

**Select Board Members**

Liz, Scharf, Chair  
 Randy Drury, Vice Chair  
 Vic Dwire  
 Peter O. Hood  
 X\_Zara Vincent

**MIDDLESEX SELECT BOARD**  
**Tuesday, April 2, 2024**  
**Middlesex Town Hall and via Zoom\***  
**Middlesex Town Clerk's Office**  
**5 Church Street**  
**Middlesex, Vermont 05602**  
**(802) 223-5915**

**MINUTES**

**PRESENT:** Chair Liz Scharf, Vice Chair Randy Drury. Select Board members, Peter Hood\*, Vic Dwire and Zara Vincent. Road Foreman Eric Metivier. FEMA Project Coordinator Steve Martin. Planning Commission Chair Sandy Levine. Ken Davis. CVRPC Senior Planner Brian Voigt\* and Conservation Commission Chair Adrienne Magida and MCC member Dave Shepard. EMC Steve Dennis. Former Treasurer Dorinda Crowell. Lister Shelly Desjardin. Select Board Assistant Sarah Merriman took the minutes, and the meeting was recorded by ORCA. (\*indicates attended via Zoom)

**Call to Order**

Liz called the meeting to order at 5:00 PM. The agenda was amended to include signing the Central Vermont Solid Waste Management annual Green Up Day grant.

**MOTION:** Vic moved, and Zara seconded approving the minutes from the March 19, 2024 Select Board meeting. The motion passed and the minutes were signed.

**MOTION:** Peter moved, and Vic seconded approving the minutes from the March 26, 2024 Special Meeting. The motion passed with Zara and Randy recusing themselves since they were not in attendance.

**MOTION:** Randy moved, and Vic seconded approving the amended agenda for the April 2, 2024 Select Board Meeting.

**Dirt Tech Awarded "C Projects" Bids to Permanently Repair Flood-Damaged Roads**

Steve said the Town received 14 bids for nine road projects. Two bidders were disqualified due to mathematical errors and omissions. Ten contractors bid all nine road projects. The ad hoc committee of Steve, Eric and Vic scored the bids according to FEMA's system. Steve explained the system and noted he estimated that the projects in toto would come out to \$2,304,958. The ad hoc committee recommends the Board choose Dirt Tech out of Colchester which bid all nine projects for a total of \$1,912,440.

Randy said he was curious about the capacity of one contractor handling the nine projects on 13 roads. Steve said they have the capacity. Vic said Steve talked to Dirt Tech and was assured they have the manpower. Liz asked if these are estimates or final numbers; Steve said there's a chance the items might change a bit. In that case, they'll do a change order to add or subtract costs. Otherwise, this is their price. Vic confirmed the estimates on the RFPs were accurate. Liz asked if Steve has ever worked with Dirt Tech. He hasn't, but Vic has.

Zara asked if it's normal for one contractor to get all the jobs. Steve said it's easier to work with one contractor than nine. Randy said he has concerns about allotting all roads to one contractor. He noted some roads were bid less by other contractors and would be in favor of splitting them up; Zara agreed. Liz said in theory that might make sense. In terms of the process with FEMA and its scoring rubric, it does look like Dirt Tech comes out with the best rating compared to others, she said. She asked if it would be disadvantageous in dealing with FEMA to use multiple contractors.

Steve said he's not sure how contractors would react to that since ten bid all nine projects. Randy noted each bid is individual by project. The Town isn't getting a volume discount. Peter said he previously thought maybe two or three contractors would be awarded bids. However, if he were a contractor bidding all nine jobs, he would hope to get all nine jobs. Also, moving equipment is a cost to consider. Anything to make these jobs go smoother would be better. He noted this is the most involved process and the most money expended the Town has ever dealt with. No one can say the Town didn't get enough bids.

Vic said there were other considerations. For example, Dirt Tech can start in May and end by October. Liz said the ad hoc committee's role was to make a recommendation and therefore she was inclined to accept their suggestion. Steve said Randy's concerns are valid. Zara said if we'd decided at the beginning to go with 3 contractors that might be different.

**MOTION:** Zara moved to award all nine C Projects to Dirt Tech, Peter seconded. The motion passed with all but Randy voting in the affirmative.

