

Approved 1/27/2004

Middlesex Selectboard
Minutes of 1/13/2004

Present: Walter Kelley, Bill Callnan, Cindy Carlson, Mary Alexander, Peter Hood, June Lakin, Abe Lewis, Shawn Fielder, Mary Alexander, Bill Rossmassler, Dave Shepard, Joanne Flanagan, Jim Austin, Doug Lubrund, Paul Giuliani

Meeting called to order at 7:00 p.m.

June Lakin, Town Clerk

June presented the board with a proposed general budget for 7/1/04 – 7/1/05, which the Board reviewed. Discussion addressed the adjustments from an 18 month budget to a 12 month budget taking payment due dates on various items into consideration. The budget will be finalized at the next Board meeting.

John Puleio, Rumney Community Connections

The Grant that the Community Connection program has been operating on will at the end of August 2004. There will be some carry over money for after school programs and a few adult programs. The funding was initially approximately \$1,000,000 and will be about \$400,000 for 2005. This is the 3rd year the program has been able to offer programs to the community. Since staff and some programs will be cut, Community Connections is going to be asking for some funding to help sponsor the program at Town Meeting. There is approximately \$15,000 to spend in 2004 for programs at Rumney. A survey has been completed which resulted in positive feedback on the program. The program is not being used for daycare. The Community Connections Board has discussed with the Rumney School Board combining Community Connections with the School. The School is looking at decreases in enrollment for next school year and because of the uncertainty of the Community Connections program; they really didn't want to add another line item to the school budget. It was agreed between the two boards to keep the programs separate. Any money that is raised for this program within Middlesex will only go to Middlesex children. The Middlesex Monthly and special mailings are used to promote the program.

John passed out sample brochures for the Listening Room, with a schedule of upcoming events. This program would like to be able to put aside some funding to give back to the Town for use of the Town Hall. The Board feels that the more events that can be held is beneficial to the Town, the space is available for public use and the Board is in full support of the events.

Conservation Commission - Bill Rossmassler, Dave Shepard

Information for the hydro seeder was passed out.

Information regarding the formation of Conservation Funds was reviewed with the Board. The Conservation Commission has drafted a petition if the Board is interested in putting funding aside for a Conservation Fund. One potential use of the money is to keep land in the Conservation District by purchasing development rights from the land owners. The fund can also be used for recreational trails or recreational facilities. With the fund being in place entities like VT Land Trust would see that the town is making a commitment and would consider the town for grants that require matching funds. Some of the surrounding towns have established funds with various amounts committed each year. The Conservation Commission is putting together information on what the surrounding towns are doing.

They are looking for guidance for an amount to ask for to increase the town's fund; .01 on the tax rate would add approximately \$10,000. The Board states that it might be better to have a project on the table before asking for funding from residents and that they would prefer a separate petition from the budget. The Board recommends asking for a specific dollar amount instead of a portion of the tax rate. The Conservation Commission is going to have the Town Meeting Solutions Committee use this as a neighborhood discussion. They will keep the board up-to-date with further information on what the other local towns are doing.

Joanne Flanagan, Paul Alfarone, Rod Wentworth, Jo Collemer Dog complaint

Joanne reports that she has sat at the end of Alfarone's driveway for ½ hour periods on 3 occasions and did not hear any barking. Alfarone reports that most of the dogs wear citronella collars, but they don't work too well when it is frigid. From Wentworth/Collemer's perspective, the level of barking recently has been acceptable. Alfarone will keep the collars on and the dogs stay inside when it is cold. The board states they understand that the situation has resolved itself. Wentworth/Collemer are concerned that when the weather warms that there will be a problem.

Alfarone states that the collars don't silence the dogs, but it does stop the dog from barking for a long period. There is still hear barking at times and due to his business, there are dogs at his house that are not wearing the collars. Alfarone reports that when he analyzed the data that was submitted to the Board at a previous meeting, the average barking was 8 minutes per day. The board expects Alfarone to do everything in their power to continue to have this situation remain acceptable and they hope that this resolves the problem for the future. If there is another complaint, it will be dealt with fairly.

Linda Simpson – Health Hazard

Joanne reports to the board that the next court date is 1/22/2004. Dufresne Associates have dug test holes in the front yard and have discovered that there is a swale, which is wet and an old metal tank with no evidence of a leach field. They have advised that she put in a 1500 gal tank, make it a 1 family house then she could remain in it until spring when the final work could be completed. The tank would have to be pumped weekly. The leinholders said that they would back her up when they were in court originally, but it appears that she is not going to be able to get any funding due to her income but a final decision will be made on 1/16/2004. It appears that the only system that will work will be a mound system, and Dufresne Associates has suggested that she have her water tested.

