

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

**MINUTES**  
**MIDDLESEX SELECT BOARD**  
**Tuesday, April 2, 2019**  
**5:00 PM**  
**Middlesex Town Clerk's Office**  
**5 Church Street**  
**Middlesex, Vermont 05602**  
**(802) 223-5915**

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**MINUTES**

**PRESENT:** Select Board Chair Peter Hood, Vice-Chair Mary Just Skinner, Members Liz Scharf, Phil Hyjek and Steve Martin. Treasurer Dorinda Crowell. Attorney for CCI Brooke Dingledine, Bernie Chenette of Chenette Associates, CCI Building Equipment Mechanic Tim Rickard, Welch Park Association President Carl Bailin of White Out, LLC, Nate Fredericks of Simon Operation Services and Select Board Assistant Sarah Merriman.

**Call to Order/Amendments**

Peter called the meeting to order at 5:01 PM. The agenda was amended to include consideration of an access permit for the Iazzos on Chase Road, a discussion about painting Town Hall and an executive session to discuss a personnel matter.

**Welch Park Water Issues at CCI**

Providing background, Carl said Simon Operations notified him last fall there were deficiencies in Welch Park's water system. In the course of attempting to repair the system, Nate saw that some of the electrical equipment operating the Welch Park well at CCI had been dismantled and was subsequently informed by a CCI mechanic in January that the company had been without potable water for two months. Nate said CCI has been trucking water every two weeks. As a result, the State of Vermont has threatened to issue fines against Welch Park if the "public water supply" is not brought up to code by April 30, 2019. By state definition, the well is considered a public water supply because it serves more than 24 employees. And though it is part of Welch Park's water system, it currently is permitted to serve no more than 60 employees at CCI, Bernie said. It has the potential to serve 145 in total: 60 associated with the two White Out lots and 85 with the CCI building which is owned by Benderson Development Company in Bradenton, Florida. (A representative from Benderson had been invited to participate in this Select Board meeting via conference call, but no one from Benderson called in.)

Bernie outlined three options for the Welch Park Association. The first option would be for the Association to spend \$30,000 bringing the 26-year-old CCI well up to code with the proration of costs as follows: White Out paying 32.8% or \$9,840; Benderson paying 58% or \$17,400 and the Town of Middlesex paying 9.2% or \$2,760. The proration is based on potential permitted septic capacity though, according to Bernie, the current design does not even allow for a Middlesex hook-up. The advantage of this option, Bernie said, is that he has already designed the new system. It just needs to be submitted to the State and fines will be avoided. The Welch Park bylaws would not have to be amended.

Option 2 would require an amendment to the Welch Park Association bylaws because it would transform the well from a Welch Park well to a well designated for CCI alone, just like the wells serving the MVFD and White Out. In that case, the upgrade would be more minimal, costing about \$18,000 - \$20,000.

Option 3 would be for Benderson to drill a new well on their own lot at a cost of \$25,000 - \$30,000.

Brooke, who is representing CCI, took the third option off the table as impractical. Benderson has been largely non-responsive on this matter, she said, which required CCI, as the tenant, to retain her services. She said CCI paid for Chase Engineering and Bernie to address this issue last fall but that, going forward, she hoped the Association would pay for Bernie's fees. Later in the meeting, Peter suggested – and the Board agreed – that the Association pay for Bernie's appearance at the Select Board meeting and future consultations regarding this particular water issue.

Carl noted option 2, though less expensive, would permanently eliminate the potential for the Town and/or White Out to access that well in the future. This could affect his tenants'

plans for expansion. He said he would need additional time to speak with his tenants and discuss the options.

