

Select Board Members

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

Middlesex Select Board
Tuesday, April 18, 2023
Middlesex Town Hall and via Zoom*
Middlesex Town Clerk's Office
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

MINUTES

PRESENT: Peter Hood, Chair, Liz Scharf, Vice Chair. Members Brigid Browning, Randy Drury (who is also a member of the Budget Committee) and Vic Dwire, who is also Road Commissioner. Ann Gilbert*, Director at Central Vermont New Directions Coalition and Sultana Khan*, Director of Social Change at Mosaic. Road Foreman and MVFD Chief Eric Metivier. MVFD Chief Jeff Koonz. Bill Huntsman. Former Road Foreman Paul Cerminara.* Stephen Dennis. Bob Harnish* and Norman Cohen*. The meeting was recorded by ORCA and Select Board Assistant Sarah Merriman took the minutes. (*Indicates attendance by Zoom.)

Call to Order, Welcoming Guests, Approving Minutes and Agenda

Peter called the meeting to order at 5:00 PM and welcomed guests.

MOTION: Vic moved, and Randy seconded approving the minutes of the April 4, 2023, Select Board meeting. The motion passed and the minutes were signed.

The Board reviewed the agenda for the April 18, 2023, Select Board meeting. There were no amendments. **MOTION:** Vic moved, and Liz seconded approving the April 18, 2023, agenda

Creating a Municipal Cannabis Control Commission

Ann explained that the State has a Cannabis Control Board and since Middlesex has already voted to allow retail cannabis in the Village, creating a town-based Cannabis Control Commission is an opportunity to add an additional layer of local control. A CCC is often made up of just a Select Board, but can include members of the health department, law enforcement and commerce who would approve applications for retail cannabis licenses in the same way the Select Board currently approves first, second and third liquor licenses for local establishments. Ann said it all comes down to a Town's collective vision. Should there be ordinances in place regulating signs or even public nuisances such as odor? She cautioned that a CCC cannot target cannabis odor, but any unpleasant odor which might include growing and producing cannabis-based products.

Without a CCC, the Town will have no say in whether a local cannabis retailer receives State approval. A CCC will mean the Town will be informed of cannabis retail applications and will be able to act if a retail shop violates certain rules without having to wait for the State to take action, Ann said. (The local CCC may not impose restrictions that go beyond state restrictions.)

Peter said this sounds like how the Board controls alcohol sales in which applications from retailers are presented to the Board for approval. If approved, the applications are forwarded to the State Department of Liquor Control for final approval. If denied, they are not forwarded. He said a CCC is a good way to keep tabs on what's going on with cannabis retail.

Liz asked a hypothetical question: if an established bakery wants to sell cannabis brownies but is already allowed under town zoning to sell food, would that business need to seek a revised zoning permit? The Board agreed it wouldn't. Liz said this might then be a reason for a CCC. Liz asked about unpleasant odors. Would that apply to a farm spreading manure? Peter said towns have very little control over agriculture. Vic said a cannabis farm off Center Road already occasionally smells of marijuana. Sultana said some communities have imposed regulations around particular compounds. That way, they can address some of the chemicals that create the odor. During flowering time, marijuana farms can be particularly pungent.

Randy said forming a CCC doesn't grant the Board a whole lot of authority, but it does provide the Board with an opportunity to know who's involved in town. Vic suggested limiting the CCC to the Select Board for now. Peter agreed. Randy read the proposed resolution creating a cannabis control commission.

MOTION: Vic moved, and Liz seconded a resolution creating a Cannabis Control Commission for the Town of Middlesex. The motion passed and the Board signed the resolution which was forwarded to the state Cannabis Control Board. Ann and Sultana left the meeting.

MVFD Joint Meeting – Approving MOU with Capital Fire Mutual Aid

MOTION: Vic moved, and Liz seconded, accepting the memorandum of understanding with Capital Fire Mutual Aid and to designate Peter to sign on behalf of the Board. The motion passed and Peter signed the agreement.