**Joanne Flanagan, Jim Austin, Paul Giuliani, Doug Lubrund
Trail Change**

Paul Giuliani, Town Attorney, understands that the general law gives the Board the authority to set out, lay out and administrate Town Highways. There is a catch all, stating the Board can take any action deemed necessary for the Town Highways to carry this authority out. It is not unusual for towns not to have the precise location of all highways, if there are no land records going back to the 1780 or 1800's establishing the location. The legislature back in late 80's to early 90's recognized the ambiguity of establishing where a highway might be and gave the Selectmen the power to establish the centerline based on all known evidence, photographs, testimony of people, tree stumps, etc.

The 1st step under the statutes is to make a decision based on the information that is available to determine where the road is today. The board has the inherent authority to locate that right-of-way to some other point based on the ability to accept a dedicated highway, if it is in the public interest to relocate it to a new location. If the landowner(s) does not agree, they have a statutory right to appeal to

Superior Court. The Court is not going to upset a decision of the Board if the decision is made in good faith with all information that is available. The 2nd step to this process is the Board can accept a deeded easement for a Town Highway and accept an alternate route.

Since there is not an agreement on where the current right-of-way is, the Board feels before it is willing to consider relocating the right-of-way, they would like to establish as best as they can where it is. A map has been located and a surveyor has been hired by the town to use this map and any other available information as a reference to mark the centerline. Mike Patterson is going to try and do job this by the end of January; this project can be done regardless of the amount of snow.

With regard to step 2, the criteria is the term "convenience" which means an accommodation, what layout allows the public to travel along the road at the same time while not upsetting or bothering other interests in land or adjoining land owners. The Board should use a common sense approach in making its decision and not treat the decision as an emergency. They need to ask them selves what would a prudent person do in a similar situation.

Paul is asked if the map does not show any metes or bounds, isn't it true that the Board can accept the place of the road without hiring a surveyor. The Board has to use the best available evidence to establish the location; if the Board feels most comfortable with hiring a surveyor they can request the survey. Again, all available information has to be used in making this determination. The landowner can give the surveyor other maps and information to use. Doug has maps and affidavits from different people's recollection of the area. He will make a complete presentation to the surveyor. He will do a package in written form for the Board to review. Mike's survey should be postponed until the package is complete, which will be before the 1st meeting in February.

Other Business

Paul is asked what the procedure is if there is no plan in place on the Linda Simpson situation by the court date. The court could order the house closed and she may be held in contempt of court. Paul does not think there will be a waiting period for eviction. If the bank states it will take a few extra days to get the financing taken care of the court may be more flexible. If there is no financing and no solution, the judge will probably not back down.

Grant agreement from the Community Loan Fund needs to be returned by 1/30/2004. The board took copies of the grant for review.

Walt met with John Rahill of Black River design regarding a feasibility study for a new town building, combining the Fire Station and Town Hall into one. The study would include projected costs for the building. A Committee of Town Residents would be involved with the study and if the study is done, it will give the Board some direction in how to start the process.

Motion: Bill moved the minutes of 12/16/2003. Mary Just Skinner seconds, motion carries.

Washington Electric Co-Operative, Inc. – permit request to perform work on the Notch Road to install a 7200-volt distribution line to serve the new Gourley residence. Gary has reviewed and accepted.

Washington Electric Co-Operative, Inc. - permit request to perform work on Meade Road to install a 7200-volt distribution line. Gary has reviewed and accepted.

Motion: Mary Alexander moves to approve the above permits. Bill seconds, motion carries.

Correspondence

Invitation from U-32 to participate in U-32's FY2005 Budget and anticipated tax impact on the community 1/7/2004

Superior Court of Vermont – notice of time and place for budget meetings FY2005

Quinland Publishing Group – subscription order from for Grants for Cities and Towns

VLCT News

State of Vermont Department of Public Safety - notification that the FEMA has released funds for the Great Brook Road Erosion Control project.

VLCT – Municipal Lands Management seminar 1/29/2004

VLCT Municipal Policy Priorities

Planning Commission minutes of 12/10/2003

State of Vermont Agency of Commerce & Community Development – notice of release of funds; Central Vermont Revolving Loan Fund Project

State of Vermont Department of Taxes – Certified Equalized Education Property Value effective 1/1/2004

State of Vermont State Police – enforcement contacts for the month of November and December 2003

Meeting adjourns at 10:25 p.m.

Respectfully Submitted,

Cindy Carlson
Executive Assistant to
The Middlesex Selectboard

Approved 2/10/2004

Middlesex Selectboard Minutes
of January 27, 2004

Present: Walter Kelley, Mary Just Skinner, Mary Alexander, Peter Hood, June Lakin, Cindy Carlson, Mike Morissette, Gary Lamell, Emily Kamansky, Abe Lewis, Shawn Fielder

Meeting called to order at 7:04 p.m.

Mike Morissette, VT Department of Transportation

Vermont controls its own Storm Water Regulation and is a little bit behind with the implementation process. One of the areas to be amended is the Construction Permit. Currently you are required to apply for this permit if you are altering 5 acres or more for large construction projects such as new pavement, multi-family units, etc. The new regulation has decreased the acreage to 1. An example of how this permit may affect the town would be if pavement were going to be extended, not replaced. Even if the extension of pavement is going to be done in increments you have to look at the entire project and the new regulation would apply.

