

**Middletown Springs Select Board Minutes**  
**Regular Meeting**  
**February 13, 2014 Approved**

**CALL TO ORDER:** C. Haynes called the meeting to order at 7:04 pm.

**BOARD PRESENT:** Shirley Moyer, Terry Redfield, Jim Webber, Mike Lamson, Carl Haynes

**PUBLIC PRESENT:** Peter Stevenson, Laura Castle, Sally Achey, Jenny Munyak, Bill Reed, David Munyak

**Approval of Minutes**

- J. Webber moves to approve the minutes of January 23 Regular Meeting as presented. T. Redfield 2<sup>nd</sup>. *[all in favor, motion carried]*
- T. Redfield moves to approve the minutes of January 27 Special Meeting as presented. S. Moyer 2<sup>nd</sup>. *[all in favor, motion carried]*

**Public Comments**

- Sally Achey – attends as Lister
  - Presents copy of sales report used in CLA calculation
  - Form 4155.08 closes out grand list for the year. M. Lamson moves to approve and sign the Certificate of No Appeal or Suit Pending. J. Webber 2<sup>nd</sup>. *[all in favor, motion carried]*
  - J. Webber moves to approve the purchases of office furniture made by Sally Achey as lister. T. Redfield 2<sup>nd</sup>. *[all in favor, motion carried]*
- Peter Stevenson – Expresses his appreciation for Terry Redfield (Tree Warden) contacting him to discuss tree trimming along his property prior to cutting
- Treasurer's Report
  - Ernie Saunders from NEMRC installed and updated new software.
  - SRTS grant money received
  - Quarterly allotment for highway received
- Bill Reed – listened to tapes from last meeting. Regarding his service request form for agenda prior to the meeting, Bill feels that if public comments are not of an urgent matter, they should be put on the agenda for next meeting so that the public has an opportunity to comment.

**Building Committee Report**

- Dave Munyak – WiFi has been installed and is active
- Building Committee hosted a public informational meeting for new town office
- Brownfield cleanup – lead, asbestos, and demolition cleanup done and documents for reimbursement have been submitted.
- Next step is to address the slab/foundation under the removed building. Dave will speak with EPA Regional Office for recommendation as to what the grant will cover in regards to slab/foundation removal.
- Dave met with Peter Stevenson 2/3/14 to discuss on-site safety. Peter had concerns regarding potential VOSHA violations, site and demo permit, perimeter fencing, hazards on site. Dave removed wooden posts and metal rod which may have been hazards. Dave contacted VLCT regarding insurance coverage for volunteers in committee. VLCT confirmed committee members are covered under town's policy for liability only. Regarding the concern for Site and Demo Permit – Dave spoke with Clay Point

(engineering firm who prepared RFP/bid review). Their documents specify contractor was responsible for all permits including site and demo permit – appears they did not have it however it may not have been necessary/required. Claypoint is following up on this. Regarding VOSHA Regulations – ClayPoint is looking into whether the town is liable for hazards on site. Their opinion is the town would not be liable for site hazards as VOSHA is concerned with employee/employer relations. Contractor is responsible for their employees, i.e. hardhats, etc. Claypoint is also following up to confirm this.

- Peter Stevenson – raised issues based on his experience as project manager. Peter's concern was that the town was covered by insurance. He thinks it is possible for the contractor and owner to be liable. Peter attended the Building Committee Feb 8 meeting – he is concerned with the scope and size of the direction of the project – he is also concerned with feasibility of library and town office sited together for safety reasons.
- David discusses other town office/library combined sites (New Haven, Vernon) via common lobby
- Discussion of adding safety fencing around the building site with signs. T. Redfield volunteers to purchase and install the fencing and signs.
- P. Stevenson points out that if building construction begins a permit will be needed and Act 250 may apply.
- David received logo from Agency of Commerce for the site sign

