

**Select Board Members**

Peter Hood, Chair  
 Liz, Scharf, Vice Chair  
 X Brigid Browning  
 X Randy Drury  
 X Vic Dwire

**Middlesex Select Board**  
**Tuesday, April 4, 2023**  
**Middlesex Town Hall and via Zoom\***  
**Middlesex Town Clerk's Office**  
**5 Church Street**  
**Middlesex, Vermont 05602**  
**(802) 223-5915**

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**MINUTES**

**PRESENT:** Peter Hood, Chair, Liz Scharf, Vice Chair. Members Brigid Browning\*, Randy Drury (who is also a member of the Budget Committee) and Vic Dwire, who is also Road Commissioner. Treasurer Dorinda Crowell. Road Foreman and MVFD Chief Eric Metivier. Budget Committee Chair Mark Harris and Budget Committee members Zara Vincent\*, Elias Gardner\* and George Longenecker.\* Former Road Foreman Paul Cerminara.\* Samantha Beaudoin, Stephen Dennis and Shelly Desjardin. Planning Commission Chair Sandy Levine. Russ Bennett of the Galaxy of Yes. Craig Jewett and Eric DePhillips of Otter Creek Engineering. The meeting was recorded by ORCA and Select Board Assistant Sarah Merriman took the minutes. \*Indicates attendance by Zoom.

**Call to Order, Welcoming Guests, Approving Minutes and Agenda**

Peter called the meeting to order at 5:00 PM and welcomed guests.

**MOTION:** Randy moved and Liz seconded approving the minutes of the March 14, 2023, Special Select Board meeting. The motion passed and the minutes were signed.

**MOTION:** Liz moved and Randy seconded approving the minutes of the March 21 regular Select Board Meeting. The motion passed and the minutes were signed.

The Board reviewed the agenda for the April 4, 2023, Select Board meeting. There were no amendments.

**Updating the Budget Committee's Capital Improvement Plan Tracking Process**

Mark referred to a proposal updating Section 8 of the Capital Improvement Plan that speaks to how the Town's assets, needs and expenditures are tracked. With the Board's approval, this section will now include instructions on how to move assets that need to be purchased into a category of purchased or financed once they are obtained, while calculating those assets' replacements down the road. The instructions will ensure that future members of the Budget Committee or anyone coming in cold to deal with the CIP will know how to keep track of assets. The Board discussed how the committee would determine the cost of buying an asset when it's due to be replaced. Mark said that would happen as part of the annual budget process. Dorinda noted the purchase of major assets, aside from Town trucks (depending) will need to be approved by the voters.

**MOTION:** Liz moved to approve the changes to the process section of the Capital Improvement Plan; Vic seconded. The motion passed. Mark left the meeting.

**Highway Report**

**Road sweeping:** Vic said he'd like to hire a sweeper to sweep up winter sand of intersections on several roads for the safety of motorcycles. Examples would be the intersections of Wood and Shady Rill and Government Hill. The expense is not budgeted and it wasn't done last year because there wasn't a foreman. Dorinda said street sweeping has never been a line item.

**Center Road cracking:** Paul asked about cracking on the newly paved section of Center Road, especially on the part that was "bo-magged," (i.e., the old paving was ground up and replaced as a base) just last summer. Paul suggested calling the paving company. Eric said he would Randy noted this has been an issue the Board has been discussing. Peter asked if there was some sort of sealant that could be put down. Vic said there is a process for that.

**Mead Road conditions:** Vic asked for an update on the Mead Road issue where a property owner has been allegedly grading and ditching the Class 4 road in violation of the Town's Class 4 Road Ordinance. Peter said he spoke to the Town Attorney who wants to review the ordinance before taking any action. Peter's suggestion was the attorney write a cease-and-desist letter to the property owner; if the owner continues working on the road, then the Town will take further action. Vic suggested dumping a few loads of gravel to define the road's perimeter and perhaps invite the owner to attend a Select Board meeting. Randy said the owner has attended prior Board meetings and was told to cease and desist. Peter said he was more inclined to go the lawyer route. Stephen said the prohibition on residents improving town roads is in state statutes. Peter said the town ordinance is built on Vermont statutes. He said this is uncharted territory for the Town. If the property owner continues to mess with Mead Road, he can be cited on a municipal ticket, in which case there will be no cost to the Town, or sued, in which case there may be considerable costs. Shelly asked if it was okay for her to snowplow Mead Road so her daughter can get in and out of her house in the winter; Randy said the issues are not comparable. Peter said the practice is to plow the road to your property line or, if the neighbors agree, to theirs. Peter said he would get in contact with Vic and draft a letter.