All towns are going to be affected by the Multi-Sector General Permit, which was anticipated to be in place last year, but it may be another year before towns have to comply. Town Garages and Sand and Gravel Extractions would fall under this category. A plan for Storm Water Prevention has to be in place and it is suggested a monthly checklist be completed. There is a training element, which the Transportation Department would conduct with the Towns. Mike gave the Board a guideline on how the State will be replacing culverts in the future.

The EPA has given preliminary approval of some of the sections of the permit requirement. The EPA has give both the towns and the Agency of Transportation a 5-year grace period to have their "charged" sand piles covered. "Charged" meaning sand mixed with salt. Liquid Chloride Storage Tanks will have to be contained. There is now Double Walled Polyethylene Tanks available and the State is starting to use cement encasements to hold these tanks. Floor Drains can go to a daylight drain if there is no mechanical work being done or storage of hazardous materials being done in that bay. If you wash vehicles, the water has to go to an oil water separator.

Mike will keep Gary and the Board informed of the process and will send some additional information.

Emily Kaminsky – CT VT Revolving Loan Fund

The name of the program has been changed to Community Capital of Central Vermont. There was discussion of how to promote the program to Middlesex residents – direct mail flyers will be sent out, information to be kept in the Town Hall and use of the Middlesex Occasional.

There is a small part of the agreement which needs to be changed, Attachment, A, page 2, paragraph 5 – which refers to paragraph G3 should refer to paragraph G4. There are sub-grant agreement forms that also need to be reviewed and signed. Paul Giuliani has looked at Grant and the Sub-Grant agreements and submitted a letter to the Board with his approval.

Motion: Mary Just Skinner moves approval of the Community Capital of Central Vermont formally known as Central Vermont Revolving Loan Fund, Grant Agreement with the Town of Middlesex and authorizes Peter Hood to act on behalf of the Board. Mary Alexander seconds. Motion carries.

Gary Lamell, Road Commissioner

Notice has been received from the US Department of Transportation regarding regulations that must be followed when hiring new employees or giving information on previous employees concerning drug and alcohol testing.

Gary submits to the board two Grant Application/Agreements for review and signature. One is for repavement on the Three Mile Bridge Road and the second for installation of a box culvert on the Three Mile Bridge Road.

Motion: Mary Just Skinner moves approval of the grant applications for repaving a section of the Three Mile Bridge Road and installation of a Box Culvert on the Three Mile Bridge Road. The town share is \$13,043 for the Box Culvert and \$16,020 for the pavement. Mary Alexander seconds; motion carries.

Certificate of Highway Mileage outlining the number of road miles within town; the number is the same as last year.

Motion: Mary Alexander moves to accept the Certificate of Highway Mileage presented by Gary Lamell. Mary Just Skinner seconds; motion carries.

Gary has reviewed and recommends approval of the application from Washington Electric for the power line extension on the Center Road.

Motion: Mary Alexander moves to accept the Permit Application from Washington Electric for the extension of the power line on the Center Road. Mary Just Skinner seconds; motion carries.

Gary has reviewed and recommends approval of the application from Green Mountain Power for power line relocation on Shady Rill.

Motion: Mary Just Skinner move to approve the power line relocation on Shady Rill Road by Green Mountain Power. Mary Alexander seconds; motion carries.

Budget Discussion

The revised proposed budget was reviewed and discussed. It was decided that the line item under the Fire Department for stipends would be deleted and Insurance for the Fire Department would be put back into their proposed budget. There was discussion of starting a fund for future building projects. There was discussion of the Bridge and Culvert Fund; reimbursement for grants received for this line item is not reflected in the budget. The full cost of the projects is shown as an expense, so keeping this in mind there is approximately \$29,000 in the proposed budget that could be allocated to another line item.

There was discussion of purchasing a couple of ballot booths as June expects a larger number of voters this year. The cost for 3 would be approximately \$500.00, 2 would be \$375.00. June also recommends that the vote for Zoning Regulations not be held in November due to the number of anticipated voters.

There was discussion of taking over the North Branch Cemetery, There is almost \$100,000 of funds in accounts, they will be present at the next meeting, and will be asking the town if they can take over the cemetery.

The contract from the Humane Society will be amended to a two-year period instead of one at the cost of \$700.00. This has been paid under the 18-month budget so for the 2004 – 2005 proposed budget the line item can be zero. The Humane Society received 18 animals from the Town of Middlesex in 2003 and if the contract were pay as you go, the cost would have been \$100 per animal regardless of who brings in the animal. The town will receive notification of change in the contract.

The total of the special articles is \$21,740 with an additional \$150,000 for the Fire Departments request for a fire truck.

There was discussion of who holds the title to the fire trucks the town or the fire department and June has requested that the titles of the trucks be stored in the Town Hall. A letter will be written to the Fire Department requiring them to store the titles to the Fire Trucks in the Town Hall.