**Approving the FY25 Annual Financial Plan (TA60) for Town Highways**

**MOTION:** Randy moved, and Vic seconded approving the FY25 TA60. The motion passed and the Board signed the TA 60.

**Forming the Town Road Subcommittee**

The Board reviewed letters and emails of interest from the following Town voters eager to join the new Town Road Subcommittee: former road foreman Paul Cerminara, Richard Cowles, Ken Davis, Stephen Dennis, Matthew Dwire, Dexter Lefavour, Sandy Levine, Jessica Churchill Millard, Marianne Mullen, John Rahill, Zach Smith and Zara Vincent. The Board agreed that all should form the subcommittee which, as an entity of the Select Board, will need to post agendas of its meetings and take minutes.

Zara said she is applying for a Congressional grant offering \$75 million in earmarked money for roads. However, the deadline is April 8<sup>th</sup>, the day of the eclipse, and since Town offices will be closed, it may be a challenge to get the grant in that day. Zara said even if the Town is not awarded money, it will put Middlesex on the radar so it's eligible for future grants in the millions.

**MOTION:** Peter moved to authorize Zara to apply for the grant on behalf of the Town, Vic seconded. The motion passed. The Board suggested that, for now, Zara organize the subcommittee and serve as the liaison to the Board. The Board agreed that any Town voter interested in working on the subcommittee can join.

**Planning Commission Updates**

Sandy reported on the Planning Commission's activities over the past six months and in the future. In response to complaints and questions about roads and sidewalks on Front Porch Forum, the PC examined its role in road planning. That's why she joined the subcommittee, to coordinate. One possibility might be to apply for a planning grant to study this issue further. The PC has also recently been involved in a state study of how to build more housing. Middlesex is featured as a rural community addressing this pressing issue by allowing smaller accessory dwellings. The PC plans to address this further since there's a lot of townwide interest in this model. The PC has also been looking at walking paths for safety near Rumney and would like to invite the abutters of Shady Rill Road near the school to future meetings to discuss the possibility of allowing a path across their properties. The PC has also submitted written comments to the State regarding the Worcester Mountain range which runs through Middlesex, from the Notch to Elmore, with notes about wildlife activity.

Sandy said the PC hopes to work this summer with Camp Meade and the CVRPC to do a temporary project slowing traffic on Route 2 through the village. She said another municipal planning grant application is coming up this fall. In the recent past, the PC used that to study the Town Hall. There will be an energy fair at Rumney and some PC members are working with wildlife experts to see how to keep bears out of trash cans and compost. The PC is also eager to talk to the Galaxy of Yes about their plans for the former Colby farm on Center Road.

Liz asked about accessory dwellings. Sandy said when the Town zoning regulations were recently updated and passed, they included expanded provisions for accessory dwellings. Though there is a size limitation, any property that has a house may have an accessory dwelling as long as the owner of the house also owns the dwelling, which can be rented. Shelly noted the accessory dwelling can't be over a certain percentage of the primary dwelling. Ken said he finished an apartment for his mother-in-law that used the same septic plan, which was permitted with the new zoning.

Vic asked about the PC's comments concerning the Worcester Range. Sandy said the State Department of Vermont Forest, Parks and Recreation produced a fairly generic plan for the range. The State had recently passed a law supporting more land set aside for old-growth forestry and ecological reserves. Given that the area in Middlesex is at a higher elevation and hasn't been logged for a long time, the PC recommended the Middlesex portion of older growth forests be preserved. No decision has been made. This doesn't include the Middlesex Town Forest.

Liz asked about the Town's right of way along Shady Rill for a pathway. Sandy said Town has rec fields along Shady Rill and that's a good place to start.

**Appointing Paula Otenti to the Planning Commission**

**MOTION:** Vic moved to appoint Paula Otenti to fill a vacancy on the Planning Commission until the March 2025 Town Meeting. Zara seconded. The motion passed.

**Reappointing Larry Rooney and Sandy Levine to the Development Review Board**

**MOTION:** Randy moved and Zara seconded reappointing Larry Rooney and Sandy Levine to the Development Review Board. The motion passed, though Vic abstained.

**Contracting with New England Consulting Engineers for EWP Engineering**

After posting RFPs for engineering on the Emergency Watershed Program being offered by the Natural Resources Conservation Service, two engineering firms submitted bids: New England Consulting for \$38,004 and Fuss & O'Neill for \$165,835. The award amount for the entire project is \$459,807.70. Brian recommended the Board choose New England Consulting. Adrienne noted this award would be just for engineering, 100% of which is covered by the grant. She said all ten Middlesex property owners are interested in moving forward, though they can pull out of the program "until the shovel is in the ground." Brian said the NRCS will cover 100% of all costs and the CVRPC will work it so the Town doesn't have to float money or borrow and expect reimbursement. Brian said the CVRPC can request grant funds to pay the contractors in a timely fashion.

