

Select Board Members  
 Peter Hood, Chair  
 Mary Just  
Skinner,  
Vice Chair  
 Philip Hyjek  
 Steve Martin  
 Liz Scharf

**MIDDLESEX SELECT BOARD**  
**Tuesday, June 26, 2018**  
**4:45 PM Site Visits**  
**6:13 PM Public Hearing**  
**7:08 PM Regular Select Board Meeting**  
**Middlesex Town Hall**  
**5 Church Street**  
**Middlesex, Vermont 05602**  
**(802) 223-5915**

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**MINUTES**

**SITE VISITS:** Vice Chair Mary Just Skinner, Member & Road Commissioner Steve Martin, Members Phil Hyjek and Liz Scharf, Road Foreman Paul Cerminara and Select Board Assistant Sarah Merriman visited Bolio, Warren, Merritt, Chase and Knapp Roads. Paul and Steve identified plow turn arounds, road widths, maintenance issues and possible locations on Knapp and Chase roads to be downgraded/discontinued. Tamara and Patrick White were present at the Merritt Road inspection, Casey Ellison was present at Chase Road, Stephen Connor of Connor Construction was present at Knapp Road.

**PUBLIC HEARING**  
**TOWN HALL**

**PRESENT:** Vice Chair Mary Just Skinner, Member & Road Commissioner Steve Martin, Members Phil Hyjek, Liz Scharf and Chair Peter Hood by speakerphone. Treasurer Dorinda Crowell. Road Foreman Paul Cerminara. Patrick & Tamara White, Stephen Connor, Casey Ellison, Valerie Fortin and Select Board Assistant Sarah Merriman.

**Call to Order, Review of May 8, 2018 Motion and Public Comments**

Mary called the meeting to order at 6:13 PM, welcomed guests and invited comments regarding the Select Board's following May 8, 2018 motion:

To consider discontinuing OR reclassifying to Class 4 the following Town Class 3 roads:

1. Bolio Road (TH42), a 370-foot Class 3 road off VT Route 12.
2. Merritt Road (TH11), a 492-foot Class 3 road off VT Route 12.
3. Warren Road (TH23), an 804-foot Class 3 road off Culver Hill Road.

In addition, pursuant to the above cited Title 19 V.S.A. Chapter 7 and Select Board Motion passed at the May 8, 2018 Select Board meeting, the Select Board will consider discontinuing OR reclassifying to Class 4 SECTIONS of the following Town Class 3 roads:

4. A 508-foot section of Knapp Road (TH4) from the Vermont Agency of Transportation Park & Ride to its terminus.
5. A 1,014-foot section of Chase Road (TH6) from the "Town turn around" to the road's terminus at the stone foundation of the old Chase house.

**Public Comments**

Patrick White, of Merritt Road, asked why, after so many years of these roads being Class 3, did the Town want to downgrade/discontinue the five roads now. Paul said there were a number of factors, among them recent legislation mandating Municipal Roads General Permits regulating stormwater discharge from town roads. In an attempt to control engineering costs, many Vermont municipalities were looking to downgrade certain roads in their towns. In Middlesex's case, the five roads under consideration for alteration share the same attributes: they dead ended, led to only one house, and ran through one landowner's private property. It is no longer to the townspeople's benefit to maintain them as Class 3 roads, Paul said.

Patrick asked what the difference was between a Class 3, Class 4 or discontinued road. Paul explained there is no wintertime maintenance on a Class 4 and minimal maintenance in the summer. However, if a culvert should fail under a Class 4 road, the Town will repair or replace. In the case of a discontinued road, the road reverts to the landowner and becomes private property. If downgraded to Class 4, the Town retains the right of way. Patrick asked if the Board had made a decision; Mary said no decision had been made. Casey, of Chase Road, asked the Board to maintain the Class 3 status of the part Chase Road that runs through her property. She said she was led to believe when she purchased the parcel in 2012 that the road in her property would stay Class 3, especially since the previous owner, David Adams, sought to have it discontinued and was denied. She

wouldn't have purchased the property otherwise because the road maintenance would have been too much. She said there was a dispute over Chase Road's location when she sited the house and she had to spend significant money on legal fees, as well as endure a delay in construction, in order to satisfy the Town's concerns that she wasn't building in the right of way. It didn't seem fair that after all that, the Town wanted to discontinue the road.

She said she planned to subdivide the property, which might mean as many as two to three families living at the end of Chase Road in a short period of time. There would be children, so a school bus would need to be able to get to the end of the road. Liz, Paul and Steve noted school buses do not travel down several Class 3 roads in Middlesex. Still, Casey questioned whether it would make that much of a difference for the Town to maintain all of Chase Road without the 1,000-foot end to her house.

Casey said she encourages people to use the road. Mary noted that that's because it's still a town road. True, Casey said, but people driving down Chase arrive at the bottom of their road and turn around because they feel uncomfortable. Instead, Casey welcomes them.

Speaking on behalf of his brother, Fred, who could not attend the meeting, Stephen Connor reiterated that his company, Connor Construction, which recently purchased the three adjoining properties on Knapp Road, would like the Town to keep it at least a Class 4. Knapp is a remnant of the old Route 2, he said, and Connor needs it classified as a Town road to meet Middlesex Zoning requirements for road frontage. He added that the development could bring added tax revenue. The value of the land would be diminished if the road is discontinued, he said.

Mary asked if the land he owned directly abutted Route 2 for future direct access. He was unsure if the State of Vermont owned it outright or simply had an easement. Steve said it could be state owned, like Center Road.

Casey asked if it would help her case to submit a formal letter to keep the Town from throwing up the road. Mary said, at most, Casey would be looking at going from Class 3 to Class 4. She would not vote to discontinue a road with houses on it. Steve stressed Mary was not speaking for the Board as no decision had been made; Mary concurred. At any rate, Mary said there was nothing more for Casey to file.

