

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

MIDDLESEX SELECT BOARD
Tuesday, August 7, 2018
5:00 PM
Middlesex Town Clerk's Office
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

MINUTES

PRESENT: Vice Chair Mary Skinner, Members Steve Martin, Phil Hyjek and Liz Scharf and Chair Peter Hood by speakerphone. Middlesex Conservation Commission members Heather Katz, George Longenecker and Lee Rosberg (MCC Chair) and Select Board Assistant Sarah Merriman.

Call to Order, Amendments, Guests

Mary called the meeting to order at 5:00 PM and welcomed guests, Heather and George. There were no amendments to the agenda.

Approving Findings of Fact and Orders for Downgraded/Discontinued Roads

The Board reviewed the Findings, Conclusions and Order of Town of Middlesex Select Board regarding the discontinuance or classification of five Town roads per the Board's vote at its July 24, 2018, meeting. Mary suggested minor stylistic changes that were incorporated.

MOTION: Phil moved and Steve seconded approving the above Findings, Conclusions and Order regarding the discontinuance of Bolio Road (Town Highway 42), the reclassification of Warren Road (Town Highway 23), the discontinuance of Merritt Road (Town Highway 11), the discontinuance of a portion of Chase Road (Town Highway 6) and reclassification of a portion of Knapp Road (Town Highway 4). The motion passed and the Board signed the Orders.

Considering Bids to Remove and Replace the Damaged Highway Fuel Storage Tank

The Board reviewed the only bid to remove the damaged diesel fuel tank at the Town garage on Shady Rill Road from Curtis Ashline for \$4,900. John Kennedy Company offered to install a new 3,000-gallon tank for \$19,371 and Berby Petroleum for \$12,478 in an undetailed bid. Steve, who is also road commissioner, said he and Road Foreman Paul Cerminara, had had difficulty soliciting bids. One company, Accuworks, never showed up for an appointment. Still, Peter suggested and the Board agreed that Paul should make another attempt at soliciting more bids, perhaps for a smaller tank. The Board's concerns were that the damaged underground tank, which is not leaking, be removed as quickly as possible and a new one be installed above ground before winter.

Accepting Tyler Wells's Resignation from the Road Crew

MOTION: Steve moved and Liz seconded accepting Tyler Wells's resignation from the Town Highway Department effective September 13, 2018. The motion passed. Steve noted Tyler had been a great addition to the road crew and a hard worker. The Board thanked him for his service.

Scott Beaudin's Revised Letter Regarding the Town Forest Trail

The Board reviewed a revised letter from Scott Beaudin of Zdon Road stipulating that if a trail proposed for the Town Forest should accidentally transgress onto his abutting property, the Town will not pursue adverse possession claims. Scott omitted a paragraph from the Town's previous revision which noted that should a future survey establish part of the trail had ended up on the Beaudins' property, the Beaudins would grant the Town an easement. According to George, the MCC preferred Scott's version and said no easement would be needed since the only boundary in question is on a steep rocky ridge. The probability of the trail impeding on their private property basically was a moot point.

Peter and Mary objected to the latest version of the letter in which Scott omitted the easement. Both felt it was one sided and written by Scott's lawyer with no quid pro quo. Mary questioned why Scott should be the point person when the land is held by the Gretchen E. Beaudin Revocable Trust. Moreover, she said, he had initiated this letter and, in so doing, created an issue that might not otherwise have existed.

Peter suggested writing a brief letter to Scott stating that "if presented with credible evidence the trail is on (Beaudin's) property, then the Town will agree to move the trail." Phil suggested just letting the minutes of this meeting show the same.

Lee entered the meeting and reiterated the MCC's stance that Scott was a good neighbor, a conservationist and had originally misunderstood about the trail, thinking it would be a wide ATV path. After Scott went on a hike with members of the MCC, he understood it was a mere hiking trail and seemed to relax a bit and even indicated he might make a financial contribution to the MCC. Lee said the MCC never asked for an easement. Mary said that was her idea. Lee said a lot of goodwill came out of that hike and it was "bold and audacious for the Town to throw in a sentence about adding an easement." All the MCC wanted to do was get the trail built and maintain a good relationship with the Beaudins.

