

**Middletown Springs Selectboard
Approved Minutes
Regular Meeting • March 28, 2024
Start time 7pm**

BOARD PRESENT: At the town office: Patty Kenyon, Herb Childress, Terry Redfield, Sean Ruck, Carl Haynes. Via Zoom: None

TOWN OFFICERS PRESENT: At the town office: Bill Reed - Road Foreman, Jenny Talke Munyaik – Treasurer. Via Zoom: Kristal Hier – Library Trustee.

PUBLIC PRESENT: At the town office: Rich Miller, Robert McMahon, Larry Hawkins, Vicky Hawkins, Greg Poelker from RRPC, Matt Haley at approximately 7:10pm. Via Zoom: Mary Plunkett.

CALL TO ORDER: Herb called the meeting to order at 7:02pm

APPROVAL OF MINUTES: a) Regular Meeting March 14, 2024

Terry moved to approve the minutes of March 14, 2024 regular meeting as presented, Sean 2nd. All in favor, motion carried.

Herb mentioned the Town Meeting Informational Meeting Minutes that Patty sent around this afternoon. We will come back to that once folks have had a chance to review them during the meeting.

PUBLIC COMMENTS: Larry Hawkins – Dudley Road Repair – Larry brought his paperwork for the repair costs for the Dudley Road work he did March 7. Total cost for submitted \$4,218.41. Paperwork passed around for board members to review. The Board took a few minutes to review the bills presented by Larry.

Before the discussion began Herb noted that if the discussion at any point veered into personnel issues that the board might need to break to go into executive session to address said issues. Also, he asked that people try hard not to interrupt each other during the discussion and try to address comments as much as you can to the chair who will act as discussion moderator.

Terry gave a brief recap of his conversation with Bill and Richie last week about the incident and then reviewed the typical protocols for road work. Having the general public work on the road is not something the town does. Any work done on the roads for the town, contractors need to have proper insurance and paperwork filed with the town before work begins.

At that time Terry reported that Bill had talked to him prior to the work being done about his conversation with Larry and the agreement that he made. Bill had also informed Patty of that conversation and the issue on Dudley Road. Terry has no reason to doubt Bill's statements regarding that work. In effect, that any work done would be at the expense of the person doing the work, not the town.

Larry reiterated that he had not agreed to pay for the materials or the trucking of the materials.

There was a discussion including a brief review of the town's purchasing policy and general practices. This incident was not an emergency, which would give the town road crew and the town more leeway to work outside of the policies we have in place.

Herb stated that the work done was well above and outside the ability for anyone but the Selectboard to authorize. This was not a declared emergency.

During the discussion Matt Haley arrived and voiced his concerns about the overall road conditions and maintenance of Dudley Road as well as the situation on March 7. Matt questioned the board about their oversight practices for road work and road crew supervision. He feels the board is falling short in their duties when it comes to overseeing the roads in town.

Patty asked to clarify the day the road failed because there are the bills submitted for work done on two different dates, March 7 and March 8. If the work was started and stopped on March 7, why are there bills for March 8? No discernable clarification was provided.

Carl stated that he felt there should have been a motion on the table and seconded in order to have this discussion. Herb called for a motion.

Carl moved to pay the invoice from Larry Hawkins \$2,165 from contract hauling, the balance out of processed gravel for a total of \$4,218.41. The chair called for a second. No second offered. Motion failed.

The responsibility of the town to maintain the roads to accommodate agricultural vehicles was questioned. The board needs to research those regulations and will do so.

The board and the town highway crew are going to do their best to keep the roads open.

Larry Hawkins asked when the board might have an answer for him in regard to future expectations for the roads. The board is not able to say that at this time.

Matt Haley wanted the record to reflect that he appreciates what Larry did to the road to make it passable. He would also like to know the date that Bill graded all of the road last summer and asked the chair to find that information and report back to him in writing.

Rich Miller stated this conversation should open up everyone's eyes that there has been an increase in traffic on all the roads. Road conditions need to be top of mind for the board and town. Also, minor things, there are a couple of pretty hazardous trees on Garron Road that should be looked at.

Mary Plunkett – Summer Swimming Lessons – Mary joined from representing FFE (Friends for Education). At their last meeting they discussed the lack of funding for summer swimming lessons. FFE would like to start a conversation about potentially funding the program going forward. Are ARPA funds available for swim lessons? The estimated cost for this program is just

over \$500. They are looking at money for 2024 and 2025 swim program and thereafter would plan to put the funding on the town meeting ballot.

After a short discussion the board indicated they would be happy to entertain an ARPA funding request from FFE to consider within that process when that takes place. ARPA funding will be brought up again in the near future for the remainder of the ARPA funds.