Expenditures for the last calendar to budgeted expenditures are virtually level. If there were \$25,000 added to the budget for the establishment of a building fund, and \$29,000 taken from the bridge & culvert fund would the result would be a \$4,000 reduction in the tax rate. The board knows it will be facing substantial building costs in the future. It was decided to place \$25,000 request for a building fund as a special article instead of including it into the budget.

Gary asks when the small truck is replaced this spring, whether the note and interest will go into the proposed budget. The truck will be ordered for delivery after 7/01/04, so the note will go into the 2005 – 2006 budget.

Motion: Mary Alexander moves the budget of \$691,591 with a separate article for \$25,000 for the establishment of a building fund. Walter seconds. There was further discussion of how the \$25,000 fund could be used for future building projects such as addition of a bay to the town garage, or for the study for new town facilities. Motion passes.

Other Business

There was discussion of how much sand should be ordered for the balance of this winter. Gary recommends 500 yards, which would be the minimum that will carry him through the rest of the season. The price is higher now that it would be in the spring, but it will be needed before the end of the winter. A typical year would use approximate 5500 – 6000 yards per winter.

All orders were signed.

There was discussion of the special article for the discount on real taxes and if the discount should be changed. The article states 1.5% or a lesser amount. It is the feeling of the board that the discount should not be any more than interest paid on a savings account

Renewal notes in the amount of \$24,400 for the 1997 Caterpillar Backhoe and \$35,000 on the Grader were reviewed.

Motion: Mary Just Skinner moves to renew these notes. Walter seconds, motion carries.

The grader has a balance of \$45,000, the backhoe approximately \$30000.

Overweight permit for Cardinal Freight.

The certificate of Insurance was not acceptable and the permit was not accepted.

Motion: Mary Just Skinner moves approval of the warning for the March 2, 2004 Town Meeting. Walter seconds; motion carries.

There was discussion of the use of the town hall and if the town's insurance covers host liquor liability, which means the town is giving away the liquor, and if the town gets sued, the policy provides coverage. The town can not sell liqueur but it is the believe of the Board that if someone wants to rent the town hall and serve liqueur, the town should request a certificate of insurance from the renter.

Motion: Mary Just Skinner moves the minutes of 1/13/04, Mary Alexander seconds; motion carries.

Update from Traffic Court: \$1,681.50 in fines; the town should receive this amount within the next couple of weeks.

Correspondence

Traffic Summary from 12/1/03 – 12/31/03 \$173.00

VLCT News

A Letter from Black River Design outlining an action plan for a feasibility study for a new town facilities. The proposal calls for a total of 91 hours of work \$8,645 offering the service for \$5600. Discuss will be held at the next meeting.

Regional Planning Commission meeting 1/13/04 Agenda and minutes of 12/9/03

Meeting adjourns at 10:20 pm.

Respectfully submitted,

Cindy Carlson
Executive Assistant to
The Middlesex Selectboard

Approved 2/24/2004

Minutes of the Selectboard
Meeting of February 10, 2004

Present: Walter Kelley, Bill Callnan, Cindy Carlson, Peter Hood, Joanne Flanagan, Mary Alexander, Mary Just Skinner, Jim Austin, Doug Lumbra.

Joanne Flanagan updates the board on the status of the Simpson property. It appears people are still living in the house. A sheriff has served all residents of the building with the court order to vacate the property. Glen was to notify the court yesterday that the building is still being occupied. Joanne will keep the board apprised of any further actions.

The Draft of the Outdoor Storage of Junk and Junk Vehicles was reviewed and discussed. There was further discussion of the enforcement of the ordinance. VLCT will be asked to review the proposed draft of the ordinance make recommendations and about the appeal process, and tickets.

Flanagan/Austin Trail Change

The board received a letter from Paul Giuliani, a memorandum from Doug Lumbra, attorney for Joanne Flanagan and Jim Austin, and affidavits from Ray Hickory, Gary Lamell, and John Christian, which were discussed. Paul's letter stated that the board can review the evidence and if it is determined that the exact location of the road cannot be located the board and the property owners can decide where the road is. The board would feel that they have taken all possible steps to locate the road if Mike Patterson is consulted. He may come back with the opinion that he cannot locate the exact location.

Motion: Bill moves to submit all the available evidence to Mike Patterson for his review and allocate up to \$1,000 from the discretionary fund to submit his findings from his review to the board. Mary Just Skinner seconds; motion carries. Mary Alexander abstains.

A revised sub-grant agreement was received from Community Capital of Vermont and Peter has reviewed and recommends that it be signed.

Motion: Mary Just Skinner moves approval of the sub-grant agreement between the Town of Middlesex and the Community Capital of Vermont. Mary Alexander seconds. Motion carries.

Peter is going to have June complete the necessary paper work for the grant.

Motion: Mary Just Skinner moves the approval of the minutes of 1/27/04. Mary Alexander seconds. Motion carries.