Boiler replacement at the MVFD: Jeff reviewed the MVFD's activity since the last meeting (report below). He said he met with Bourne's energy re: the fire department boiler and received an estimate of \$12,870.33 to remove and replace the equipment. He said the repair tech reported the boiler is limping along and no more money should be put into it; he recommended replacement. Liz and Randy discussed the potential for grant money from an Energy Resilience Program that might be put toward an energy-efficient heating system. One of the barriers, Liz said, is that money might not be available before the heating season. Brigid asked if there's any resale value to the boiler. Randy said typically that becomes a warranty liability issue, and most vendors won't entertain reclaiming. Peter said the Town could sell it and an individual family could buy it. Brigid asked about other estimates; Jeff said he planned to get one from at least two more. The Bourne's estimate is good for 30 days.

Makemeafirefighter.org: Jeff said he just heard about a state-wide fire-department open house to try to get people to serve as volunteer firefighters. A group called Makemeafirefighter.org is running it. He said it will be discussed at that night's MVFD meeting and that the department will likely participate in the open house.

Why wasn't Montpelier called? Former Montpelier firefighter Bill Huntsman of Putnamville said during a recent chimney fire at his house, Middlesex and Worcester were toned out (called), but not Montpelier. Since it was the middle of the day and Montpelier is staffed 24/7, they should have been called. By the time Worcester arrived, the fire was largely out. Jeff said he didn't know why Capital West didn't tone Montpelier. Chimney fires are structure fires and Montpelier should have been toned, he said. Eric said Middlesex went to the scene with Engine 1 and inspected the interior of the Huntsman house with a thermal imaging camera to make sure there was no smoldering fire. Liz asked if it makes sense to investigate further with Capital West/Montpelier. Jeff said he'll ask about the snafu, though it's unusual. Brigid suggested getting Capital West's explanation in writing just in case something were to happen again.

Highway Department Updates

Contracting with Pike Industries, Inc. for Shady Rill Paving: Eric presented the Board with two proposals for the Shady Rill paving project: Pike Industries for \$296,515 or J. Hutchins for \$301,940. The project will be paid for by \$200,000 from a state paving grant and money from the Town's paving fund. Randy asked about converting this part of Shady Rill to gravel. The Board discussed this. Peter said years ago the plan was to pave the major corridors in town, but that went by the wayside. Vic said it costs more to maintain a gravel road and that paved roads should be maintained sooner. Liz asked about cracks on the newly repaved Center Road; Eric said those will be sealed and are the side effect of building on clay.

MOTION: Vic moved to hire Pike Industries, Inc. to repave a portion of Shady Rill Road this summer; Randy seconded. The motion passed.

Highway update: Eric listed roads recently graded, but said French Road had to be closed to school buses due to the mud. Peter asked if oil, propane and garbage trucks can be prohibited from driving on dirt roads in mud season due to the damage they inflict. Eric said it's an endless battle, but since they're considered to be providing essential services, they can't be barred.

Mud season mitigation? Paul asked if the road crew is actively working on mud season mitigation as it used to do when he was road foreman. Eric said when he came on board last summer, there was no mud mitigation project planned. He couldn't speak to the foreman before him. Paul said his concerns are the ability of the fire, emergency services and school buses to traverse some of these roads. Eric agreed and said it's a balancing act between road maintenance and rebuilding. Vic said one of the issues was that Paul had a new excavator. The current one is supposed to be replaced in 2024 and is on its last legs. Liz said places that Paul mitigated have still held up. Randy said perhaps these projects should be handled by outside contractors and let the road crew focus on maintenance, not construction.

Mead Road issues. Peter said he spoke with the town attorney who plans to send a letter to Zach French, et al, that will explain the Town will improve the roadbed of Mead Road. After that, no one may park, block, or leave equipment that will impede the traveled right of way without prior approval of the Town. If these stipulations are violated, then the Town will pursue legal action and penalties. Eric said he plans to bring a load of gravel to Mead Road in a month or two.

