

Select Board Members

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

**Middlesex Select Board
Regular Meeting
Tuesday, August 1, 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: Chair Peter Hood*, Vice Chair Liz Scharf, Select Board 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. FEMA Town Project Manager Steve Martin. Road Foreman Eric Metivier. Montpelier City Communication Officer Evelyn Prim. Steven Dennis. Zoning Administrator Kevin Thompson. Planning Commission Chair Sandy Levine* Eric Kemp*. Select Board Assistant Sarah Merriman took the minutes. (*indicates attended via Zoom)

Call to Order, Welcoming Guests, Approving Minutes and Agenda

MOTION: Peter moved, and Randy seconded approving the July 18, 2023 Select Board minutes. The motion passed.

MOTION: Randy moved, and Peter seconded approving the amended agenda for the August 1, 2023, Regular Select Board meeting. The motion passed.

Highway Report – Flood-Repair Update & FEMA Contract Approval

Steve Martin said Dale Percy has been on Brook Road and should be finished with the big work this week. Then they will be completely done. All Seasons has been on Lower Sunny Brook to install a second set of twin culverts. J. Hutchins will complete culvert repair on Culver Hill and Government Hill. A 4-foot cross culvert has been installed in Norton Road. Next, they will address a big washout up the road. That will be completed tomorrow, and Norton Road will be done. Jason Merrill has been working on McCullough Hill Road. His crew repaired washouts so traffic can get through. He installed a 7-foot culvert on Portal Road by piecing it and patching it back together. He installed a new culvert at the start of Notch Road. Top gravel will be done by the town, or it might be sent out for bid work.

Eric is going to have Jason Merrill repair holes on the new blacktop part of Shady Rill Road. Fortunately, they're on the side that doesn't have the finished coat. They will cut out the ruined pavement and patch so Pike Industries can patch and do a topcoat.

John Picard and Ray Hickory are completing driveway culverts that intersect with roads.

Eric, Vic, and Steve will assemble packages to send out to bid for work on the remaining roads. Hopefully, they will be sent by the first of next week. Steve said he classified the work done thus far as "emergency work" since it was done on the roads where drivers would have gotten hurt or killed. Randy asked if any of it is finished work; Steve said much of it is finished work.

Liz asked if there's enough in reserves to pay these contractors. Dorinda said the Town will go as far as can with money that exists; it's okay for right now. No bills from contractors, but there are bills for gravel, etc. Dorinda asked who was operating the excavator that Kevin Frink ran. Eric said no one asked him (or several others who independently repaired driveway junction.) Randy said the Board discussed this activity and will try to submit the bills to FEMA for reimbursement. He said the big question is whether FEMA will want coordinates and photos pre and post repairs. Big question want coordinates and photos pre and post, he said. Dorinda said she needed more documentation from these unsolicited contractors, such as certificates of insurance, which FEMA demands. Otherwise, it's questionable as to whether they'll get paid. Eric said they helped in the first 48 hours after the flood.

Brigid said the Middlesex Community Fund might have money to pay some of these unsolicited contractors. Peter said some of this work is not going to be reimbursed. The Town just must remind everyone to turn in the necessary paperwork and the Town will do its best to get them reimbursed.

Sarah outlined what was learned during the FEMA Teams meeting on Monday regarding contracts and bids, noting that the bidding/contract process was the key area where Towns were likely to fall short and be obligated to pay back FEMA funds.

The Board reviewed a sample contractor contract for FEMA work that's based on the VLCT model contract with FEMA additions. Randy asked for clarification of a line in Section 2. This was corrected to note address for billing/invoice. The Board discussed who should be authorized to sign these contract Dorinda said several binders going around.

MOTION: Peter moved to approve the FEMA contract template with changes and allowing Eric to sign on behalf of the town. Randy seconded. Motion passed.

Vtrans Center Road Curve Project Approval

The Board considered a request from Joe Vanacore, Transportation Designer for Vtrans, about installing signage at a potentially dangerous intersection of Center and Brook Roads at no charge to the Town. Peter said this was the result of a meeting with Vtrans several years ago. Once the signage is installed, the Town must maintain it. Meanwhile, motorists will have to learn new traffic patterns since traffic will stop at Brook Road instead of at the bottom of Center Road. Peter said the Town might want to put up some stop-sign-ahead signs.

MOTION: Randy moved to approve the curve project and Victor seconded. The motion passed.