Correspondence:

VLCT – notification of Local Government Day

RCAP Solutions notification of name change from Rural Housing Improvement, Inc.

Agency of Transportation – concerning Middlesex I-89, Interchange Proposed RV Park

Opinions newsletter

Financial Report was reviewed

Walter reports that he has spoke to Bruce Jackson concerning the committee for the fire department and due to the holidays did not schedule but will try before town meeting

New CT VT Humane Society contract signed for a two-year period for the fee of \$700.

Overweight Permit

Dennis Demers

Motion: Bill moves approval. Walter seconds. Motion carries.

Black River Design Feasibility Study - Since the special article references this project it was decided that if it is approved than the study should be deferred until after town meeting.

An invoice from McKee, Giuliani & Cleveland regarding billing for the Simpson case, June asks if this above and beyond the retainer. Peter will call Paul and let June know.

It was reported that the Conservation Commission had asked someone to view all the trees on the old Morse Property.

Meeting adjourns at 8:40 p.m.

Respectfully submitted,

Cindy Carlson
Executive Assistant to
The Middlesex Select Board

Approved 3/9/2004
Middlesex Selectboard
Minutes of 2/24/2004

Present: Walter Kelley, Bill Callnan, Mary Just Skinner, Cindy Carlson, Peter Hood, Jim Austin, Mike Patterson, Barbara Nelson, Paul Guare, Christine Melkonian, Mary Alexander, Karen Greenwood, Dick Alderman, Bob Benzing, Gary Lamell

Meeting called to order at 7:00

North Branch Cemetery

The North Branch Cemetery Commission has come before the board for to ask for the boards advice and assistance for ownership of the North Branch Cemetery. The cemetery commission no longer has any one on their board who is interested or has the time to operate the cemetery.

The cemetery has approximately \$90,000 –100,000 in assets. There is about \$65,000 in cash and the balance in bank stocks. The commission is working with the Chittenden Bank on the status of the stocks, as Chittenden obtained the stocks as part of a purchase of another bank. They hope to have this resolved over the next few months. There is income derived from the sale of lots, usually 2-3 per year and there are approximately 300 lots still available. The cemetery has approximately 5 acres of land in total.

Their budget for maintenance of the cemetery is approximately \$5,000 per year. The commission only spends the earned interest for maintenance of the cemetery, due to state statues concerning the ability to spend assets for general maintenance.

The board would like to review the books for the cemetery and have some firm answers on the status of the stocks. The board would also like to know what the plan is for the Center Cemetery and if they would have any interest in taking over North Branch Cemetery. They also need to know if under the bylaws of the cemetery can the assists be assigned to another party. Mary Alexander will review the books, and other information regarding the cemetery. The Center Cemetery Commission should be invited to a meeting as soon as possible.

Mike Patterson prepared a map for the board's review showing three different plans for where the trail/driveway are. Without doing a complete site inspection, Mike feels the town's right of way is best shown in the survey completed by Phil Rich in 1973. There are aerial photographs taken in 1939 which Mike could also add as an overlay to the map presented to the board. Mike will do this and have it ready for the boards next meeting.

Mike Patterson suggests to the board that the corner of French Road and Culver Hill Road near Elsa Patterson's house be put back into it's original location as the road is moving closer to the house. The road should be a "t" instead of a corner and Mike has a survey showing the intersection being 15' over from where it currently is. The road commissioner will meet with Mike in the spring and develop a resolution.

Gary Lamell, Road Commissioner

Gary has had some of the purchased sand delivered, and the rest will be delivered next week. He expects to be within his budget even with the purchase of winter sand. Slate has not been able to be

purchased yet in preparation of mud season. Gary is going to start hauling rocks from the Walker Motors Project, which can be crushed and stored for future use.

Gary reports that ATVs are using the town's right of way near Mary Christian's house and causing ruts in the road which are washed out. The town can block the road until the water is dried up. There will be follow up with the out of compliance driveways in town in the spring. Gary states that he feels the proposed zoning ordinance is more than what the town should be involved in. They are addressing things like parking spots, it is set up for a larger town, not a country town.

Middlesex Listers

The board was given a progress report of the appraisal process. As of 2/16/04 out of the 860 parcels in town, 491 have been inspected. The revised grand list has required some additional information and won't be released until early June. The Listers has reviewed about 200 parcels that have been completed and have found some discrepancies in consistency that they have been able to resolve with the inspectors. The discrepancies have been both for increase and decreases in values. To date the increase in values are averaging 35-40%. Two residents have refused to let the town appraise their property, so a street appraisal will be done.

Dick gave a summary of the history of listers in town. He recommends to the Board that Bob Benzing be recognized at Town Meeting, as he has had to put together the last 2-3 grand lists without much help. Bob and Dick have been the only Listers for several years and due to time constraints, Dick has not been able to commit much time. Bob has been a Lister since 1988.

Other Business

Notice regarding Central VT Solid Waste Management District Representative that needs to be completed by 3/22/2004.

