

**Select Board Members**

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

**MIDDLESEX SELECT BOARD**  
**Tuesday, September 5, 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:** 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. Road Foreman and MVFD Chief Eric Metivier. Larry Becker from the Conservation Commission and Bob Thompson, NRCS Watershed Program Manager for Vermont, \* Lister Shelly Desjardin\*. Town Highway FEMA Project Manager Steve Martin. Mead Road residents Steven Dennis, Samantha Beaudoin and Evelyn Prim. Former Road Foreman Paul Cerminara.\* Select Board Assistant Sarah Merriman took the minutes. (\*indicates attended via Zoom)

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

Peter called the meeting to order at 5:04 PM

**MOTION:** Liz moved, and Vic seconded, approving the August 15, 2023, Select Board minutes. The motion passed.

**MOTION:** Liz moved, and Vic seconded approving the August 16, 2023, Select Board Emergency Meeting minutes. The motion passed.

**MOTION:** Liz moved, and Vic seconded approving the August 17, 2023, Select Board Emergency Meeting minutes. The motion passed.

**MOTION:** Vic moved, and Randy seconded approving the amended agenda for the September 5, 2023, Regular Select Board meeting. The motion passed.

**Approving a Letter to the USDA Natural Resource Conservation Service**

Larry explained that the MCC has been working with Middlesex homeowners and the NRCS to develop a list of properties abutting waterways that could benefit from hazard mitigation offered by the USDA's Emergency Watershed Protection Program. The Town will need to be a designated sponsor of this program in Middlesex and while the MCC will help administer the program, it doesn't have a bank account, Larry said. Therefore, the Select Board will need to approve participation in the program and send a letter to the NRCS within 60 days post flood, i.e. September 11, 2023.

Bob gave a PowerPoint presentation on how the program works. Properties affected by the recent storm are not eligible. However, properties at risk of damage/erosion from the next storm are. If they are approved, then the Town must hire an engineer to assess potential risks and mitigation, including removing debris from river and shoring up banks with riprap. The USDA will pay 75% of the costs; the remaining 25% is usually paid for by the homeowner and Bob advised the Town to hold those funds in escrow before a project starts. There is a small stipend to pay for engineering, he said.

Larry said the Town has property abutting a water source that could benefit from this program. Vic said the stone at McCullough Hill bridge has washed out and there is a big gravel deposit on the McCullough Hill road side that poses a flooding risk.

Bob said there are 80-90 sites in the program, and more being assessed. Once the assessment period is over, he will submit them to headquarters which, depending on approval, will distribute funding to towns in lump sums. Brigid asked if the Town can still add sites; Bob said there are 60 days from the letter's submission to add more sites.

Dorinda asked about interim expenses since the Town is financially strapped already due to flood recovery. Bob said there may be a few. Peter said it'll likely be months before these projects can start. Bob said likely late fall or spring of 2024. Bob stressed the letter does not commit the Town financially; it simply obligates the Town to survey the sites with the NRCS. Agreements can be cancelled up to the day construction starts, he said.

Bob said reimbursements to towns can happen a couple of weeks after the proper payment is submitted. He said there are staff to help guide communities through the process. Brigid said she's been impressed by the NRCS's responsiveness and added there will be a lot of support, including from Matt Schley, a water engineer and former head of the MCC.

Liz said this is in the best interest of the taxpayers. Randy asked if there was a time frame for getting this work done if a property is accepted. Bob said the program specifies 220 days, though his office is still working on projects from 2019.

Vic questioned whether the Town would be on the hook. Peter said escrow for the 25% matches would be required first. Bob said 50% of landowners back out for a variety of reasons. Brigid and Larry confirmed the MCC would administer this program.

**MOTION:** Liz moved, and Brigid seconded sending a letter to the NRCS in which the Town offers to sponsor this program. Peter said as far as he is concerned, he's comfortable with the financial aspects. The motion passed and Peter signed the letter. Bob left the meeting.

**Errors and Omissions on Bolduc Holdings, LLC**

Shelly explained that due to a software glitch, a subdivision of 20 acres by Bolduc Holdings, LLC did not roll over to the grand list. The Listers request a correction to the 2023 Grand List due to errors and omissions. Peter asked how this will affect tax revenue; Shelly said it will have no effect.

**MOTION:** Vic moved, and Randy seconded, accepting the changes to the 2023 Grand List due to errors and omissions re: Bolduc Holdings, LLC subdivision. The motion passed.

**Approving Buyout Application Submissions**

Sarah presented the Board with a list of residents in flood area applying for buyouts, though many might not go through with the buyouts, if approved by FEMA, depending on the pre-flood values determined by a selected appraiser for the buyouts. Approving the applications and signing the Voluntary Participation and Model Deeds does not commit the Town to the program but allows Vermont Emergency Management/FEMA to review and approve those eligible in case they want to go forward.

