

MIDDLESEX SELECT BOARD
5:00 PM
Tuesday, July 6, 2021
Middlesex Town Clerk's Office
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

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

MINUTES

PERSON: Members Phil Hyjek, Liz Scharf and Steve Martin. Treasurer Dorinda Crowell. Planning Commission Chair Sandy Levine, Planning Commission Members Elias Gardner (also of the Budget Committee) and Mitch Osiecki. Budget Committee Members Bill McManis and Mark Harris. Roy Chmielewski. ORCA and Select Board Assistant Sarah Merriman. **PRESENT BY ZOOM:** Chair Peter O. Hood, Vice Chair Mary Just Skinner, Road Commissioner Vic Dwire, Planning Commission Member Phil Comen and Randy Drury. ORCA recorded the meeting.

Call to Order

Peter called the meeting to order at 5:01 PM. There were no amendments to the agenda.

Approving Coronavirus Local Fiscal Recovery Funding Regulations

The Board reviewed documents from the U.S. Department of Treasury outlining regulations regarding receipt and administration of Coronavirus State and Local Fiscal Recover Funds (CLFRF) and considered the following motions:

MOTION: Phil moved and Steve seconded that the Town of Middlesex accept CLFRF from the US Treasury along with the Award Terms & Conditions and Assurances of Compliance with the Civil Rights Requirements. The motion passed.

MOTION: Steve moved and Phil seconded designating Treasurer Dorinda Crowell as an "Authorized Representative" to sign the Award Terms & Conditions above. The motion passed. Dorinda signed the Award Terms & Conditions.

MOTION: Liz moved and Steve seconded designating Select Board Chair Peter Hood as Secondary Contact for the Town's Award of CLFRF. The motion passed.

The Board discussed whether a separate account should be established for the funds. Dorinda said the money could be moved to an existing account; VLCT advised the Town merely had to set up a special account number. Dorinda said she preferred setting up an actual account. The Board agreed. Dorinda said the money is divided by a local award and a federal award with the local piece arriving first.

Approving a \$280,500 loan from Community National Bank for Town Grader

The Board reviewed documents from Community National Bank for a \$280,500 loan at 2.45% to last no more than 15 years to pay for the new Town grader. This borrowing was approved by the Town voters at the March 2, 2021 Town Meeting.

MOTION: Phil moved and Liz seconded approving the \$280,500 loan from Community National Bank at an interest rate of 2.45% to last no more than 15 years. The motion passed and Steve, Phil and Liz signed the documents along with Dorinda and Sarah.

Peter asked about the grader. Vic said it's in the Town's possession. Liz said as part of field trips for the capital spending plan, the group planned to hold events so the public could see the grader, along with the Highway Department facility.

Approving the Annual Financial Management Questionnaire

MOTION: Phil moved and Steve seconded approval of the Annual Financial Management Questionnaire completed by Dorinda. The motion passed.

Approving the Memo of Understanding from Batchelder Associates

The Board reviewed a Memo of Understanding from Batchelder Associates regarding the upcoming audit of the FY20 Town financial records. Peter said next year, the Town should bid for auditing services.

MOTION: Phil moved and Steve seconded approval of the Batchelder Associate Memo of Understanding. The motion passed.

Approving a contract with National Insurance Company for Employee Life & Disability

The Board reviewed two contracts from National Insurance Company, one to provide life-insurance coverage, the other to provide employee-disability coverage. Dorinda noted the previous provider, Lincoln Life, sold the company to National. No motion was necessary; the Board designated Liz as the signer.

Treasurer Updates

Dorinda received payment from Matt Oates for outstanding Benderson bills at Welch Park. Peter said he spoke with attorney John Riley who represents Welch Park and attorney Rob Halpert who represents the Town about extricating Middlesex from the Welch Park Association. He said the two lawyers will discuss how to make this feasible.