**MOTION:** Randy moved to contract with New England Consulting Engineers for EWP engineering services, Vic seconded. The motion passed.

Brian said the next step is to review the contract with the engineers before sending it to the Town for approval. Meanwhile, he would like a list of the contractors who responded to the RFP for the C Project roads so the CVRPC can solicit them for bids for the EWP project.

**Approving a One Mile Loop in the Town Forest**

Dave said the Town Forest management plan has a section on trails and recreational use. The MCC would like to create a loop, a shorter, easier trail around the cabins which would be only a mile long as opposed to the Chases Mountain trail which is steep and 2.2 miles. Randy asked if making a loop would limit use in the forest; Dave thought it might expand use since it's better for walking dogs or hiking with children and families.

**MOTION:** Vic moved and Zara seconded allowing the MCC to create a one mile loop in the Town Forest. The motion passed.

**Approving a Dumpster Rental for Green-Up Day**

Adrienne said Jon Udis, Green Up Day coordinator, would like the Town to rent a Dumpster to put at the Town Garage on Shady Rill for Green Up Day. She said Casella did this last year and will do it again. The costs will be \$125 to deliver the Dumpster, \$205 to remove and about \$150 for the tonnage. Dorinda noted the Town has allocated \$500 in its FY24 budget for Green Up Day expenses. With the \$400 grant from the Central Vermont Solid Waste Management District that was just signed by the Chair, that would allow for the Dumpster and the cost of any tires turned in on Green Up Day. The Board approved renting the dumpster.

**Approving a FEMA Buyout Application for Marc Steinberg’s Camp on VT Route 12**

The Board discussed whether to go ahead with a buyout application for a flooded camp that’s actually in the State-owned spillway for the Wrightsville Reservoir. Sarah said recently the Dam Division of the VT Department of Environmental Conservation, which manages that area, has been in discussions with Vermont Emergency Management, which administers the FEMA buyouts, about managing the property after the buyout of the camp is completed.

**MOTION:** Vic moved, and Zara seconded approving the buyout of the camp owned by Marc Steinberg and Linda Hsu at 366 VT Route 12. The motion passed and Liz signed the application.

**OTHER BUSINESS**

Welch Park Update: Peter said the attorney handling the Welch Park dissolution has temporarily closed her office due to personal reasons. Carl Bailin has found another attorney who promises to have the dissolution documents drawn up by the end of the month. Until then, Peter said, the Town will have to handle the Welch Park bills as it has in the past. Dorinda raised questions about the Welch Park insurance that might have already expired and three bills for stormwater engineering in Welch Park from Watershed Consulting. Peter said he would contact the insurance company about the cancelled policy and would contact the Treasurer about the other bills.

Correspondence: Liz noted that in following up Scott Isham’s concerns expressed at the March 19<sup>th</sup> meeting about hazardous branches and foliage along VT Route 12 that pose a potential danger to kids getting on and off school buses, she contacted Michelle Redmond from AOT who wrote back that the State reviewed the site and will do some brush and tree trimming along the curve. Michelle also said a Traffic Safety Investigator is issuing a work order to install the school bus stop signs in both directions. He also suggested that the Town should check the battery of the solar power radar feedback sign since it might not be charging correctly.

Sarah read an email from Nicole D’Agostino complaining about trash at the bottom of Shady Rill Road and asking if a sign could be placed warning scofflaws that littering could be fined. In order to do that, the Town would need to pass a littering ordinance. Liz suggested putting that on the list of Select Board goals the Board will consider at a future meeting. Randy also asked that the Personnel Policy be included in those goals.

Vic said a couple of culverts on Lower Sunny Brook Road may need easements from property owners where those culverts will be installed.

All orders were signed.

The meeting adjourned at 6:35 PM.

Respectfully Submitted by Sarah Merriman, Town Clerk/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 16, 2024.

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LIZ SCHARF, CHAIR

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RANDY DRURY, VICE CHAIR

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BRIGID BROWING

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RANDY DRURY

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VICTOR DWIRE