Greg Poelker – RRPC – MTAP –The state is switching up the review process for MTAP programs. RRPC has submitted three separate projects to the state – solar project for the town office, project management services for the library if they are awarded a grant and services to update the town’s Town Plan. These three possible projects are pending review. The state will tell us what project they want to fund, we no longer get to choose our priorities. The funding should be awarded at the end of April.

He also wanted to clarify that the brownfields assessment on the new potential library property is separate funding source and the funds have been secured for that project, we are just waiting on the diocese to sign off on the grant paperwork since they still own the property.

Finally, the funds for the MERP assessment have been approved. The update here is that now solar is an eligible category under MERP phase 3 funding, which hadn’t been the case initially. This can potentially give us a backup option for funding if the MTAP grant comes in for something other than solar.

TOWN OFFICERS REPORTS –Treasurer | DTC | Town Clerk | Listers | EMD | Traffic & Pedestrian Safety Task Force| Auditors | Library (see also Town Lands) | Planning Commission – Town Energy Plan | Trustees of Funds | Health Office | Other

Traffic & Pedestrian Safety Task Force – Herb noted that the Sheriff will attend April 11, 2024 meeting to talk about the coming year’s contract and our expectations. Ethan Pepin will also be here to review his traffic recommendations with the board and the Sheriff.

Town Treasurer – Jenny presented information on the new Child Care Contribution tax effective date is July 1, 2024. The amount imposed on payroll is .44%. The total town assessment for that tax would amount to just over \$1000 per year. The Town can choose to have 25% of the .44% taken out of employees pay as an additional tax. The savings to the town would be under \$300. How does the board want to proceed on that?

After a brief discussion, Terry moved to incorporate the .44% Child Care Contribution into the town’s payroll tax burden and not to impose an additional tax on employees, Herb 2nd. All in favor, motion carried.

EMD - Eclipse – Monday, April 8 – Herb will put a message on FPF regarding the event. Eclipse glasses are available at the town office and the library.

LEMP - Herb reported that the Local Emergency Management Plan, the Vulnerable Populations Plan, and the Municipal Public Works Mutual Aid Plans are all due for renewal and adoption by

the end of April. Herb will bring a draft of each of these to the next meeting for the board to review. Approval will need to be given at the April 25 meeting.

LHMP – Herb reported that we received a grant from the Department of Public Safety to review and update our Local Hazardous Mitigation Plan. The grant provides a maximum award of \$9862.50 with a local match is 10% up to a limit of \$3,287. In-kind services can be counted as part of the local match so that could reduce the overall cash outlay for the town. Grant paperwork needs to be approved and signed. Do we want to accept this grant award and start shopping for contractors to do the work?

Having an adopted plan provides additional FEMA funding in the case of a natural disaster.

Patty moved to accept the Department of Public Safety, BRIC grant, Sean 2nd. All in favor, motion carried.

Herb will put together an RFP for the scope of work to complete this plan.

Town Clerk – Approval of Town Info Meeting Minutes – Patty asked if folks were ready to take up the town meeting minutes approval.

Terry moved to approve the minutes of the Town Informational Meeting minutes as presented, Herb 2nd. All in favor, motion carried.

Remaining Appointments & Vacancies - Vacancies – Town Moderator, Road Commissioner, Auditor - 1 seat, Planning Commission – 1 seat. Patty reviewed the rules around folks who were written in but haven't accepted. No action taken on vacancies at this meeting.

Appointments – SWAC Representative, Animal Control Officer, RRPC Rep & alternative, RRTC Representative, Conservation Commission – 2 seats.

Herb moved to appoint Terry Redfield as SWAC representative, and Patty Kenyon as the alternate, Carl 2nd. All in favor, motion carried.

All other appointments still need confirmation.

ARPA Funds – We need to schedule a time to review the old applications and/or ask for new applications.

Patty reported an email from SLFRF (State & Local Fiscal Recovery Funds) regarding the ARPA money needs to be allocated by December 31, 2024. The allocation of the remainder of the money should be a priority for the board again. There was a process, seems prudent to re-start a new process and solicit projects that this money could be used for.

Library – Kristal asked about the town contract for mowing and plowing, how long is the contract for? The board is not sure what the timeframe was, does that eliminate the library from using a different contractor. We have to go back and look at the documents and explore what the contract's intention was. The board will do some work on gathering that information.

Pie for Breakfast is April 6 at the MSES – 8am to when the pie runs out.