### **Road Commissioner Report**

- Grader is at Windmill for repairs – rear seals, lift arms and throttle will be repaired
- One ton – wiring harness may not be available until April. M. Lamson inquires if the hood can be repaired while waiting for the wiring harness. Bill will check.
- Backhoe – per Bill recommended repairs should be completed sooner than later prior to summer work. Terry inquires how long the backhoe repairs will take. Bill will check. Carl wants to have the grader repairs completed prior to fixing the backhoe.
- P. Stevenson inquires about cost of repair of grader. Estimate of \$12,000. Peter points out that a cost analysis should be completed of renting vs. owning grader and that a good case could be made to rent. Bill feels grader rentals are hard to come by.
- 3 bad hydraulic leaks on 7600 were repaired with hoses. One hydraulic leak on red International fixed.
- Annual inspections are completed on the trucks. Bill is working with Laura on maintenance logs for each piece of equipment.
- S. Moyer moves to sign the Certificate of Highway Mileage as same mileage as last year. J. Webber 2<sup>nd</sup>. *[all in favor, motion carried]*
- S. Moyer presents letters to send regarding discontinuing plowing for 2 residents off Orchard Road. J. Webber moves to approve the letters and send to affected residents. T. Redfield 2<sup>nd</sup>. *[all in favor, motion carried]*

### **Solid Waste**

- Carl inquires if there has been any feedback on the Transfer Station plan yet from the state. None to date. M. Lamson will follow up.

### **Correspondence**

- BCBS – letter regarding registration for health care. Carl will contact to initiate the process.

- Letter from Gary Kupferer, Town Counsel (Webber Chapman Kupferer) – Superior Court, Civil Division, Rutland Unit granted Middletown Spring's motion to dismiss re: Pepperman tax appeal lawsuit.
- Copy of uniform hazardous waste manifest from 1 South Street property.
- M. Lamson moves to approve the fleet permit requests from Carroll Concrete submitted with payment. T. Redfield 2<sup>nd</sup>. *[all in favor, motion carried]*
- VLCT News upcoming events newsletter

### **Financials/Board Orders**

- J. Webber moves to approve the payroll orders for the weeks of 01/31 – 02/14 which Carl had already signed. T. Redfield 2<sup>nd</sup>. *[M. Lamson – aye, C. Haynes – aye, T. Redfield – aye, J. Webber – aye, S. Moyer - abstain, motion carried]*
- T. Redfield moves to approve the remainder of the payroll orders. C. Haynes 2<sup>nd</sup>. *[all in favor, motion carried]*
- T. Redfield moves to approve the transfer station, general and highway general as presented. J. Webber 2<sup>nd</sup>. Carl is concerned about the \$4,000 invoice from Earls for truck repair and not being made aware of this earlier. *[all in favor, motion carried]*

### **Legal**

- Pepperman lawsuit naming the town was dismissed.

### **Other Business**

- Carl inquires if we want to address anything on highway hours. With the one ton out until April do we need as many hours being worked. T. Redfield feels we need to reduce the hours somehow and that part time help could be on call as needed. S. Moyer – 3<sup>rd</sup> person on the road crew was added to limit overtime and provide a second CDL. Road mileage hasn't changed and feels we are spending more. Doesn't feel we should have as many hours. Terry inquires how to cut back hours. Carl feels we should layoff the part-time help until the one ton is back or eliminate the position. J. Webber is for eliminating the position. T. Redfield agrees. Carl feels we need someone with a CDL to fill in as opposed to having 1 person plowing for very long hours. M. Lamson feels this topic needs to be on the next meeting's agenda so that we can get input from the Road Foreman/Commissioner as to what is needed and not discussed under other business. J. Webber wants 2 full time employees. Carl moves to allow Steve to work as many hours that are needed along with Bill and limit Bob's hours only to the hours needed. T. Redfield 2<sup>nd</sup>. Discussion of adding this to the agenda for next meeting and if this motion is necessary/accomplishes limiting overtime. Terry would like this to be discussed with Bill and have it on the agenda next meeting. *[C. Haynes – aye, T. Redfield - aye, M. Lamson – nay, J. Webber – nay, S. Moyer – nay - motion lost]*. This topic will be on next week's agenda.

### **Adjourn**

M. Lamson moves to adjourn, J. Webber 2<sup>nd</sup>. Meeting adjourned 9:51 pm.  
Mike Lamson, Clerk