Steve said even if the parties agree to option 1, they are not bound to that well forever. Carl agreed. Brooke noted that one party could not withdraw from the Association's water/septic agreements without all the parties concurring because of the reliance claim. Brooke said under the bylaws, each stakeholder is granted one vote per lot. A majority vote probably won't work. Peter questioned whether the Town could have two votes even though one of the Town's lots was in the floodplain and, therefore, undevelopable. Brooke suggested asking the State for an extension of 90 days past the April 30 deadline while the parties sort out these complicated issues. Peter suggested Bernie write them a letter and arrange for a meeting, if possible, with the State before the next Select Board meeting on April 16. Peter asked Bernie to calculate the annual costs of operating and maintaining this water system if the Association agrees with option 1. The Board agreed to revisit this issue at its next regularly scheduled meeting. Brooke, Bernie, Carl, Nate and Tim left the meeting at 6:20 PM.

### **Updating the Town Personnel Policy**

Dorinda outlined proposed changes to the Town's personnel policy in light of the Board's interest in recalculating vacation time for Town employees. The Board agreed to eliminate the 6-month probationary period since all employees are "at will" and not contracted. "Safety footwear" would be clarified to safety boots only with each member of the road crew receiving \$200 to purchase safety boots at the start of their employment and then \$200 each year for new boots on the anniversary of their start date. The money could not be used to purchase socks or inserts. There would be no probationary period for holidays, but vacation time would have to be earned at a rate of 3.08 hours per pay period from the date hired. Peter said the Town should be flexible about allowing employees to "go into the hole" by borrowing vacation time. Employees could not use sick time to augment summer hours. Nor would they be entitled to receive paid sick and/or personal time after giving notice. Dorinda said she would incorporate the Board's suggestions into a revised policy that the Board would vote on at its next regularly scheduled meeting on April 16.

### **Finalizing the Select Board's Goals**

The Board agreed to pass over this issue until the next meeting.

### **OTHER BUSINESS**

**MOTION:** Steve moved and Liz seconded approving the March 26, 2019 Select Board minutes. The motion passed, though Phil and Mary abstained, and those who had been present signed the minutes.

**MOTION:** Phil moved and Mary seconded approving the 2020 TA-60 VTAOT Annual Financial Plan. The motion passed and the Board signed the plan.

**MOTION:** Mary moved and Steve seconded reappointing Ron Krauth as representative to the Central Vermont Regional Planning Commission.

**MOTION:** Mary moved and Liz seconded approving the renewal of Red Hen Bakery's second-class liquor license. The motion passed and the Board signed the license.

**MOTION:** Steve moved and Phil seconded reapproving Maryke Gillis as the Town's E-911 coordinator.

Peter signed the access permit for the Iazzos' potential subdivision on Chase Road.

The Board discussed painting Town Hall this summer and agreed that Dick Picard should paint the back of the old fire station and the side of Town Hall facing the Lombards.

Sarah said Carl Dupont and his uncle Jim Colby had submitted a request right before the meeting that the Town allow them to string a chain across Colby Road at Center Road to prevent drivers from accessing the road and dumping trash. The Board denied their request because the Town could not close off a public road.

Dorinda questioned a response from a consultant hired by the Planning Commission to help with the Town Plan. The consultant could not present a certificate of insurance, as required by all those hired by the Town, and she claimed the Board had waived the insurance requirement. The Board agreed this was not true and Peter, who signed the paperwork authorizing her services, said there was nothing in the letter of agreement about waiving the insurance requirement. Going forward, the Town should make it clear to anyone about to receive Town funds for services that they will be required to submit a COI first, Mary said.

**Executive Session**

**MOTION:** Phil moved and Steve seconded entering Executive Session and allowing Dorinda and Sarah to be present to discuss a personnel matter. The motion passed and the Board entered executive session at 7:05 PM. The Board exited the session at 7:18 PM.

Peter adjourned the meeting at 7:20 PM

Respectfully submitted,

Sarah Merriman, Town Clerk/Select Board Assistant

THE ABOVE MINUTES WERE APPROVED AS A WARNED AGENDA ITEM AT A REGULARLY SCHEDULED MEETING OF THE MIDDLESEX SELECT BOARD ON APRIL 16, 2019.

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PETER O. HOOD, CHAIR

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MARY JUST SKINNER, VICE CHAIR

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PHILIP HYJEK

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STEVEN MARTIN

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ELIZABETH SCHARF