Dorinda said the Town received a \$4,800+ bill from Lafayette Engineering to install the two radar speed signs in Putnamville. Though voters at the 2020 March Town Meeting approved spending up to \$8,000 for two fixed Radar Speed Feedback Signs, there was no mention of installation costs. Since the Highway Department did not have the manpower, training or equipment to install the signs in the State's right of way on VT Route 12, the job was awarded to Lafayette Engineering who does such work. However, last month the State of Vermont ordered the signs to be turned off, according to Vic, because they had been installed incorrectly and violated the State permit granted for the signs' installation. Vic said that according to the State of Vermont, one sign was in the wrong lane on the south end of VT Route 12. In addition, the signs were in violation because the white strobe lights – activated when a motorist exceeds the 35-m.p.h. speed limit – can cause seizures. Vic said the permit was clear on how the signs were to be installed; they weren't installed according to the permit. Peter asked whose responsibility it was. Vic said that's debatable. For example, Lafayette was supposed to have a pre-construction meeting with a representative from VTrans. That never happened because, according to Lafayette, the VTrans District Office told them it wasn't necessary. Dorinda noted the check to Lafayette was in the night's orders and asked the Board whether it should be sent to Lafayette. Peter said pay the \$4,800 bill. Phil said don't pay until Lafayette resolves the problem. Vic said when Shane comes back Monday, he will assess the problem. Dorinda asked how the bill should be accounted for since the \$4,800 is an unbudgeted expense. Peter suggested splitting it between the Select Board contingency fund and the highway department. Dorinda asked if it should be shown as going over budget. Peter said it never occurred to him that installation would be so high. Liz said she assumed the road crew would install the signs. Steve noted \$1,000 of the bill was for traffic control which the Town highway department is not certified to do on state roads. The Board agreed payment to Lafayette should be held off until this matter is resolved.

Planning Commission Joint Meeting

Since a quorum of commission members was present at this warned PC meeting, Sandy called the PC meeting to order at 5:35 PM. Mitch and Elias were present along with Phil on Zoom. She provided the following updates:

- Town Energy Plan. The current schedule is to hold a town-wide vote on what would be an addendum to the 2019 Town Plan at the 2022 Town Meeting.
- Zoning Regulations update. The PC is about halfway through rewriting and updating the 2006 Zoning regulations and believe they will be on track to finish in December. There are two possible timelines for a town-wide vote on the revised regs. One is the 2022 Town Meeting. While it would be procedurally possible to put them up for a vote then, there would be a crunch and it would be difficult to do outreach. There could be a special vote in June or a vote during the 2022 November General Election or perhaps interim zoning.
- Another Planning Grant. Sandy said another municipal planning grant is available that could theoretically cover additional consultant fees for the zoning update. However, notification of receipt is in December and by then the zoning update work will be done
- Walkable Village Scoping Study. Sandy said the PC and the Board have received correspondence from residents of Church Street expressing concerns for plans for their neighborhood. She said that's the idea of the scoping study – to find out the exact feasibility and costs of obtaining easements and rights of way. She said the PC is holding landowner meetings this month to discuss those issues with the same residents.
- River Overlook Grant. The grant to build overlooks along the Winooski behind the Planetary Matters complex is moving forward slower than hoped, she said. They have to work out language for easements and seek permission from VELCO. She said there are "some hurdles."
- Assistant Zoning Administrator. Sandy said the PC has received applications from one and maybe two candidates for an assistant zoning administrator to serve as backup to the Town's ZA, Kevin Thompson. She said the matter will likely be taken up at the next PC meeting and the recommendation passed to the Select Board for approval.

Peter urged the PC to think very carefully about holding a special Town Meeting vote on the zoning regulations; Sarah noted the August 2022 statewide primary might present another opportunity.

MOTION: Mitch moved and Elias seconded adjourning the meeting. The motion passed and the meeting adjourned at 5:56 PM. Mitch, Elias, Sandy and Roy left the meeting.

