

**Select Board Members**

Peter Hood, Chair  
 Liz, Scharf, Vice Chair  
 Randy Drury  
 Vic Dwire  
 Phil Hyjek

**MIDDLESEX SELECT BOARD**  
**TUESDAY, OCTOBER 4, 2022**  
**Town Clerk's Office and via Zoom\***  
**Middlesex Town Clerk's Office**  
**5 Church Street**  
**Middlesex, Vermont 05602**  
**(802) 223-5915**

**MINUTES.**

**PRESENT:** Peter O. Hood, Chair, Liz Scharf, Vice Chair. Members Randy Drury, Vic Dwire and Phil Hyjek. Treasurer Dorinda Crowell. Road Foreman and MVFD Chief Eric Metivier. MVFD President Jeff Koonz and member Scott Isham.\* Former Road Foreman Paul Cerminara\*. The meeting was recorded by ORCA and Select Board Assistant Sarah Merriman took the minutes. (\*signifies attendees via Zoom)

**Call to Order**

Peter called the meeting to order at 5:00 PM, welcoming everyone back to the first in-person meeting since the Board switched to remote gatherings when the pandemic started in April 2020.

**Public Hearing on Making the MVFD a Town Department**

Peter opened the Public Hearing by noting what a pleasure it's been working on this merger with the Middlesex Volunteer Fire Department. Jeff and Eric agreed. Dorinda said she asked PACIF, the Town's insurance underwriter, if this proposed transition would affect the Town's insurance. Right now, the fire department is a named member on the Town's policy. However, once the MVFD becomes a Town department, the Board would have to appoint the chief upon the recommendation of the MVFD. Dorinda said the insurance underwriter highly recommended that the MVFD dissolve its 501(c)(3) status to avoid operating under two different entities for insurance purposes.

With regards to the appointing the chief, Peter recommended following the model of other Town committees where the MVFD members recommend a chief and the Board either does or does not approve. Peter said in talking to the town attorney, the MVFD can keep its 501(c)(3) status, but designate it for fundraising only. The Board recommended calling it by a different name. Jeff asked what happens to the members of the MVFD since they are members of the 501(c)(3), not employees of the Town. Peter said, they would be volunteers in a Town department.

The Board discussed how bills would be paid. Dorinda said it would be similar to other Town entities that receive budgeted taxpayer money AND receive outside funds, such as the Cemetery and Conservation commissions. If, for example, the Conservation Commission wants to buy a new sign, they vote to purchase it and it is paid from an MCC fund. The Commission does not have to ask permission from the Board to purchase first.

Liz asked about compensation; Jeff said MVFD firefighters are paid \$10/call/hour or a part thereof. They're paid twice a year and also get paid for attending monthly business meetings, trainings, and work nights. While the MVFD pays for classes, the MVFD does not pay for those hours spent in class. Phil suggested dissolving the 501c3 on the last day of the fiscal year.

Randy asked if the MVFD would be able to spend its money from fundraising as they see fit. Dorinda said, currently, if a donation comes in, it's turned over to the MVFD treasurer. Under this new incarnation, the Town would put it in the Town's MVFD account. Eric said there's approximately \$10,000 from fund raising in a money-market account and it's earmarked for multi-gas meters and propane-specific gas meters. Peter urged the fire department to spend that down soon.

Re: the underwriter's concern about maintaining the 501(c)(3). Dorinda said, theoretically, if someone is injured, they could sue the Town fire department and the 501(c)(3), which is also covered by the Town's insurance policy. You don't want two claims for the same incident. The Board agreed it did not want to form a fire district and suggested reclassifying the 501(c)(3) as an "auxiliary." Peter echoed Phil's suggested the current 501(c)(3) not be dissolved until the end of the fiscal year on June 30, 2023. Peter said monthly meetings with the MVFD are still a good idea and the Board should consider holding a few meetings at the fire station as well. The hearing concluded at 5:22 PM.

**Merging the MVFD into the Town on January 1, 2023**

**MOTION:** Phil moved and Vic seconded making the Middlesex Volunteer Fire Department a Town department on January 1, 2023. The motion passed. Jeff left the meeting.

**Reaffirming Decision Requiring Petitions for Town Meeting Articles over \$250**

The Board considered a request from Kim Farnham, executive director of the Central Vermont Home Health and Hospice, that the Board reconsider its vote on September 20, 2022, to reinstitute a policy (that was suspended during the pandemic) requiring organizations seeking more than \$250 in funding at Town Meetings garner signatures from 5% of the Middlesex voters in order for their requests to appear on the Town Meeting Warning. In an email to the Board, Kim said only two towns in her area of service still require such petitions and that signatures are hard to come by, especially with a shortage of volunteers.

Randy said he stood by his vote on September 20<sup>th</sup> to require petitions. Peter noted Phil and Liz were not at that meeting. He also asked if \$250 was too low a threshold. Liz said organizations seeking \$250 in funding mostly do so to show community support when they're applying for funding from larger entities. Now that Rumney school is open to visitors, circulating petitions is no longer prohibitive, the Board agreed. After discussing whether a motion was needed to pass over the issue, the Board decided it simply wasn't going to rescind its September 20<sup>th</sup> vote and no motion was needed.

