

<b>Select Board Members</b>
<input checked="" type="checkbox"/> Peter Hood, Chair
<input type="checkbox"/> Mary Just Skinner, Vice Chair
<input checked="" type="checkbox"/> Phil Hyjek
<input checked="" type="checkbox"/> Steve Martin
<input type="checkbox"/> Liz Scharf

**MIDDLESEX SELECT BOARD**  
**Tuesday, September 21, 2021**  
**REMOTE VIA ZOOM + Town Hall**  
**Middlesex Town Clerk's Office**  
**5 Church Street**  
**Middlesex, Vermont 05602**  
**(802) 223-5915**

**MINUTES.**

**PRESENT VIA ZOOM:** Peter O. Hood, Chair, Mary Just Skinner, Vice Chair, Members Phil Hyjek, Liz Scharf and Steve Martin. Treasurer Dorinda Crowell, Listers Amy Whitehorne and Eric Young, Planning Commission Chair Sandy Levine, Road Commissioner Vic Dwire and Budget Committee Member Randy Drury. MVFD President Jeff Koonz. Select Board Assistant Sarah Merriman took the minutes and was present at Town Hall which was open to the public. The meeting was recorded by ORCA.

**Call to Order**

Peter called the meeting to order at 5:03 PM and welcomed guests.

**Hiring NEMRC to Conduct Property Tax Appraisals**

Amy and Eric said they have a contract for a hired assessor from NEMRC which was negotiated before the departure of a third Lister. Amy said she's leaving, Eric will not run for reelection and the third Lister, David Smith, resigned this week. The contract is for work to begin in October and go through June with the possibility of extension. It is for NEMRC to do the inspection services the Listers typically perform (i.e. permits, sales and new construction.) The rate is \$95/hour and travel is \$47.50/hour. When they need a senior appraiser to step in, it will be at \$145/hour, which will be for more complicated properties or certain grievances. Amy said NEMRC is doing this for approximately 20 other towns and they will do this in the quarter of the time. The contract was set up with the understanding that there would be an experienced Lister to conduct Administrative services. Eric said he hopes to have a new person trained by March 1. NEMRC cannot do clerical functions because of staffing issues. The Town Attorney has not reviewed the contract since Amy and Eric received it today. Amy said she doesn't know how much overall NEMRC will charge. However, an experienced Lister could finish the administrative work in 4 hours a week. Peter said he feels like the gun is being to his head. The Listers said the contract needs to be signed tonight so they don't lose the NEMRC assessor. Amy and Eric refused to ballpark the total cost. Amy said the Town is going to be in a situation where it has no assessors, period. State statutes require that if there is only one Lister, the Town must hire an assessor. She said it took a month and a half to negotiate the contract. She reminded the Board that it has no authority over the Listers. Peter said it's the responsibility of the Board to ask the Town Attorney before entering into a binding contract. Dorinda said \$30,000 has been budgeted for the Listers' pay. Amy said the Listers are not purchasing software that had been budgeted, so there is more money available.

**MOTION:** Steve moved authorizing Dorinda to sign the contract with NEMRC provided the Town Attorney does not find any glaring concerns; Mary seconded. The motion passed. Based on Amy's description of the work, Randy estimated the NEMRC assessor would cost about \$31,000.

**Approving an October 19, 2021 Site Visit and Public Hearing Re: Downgrading a Portion of Dolan Road**

The Board reviewed a motion to warn a Select Board site visit to an 832-foot section of Dolan Road at 4 PM on October 19, 2021 to be followed by a public hearing at Town Hall at 5 P.M. where the Board will take testimony re: downgrading this Dolan Road portion from Class 4 to Legal Trail.

**MOTION:** Mary moved approving the public notice; Steve seconded. The motion passed.

**Correcting the Town Personnel Policy**

**MOTION:** Steve moved to ratify the corrections made to the Personnel Policy at the September 16, 2021 Emergency Meeting clarifying the sections Personal Leave and Family Leave; Mary seconded. The motion passed.

Peter asked Vic to inform the Road Crew that this was merely a correction of the Personnel Policy and that there were no substantial changes.