Peter received a phone call from Judy Keyes for a tree grant application, which needed to be signed for a tree project the Conservation Commission is looking at on the Morse Property. The Grant Application had to be mailed the same day Peter was contacted. Originally, Peter was told the project would be \$2,000, but when Judy brought the document or signature, the grant request was for \$6,450 with a \$1,000 cash match and a \$5050 in-kind match. The total grant is for \$12,900 with cash expenditure of \$1,000, the balance in-kind match or town equipment and labor costs.

Peter signed the form after advising Judy that the Conservation Commission should have consulted and advised the Board in advance and at a Board Meeting so the other Board members could participate in the decision. Judy advised Peter that the Board could reject the grant if approved. The board is concerned that if the Board accepts the grant and the property is made a Green Area, whether the Town has to maintain the property as a Green Area. This is something that would have to be researched.

The Board discusses the committee they have formed with the Fire Department. There has not been any meetings of the committee that the Board is aware of.

Motion: Bill moves approval of the minutes of 2/10/2004. Mary Alexander seconds, motion approved

Linda Simpson – The motion for a contempt of court has been postponed until 2/27/04.

The contract for Emergency Medical Service for 7/1/2004 – 6/30/2005 is at a rate of \$21 per capita and 7/1/05 – 06 \$22 per capita.

Motion: Bill moves approval of the Emergency Medical Service Contract with the City of Montpelier for the 7/1/04 – 6/30/05 date. Mary Just Skinner seconds. Motion carries.

Correspondence:

App. Gap Promotions, LLC – requesting permission to use public roads for the Green Mountain Stage Race on September 4, 2004

Motion: Mary Just Skinner moves approval of the request from App. Gap Promotions, LLC to use public roads for the Green Mountain Stage Race on September 4, 2004. Bill seconds. Motion carries.

Letter from James W. Colby asking the board for approval of a new access road at the “Colby Farm”. A response letter will be sent to Mr. Colby asking him to submit his request to the Zoning Administrator.

VT State Police Enforcement Contract for the Month of January 2004

VLCT – notice of Planning & Zoning Series #3 Child Care Facilities

VLCT Grants Workshop to be held of 2/19/2004

Notice of Town Service Officer Appointment which expires 4/14/2004

Overweight Permit for Darcy Nelson

Motion: Bill moves approval of the overweight permit for Darcy Nelson. Mary Alexander seconds. Motion carries

There was discussion of the recent article in the Times Argus concerning other towns concerns about identify theft. There have been some towns in Vermont that have made a decision not to post dates of births in the Town Report. The Board feels that no changes should be made in the current procedure until the Vermont League of Cities and Towns make a recommendation.

Meeting Adjourns at 9:30 p.m.

Respectfully submitted,

Cindy Carlson
Executive Assistant to the
Middlesex Selectboard

Approved 3/23/04

Minutes of 3/9/2004
Selectboard meeting

Meeting called to order at 7:15 p.m.

Present: Walter Kelley, Bill Callnan, Mary Just Skinner, Cindy Carlson, Peter Hood, Mark Tillinghast, Elizabeth Fortman, Jackson, Nick White, Doug Hanson

Organizational Meeting

Motion: Mary Just Skinner moves Peter Hood as Board Chair. Bill seconds, motion carries.

Motion: Mary Just Skinner moves Mary Alexander as Board Vice-Chair. Bill seconds, motion carries.

Motion: Bill moves that the time for the regular scheduled Board meetings to be the second and fourth Tuesday of each month at 7:00 p.m. There was discussion of changing the time to 6:30 p.m. Walter seconds, motion carries as moved.

Motion: Walter moves to use the Times Argus as the Paper or Record. Mary Just Skinner seconds, motion carries

Motion: Bill moves Gary Lamell as Road Commissioner. Walter seconds, motion carries

Motion: Bill moves to grant the Chair Person voting status on all motions, not just in the event of a tie. Walter seconds, motion carries.

Vacancies of appointed officials and Board Goals & Objectives were deferred until the next meeting if all members are present.

Fire Department

The Board is updated on the status of the purchase of the new Fire Truck. The Fire Department has been advised there is a truck available now that will meet their needs. The Town Clerk has talked to the Town Attorney who reports that as long as the funds are not expended until after July 2004 the Town can purchase the truck now. There would be no funds expended now, since the entire amount will be borrowed and there are no funds expended until one year from the date of the note. After further discussion the Board agreed to also ask the Town Accountant for his opinion of purchasing the Truck before the new Budget goes into affect. The Board is also considering the purchase of the new truck as an emergency since the truck this is replacing is not operational as a pumper and can only be used as a tanker.

The Fire Department has obtained bids from approximately 18 fire truck manufactures. They ended up with 3 sets of specs for a truck that was within the price range they had selected. Many of the trucks they received bids for were beyond the Town's needs. The Fire Department tried to find a truck locally to make service easier in the future. They have narrowed it down to three options; K&T Equipment Sales 140,300, Ariens Fox \$175,000 and Emergency One, Inc. for \$129,416. The truck from Emergency

One will have to have a new fire radio, lettering, and some additional equipment installed. With the addition of these items, they will be within the \$150,000 limit approved at Town Meeting.