Mary said she would not vote to approve the letter without the Beaudins promising something in return. Moreover, she said the Select Board does not engage in the practice of committing to certain written agreements with private landowners. Peter said it was important to remember this dispute started with Scott demanding the Town pay for an expensive survey of the border before laying down the trail. He said he refused to let the Select Board be bullied on this issue. Scott could agree to a letter drafted by the Town or no letter at all.

Steve proposed a short letter that included a bit of background about the trail and then Peter's line that if the trail somehow was proven, with credible evidence, to have been built on the Beaudins' property, the Town would move it – provided the owners so request. The Board agreed to draft such a letter.

Addressing the Emerald Ash Borer in Trees in the Town's Rights of Way

Lee said 99% of ash trees will die in the next ten years due to the invasive emerald ash borer. He said he's been in contact with UVM's Forestry Extension Program and has learned that after ash trees die due to the insect, they are dangerous to cut down because they splinter. They have to be removed from above. The MCC plans to take an inventory of ash trees in the Town's rights of way. If some trees are leaning toward the road and may prove a danger, then they should be cut down now.

Peter said the Town should systematically cut down ash trees before they get infected. The Town might want to consider preserving especially beautiful ash trees by inoculating them with pesticides, an expensive process. Liz said the Select Board should remember to factor in the cost of removing these ash trees when planning the 2019-20 budget. Lee recommended leaving the ash trees in the Town Forest alone. If they are fortunate enough to survive the infestation, then they will be valuable seed bearers.

The Shady Rill Ecosystem Restoration Project

Lee presented the Board with a conceptual site plan for proposed buffer improvements to the Shady Rill Picnic Area. Although much of the area is owned by the state, the MCC is partnering with the Winooski Natural Resources Conservation District to obtain a grant to pay for shoring up the banks of Patterson Creek that have been eroded by swimmers who have no clear entrance point to access the swimming holes. In addition, a large sediment “plug” is backing up water during storms, further adding to the erosion, and needs to be removed. Winooski needs a 20% match to obtain this grant in the form of funding or an in-kind contribution. Lee wondered if the in-kind grant could come in the form of the road crew using its excavator to remove the plug of sediment.

Heather said she had more concerns that she felt needed to be taken up with the designers. For instance, Shady Rill Road is adjacent to the property that would be shored up by this process. Therefore, the Town has an interest in this project and should not be negatively affected. Steve agreed there are parts of Shady Rill Road in danger of erosion and that the highway department had plans to rip-rap some areas. He would not want to commit to the project until he saw the final plans vs. the 30% design now available.

Liz asked about the time frame. If the application was due this fall, then the MCC should coordinate with the highway department now. Lee said he would touch base with Paul and Steve.

Mary suspended the Select Board meeting at 6:08 p.m. so the Board of Civil Authority could hold its warned meeting. Lee, Heather, George and Phil left.

Mary resumed the Select Board meeting at 6:35 p.m. Peter had left.

OTHER BUSINESS

MOTION: Steve moved and Mary seconded approving the minutes of the July 24, 2018, Select Board Meeting. The motion passed.

All orders were signed.

Sarah noted that, in response to concerns about gun shooting in the Town’s gravel pit on Notch Road, Paul had installed a chain across the entrance and no trespassing signs, per the Board’s direction.

Liz said What’s Next Middlesex? will cost about \$3,000 to run. The organizers are seeking a grant and need to show the Select Board’s support, which the Board offered when Susan Clark first presented the idea. Liz suggested a \$500 donation from the Town which might help defray the cost of mailing and also meet the necessary grant requirements. The Board agreed to consider this request at its next meeting.

Mary adjourned the meeting at 6:43 P.M.

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

THE ABOVE MINUTES WERE APPROVED AS A WARNED AGENDA ITEM AT A REGULAR MEETING OF THE MIDDLESEX SELECT BOARD ON AUGUST 24, 2018.

PETER O. HOOD, CHAIR

MARY JUST SKINNER, VICE CHAIR

PHILIP HYJEK

STEVEN MARTIN

ELIZABETH SCHARF