**Accepting Dave Smith's Resignation from Elected Collector of Delinquent Taxes and Lister**

**MOTION:** Steve moved to accept Dave Smith's resignations from the posts of Lister and Collector of Delinquent Taxes; Mary seconded. The Town Clerk will post notice of the vacancies so Town voters can submit their names for nomination to these posts until the March 2022 Town Meeting.

**Considering No Overnight Parking at Town Hall Signage**

In response to Doug Lombard and Susan Rickstad's letter asking the Select Board to post No Overnight Parking signs behind Town Hall, which their property abuts, Peter asked if this has been a problem besides one incident. He expressed concern that No Overnight Parking signs might affect Village residents who park at Town Hall in the winter overnight during snowstorms. Sarah said the Vermont State Police could not ticket or tow overnight parkers if the signs didn't refer to an ordinance. Mary said she favored posting signs, even if they're unenforceable because they don't have ordinances to back them up. The Town should be good neighbors. Steve suggested posting No Overnight RV Parking signs. Randy said this is a waste of time if this is not an actual issue. Liz said she's fine with putting up signs if it doesn't cost a lot of money or take time. However, she agreed with Randy that if it's a non-issue, the Town shouldn't take further action.

**MOTION:** Mary moved that the Town install two or three signs behind Town Hall stating No RV Parking Overnight; Phil seconded. The motion passed.

**Accepting the Memorandum of Understanding re: Public Access to the Proposed Overlooks Behind Camp Meade**

Sandy said she worked on this agreement about public access with the Town Attorney and Russ Bennett. Planetary Matters will build the overlooks and grant public access. Mary said she read it and had some questions about the overlooks being closed to public access during construction. Liz asked whose insurance would pay if someone falls; Sandy said that unless you charge a fee to access, there is no liability. The Board discussed this and did not find the provision was a problem. Sandy said this is the starting point since the overlooks are on a fairly steep area and Planetary Matters, which owns the land, didn't want people riding bikes on the overlooks. She said it could be expanded in the future with a more significant path and that it was modeled after language from the Mad River Path.

**MOTION:** Steve moved approval of MOU for Public Access; Phil seconded. The motion passed. Peter will sign on behalf of the Board.

Sandy said there's an enhanced Energy Plan public hearing coming up, the PC approved nominating Sara Birgé as Assistant Zoning Administrator, and the PC will speak to the Board on October 5<sup>th</sup>. Sandy left the meeting.

#### **Treasurer Report**

Legal fees are double what was budgeted, Dorinda said. The Town received highway bills that should have been paid last year. Late notices for late tax payments will be sent next week and since the Collector of Delinquent Taxes quit, Dorinda will send out the notices. Dorinda said the Board needs to look at a range of pay for these new hires because chances are that the new hires will affect the current pay. Dorinda said she ran the numbers for bookkeeper/assistant clerk with benefits and said the benefits for a full-time position will add another \$17,000, approximately. Dorinda said the Board needs to break down the position on a percentage basis. She said the Assistant Clerk was paid \$21/hour, while the Town has paid a bookkeeper as much as \$25/hour. Peter suggested low twenties to mid -twenties with benefits. The Board agreed not to break down bookkeeper and assistant town clerk on pay checks. At \$25/hour the new bookkeeper/assistant Town Clerk would earn \$41,600 with a total of \$58,000 with benefits. At \$28/hour they would earn \$46,592 or up to \$63,689 with benefits. Peter suggested \$21-\$25/hour. Phil suggested a 6-month probationary period with a review and bump.

#### **Highway Department Update**

Vic said the newest one has a fuel problem that needs to be repaired. Dorinda asked about the Lafayette (Highway Specialties) bill for the improperly installed signs on VT Route 12. Vic said there's no more information. Steve said the Town should pay the bill. He said it's a reputable company and he trusts that the state gave them bad advice. Mary said she likes the idea of asking Lafayette for a 50% reduction in the bill. Phil agreed. Liz said pay the bill. Peter said if there's no action by the October 5<sup>th</sup> meeting, then pay the bill.

