

Select Board Members

Peter Hood, Chair
 Mary Just Skinner,
Vice Chair
 Phil Hyjek
 Steve Martin
 Liz Scharf

MIDDLESEX SELECT BOARD
Tuesday, April 10, 2018
5:00 PM
Middlesex Town Clerk's Office
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

MINUTES

PRESENT: Vice Chair Mary Just Skinner, Members Phil Hyjek, Steve Martin and Liz Scharf and Chair Peter Hood by speaker phone. Treasurer Dorinda Crowell, Bill Smith, Doug Lombard, Town Moderator Susan Clark, Sandy Levine, and Select Board Assistant Sarah Merriman.

Call to Order, Amendments, Guests

Peter called the meeting to order at 5:03 PM, shortly before Mary arrived to chair the meeting.

No Rental of Old Fire Station

Peter explained that he'd spoken with two people interested in renting the old fire station behind Town Hall for their small businesses. One was Todd Sirak, a carpenter; the other was Bill Smith, a mechanic who wanted to use the building for motorcycle repair. Unfortunately, neither use would be permitted under conditional zoning for the Village District, Peter said, creating an impossible hurdle for both. However, Peter said he still felt the ultimate best use for that building would be to have a good reliable tenant. It's just that those interested might have to wait until the zoning regulations are updated in a couple of years.

Mary asked Bill about his plans. Bill said he wanted to buy the building and it wasn't his intention to junk up the property with old cars/motorcycles. Doug, who lives next door, said it didn't matter if Bill bought or leased the property, auto repair was neither a permitted or conditional use. Steve said the building is best used as it is now – for highway equipment storage – since water and septic are issues.

Doug asked about the zoning update process. Steve explained the Planning Commission was drafting an updated Town Plan which would be put before the Town voters in 2019. After that, the PC will turn its attention to the zoning regs. Bill thanked the Board and left the meeting. Peter asked Sarah to write a letter to Bill and Todd explaining that their uses were not permitted in the fire station at this time.

Painting the Town Hall Exterior

Peter said he spoke with Dick Picard about finishing the painting of Town Hall. The side toward US Route 2 and the tower needed painting. Doug asked about the roof on the old fire station. Peter asked Sarah to ask Dick for an estimate for painting the front of Town Hall with the tower and an additional estimate for painting the roof of the fire station. The "no parking" signs on the old fire station garage should be painted over at no charge. Doug left the meeting.

Approving the 2018 Local Emergency Operation Plan

The Board reviewed the 2018 LEOP updated by Emergency Management Coordinator Paul Otenti.

MOTION: Peter moved and Phil seconded approving the 2018 LEOP. The motion passed.

A Vision to Action Forum

Susan proposed a Vision to Action Forum in which all townspeople would be invited to participate in a day-and-a-half long forum on building community, fostering public service and prioritizing the Town's needs and goals. She said she felt the forum would be particularly useful in light of growing divisions in the Town over recent administration and school board changes at Rumney school. She said such factionalizing is fairly common in communities and the forum she is proposing helps people focus on their commonalities instead of differences. Her sister, Delia Clark, leads these forums across the country and would lead one in Middlesex, perhaps for free. She said the first step is to form a steering committee that would be as inclusive and diverse as possible. The longer the lead time the better to spread the word.

The Board agreed that September 21 and 22 – dates that worked for Delia – would be best and that Rumney School, not Town Hall, would be a better location since it is bigger, has working bathrooms and a kitchen.

Peter discussed the advantage of using this gathering as a way to glean input on the Town Plan. Steve – who is also chair of the Planning Commission – said, if necessary, the Town Plan could

be put to a special vote in 2019 if it's not finalized by the 2019 Town Meeting. Susan said she would start putting the steering committee together next month. Mary urged her to inform the Rumney School Board ASAP that the Town would need to use Rumney for the forum. Peter said there may be Town funds available to assist in the cost. The Board approved of the forum with enthusiasm. Susan left the meeting.

Appointing Sandy Levine to the Planning Commission

The Board reviewed a packet of emails sent in support of Sandy's appointment to the Planning Commission and the letters of intent from two other candidates – Dick Alderman, a former PC member, and Cindy Carlson, a former Town Clerk/Treasurer and Zoning Administrator. The Board interviewed Sandy about her previous time on the PC, which ended in 2007, shortly after new zoning regulations were passed.

Mary asked Sandy about how she would approach the Town Plan and revised zoning regulations after objecting to the updated regulations proposed in 2016/17. Sandy said she opposed the most recent round of zoning regulation revisions because they did not correspond with the existing Town Plan. She said she is concerned and interested in making sure people know what's going on with planning; the more people involved, the better.