Setting the 2021 Total Town Tax Rate at 0.5269

Dorinda presented three different scenarios for the Town residential and non-residential tax rate noting that the homestead education rate provided by the State actually decreased this year from 1.795 per \$100 of property valuation to 1.7890 while the non-residential education rate increased from 1.6456 to 1.6811 – though it’s still lower in Middlesex than the homestead education rate. If the Board chose to level fund the 2021 Total Town Tax Rate at 0.5269, which it could do due to an increase in the 2021 Grand List, the funds raised could still cover the 4.5% budget increase approved by the Town voters at the 2021 Town Meeting (held by Australian ballot due to COVID concerns.) If the Board chose this option, the total residential rate for Middlesex would decrease from 2.3220 in 2020 to 2.3159 in 2021 while the non-residential rate would increase slightly from 2.1725 to 2.2080. The Board and Budget Committee reviewed the proposals and agreed level funding was preferable

MOTION: Steve moved and Mary seconded approving a Total Town Tax Rate for 2021 of 0.5269. The motion passed. The Budget Committee left the meeting.

Highway Department Update

Vic said many items of machinery used by the Highway Department are broken, including a rented mowing machine. He said the machine itself was hard to control because it was more of a chain cutter than a rotary. Peter said if this means the Road Crew has to put in overtime to get the mowing done, then they should do so. Liz asked who was responsible for cutting at the corner of Culver Road and VT 12, the State or the Town? Vic said whoever gets there first. Also, the 2008 excavator has stopped working, possibly due to a gear issue. The question is, how much does the Town want to spend on a \$40,000 excavator. Peter said it has to be fixed since it has no value. It was the Town’s first excavator and wasn’t due to be replaced until 2024 or 2025. Liz said considering the way the equipment’s going, the Board might want to increase the budget for highway repairs. Peter asked about an extended warranty for the new grader; Vic said the only one available is the seven-year one that comes from the manufacturer. Peter asked him to look further. Randy brought up the fact that a member of the Road Crew could authorize an expensive repair without higher approval and referred to the Town purchase policy, though that’s only for bids and purchasing, not repairs. The Board discussed this.

Approving a \$175,000 Agreement with State of Vermont for Repaving Center Road

Vic said the Town will have to make up the difference when it repaves Center Road in the spring of 2022 since the grant pays for only \$175,000 and the project will cost over \$300,000. The Board asked if the costs could be reduced by the road crew doing some of the work; Vic said the crew could do some preparation. He asked if the Board wanted the five or seven culverts replaced since most are in pretty bad shape. The Board was inclined to do so, though a decision was not pressing.

MOTION: Phil moved and Steve seconded approving the \$175,000 Grant Agreement with the State of Vermont that includes a 20% Town match. The motion passed and the Board designated Liz as the signatory.

OTHER BUSINESS

MOTION: Steve moved and Phil seconded approval of the June 15, 2021 Select Board minutes. The motion passed.

Collector of Delinquent Taxes David Smith told the Board that he had referred six parcels to the Town Attorney for tax sales on June 10, 2021. Since then, three of those delinquent taxpayers have paid their taxes in full. He noted there were no tax sales in 2020 due to COVID and other reasons. Those remaining have not made any attempt to pay their overdue taxes. The three taxpayers/property owners are: Tammy and Richard Hoermann of 51 Daniels Farm Road; Portal LLC of 17 Portal Road and Donald Pierce of 53 Lower Sunnybrook Road. The Board noted that Donald Pierce had recently died.

MOTION: Phil moved and Liz seconded appointing David Lawrence as Middlesex Representative to the CV Fiber Board and Wendy Freundlich as alternate. The motion passed.

The Board confirmed that Jason Merrill had been reappointed Town Fire Warden at the March 2021 Organizational Meeting and members present signed the State form authorizing such.

All orders were approved.

The Board discussed its Special Meeting at 6 PM, July 13, 2021, in the Middlesex Volunteer Fire Department building in Welch Park and decided that an informational meeting should be held at the July 20, 2021 regular Select Board Meeting to solicit public input on how ARPA/CLFRF (coronavirus-relief funds) should be spent.

The Board adjourned at 7:09 PM.

Respectfully submitted by 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 JULY 20, 2021.

PETER O. HOOD, CHAIR

MARY JUST SKINNER, VICE CHAIR

PHILIP HYJEK

STEVEN MARTIN

ELIZABETH SCHARF