Owners of the following properties have applied: 70, 123, 128, 138, 140, 144, 148, 168, and 176 Three Mile Bridge Road, 42 Cross Road, and 175 VT Route 12.

**MOTION:** Liz moved, and Randy seconded approving the Town's participation in the buyouts of the above applications and designated Peter as the signatory on behalf of the Town. The motion passed.

\*\*\* At 6:02PM the Select Board recessed to participate in warned Board of Civil Authority and Board of Abatement meetings. The Select Board meeting resumed at 6:35 PM\*\*\*

**Flood Recovery Update**

Dorinda expressed concern about the bills for road repairs incurred by the July flood. She noted the emergency period has passed and no Requests for Proposals for permanent repairs have gone out to bid. Some of the invoices are too vague and need to be readdressed. She noted that J. Merrill Construction submitted a bill for \$28,000 with no breakdown of costs. She said she will be sending the bills back to the contractors for clarification.

She also asked if anyone is cross-referencing bills to make sure a material supplier is not inadvertently charging the Town for the same material on a contractor's bill. Dorinda said the Town is looking at a total bill now of \$1.173 million which exceeds the approved credit line of \$1.5 million. All the money in the fund balance has been spent. She said work needs to stop and future work needs to be put out to bid – and, yet, some contractors are still working. The bill for the Shady Rill paving project now exceeds what's available in the Town's paving fund.

Peter and Steve agreed bills need to be corrected before they can get paid. Dorinda said she can't submit a single bill to FEMA until the bills are corrected. In addition, a school payment of \$850,000 is due next month. The Town will have to review all other projects, including Town Hall renovations, because there may be no money available. If the Town can close out some projects, the Town can be reimbursed by FEMA, she said.

Steve said all the jobs can be closed out right now. Later work on the roads will be put out to bid. The issues now have to do with safety. Vic said school buses are on the road and soon winter will make the repairs impossible.

Liz asked if the Town could borrow from a different lender. The Board discussed the possibility of going back to the bank and increasing the line of credit – which has not been tapped into.

Peter asked Steve for the total cost of the project once completed. Steve said that depends on how much work is left. Vic ball parked \$2.75 million. Sarah asked for scrutiny to make sure some contractors weren't engaging in price gouging during an emergency. Steve and Vic said they scrutinize labor costs. Steve and Dorinda planned to meet to go over bills as well. Dorinda said she will ask the bank to increase the line of credit to \$3 million. If the Town is denied, the Board may have to seek other options, including holding a Special Town Meeting to go into debt. She said she has three concerns: the school bill, paying for a new rescue truck and the paving project.

#### **Treasurer's Report**

Dorinda said she touched base with RBTech who installed a new computer today. She said she stressed to them the importance of changing the email program. She said if the Town's server's not broken, it should be put on hold. The Board agreed with her assessment that emails were a priority, and the server could be put on hold.

#### **OTHER BUSINESS**

All orders were signed.

Correspondence re: Mead Road: Sarah read emails from Shelly Desjardin and Evelyn Prim concerning Mead Road into the record. Shelly said Mead Road is legally 49.5-feet wide and, as a Class 4 road, people cannot put objects in the road. She said the road is "shifting" because of blockage and other efforts to change the direction of the road. She said she and her daughter, Samantha, who owns property abutting the road, asked the Board over a year ago to maintain the Class 4 Roads & Trails policy and nothing happened.

Evelyn, another abutting owner, said she and her husband, Zach French, have also asked the Board to resolve issues with Mead Road but feels as if the Board has basically ignored them. She said they've retained a lawyer who has tried to reach out to Steve Dennis and Samantha with no response. They've also tried to resolve this through Community Justice, with no response, she said. She said she will not comment on active litigation, though she welcomed the Board to come down and look at Mead Road themselves. She implored the Board to keep an open mind.

Vic confirmed no one has requested permission from him, as Road Commissioner, to alter the roadway. Steve Dennis said according to State statutes, no one has the right to impede or change a road without prior Select Board approval. Therefore, violators are breaking the law.

Brigid asked if mediation was possible and if there was precedent for a resolution like that. Peter said no. The Board discussed where the middle of the road was. Samantha said she's in the process of having the property surveyed and has found two pins that can be used to determine the center of the road. Liz said she and Randy have visited the road recently. In her opinion, its terminus should be turned into a legal trail since it goes to nowhere (now that the interstate has been constructed.)

Peter said he wanted to look at any surveys Evelyn and Sam had in their possession, one from 2015 and another from 2018. Sarah, speaking as Town Clerk, cautioned that the only legal surveys are those recorded in the land records and cautioned the Board to be careful in putting faith in unrecorded or draft surveys.

Peter said he wanted to see both surveys, regardless, and asked the parties to deliver them to Town Hall ASAP so they could be reviewed by the Board as a whole.

The meeting adjourned at 7:57 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 SEPTEMBER 19, 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