**Considering Wrightsville Beach District's Request for ARPA Funds**

In an email to the Board, Collin O'Neil, Manager of the Wrightsville Beach Recreation District, asked if the Town would consider allocating a small portion of its ARPA funds to the district. Since no one from the district was in attendance, the Board asked the district to return with a detailed request that answered how much money, what it would be used for and whether any of the four district towns has dedicated ARPA funds to the district so far.

**Treasurer's Report:**

Dorinda said the auditor has completed her review of the FY22 books and was very pleased. She asked if the Board wanted Bonnie Batchelder, the auditor, to review her audit with the Board. Peter said that hasn't been the tradition, unless the auditor found something of concern. Liz asked about sending out bids for auditors in the upcoming year; Dorinda said after losing three bookkeepers in under two years, she felt it was best to stick with Bonnie's firm. However, it never hurts to send out an RFP, though other towns are paying up to \$20,000 for an audit while Bonnie charges half that.

Dorinda said the Blue Cross/Blue Shield rates for the 2023 calendar year are up by 10.55%. Fortunately, the Board anticipated this and included a cushion in the FY23 budget.

### Highway Report

Eric said paving on Center Road won't start until October 10<sup>th</sup>. The trade-in value on a Town truck is unchanged at \$60,000. He said the grant application to help fund a salt-storage shed requires a letter of support from the Board. Peter read the letter aloud. Preliminary estimates put the cost of the shed at approximately \$76,000. If the Town gets a VTtrans grant to pay for this, it would be obligated to pick up 20% of the cost. The Board agreed the shed was too necessary to bypass.

**MOTION:** Liz moved and Phil seconded approving a letter of support to accompany an application to VTrans for a grant to help pay for a Town salt shed. The motion passed and Peter signed on behalf of the Board.

### FY23 MGRP Grant Agreement Approval – iPad for Assessments

The Board reviewed a FY23 Grant Agreement with Vtrans that would help pay for the Town to bring certain road segments in compliance with VT Department of Conservation standards preventing runoff into streams that feed into Lake Champlain. Eric said the Central Vermont Regional Planning Commission will no longer be assessing these segments; assessment will come in the form of a free app. Eric suggested the Town purchase an iPad for the Highway Department that could be used in the field for these assessments and also for asset management.

**MOTION:** Randy moved and Phil seconded approving the FY23 VTrans “Better Roads Grant” for \$22,000 to aid the Highway Department with bringing Town roads in compliance with VTDEC standards. The motion passed and Vic, who is listed as the Grantee because he is Road Commissioner, signed the agreement.

### OTHER BUSINESS

**MOTION:** Randy moved and Victor seconded approving the minutes of the September 20, 2022, Select Board Meeting. The motion passed.

Vic requested Board members refer any questions they receive about the roads to Eric or him to avoid confusion. Eric said this would help with consistency. The Board agreed. Peter left the meeting and Liz took over as Chair.

Sarah relayed a similar reminder from Town Attorney Rob Halpert that individual Board members resist the temptation to meet one-on-one with community members regarding issues they've previously brought to the Board. Once those issues are brought before the Board, those issues become “Board matters” and must be handled by the entire body to avoid the appearance of “back-room dealing” - even if the individual Board member is simply trying to be responsive and helpful.

Updates on a meeting with Rubin Bennet of rbTechnologies: Randy recapped the meeting and said he felt like a lot of the issues with the IT firm stemmed from a lack of understanding about billing and faulty communication. He explained the billing and said the Town requested a clearer communication chain. Dorinda, who attended the meeting, asked everyone to keep their computers on. Since Sarah no longer wants to be the primary contact for rbTech – and since the feeling's apparently mutual – the Board decided Dorinda as Treasurer and Cheryl Grandfield, as Assistant Clerk, would be more effective.

**MOTION:** Randy moved and Phil seconded designating the Treasurer as primary contact for rbTech and the Assistant Clerk as secondary contact. Phil seconded and motion passed. Eric left the meeting.

Randy said the Town needs the upcoming budget to include the cost of a server. Rubin said the server can make it through the year. A new one will cost \$17,000 - \$20,000.

The Board heard updates from Sarah and Liz about progress on an RFP to study the feasibility of keeping the building at 5 Church Street as Town Hall. Six architects toured the building on Wednesday, September 28, with David Magida, who is acting as liaison on the project. The Board agreed to make the selection process at its November 1, 2022, meeting since the timeline is tight, though this will not be a question on the March 7, 2023 Town Meeting Warning.

Re: CVFiber's plan to bury its fiber cables. Vic asked if the Town requires permits for buried cable in the Town's right of way; there does not seem to be a requirement, especially since this is a new utility. Paul said in his job with Dubois there are towns that require permitting. Since it's in the Town's right of way, the Town will have to be responsible for maintaining the buried cable which is glass and only 12-16" deep and, therefore, prone to accidental damage. Paul advised the Town to have detailed maps of where, exactly, the cable will be located.

All orders were approved. Due to a bookkeeping misprint, not all could be signed at the meetikng.

**MOTION:** Randy moved and Phil seconded allowing the Treasurer to mail the checks on the condition a corrected signature sheet be available for Board approval the following day. The motion passed.

The meeting adjourned at 6:45 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 OCTOBER 18, 2022.

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PETER O. HOOD, CHAIR

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ELIZABETH SCHARF, VICE CHAIR

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RANDY DRURY

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VIC DWIRE

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PHIL HYJEK