

Select Board Members

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

Middlesex Select Board
Tuesday, June 6, 2023
Middlesex Town Hall and via Zoom*
Middlesex Town Clerk's Office
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

MINUTES

PRESENT IN TOWN HALL: Select Board members 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. Lister Shelly Desjardin and Russ Bennett, from the Galaxy of Yes. **BY ZOOM:** Select Board Chair Peter Hood and member Brigid Browning, Lisa Kolb Hazard Mitigation Grants Manager from Vermont Emergency Management, and Craig Jewett from Otter Creek Engineering. The meeting was recorded by ORCA and Select Board Assistant Sarah Merriman took the minutes. (*indicates attended via Zoom)

Call to Order, Welcoming Guests, Approving Minutes and Agenda

MOTION: Brigid moved and Vic seconded appointing Randy to run the meeting since Peter was not present in Town Hall. The motion passed and Randy called the meeting at order at 5:04 PM.

MOTION: Vic moved, and Brigid seconded, approving the minutes of the May 16, 2023, Select Board meeting. Randy noted the minutes had been clarified to specify that the Town would pay up to \$200 for one pair of safety-standard boots per year up for Road Crew employees. The motion passed and the minutes were signed.

The Board reviewed the amended agenda for the June 6, 2023, Select Board meeting. The agenda was amended to include renewals of the Central Vermont Humane Society's annual dog/stray holding contract. **MOTION:** Vic moved, and Peter seconded, approving the amended agenda. The motion passed.

Hiring NEMRC to Conduct a Town-wide Property Appraisal

Shelly said considering the recent passage of H480 - a bill granting the State Tax Department oversight to conduct townwide property appraisals every six years - the listers consulted with the Vermont Property Valuation and Review who advised hiring a private appraising firm to conduct a townwide appraisal of Middlesex since it will be some time before H480 can be fully enacted. Shelly recommended approving NEMRC (New England Municipal Resource Center) to conduct the townwide appraisal which will conclude in June 2026 and cost \$105,000, not including new parcels added to the grand list in the interim. The Town would start making payments to NEMRC of \$4,375 starting in July 2024 for 24 months Dorinda said currently there is \$52,000 in a town fund for a townwide appraisal, and that the Town roughly receives \$9,000 from the state annually. Therefore, the Board will have to include supplementing this cost in its upcoming budgets.

MOTION: Peter moved, and Vic seconded, approving NEMRC to conduct a town-wide reappraisal. The motion passed and the Listers will sign the contract.

Approving the FEMA Buyout of 28 Rich Road

Peter asked Lisa to detail how the Town would be reimbursed by FEMA (through Vermont Emergency Management) if it agreed to buy 28 Rich Road, currently owned by Jennifer Evans. Lisa said that currently VEMS estimates the total cost of purchasing the property (for \$251,715) and deconstructing all structures on the land will cost \$259,100. Middlesex has received \$20,000 from the VT Disaster Recovery Fund to supplement the 25% match of FEMA's award, which is \$179,325. In addition, VEMS is providing \$59,775 which, when totaled, equals \$259,100. She said FEMA has already indicated it is anticipating adding an additional \$20,000 in federal funds once Middlesex is able to contract for asbestos detection and demolition. Peter said he fears the costs will be substantially higher. Lisa said VEM has committed to meeting all match requirements and. In addition, there is \$8 million allotted to VEMS of which only \$2 million has been spent. She reiterated that VEM is "committed to paying the match in order to cover the remaining expenses of the grant." Peter said the bottom line is that there will be no cost/risk associated with the project for the Town of Middlesex. Lisa agreed.

Lisa said VEM never had a case where a project like this hasn't been completed. Though FEMA rules dictate that the property must be deconstructed within 90 days from the June 29, 2023, closing, Lisa said the Town can ask for an extension immediately after the closing until September 1st.

This is not the only project under this grant round so she is anticipating this won't be the only extension. Peter said he worries about finding asbestos in the house and then meeting that 90-day deadline. Lisa said neither FEMA, VEM nor Middlesex does not want to demolish the home. There is also the possibility of asking for retroactive action. She said she does not anticipate any difficulties.

