

Select Board Members

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

MIDDLESEX SELECT BOARD
Tuesday, September 19, 2023
Middlesex Town Hall and via Zoom*
Middlesex Town Clerk's Office
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

MINUTES**SITE VISIT – Mead Road**

PRESENT: Chair Peter Hood, Vice Chair Liz Scharf, Select Board members Brigid Browning, Randy Drury and Vic Dwire (who is also Road Commissioner). Road Foreman and MVFD Chief Eric Metivier. Mark Kurts. Mead Road interested parties: Steven Dennis, Samantha Beaudoin, Evelyn Prim, Suzanne and Tim Prim, Blanche LaForce and Shelly Desjardin. Select Board Assistant Sarah Merriman.

The Board and interested parties assembled in the vicinity of 33 Mead Road at 5 PM to discuss the center of the road per surveyor pins on Samantha's property. Steven measured the road from a center marker to the abutment of a bridge that has since collapsed. The Board then recessed at 5:40 PM and reconvened in Town Hall.

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. Mark Kurts. Mead Road interested parties: Steven Dennis, Samantha Beaudoin, Evelyn Prim, Suzanne and Tim Prim, Blanche LaForce, Shelly Desjardin (who is also a Lister) along with Zach French*. FEMA Project Coordinator for Roads Steve Martin. Lister Annette Halasz 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 5:55 PM

MOTION: Vic moved, and Liz seconded, approving the September 5, 2023, Select Board minutes. The motion passed.

MOTION: Vic moved, and Randy seconded approving the amended agenda for the September 19, 2023, Regular Select Board meeting with the following amendments: extended discussion of Mead Road and approval of an Application for Certification of the Middlesex Volunteer Fire Department's wastewater permit for its station in Welch Park. The motion passed.

Mead Road Discussion

Randy said that tonight, and in previous discussions with residents of the Mead Road, there was no dispute about the center point of the road based on the pins. However, the road does not follow a straight line, he said. It has curvature. He said the Town needs to say the road is where the road is. That said, the traveled way, whether a (statutory) 22' or not, cannot be disrupted.

Liz added the Town accepts that objects like mailboxes are in the right of way (which extends beyond the traveled way). As long as a fire truck can drive down a road, then that's fine. However, since the residents want the law to be laid down, then the Town should say remove any barriers from the traveled way, don't touch the road without first seeking permission from the Town and agree where to deposit plowed snow. She said this portion of Mead Road looks "pretty darn good" for a Class 4 road compared to other Class 4 roads in town. "All we ask is don't mess around in the road" with equipment, tools and shovels. Don't put up signs. Just leave the road alone and "try to live respectfully."

Brigid agreed with Randy and Liz. Vic said the road is what it is, though it might not always have been exactly where it is now. He warned that plowing in a straight line would pile up snow in Zach French's and Evelyn's yard, which could end in a legal battle that should not involve the Town.

Peter reaffirmed what other Board members said, adding that he appreciated seeing the pins, which confirmed the center of the road. He said he was struggling with the idea that the straight line marks the road when the road curves. He disagreed with landowners putting anything, including rocks, inside the 22'-wide traveled right of way without permission from the Town. He said the rocks on Samantha's property need to be moved back so they're out of that traveled way. Standard policy is for residents on Class 4 roads to seek permission from the Road Foreman/Commissioner before removing trees in the Town's right of way or making other improvements. Normally, that's not a problem. The Town says yes, and the permissions become part of the Select Board minutes. He said the Board is not interested in making new policies. In a perfect world, all the parties on Mead Road would get along.

Steve Dennis said the issue goes beyond the location of the center of the road. He said the road had been altered in many ways. Evelyn said if she and her husband have done something illegal, she'd like to hear that from law enforcement. Shelly said she helped place the rocks along her daughter Samantha's property because cars were spinning out on her lawn. She asked how the Town would respond if they removed the rocks and the spinouts resumed. Vic said, theoretically, people could drive their vehicles where the rocks are because they're in the traveled way.

Peter suggested having the road crew grade that section of the road wider and crown the middle, so water runoff is evenly distributed. Samantha agreed with that approach and said her only issue is making sure obstacles are not placed in the roads. Evelyn agreed with the approach of widening, grading, and crowning the road and said she and her husband moved their rocks, therefore they ask their neighbors to do the same.

Peter said the Town will need to address the missing bridge and whether to install a culvert there instead. Also, perhaps the section of Mead Road beyond the abutment should be downgraded to legal trail? Steve said he's been in town for 45 years and used to plant corn in that area. He said the road now is pretty much in the same location as he remembers it.

In summary, Bridget said, Mead Road will be regraded, crowned and widened "a reasonable amount," though perhaps not necessarily 22'. In the future, the Town will build a bridge or install a culver and consider downgrading the final portion of Mead Road to a legal trail. No one is to move or manipulate the roadway. Neighbor-to-neighbor harassment, if it happens, is not the Town's concern. Everyone agreed. Evelyn said she and her husband were open to alternative means of conflict resolution. She left at 6:30 PM.