**Payroll:** Vic asked if he needed to sign the Road Foreman's payroll report. The Board agreed that this had been only discussed in prior meetings; it's not policy yet. Peter said it's not a good practice for someone to sign their own time sheets. Vic said every time the Board signs the orders, it's approving time sheets. It was the Board's understanding that this would be something to discuss in the future. The Board agreed that paid time off cannot be used to go over 40 hours; Randy said that's a clarification of existing policy which the Board will again review when it takes up the personnel policy this year.

**Planning Commission Updates: Cannabis Control Board Suggestion & PC Update**

**Cannabis Control Board:** Sandy referred the Board to an email she sent along with links outlining the benefits, authority and limitations of creating a local cannabis control board. The Select Board could act as the cannabis control board just as it acts as the local liquor-control board now, signing off on the applications from local businesses for liquor licenses (or their renewals) before sending them to the state. In this case, should an entity want to sell cannabis in Middlesex, it would have to first seek Board approval Sandy said the Planning Commission had no recommendation on this issue; she was merely bringing it to the Board's attention. Liz said it's worth inviting Ann Gilbert who's been working with towns to create cannabis commissions. Brigid said 30 Vermont towns have designated commissions and emailed the Board a resolution template. The Board agreed to investigate this further.

**PC UPDATES:** With the new Land Use Regulations approved by the voters at the March 7, 2023, Town Meeting, Sandy said the PC is still pursuing bringing in sidewalks and other measures to slow traffic in the village. She said she was disappointed that VTrans paved US Route 2 last summer without putting in bike lanes or sidewalks. The PC may consider a demonstration project this summer by temporarily installing barriers along US Route 2 or crosswalks across Route 2 connecting Camp Meade to a restaurant across the street. This spring, the PC will take a closer look at conservation and wildlife planning and would like to meet with Middlesex residents to find what places in town are important for those purposes. The PC plans to mail a survey about conservation issues and hopefully discuss the results at its May meeting. Eventually, the info/map may be used to update the Town Plan. A longer-term project would be to take a closer look at water and septic issues in the village which is stymied by its water/sewer potential, she said.

### **Municipal Water/Sewer Potential for the Village**

Russ, whose partnership called The Galaxy of Yes purchased significant acreage at the intersection of Center Road and I-89 two years ago, said his plans for the property include building a daycare for 150 kids, a barn-like structure that might contain “maker space” along with multi-family housing for a range of incomes. To that end, relying on information gathered by Stone Environmental in 2000 at the request of the Town, his company has been investigating water sources on the property. Turns out, two test wells are producing 50 gallons/minute. He said there’s enough head pressure on the property to deliver a lot of this water to the village. The question is whether the Town would be interested in creating a municipal water system of some sort. If so, then Russ said his company would have to install a much larger storage tank and larger pipes to handle the capacity.

Currently, he said, most of the village operates with 19<sup>th</sup>-century technology for water and sewage disposal. He said he wasn’t looking to gain anything; municipal water could promote development in the village since most commercial buildings need to have sprinklers which might not be operable on well systems. Moreover, there is a once-in-a-generation disbursement of federal money for communities to develop municipal water systems these days. He said he’s already bought the land and drilled the wells. He wouldn’t sell the water and might be able to help with a match as is often required with federal and state grants.

Craig confirmed that Russ’s property has the capacity to supply this water. Moreover, the delta between what the Town would need vs what the Galaxy of Yes would need to create its own water supply would not be that huge. He said Berlin is an example of a community thriving on its own water system and many in town wished they’d separated from Montpelier’s system long before.