Liz asked about her ability to compromise. Sandy said the PC works best when it represents divergent views. Mary asked about her qualifications. Aside from once serving on the PC, Sandy has also been a lawyer in Vermont for 30 years with a concentration in municipal and environmental law. She currently works for the Conservation Law Foundation with an emphasis in energy use.

Mary asked how she would respond to people who say she's difficult to work with. Sandy said she would like to know the basis of such allegations and said her strength is she can hear people out. She worked well with other members of the PC in the past.

Peter asked if she can put the Town's interests about her personal interests or those interests of the Conservation Law Foundation, if necessary. Sandy says she has no personal conflicts of interest. For example, she has no proposed business to site. She would serve simply as a "Middlesex resident."

Steve said he'd hoped for new blood on the Board and felt Cindy was as qualified as Sandy. Liz noted Sandy had attended the last two Board meetings and could produce multiple letters of support from those in town. She said Sandy is qualified, intelligent and has shown an interest. In contrast, the other two candidates each wrote one email, had no letters of support and did not attend the meeting. Therefore, it is the Board's responsibility to appoint Sandy, Liz said.

Phil asked if Sandy would run for election to her position in March; Sandy said that would be her intention.

MOTION: Liz moved and Phil seconded appointing Sandy Levine to fill the vacancy on the Planning Commission. The motion passed.

Designating Lauri Scharf as the Middlesex Alternate to the CVI Board

MOTION: Steve moved and Phil seconded appointing Lauri Scharf as the Middlesex alternate to the Central Vermont Internet Board. Liz abstained. The motion passed.

Middlesex Cemetery Commission Funds Management

The Board discussed a problem involving the signatories on the Edward Jones investment account earmarked for the North Branch Cemetery and having been managed by the Town's Cemetery Commission. Though the approximately \$128,000 in the account are public funds, the Commission refuses to add the Treasurer as a signatory even though, according to 18 VSA §5384 (b)(1) *All monies so received by the town may be invested and reinvested by the treasurer, with the approval of the selectboard.* Nothing in the statutes gives cemetery commission members responsibility to manage money,

Dorinda noted this became an issue because North Branch expenses that have been being paid from the Town's general fund created a "due from" the North Branch Cemetery account. Dorinda advised the MCC in September of the \$8,680.00 balance due the Town and that there were not enough funds in this cemetery account. Therefore, funds would need to be transferred from their Edward Jones account. After researching the history, ownership, and state statutes regarding the cemetery finances and responsibilities, Dorinda advised the Cemetery Commission's statutory duty is to draw up orders designating from which accounts expenses should be paid. As Treasurer, her statutory duty was to cut the checks, sign them and manage the money. After trying to reach out to Edward Jones several times, they would not return Dorinda's calls to discuss the account and was told by a member of MCC they were not going to because she was not authorized on the account.

The Board discussed this matter and agreed the Town Treasurer should be the only signatory on the Edward Jones account. Mary said the town attorney should write a letter to the MCC directing the Commission to immediately turn over management of the funds to the Town Treasurer solely or face legal action. The letter should be sent certified mail to all three Town cemetery commissioners and to Edward Jones.

OTHER BUSINESS

MOTION: Steve moved and Phil seconded approving the March 27, 2018, Select Board minutes. The motion passed and the minutes were signed.

All orders were signed.

The Board reviewed April 9, 2018, correspondence from Middlesex Conservation Commission Chair Lee Rosberg in which he explained that he had unwittingly participated in an apparent conflict of interest when he wrote a letter of support for the Shady Rill storm-water project on behalf of the MCC. A few days later, the Winooski Natural Resources Conservation District solicited a design proposal for this project from Stone Environmental where Lee works, though not in the design area. He wrote that the MCC was unaware of his relationship with Stone and Lee said he was unaware Stone would be solicited. He notified Corrina Parnapy at Winooski who said she felt the project did not trigger competitive procurement processes and Stone should not withdraw. Lee asked in the email if the Board had any concerns. The Board did not.

The Board discussed a CVSWMD grant possibility to fund recycling projects and agreed the first- round deadline – May 1st – was too soon, but that perhaps the Town should aim for the second round of grants this fall.

Sarah said she wanted to hire Lee Youngman, a former Assistant Orange Town Clerk, to scan and index land records into the ACS system for eight hours per week. The Board discussed Lee's compensation and agreed she should be paid the same as other part-time employees, \$20/hour from the Town's restoration account which is earmarked for archiving.

Mary adjourned the meeting at 7:00 PM.

Respectfully submitted,
Sarah Merriman, Town Clerk/Select Board Assistant.

ABOVE MINUTES APPROVED APRIL 24, 2018

PETER O. HOOD, CHAIR

MARY JUST SKINNER, VICE CHAIR

STEVEN MARTIN

ELIZABETH SCHARF

PHILIP HYJEK

DRAFT