Monthly Joint Meeting with the MVFD Meeting

Eric delivered the fire department report (please see below). He said the rescue vehicle to be purchased from North Hyde Park is not ready because their new vehicle is still being built. Randy asked about a timeline; Eric said maybe next month. Liz asked about the heating system and noted that an energy resilience assessment through the Municipal Energy Resilience Project (MERP) was slated for the MVFD station in Welch Park and Town Hall. Randy suggested asking again if they can assess the heating system of the Town Shed.

East Hill & Center Roads Safety Work Bids/Excavator Research

Steve did a cost estimate of the project and ballparked it at just over \$90,000.

He asked the Board for additional time so he, Eric and Vic could open the bids and ask the bidders follow-up questions. The Board decided on an Emergency Meeting at 4:30 PM the following day.

He said he had a lot of questions about the five bids the Town received. Said he, Eric and Vic are going to have to make phone calls tomorrow. Not ready to make a recommendation, Peter asked. He suggested letting those guys do due diligence and the Board hold a quick special meeting. Steve, Vic, and Eric will follow up. Special Meeting at 4:30 PM via Zoom. The Board agreed.

Vic said he's doing a lot of work for free on FEMA. He said he doesn't want a W-2 but would like his mileage reimbursed. Peter said that would be fair.

Eric noted the current excavator is due to be replaced according to the capital plan. The Board discussed the process, including putting the question of going into debt for the excavator purchase on the Warning for the 2024 Town Meeting. If the voters approve, then Eric said it would not be a long delay to get one. Vic said the Town could save \$100,000 by purchasing a smaller excavator. Dorinda asked about the Pike bill for paving Shady Rill since it's over Pike's original bid. Vic and Eric agreed that's because the bill included paving Terrace Street.

Approving a \$3 million Line of Credit to Pay for Flood Repairs

At the Board's request, Dorinda asked Community Bank if it would extend a \$3 million line of credit to replace the previously approved \$1.5 million line of credit, which the Town has not touched, to cover road-repair expenses that FEMA is expected to reimburse. Dorinda said the Town has a good relationship with Community Bank which appreciates the funds the Town carries in its accounts and that the Town has consistently received excellent grades on its annual audits.

MOTION: Randy moved, and Vic seconded, approving a Current Expense Note Line of Credit of \$3,000,000 from Community Bank, N.A. for a term length not to exceed one year to pay for expenses related to repairing damage from the July 8-10, 2023, storm/flooding incident in anticipation of reimbursement from FEMA, the State of Vermont, and perhaps other sources. This will replace the previous \$1.5 million line of credit the Board approved on August 15, 2023. The motion passed unanimously and all Board members, the Treasurer and Town Clerk signed the loan documents.

Dorinda noted the Board received its bill from the Washington Central Unified Union School District. The first quarter, due next month, is \$914,000. Last year, each quarter was \$833,000.

Dorinda asked what to do about the education bill when the Grand List changes during the year due to errors & omissions and potential tax abatements. Is there any way to alert the state that the grand list is not as high as it previously was? The Board concluded there was no remedy.

Errors & Omissions Approved for Three Parcels on the 2023 Grand List

Shelly said that due to a software glitch, Seth Stewart's subdivision was not accurately taxed. He was taxed on the entire parcel while the new owner of the new parcel was also taxed. This would result in \$9,600 of value being lost off the 2023 Grand List. Meanwhile, Margaret Leon started a business in her home which increased her taxes by \$6,100, except, due to a computer error, her parcel was rendered inactive. This needs to be corrected. And Connor Construction received bills for property it owned off US Route 2, though it had been sold to Lamoille Valley Transit. There will be no effect on the 2023 Grand List

MOTION: Vic moved to approve the above corrections due to errors and omissions as allowed by State statute, Liz seconded. The motion passed.

OTHER BUSINESS

All orders were signed.

MOTION: Randy moved, and Vic seconded, approving the Application for Certification of an updated wastewater permit for the Middlesex Volunteer Fire Department station in Welch Park. The motion passed and Peter signed the application.

Welch Park update: No progress. The Board agreed to give the attorney researching the matter one month to complete the process.

Liz reminded the Board that Vermont Integrated Architects would present their Town Hall renovation schemes to the Board and the public at the October 3, 2023, Select Board meeting. Liz said the Town Hall subcommittee wants to understand the funding process and plans to meet with a representative from the Vermont Bond Bank, ideally with the Town Treasurer. Liz said there are many grant opportunities available, including a "thermometer" of private fundraising.

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 OCTOBER 3, 2023.

PETER O. HOOD, CHAIR

ELIZABETH SCHARF, VICE CHAIR

BRIGID BROWNING

RANDY DRURY

VIC DWIRE