Approving a Declaration of Inclusion

Bob Harnish and Norman Cohen said they are spearheading a plan to have every community adopt a Declaration of Inclusion which will send a message to those living out of state that Vermont is welcoming and safe for all races, beliefs, ages, gender identifications, cultures, and socio-economic statuses. Bob noted that the state's population is aging and has barely grown 2% in the past ten years. He said this is an economic issue as well as a moral issue and that the Governor has signed a statewide declaration of inclusion and wants to dedicate the second week in May as Inclusion Week.

Brigid spoke in support, suggesting the Board adopt the "quick and easy" declaration, perhaps putting out public notices encouraging townsfolk to take the declaration further. Vic asked what's the point if the State has already moved forward with its own declaration of inclusion? Peter said anything that can be done to encourage these values is a good thing. Vic said he felt it was political. Randy said he saw Vic's point; it almost creates division. It's not like the Board doesn't support these values, but they don't need to be written on a piece of paper. He asked why can't people just be decent human beings? But if you don't sign it, you'll be accused as being racist, he said. Brigid said the answer to his questions is because the Board is being asked. She said Randy is maybe reading more into it. The declaration is simply about safety and being welcoming.

MOTION: Brigid moved, and Liz seconded approving the Declaration of Inclusion. Vic and Randy abstained. Brigid, Peter and Liz voted in favor. The motion passed.

Bob said the Declaration should be posted on the website, hung in Town Hall, and included in the upcoming annual report.

OTHER BUSINESS

MOTION: Vic moved to approve renewal of Class 1 & 3 liquor licenses for the Filling Station along with an outside liquor permit; Randy seconded. The motion passed.

Liz discussed information she and Randy learned from attending the VLCT's webinar on the Municipal Energy Resilience Program (MERP), a new \$45M state program designed to help communities most in need of improving their energy resilience (those with high "energy burden"). Liz said applications are available to apply for \$4,000 which could be spent on hiring a grant writer to put in an application for a \$500,000 grant. She said the Energy Committee would like \$500 of the \$4,000 for outside events. Liz asked it if was okay if the Energy Committee reviewed the grant; the Board agreed it was.

The meeting adjourned at 6:57 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 MAY 2, 2023

PETER O. HOOD, CHAIR

ELIZABETH SCHARF, VICE CHAIR

BRIGID BROWNING

RANDY DRURY

VIC DWIRE

MVFD APRIL REPORT

18 Apr SB Meeting Notes

Total calls to date: 24	E-1 out 2 times
Calls during the last month: 7	E-6 out 0 times
Mutual Aid out: 0	T-1 out 3 times
Mutual Aid in: 0	R-1 out 1 times
Max members respond: 6	Tk-14 out 0 time
Min members respond: 2	
Avg members respond: 3.14	

Calls:

28 Mar, I-89 NB, Car vs Deer, Cnx'd before apparatus could respond, 4 responders
01 Apr, I-89 NB, 2 car MVA, Cnx'd by CW was in Montpelier, 3 responders
04 Apr, US Rt 2, Propane odor, Water header taken out of service, 2 responders
07 Apr, Center Road, Lift assist, 2 responders
8 Apr, Mead Road, Large fire in back yard, had burn permit, T-1, R-1, 4 responders
13 Apr, US Rt 2, Fire alarm activation, Water heater fire, E-1, T-1, 3 responders
14 Apr, Rich Road, Grass fire, E-1, T-1, 6 responders

Training: Ladder work.

Repairs: Met with Bourne's and got the first estimate \$12870.33 for remove and replace.

Purchases: New AED to replace non-working one, awaiting shipment.

New Rescue Update: Had first meeting with Lake Region Fire Apparatus, NH to get quote. Waiting on the quote.

FAST Sq:

10 total for the reporting period
10 medical only calls
2 in conjunction with FD calls