It was suggested that some of the equipment be used from the existing truck until after 7/04. This will work for the most part, except for a few items. The Fire Department is confident that the new truck will fit through the door of the fire station. The truck will be ready to use when it arrives, which would be within 2 weeks of the order date. If the truck can be outfitted for less than the \$150,000, the additional monies should not be spent. The town will borrow the full amount and if there are any additional funds, they will be paid back on the loan.

Bruce believes that the Town owns all the current trucks except the pickup, which was bought by the Fire Department.

Existing Engine One will be taken to the town garage and will be used as a tanker truck providing it can be stored in a bay.

Motion: Bill moves to authorize the Town Clerk to borrow \$150,000 for the purchase of a new fire truck and equipment from Emergency One, with the understanding that the actual price of the truck is \$129,416 subject to approval from the Town Accountant, in the name of Town Middlesex. Walter seconds, motion carries.

The decision for the payback period should be made at the time the tax rate is set and decide how much of the principal will be paid down.

The life expectancy of the new truck will be 25 years, and it is recommended to replace trucks at 20 years. The Fire Department is expecting new trucks to be replaced on a 6-10 year time frame. The purchase of this truck from Emergency One, has also been voted on and approved by the Fire Department..

Peter will confirm with Bill Yaccavoni, Town Accountant, and if the purchase is acceptable to him, Peter will sign the contract and the salesman can pick it up at Peter's office on March 10, 2004.

Dick & Karen Greenwood are property owners on the Center Road. They have been experiencing tremendous water run-off which they feel is due to the elevation of the road. In their opinion, the elevation of the road has increased 2 -6 inches over the past few years. They have attempted to hand dig some trenches but they fill up rather quickly with silt. Their barn has had suffered some water damage and now the house is being threatened.

To correct the problem either 100' of ditching along the side of the road and a culvert or 50' of ditching and 2 culverts need to be installed. They presented photos showing the level of the road vs. their driveway. Every time the road is graded the ditching is filled in, there has never been a culvert under the driveway. Their driveway is paved and they have had cars go through the pavement due to the wetness of the ground water. The water used to run towards the right side of the road, which is already ditched with a culvert. The Center Road has been resurfaced once in the past 5 years. The water starts above the Notch road and runs down the road. It was stated that any house that is on the downside of roads are in the same situation and it is up to property owners to divert the water. It was suggested that the Board meet with Gary for his recommendation and get back to the Greenwoods.

Other Business

Town meeting minutes

Motion: Bill moves approval of the minutes from Town Meeting. Mary Just Skinner seconds, motion carries.

Motion: Bill moves approval of the minutes of 2/10/2004. Mary Just Skinner seconds, motion carries.

Draft of the proposed junk/junk vehicle ordinance was reviewed with the recommendation made by VLCT.

Motion: Walter moves to approve the amended outdoor Storage of Junk and Junk Vehicles. Mary Just Skinner seconds, motion carries.

There was discussion of the proposal from the Black River Design for a study for Town Facilities. The bid is \$5600. It was decided to invite them the 1st meeting in April for a presentation.

Linda Simpson – the hearing was postponed as none of the defendants had any legal representation. Linda has since hired an attorney and a holding tank has been installed. They are working on an agreement stating that Linda is in contempt of court and she will be given the opportunity to purge the contempt on March 22, 2004. She will have to agree to no more rental of the dwelling until a permanent septic system is installed and at any time, until the system is installed she can be held in contempt of court.

Correspondence

The Board received an unsigned letter with an article from the Times Argus, which outlines the concept of having a finance committee that asks organizations requesting money to fill out an application. The committee then makes a funding recommendation for the purpose of Special Articles. The letter also thanked the Board for its dedicated service to the Town. The Board discusses and agrees that a standard application and having a committee review and make recommendations would be a good idea. Perhaps the Town Meeting Solution Committee would be interested in this concept.

Central VT Regional Planning Commission – invitation to nominate municipally own property to the Brownfield's Inventory and Assessment Initiative.

Copy of letter sent from the Town Meeting Solution Committee sent to newly registered voters of Middlesex.

Opinions newsletter

Sexual Assault Crisis Team of Washington County - new outreach program, the SACTMOBILE

Bills from McKee Giuliani & Cleveland – Cindy will follow up on what should be paid

Motion: Bill moves approval of the Resolution for Government Banking Deposit Services. Mary Just Skinner seconds, motion carries.

Driveway permit for Robert & Courtney Gourley is approved

Bill and Walter reports that they have had the first meeting with the Fire Department as part of the Committee that is developing future plans for the Fire Department. The Committee will meet again on April 13, 2004 at 6:15 p.m.

Bridge Inspection Reports –Gary will review and report at next meeting.