Waiving Flood-Related Permit Fees

Kevin asked the Board to consider waiving all permit fees for any improvements in the flood overlay district where any improvement over \$500 needs a permit per FEMA requirements for the Town to continue participating in the National Flood Insurance Program. Anyone living on Three Mile Bridge, Lower Sunny Brook, Cross, and US Route 2 will need a permit, as will the owner of a camp off VT Route 12, shortly after crossing the bridge. One or two houses in Putnamville might also require permits.

Kevin said he'll talk to Sandy Levine of the Development Review Board about finding a way to avoid the conditional use reviews in any of these permits because it's a process that takes a month or two in order to get a permit. Most of the affected properties are in the floodway which is even more strict than being in the flood zone.

Kevin said the Town must abide by FEMA rules on these projects. He said he's been working with the State floodplain manager for the Middlesex district, touring the flooded areas and figuring out where the highwater marks were. From that data, Kevin will have to determine which properties were damaged by 50% or more. If so, the entire property will have to be brought up to FEMA standards, not just the improvements. If the Town fails to impose these rules, everyone in Middlesex will be booted out of the flood-insurance program. Randy suggested a sunset to the fee waiver; Kevin said FEMA has already imposed a sunset of 180 days from the event of July 7, 2023, when the first flooding in Vermont occurred.

MOTION: Randy moved to waive flood-affected permitting fees for repairs in the Town flood zone to be sunset 180 days from the flood; Vic seconded. The motion passed.

Ratifying an MOU with the State of Vermont for Disaster Debris Removal

Sarah said she and former Emergency Management Coordinator Paula Otenti needed to sign an MOU with the State of Vermont for flood-debris removal by a FEMA-approved contractor on July 27, 2023, and asked the Board to ratify their agreement.

MOTION: Peter moved, and Randy seconded ratifying the MOU with the State of Vermont for Disaster-Debris Removal. The motion passed.

Presentation by Evelyn Prim, Montpelier Communications Coordinator

Evelyn, a Middlesex resident, said she was making the rounds around towns abutting Montpelier to let them know that as communications officer, her job is to effectuate the Montpelier City Council's goal of forwarding responsible and inclusive government. The city is aware that the community extends beyond Montpelier's borders. She noted everyone can benefit from more communication and cited as an example the city's Department of Public Works' weekly newsletter, which is very popular, and the City's Facebook page which was a key source of information during the flood. Board members inquired about Montpelier's rebuilding efforts; Evelyn said most businesses have indicated they will stay. The Board thanked Evelyn for her visit.

Awarding the Demolition of 28 Rich Road to All Terrain Excavating

The Board reviewed the three lump-sum bids the Town received after posting requests for proposals for the demolition of 28 Rich Road which the Town purchased as part of a FEMA buyout. All Terrain Excavating out of South Burlington was the lowest at \$34,304; J. Hutchins, Inc. came in at \$42,300 and Blue Mountain Trucking proposed doing the demolition for \$42,500.

MOTION: Vic moved, and Randy seconded, awarding the 28 Rich Road demolition project to All Terrain Excavating for \$34,304. The motion passed.

Treasurer Report

Dorinda asked again if the Board wanted to move forward with RBTech's proposal to build and install a new Town server for \$17,000. The Board discussed using refurbished equipment and the terms of the warranty. Dorinda said she would call RB for more info.

OTHER BUSINESS

- Welch Park update. No news.
- All orders were signed. Liz thanked the finance department for sending them earlier.
- Brigid apprised the Board about how the Middlesex Conservation Commission was overseeing the USDA's Watershed Management grant program.
- Eric Kemp complained about water runoff on Wood Road that's been a problem for his sister, Iona Kemp. Vic said it's a pre-existing issue and ongoing problem that wasn't created by the flood rains. Sarah asked if it could be repaired and, if so, could that be part of the package for FEMA bids?

- Peter referred to an email Tuesday morning from Paula Otenti who was stepping away from the emergency management coordinator role. As Emergency Management Director, he's now getting calls that normally would have been sent to her. He suggested the Town actively look for her replacement. He also said Paula put forth a tremendous effort in handling the flood and suggested a gift. Randy asked Sarah to post this opening on Front Porch Forum while the flood was fresh in people's minds with the hope of getting a good-quality candidate.

The meeting adjourned at 6:44 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 AUGUST 15, 2023

PETER O. HOOD, CHAIR

ELIZABETH SCHARF, VICE CHAIR

BRIGID BROWNING

RANDY DRURY

VIC DWIRE

DRAFT