park has been hindered by zoning restrictions against restaurants and retail.

Chair Scharf raised concerns about the impact of these changes on Welch Park. Ms. Levine clarified that existing uses would be grandfathered under the new regulations. While businesses could continue operating even if their use would no longer be permitted under the new zoning, expansion would not be allowed. Questions were raised regarding the impact on Lamoille Valley Transportation, which owns property near the park-and-ride and I-89 interchange. Their anticipated development of a bus maintenance facility would still be allowed under the proposed changes.

Questions were raised by Ms. Crowell and Shelly Desjardins regarding the impact of the changes on Green Mountain Flower Supply. Mr. Thompson clarified that their wholesale operation qualifies as light industrial and would be allowed.

Russ Bennett voiced support for the changes but cautioned about potential unintended consequences. He emphasized the need to prioritize uses that create quality jobs and avoid generic retail sprawl.

It was agreed that affected property owners should be notified of the proposed changes. Mr. Thompson will draft a letter to send to the owners, Ms. Levine will provide copy for the newspaper notice, and Town Clerk Grandfield will see that the hearing is announced on Front Porch Forum and in the *Times Argus*. **Motion:** Mr. Rooney moved to schedule a public hearing on the proposed changes for June 17, 2025; Vice Chair Vincent seconded. Motion passed.

Treasurers Report. The Board reviewed and executed certain loan documents for the Vermont Bond Bank. These include a general obligation bond of $1,536,000, the funds of which shall be used to pay back Community Bank for the amount borrowed under an existing expense note. The interest rate of this loan is 3.5% and repayment shall be made once per year on June 30 in years 2026 – 2023. The second is a general obligation bond of $852,000, the funds of which shall be received as new money to the town not subject to certain refunding requirements. The interest rate of this loan is 3.5% and repayment shall be made once on March 1, 2026. **Motion:** Vice Chair Vincent moved to accept the loan documents from the Vermont Bond Bank and Mr. Cerminara seconded. The motion passed.

FEMA Flood Reimbursements: A discussion was had regarding Middlesex's share of flood-related damages for the 4720 2023 flood. FEMA pays for 90% of the damages, with the remaining 10% paid by the State and the Town. Of that 10% the State pays approximately 7.8% ad the Town pays 2.2%. As such, Middlesex's share related to the 2023 Flooding (FEMA 4720) will be $152,389.

- 2023 Flooding Update (FEMA 4720)
    - Dirt Tech's work replacing box culverts was delayed due to a permitting issue but should begin soon.
    - Reimbursements – no changes since last meeting.
        - Total received to date: $1,209,755.43
        - Total obligated, but not received: $2,696,045
        - Total outstanding: $1,377,533.32.
- 2024 Flooding Update (FEMA 4810)
    - Reimbursements – no changes since last meeting.

Purchasing Policy Workshop: The Selectboard continued to work on the purchasing policy and the threshold for purchases that would require Board approval. Ms. Skadberg will present a survey of comparable town policies at the next meeting.

Other Business:

Chair Scharf reported on concerns raised regarding junk accumulation at the property located on 570 VT Route 12 owned by Robert and Michelle Bowers. Mr. Bowers has indicated that he is working on removing vehicles from the property.

The Board acknowledged the work of the Conservation Commission and the success of Green Up Day on May 3, 2025. Given the concerns of junk accumulation, Ms. Skadberg suggested the Town provide a dumpster for the use of residents on Green Up Day for a small fee. Mr. Udis has expressed similar interest in offering tire disposal to residents for a small fee, given the substantial number of tires that have been collected in recent years.

Chair Scharf reported that the weatherization of the Fire Station has been schedule and the small planning MERP funds awarded to the Town several years ago may be utilized for the cost of training volunteers for the project.

Executive Session: Chair Scharf proposed that the Board enter Executive session to discuss a personnel issue pursuant to 1 V.S.A. § 313(a)(4) with Town Clerk Grandfield also present, and to adjourn the regular meeting immediately thereafter. Vice Chair Vincent moved to enter executive session, and Chair Scharf seconded. The motion carried.

The Board entered executive session at 7:20 p.m. Upon adjourning executive session, the regular meeting concluded.

Meeting adjourned 7:40 p.m.

Respectfully submitted by Stacey Skadberg.

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Elizabeth Scharf, Chair

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Larry Rooney

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Zara Vincent, Vice Chair

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Paul Cerminara

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Stacey Skadberg