Randy asked if it's possible to seek proposals and then come back to the table. His said his concern was that the Town may not be able to meet the deadlines and will therefore be burdened with costs. Lisa said FEMA is not going to allow this building to stand in a flood zone.

Peter asked if the Town can still back out; Lisa said there's no obligation to FEMA, but the homeowner has found a new home and would like to move in. Peter said that was not the Town's concern and that he shared Randy's concerns about the Town being stuck with a bill. Lisa said she didn't know how much more the program can guarantee. "We have funding as necessary and a state-funded program and can request all the extensions we need," she said. "We have no concerns about the project, about where it's at and where it's going."

Dorinda noted the closing is scheduled for two days from fiscal year's end. She said she did not want the payout to put the Town in a deficit situation if the Town doesn't receive the money from the state before then. Lisa said the Town will receive 100% of the funds before closing if it submits its signed financial report in a timely manner. Dorinda said she would prefer the Town to have funds in its account to handle the demolition expenses as opposed to spending Town money and then being reimbursed by FEMA. Lisa said it's possible for the Town to submit an invoice to receive payment first; there is a process.

MOTION: Vic moved the Peter approved participating in the FEMA/VEM buyout of 28 Rich Road for \$215,728 (including prorated taxes). The motion passed.

MOTION: Vic moved, and Brigid seconded designating Peter as the signatory on all closing documents transferring ownership of 28 Rich Road to the Town of Middlesex. The motion passed.

MOTION: Vic moved, and Brigid seconded authorizing Dorinda as Treasurer to sign the financial reporting forms related to the 28 Rich Road purchase and demolition. The motion passed. Lisa thanked the Board and left the meeting.

Highway Report

Eric said yellow lines were painted on Three Mile Bridge Road and Center Road. Eric said roadside mowing will take place in the middle of July. The Town is renting the tractor; crew is doing the mowing.

Galaxy of Yes Municipal Water Discussion

Russ recapped an offer he made to the Board at its April 4th meeting: having discovered a large aquifer with potential to bring water to the village of Middlesex on property he purchased off Center Road, he is proposing that the Town create a municipal water district for the village to promote residential and commercial development, one that would also service development he plans for his own property. Russ circulated a draft survey to be sent to those living in the proposed service area inquiring about their water needs.

Peter said people are going to want to know what this project will cost the Town and what it will cost them as users. He asked for rough estimates. Peter said he couldn't envision the Town moving forward without a substantial grant.

Russ said the village can't grow or maintain itself without better water. He estimated a system would cost in the \$7-12 million range, though there may be federal and state money that would pay for 80% of that cost. He said the Galaxy of Yes would be willing to pick up the cost for a match since \$2 million would be the cost for building a water system just for his development off Center Road.

As for the water rates, he agreed they couldn't be onerous. On the other hand, users wouldn't be responsible for the 20% debt service, since Galaxy would pay for that, so maybe that would keep costs in line.

Peter said he was confused by wastewater questions on the survey. The issue is potable water, not wastewater. Russ said municipal water would eliminate the need for wells which would free up more locations for septic systems. In addition, a water system could supply hydrants, thereby lowering insurance costs for village residents and buildings could be higher.

Craig said Otter Creek has conducted several such surveys in other towns and there are baseline questions that need to be answered. First, is the question of need. Assuming there is a need, he said, the next step is to investigate several funding options; the USDA Rural Development division and the State's revolving loan funds have been good sources. Next would be a preliminary engineering study that produces a document

outlining alternative systems and future costs. That give the Town the opportunity to decide whether to go forward and pick a design. After that, the Town would need to consider a bond vote and construction.

In between, the Town would need to conduct an income survey for the service area. A user base with lower income is more likely to receive federal funding for a water system. There are many “off ramps” to the process, Craig said. Saying yes now doesn't mean saying yes permanently.