Stephen asked about the Build Back Better grants for such infrastructure. They might come in handy. Liz asked if the Town goes forward with a municipal water system, would the Galaxy of Yes be part of that? Russ said that would be a topic for future discussions, though likely the Galaxy would be included. She asked if the individuals would have to pay to hook up to the system, or would connections be part of the larger project. Craig and Russ said part of the larger project. If property owners want to stay with their wells and not hook up, is that possible? Yes. No state statutes force property owners to hook up to municipal systems. However, if the Town is serious about this, Russ said, then the Town should be prepared to control every aspect of that system.

Liz asked about cost. Craig said Russ’s costs would be \$3-4 million for a water system on his property. For the Town, the costs would be 50% more if it creates a municipal water system. It all comes down to how much Village interest there is in hooking up and how many people would join.

Stephen asked about the impact on properties abutting the Galaxy of Yes land and wells. Craig said Russ wouldn’t be pulling from anyone else, though they will study the effects within a 2,000-foot radius. Abutting property owners will be offered to have their wells tested.

Peter said it’s safe to say the Board is interested, but what would be the next steps? In a prior effort to create a “water district,” everything was going along smoothly, he said, until the participating property owners discovered it would cost them \$300 a year in water bills. Craig said \$300 would be nice; the cost is much higher now, though it’s difficult to estimate what those bills would be with no info on how many tie-ins there would be to the system.

Craig said the next step would be for the Town to send surveys to those who would be served by the system. He stressed it’s never cheaper to begin an infrastructure project than today; costs are only going to rise. And with a windfall of federal money available for such projects, now is the time to act.

Sandy said some village residents have urged the PC to look at water and sewer within the last year. That’s what caused the PC to put this subject on its work plan. Russ said it’s hard to go back once the system is in place. For example, if the Town decides not to go down this road, then he’ll put in a 1,000-gallon tank vs. a 500,000-gallon tank and 8” pipes instead of 12”.

Randy asked for a breakdown of costs. What would be the cost of putting in a 500,000-gallon tank and 12” pipes that the Town might hook into in the future? Randy makes sense to reach out and see if there’s interest. The Board agreed. Russ said Galaxy would foot the cost of the survey since it’s a great opportunity for the Town of Middlesex. Peter asked them to connect with Sarah to get a mailing list for the survey. Russ, Craig and Eric left the meeting.

### **2023 Local Emergency Plan Approved**

**MOTION:** Liz moved and Vic seconded approving the 2023 Local Emergency Plan. The motion passed and Peter signed the plan.

### **Select Board Goals for 2023**

- Update the personnel policy to consider such issues as time off (for bereavement, vacation and personal), overtime and summer four-day work-week hours.
- Investigate the creation of a cannabis-control board
- Study the needs/costs of creating a municipal water system for the village
- Continue to allocate ARPA money
- Dissolve Welch Park and/or the Town’s handling of common expenses
- Continue renovation plans for Town Hall and the future of the old fire station behind it
- Apply for municipal energy grants and determine which grants to apply for and how
- Plan how to rehab/rebuild the Town Shed
- Pass an updated, legal speed ordinance
- Address the state of the bridge at Wood and Shady Rill roads
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**OTHER BUSINESS**

Paul asked about the lifespan of the Town pit. How many years will the Town be able to use it for winter sand? Vic said it's assessed on an annual basis. Paul warned that hauling sand from other sources will be expensive and will need to be budgeted.

**MOTION:** Vic moved to reappoint Adele McDonough to the Central Vermont Solid Waste Management District; Liz seconded. The motion passed.

**MOTION:** Liz moved and Vic seconded accepting Matt Schley's resignation from the Middlesex Conservation Commission since he's moving out of town. The motion passed and Liz and the Board thanked Matt for his service.

**MOTION:** Vic moved and Randy seconded approving renewing Roots Market's 2<sup>nd</sup> Class Liquor License. The motion passed.

**MOTION:** Vic moved and Randy seconded approving a 1<sup>st</sup> and 2<sup>nd</sup> Class Liquor License for The Local. The motion passed.

The meeting adjourned at 7:20 PM

Respectfully submitted by Sarah Merriman, 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 18, 2023

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PETER O. HOOD, CHAIR

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ELIZABETH SCHARF, VICE CHAIR

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BRIGID BROWNING

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RANDY DRURY

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VIC DWIRE

DRAFT