Peter asked that the letters from Fred Connor, Barry Bolio and Bill Rienecke be read into the record; Mary did so. Casey said she agreed with the message in Bill's letter, that everyone in Town, but them, will enjoy Town-maintained roads. She asked if her taxes will go down if the road is downgraded. Liz said her property would be reassessed by the Listers.

Patrick said the Listers should not have a say in this process. Mary explained the Listers would base their process on the Select Board's decision.

Patrick asked for the Town's Class 4 road policy and whether he would have to ask permission from the Road Commissioner to improve his own road. Paul said that's the benefit of discontinuing the road – he would not have to ask permission. Mary said he should check with his bank and mortgage holder. Liz said she lives on a private road and has no issues with mortgage and insurance.

Patrick asked about liability if the road is discontinued, especially since he runs a business from his house on that road. Peter said he should consult a lawyer.

Patrick said Merritt Road requires little maintenance, so he was confused as to why the Town wanted to downgrade/discontinue it. Paul said the road crew has to go out of its way to plow Merritt Road since it does not connect with another Town road and because the Town does not plow Route 12, from which it extends. Casey agreed that her end of Chase Road doesn't get much grading and, so, keeping it Class 3 is not a big deal. Paul said it was since, like Merritt, her end of Chase does not connect with another road.

Casey said she felt like she worked with the town on prior issues regarding the road and now the Town wants to discontinue it. She felt it was very frustrating.

Stephen said, in light of reviewing the Town's Class 4 road policy, he or his brother might submit additional information. Peter encouraged all parties to submit additional information. The Board would notify them when they would next discuss the issue. The Board has 60 days from this hearing date to submit its formal findings of fact. Mary said all discussions and decisions would be made in public. Sarah would mail them agendas of pertinent upcoming meetings so they could attend or call in.

Mary adjourned the public hearing at 7:07 PM.

Patrick, Tammy, Casey, Stephen and Paul left the meeting.

## **REGULAR SELECT BOARD MEETING**

**PRESENT:** Vice Chair Mary Just Skinner, Member & Road Commissioner Steve Martin, Members Phil Hyjek, Liz Scharf and Chair Peter Hood by speakerphone. Treasurer Dorinda Crowell and Select Board Assistant Sarah Merriman.

### **Call to Order, Welcoming Guests, Amendments**

Mary called the meeting to order at 7:08 PM. There were no amendments.

### **Discussion re: Road Downgrades/Discontinuances**

The Board agreed to hold off on any substantive discussion re: the road continuances until subsequent, duly warned meetings on the subject since the interested parties had left. However, the Board settled on discussing the matter at its regularly scheduled meeting on July 24<sup>th</sup>.

### **Treasurer's Report**

Dorinda said there was \$46,000 left in the budget to carry the Town through the fiscal year ending June 30<sup>th</sup>. That would have to cover payroll, approximately \$10,000, though the number was after tonight's orders. She discussed with the Board investigating interest rates for one, two or three-year notes to pay for the new highway truck and the fire truck in September. The Board asked her to find out what Community Bank was offering and to present the results at the next meeting. Mary asked for Cemetery Commission updates; Dorinda said there weren't any. Peter asked that an item be placed on an upcoming agenda to investigate how the Town could change the Cemetery Commission from elected to appointed members. Sarah said that decision would have to be made by the Town voters.

### **OTHER BUSINESS**

**MOTION:** Steve moved and Phil seconded ratifying the Letter of Intent signed by Peter to participate in the RPC/DEC Municipal Roads Grants-in-Ad Program. The motion passed.

**MOTION:** Steve moved and Phil seconded hiring DeWolfe Engineering's Letter of Agreement for Professional Services to complete the renewal of Stormwater Discharge Permit 3519-9015.2 for \$750 plus expenses. The motion passed and Mary signed the letter.

**MOTION:** Steve moved and Phil seconded accepting the Middlesex Conservation Commission's request that Dell McDeDonough be appointed to their commission. The motion passed.

**MOTION:** Steve moved and Liz seconded approving the 7/1/18 – 6/30/19 contract with the Washington County Sheriff's Department to provide speeding enforcement in Middlesex for 5 hours per week and a total annual cost of \$7,500. Dorinda noted that last year, the Sheriff's Department used only \$2,549 of the \$7,500 budgeted. The motion passed and the contract was signed.

**MOTION:** Peter moved and Phil seconded approving the minutes of the June 12, 2018 Select Board Meeting. The motion passed and the minutes were signed.

The Board reviewed a letter of agreement, drafted by Town Attorney Rob Halpert, between landowner Scott Beaudin and the Town regarding the proposed trail in the Town Forest. Mary questioned whether an individual could mount a claim of adverse possession against a municipality. Sarah said the letter was being reviewed by the Vermont Land Trust which holds easements over both the Beaudin property off Zdon Road and the Town Forest. Mary moved to pass over this item until the VLT responded to the letter. The Board agreed.

The Board discussed hiring an interim Town attorney while Rob is on medical leave and agreed Sarah should contact Barre Town Attorney Mike Monte.

All orders were signed.

Mary adjourned the meeting at 7:47 PM.

Respectfully submitted,  
Sarah Merriman, Town Clerk/Select Board Assistant

ABOVE MINUTES APPROVED AT THE JULY 10, 2018 REGULARLY  
SCHEDULED MEETING OF THE MIDDLESEX SELECT BOARD.

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PETER O. HOOD, CHAIR

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MARY JUST SKINNER, VICE CHAIR

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STEVEN MARTIN

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ELIZABETH SCHARF

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PHILIP HYJEK