Peter said he's heard from a dozen people in town who say they don't want to pay for a water system in the village. Russ said the grants and user fees would cover the costs of the system and the rest of the town wouldn't be burdened.

Dorinda asked who would bill the users, noting it's impossible to separate the bookkeeper's administrative costs. Therefore, this will impact all taxpayers. If not, can 35 households pick up all those costs?

Craig said operational costs include the administrative costs which would be broken down per user cost. The water system should have no impact on the property tax rate. Peter suggested beginning the process. Russ and Craig said the Galaxy of Yes's own development needs to get started soon for its own purposes. Sarah said if the survey goes out on Town letterhead, as Russ and Craig suggest, then there should be a paragraph explaining the Galaxy of Yes's aquifer discovery that spurred this discussion. Peter suggested that the questionnaire consist of no more than one page; it's simply to take the temperature of the users.

The Board agreed to edit the survey as a group at its June 20th meeting. Peter said it's important to build community consensus before going forward. Craig and Russ agreed to attend the next meeting and then left.

Continued Review of the Town Personnel Policy

Section 23: Personal Leave. The Board discussed modifying this to include employees hired mid January. No change other than changing 8 hours to 24 hours.

Section 24: Parental and Family Leave No change.

Section 25: Short Term Family Leave. No change.

Section 26: Leave of Absence without Pay No change.

The Board discussed bereavement leave which is not addressed in the policy and decided there was enough paid time off with vacations, sick and personal time to cover bereavement. This should be handled on a case-by-case basis, though the Board agreed no one should have to go without pay to deal with a death in the family.

Section 28: Jury Leave. No change

Section 29: Overtime. Eric asked that the policy allow Road Crew employees to put in for overtime even if some of the 40 base hours are vacation, sick or personal time. He said the currently if an employee is called in to plow on Saturday and Sunday or after hours, he does not receive overtime if during the following 40 hours he gets sick or takes paid time off. Eric said, if the employee wants to use up his PTO that way, that's up to him. He shouldn't have to be forced to work during those base 40 hours. Sarah said the Fair Labor Standards Act, on which this section of the Town's personnel policy is based, says overtime can accrue only after 40 worked hours. However, the Town can rewrite that policy.

Brigid said she was inclined toward leniency. Randy said, in that case, then work a structured working day – from 7AM to 3 PM. Peter said overtime refers to work and worked hours. Otherwise, the Town is buying out vacation time. He said the Town has provided generous pay raises. Part of the Road Crew's job is to come on the weekends to plow snow. He and Brigid suggested passing over this section for later. Vic said Road Crew employees are hesitant to take time off during the winter for fear of losing overtime. That means they take their vacations in the summer and summer maintenance is neglected as a result.

Eric said he doesn't see how allowing employees to use their PTO on overtime weeks costs the Town extra money. Eric said this was allowed in his previous municipal job. All an employee had to do was account for 40 hours either with personal time, vacation, or sick leave. Randy suggested revisiting this issue and the rest of the personnel policy at the June 20th meeting. The Board agreed and Eric left the meeting.

OTHER BUSINESS

MOTION: Peter moved and Brigid seconded ratifying and authorizing catering permits for The Local and All Good Eats previously approved by the Town Clerk and granting the Town Clerk permission to decide on all catering permits going forward. The motion passed.

MOTION: Peter moved, and Vic seconded approving the annual speed-enforcement contract for FY24 with the Washington County Sheriff's Office. The motion passed and members present signed the contract.

MOTION: Peter moved, and Brigid seconded approving the FY24 dog/stray holding contract with the Central Vermont Humane Society and designating Randy as the signatory. The motion passed and Randy signed the contract.

Welch Park update: Peter said the lawyer is drawing up documents. Benderson has tentatively agreed to allow the MVFD access to water if the Town takes over the roads.

Members present signed the orders.

The meeting adjourned at 7:22 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 JUNE 20, 2023

PETER O. HOOD, CHAIR

N/A
ELIZABETH SCHARF, VICE CHAIR

BRIGID BROWNING

RANDY DRURY

VIC DWIRE