#### **OTHER BUSINESS**

**MOTION:** Phil moved and Liz seconded the approving the minutes from the September 8 and September 15 Select Board meetings. The motion passed

**MOTION:** Mary moved and Steve seconded an access permit for Joe and Pauline Gosselin at 74 N. Bear Swamp Road. The motion passed and Peter will sign the permit.

All Orders were reviewed and signed by a majority of the Board.

Peter said he wants the new middlesexvermont.org to be used on all Town emails.

The meeting recessed at 6:35 to reconvene at the Middlesex Fire Department at 7:00 PM.

#### **Meeting Resumed at the Middlesex Volunteer Fire Department in Welch Park**

Peter reconvened the meeting at 7:03 PM. Peter, Mary, Liz, Phil and Steve were present, along with Dorinda. Sarah was at the fire department to facilitate the Zoom meeting and to take minutes. Peter noted the MVFD was holding its regular meeting, but that the Select Board was holding its own meeting simultaneously. He welcomed the MVFD members in attendance.

#### **MVFD Update**

Jeff said the MVFD has gone out on 43 calls in 2021, including 10 last month. They have responded to two mutual aid calls, but have not requested mutual aid since the Church Street fire. Among other emergencies, the MVFD has responded to a structure fire in Moretown, a missing person search in Middlesex, a structure fire at Camp Meade and a fatal accident at the intersection of US Route 1 and 100B in which the Vermont State Police called for assistance. In addition, a car drove into the Filling Station restaurant and the MVFD tanker was called to Berlin for a structure fire.

Through intensified recruitment efforts, the MVFD has added three new members, bringing the force up to 13. They purchased a new gas meter for approximately \$700 using donated funds. Peter said he, for one, appreciated the efforts the MVFD has made with training and recruitment. Jeff said morale is good, especially since volunteers are being compensated at a rate of \$10/hour for calls now.

#### **Future of the MVFD Discussed**

Peter said the "elephant in the room" was the lingering question of whether the Town of Middlesex should rely on the MVFD in its current incarnation as an independent 501C(3) organization operating out of a town-owned building with Town-owned equipment for fire protection, or should the Town create a municipal fire department division like the highway department. Peter said his recommendation is to continue with the status quo until the winter and then the Board might put the question to the voters at the March 2022 Town Meeting. He said he feels uncomfortable about the Board making this big decision; better to let the community as a whole decide. Steve concurred and clarified that a plan he submitted last spring for the creation of a municipal fire department was just a plan; no dates were set in stone.

Liz asked how a municipal fire department would address the concerns brought up by neighboring fire departments in light of the Church Street fire. Her takeaway was that neighboring towns wanted more support via mutual aid; how will this change anything? Peter said the Town will be more involved at a high level of communicating with other towns, adding the Board has no interest in noodling in day-to-day fire-department affairs. Liz also brought up the point that perhaps a municipal fire department, instead of a separate, non-profit like the MVFD currently is, could qualify for ARPA (coronavirus-relief and recovery) funds or similar funding opportunities in the future.

Liz asked what would satisfy Montpelier. Peter said the kind of progress the MVFD has been making and proof that they're reliable first responders. Jeff said Montpelier doesn't call Middlesex only because Montpelier is a unionized shop and Middlesex isn't. Mary said putting the question on the March 2022 Town Meeting Warning is worth considering, but will require compiling a lot more info for the voters. Steve said Waterbury's concerns are exactly what the MVFD is addressing now. Phil said he likes the idea of bringing this question to the voters, especially since it's likely most people in Town have no idea the MVFD is a separate non-profit. The Board praised the MVFD for its progress; both will meet again at Town Hall (or at the Select Board meeting via Zoom) on October 19, 2021.

The Select Board meeting was adjourned at 7:27 PM

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

THE ABOVE MINUTES WERE REMOTELY APPROVED AS A WARNED AGENDA ITEM AT A REGULARLY SCHEDULED MEETING OF THE MIDDLESEX SELECT BOARD ON OCTOBER 5, 2021

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PETER O. HOOD, CHAIR

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MARY JUST SKINNER, VICE CHAIR

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PHILIP HYJEK

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STEVEN MARTIN

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ELIZABETH SCHARF

DRAFT