TOWN HIGHWAYS - Road Commissioner Report – Bill reported:

- Bill would like to reiterate using the service request forms. People need to fill out the forms. We need to be more proactive/insistent about using the forms.
- Bill reviewed the incident on Dudley Road stating that if he had insisted Larry fill out a service request form for the road issue the he said she said we're having now could have been avoided.
- Terry would like to thank the highway crew for last weekend's road clean-up with two feet of snow we got.
- Before he retires, Bill would like to have a roundtable with the board to go over material recommendations and general regular maintenance and snow techniques for future use.
- Bill shared a letter he received from Steffanie Bourque at RRPC. In terms of the MRGP funds we have hit targets for 4/1/2024 and 4/1/2025. So, we're in good shape. She's able to help with the next projects to get further ahead.
- Bill showed folder of materials sheets, that he uses to reconcile invoices that come in. This work is in his duties as Road Foreman, but he had been doing that work using Road Commissioner time for the cost savings. The board will be seeing a lot more administrative time on his time sheet to complete this work. In the absence of a Road Commissioner the board will need to decide how grants are going to be overseen for the coming year.
- Carl asked whether there is a grant in the works for the box culvert on West Street. Bill is working on it, there is engineering to be done, then he would work on getting a structures grant.
- Service request form from Karen Mach to remove old debris from a culvert replacement, that cleanup has been done, can be finalized and sent back.
- There's an outstanding Service Request from Sarah Grimm and updates on that. Bill has talked to Sarah. She's okay for right now.
- The road crew has taken care of a few trees around town that were posing a hazard.

Advertising for Highway positions – nothing tonight.

Discussion of Road Commissioner description draft – Carl thinks the new job description only amounts to pushing papers and that the Road Commissioner needs to have some control of spending and that a new Road Foreman will need to have some supervision regarding spending town funds.

Board discussion included the following points, for all practical purposes, it's the board that controls spending. If the board hires an experienced Road Foreman, that person should be able to run the highway department and make decisions on road work and spending within the budget.

The buck has always stopped with the Selectboard on spending, it's not necessary for the Road Commissioner to have control over spending.

Bill's feelings about the duties of Road Commissioner are that they are to oversee big projects, manage grant paperwork, update the connected segments inventory programs and work with the Road Foreman in regard to the work done on these projects.

After a discussion and review of the currently understood duties and workload, the adoption of a new description was tabled. The current description stays in place for now.

With that decision, Carl stated that he may take the position. If he decides to take the position, he will fill out the paperwork.

Other Highway Information and Concerns – Nothing.

TOWN LANDS –

Town Office Updates – Williams Water is scheduled to come back to rearrange the sequence of the treatment tanks. They are hoping to be able to remediate more radium by changing the sequence.

Update on Library planning: see above.

Preparing for summer Old Cemetery maintenance – Terry reviewed past schedule and what we might want to specify for this year. We need to decide that schedule and put out a call for pricing for the next season.

Terry will work on RFP for mowing and maintenance of the cemetery.

Carl volunteered to work with his daughter Kallie to do the after-winter cleanup. His daughter needs some community service hours for school.

Herb received an email today from RRPC stating that FEMA is going to be updating the town's flood maps. We may need to adopt a bylaw in regard to building in the flood plain. Stay tuned for more information.

Other Town Lands and Facilities: nothing now.

SOLID WASTE: Applicants? – One application received from Isaac Pliner, the board will review that later in Executive Session.

Terry reported that Paul Grace had also expressed interest in the position.

CORRESPONDENCE:

- Overweight Permits:
 - Nick Bissonnette – w/ck & COI
 - Camp Precast – w/ck & COI
 - Earth Waste & Metal – w/ck & COI
 - Champlain Valley Plumbing & Heating – w/ck & COI
 - Amerigas – w/ck & COI

- Fuller Sand & Gravel – w/ck & COI
- Johnson Energy – w/ck & COI

Terry moved to approve overweight permits, for Nick Bissonnette, Camp Precast, Earth Waste & Metal, Champlain Valley Plumbing & Heating, Amerigas, Fuller Sand & Gravel, and Johnson Energy, Carl 2nd. All in favor, motion carried.

- Preliminary contract with CAI Technologies for Tax Map updates – with notes
- Letter from VT DEC regarding proposed revisions to the Aboveground Storage Tank Rules with information as to how to view and comment on the proposed rules.
- Materials price list from Brown's Quarried Slate Products.
- Postcard from VLCT re Open Meeting Law webinar – Town has signed up to run it in the town office on 4/17/24 starting at 10am.
- Post card from VLCT re Liability & Risk Management – April 11, 2024 – 10am

FINANCIAL APPROVALS

a) Board Orders

Carl moved to approve the board orders as presented, Patty 2nd. All in favor, motion carried.

LEGAL: none.

OTHER BUSINESS: None.

Executive Session – (if necessary) Personnel: Herb moved to enter Executive Session at 10:45pm inviting Bill Reed to join us, Terry 2nd. All in favor, motion carried.

Herb moved to exit Executive Session at 11:07 pm, Terry 2nd. All in favor, motion carried.

No Action taken.

ADJOURN: Herb moved to adjourn at 11:08m, Sean 2nd. The meeting adjourned at 11:08pm.

Respectfully Submitted
Patty Kenyon, Clerk

Next Regular Meeting – 7PM Thursday, April 11, 2024