Overweight permit

A. Withers Trucking, Gary R. Silver, G.W. Tatro Construction, Inc., Sundown Corporation, Bourne's Inc., Propane, Ultramar, McLure Moving & Storage, Donald Giroux's Trucking, LLC, S. T. Griswold & Company, Inc., Willie's Village Auto, McCullough Crushing, Inc.

All certificates are in order.

The Hartigan Company's permit did not have a Certificate of Insurance attached.

Motion: Mary Just Skinner moves approval the above overweight permits, excluding Hartigan Company. Bill seconds, motion carries.

Meeting adjourns at 9: 10 pm.

Respectfully submitted,

Cindy Carlson
Executive Assistant to
The Middlesex Selectboard

Approved 4/13/04

Minutes of the Middlesex Selectboard
Meeting of 4/6/2004

Present: Walter Kelley, Bill Callnan, Cindy Carlson, Sandy Levine, Mary Alexander, Mary Just Skinner

Meeting called to order at 7:05 p.m.

The purpose of this meeting is to discuss the proposed Middlesex Land Use and Development Regulations, (Zoning By-Laws).

The overall process is the Planning Commission has scheduled 2 public meetings with a public hearing to be held mid May and a final draft ready for June 2, 2004. The draft goes to the Select Board who has a certain number of days to review and hold a public hearing. It is planned to vote on a final draft at election day in November.

The draft of 1/7/04 has been revised to include a Telecommunications section.

A graph of the results of the survey conducted by the Planning Commission was reviewed.

There is discussion of the proposed zoning maps, which show limited growth on the existing roads with acres limited to 10-acre parcels in medium density instead of the current 10-acre requirement with a reduction to 3-acres with an approved septic system. Some of the surrounding towns show parcels at 2, 5 or even smaller lots. If 10 acre lots are requested it will limit who can buy lots in town. The Planning Commission feels that you are buying a buildable lot, not a number of acres. There has been discussion of some smaller lots in cluster areas but an agreement could not be reached on how to propose this. The proposed Conservation district would be more restricted, proposing no less than 20 acres. Currently you can have 20 acres but as little as 5 if the lot can be perked. The proposed is stating no less than 10. The Planning Commission felt after gathering input from others that the current requirement is a loophole and it should tighten up. The Board suggests as a solution to put more in the orange area (Medium Residential Density) on main traveled roads. These roads like Shady Rill, Center Road, and coming out of Montpelier can carry the traffic.

The Planning Commission has looked at past development in these areas before making the proposed recommendation and feels that sections should be looked at when areas are being developed. How the town wants to structure growth, do you want cluster houses or do you want many smaller lots.

There was discussion of the surrounding towns parcel limits for each of their districts. They are much less constricting than what is being proposed. Another solution would be to open up rural residential to a smaller lot size; surrounding towns use 5 acres where as the Middlesex proposal is 10 acres.

Discussion of the section on subdivision: The proposal is to have all subdivisions reviewed by the Planning Commission. The Planning Commission feels that at the time the land is subdivided is when plans for development may take place. They would like to have an idea of any future development plans at that time and be given the opportunity to approve or stop any development that would not meet the Zoning By-Laws at the time the land is sub-divided. The timing seems to be very restrictive to

the landowner and presumes that building will take place in the future. The State looks at all subdivisions to include wastewater requirements and the owner cannot sell the property unless a deferral application is obtained. The Board sees this as another layer to add to obtaining permits. The Planning Commission feels that under section 6.4 General Standards, the Zoning Administrator can only look at certain requirements; other towns have a process in place by making use of a Development Review Board. The subdivision process allows the neighbors to comment, as a hearing has to be held. The Planning Commission didn't feel the timing is right to develop a Design Review Board, which would combine the Zoning Board of Adjustment and the Planning Commission.

There is discussion of section 6.4 section I – landscaping & screening, which also has to be reviewed and approved by the Planning commission.

The Planning Commission has talked about the additional duties they would have if this is approved and they feel that it can be worked into their meetings. The Board feels there is a lot of authority given to the Planning Commission with this proposal. Any appeals would go to the VT Environmental Court and then the town will be faced with legal expenses. Property owners may feel they have to compromise if they are faced with the expense of the cost of going to court. The Board agrees that if any major projects are proposed, the Town should have some input, but that residential housing should not be looked at so closely. The board would like some explanation on why the sub-division section should be included.

There are missed feelings among the Board members on the Sub-Division section. Some feel that it should be taken out entirely or that a simpler language could be used or perhaps building in the requirement for a Sketch Plan Review. Moretown uses a Development Review Board that reviews for conditional uses but the Zoning Administrator reviews approved uses. Berlin and Calais are both similar to Moretown.

The categories for uses and conditional uses have been changed in all the categories except mixed use. There are more listed uses over all as they tried to be more specific in each category. They categorized based on a use that would be approved with minimal reductions of uses over the current zoning. The Board feels that there are more conditional uses than permitted uses and suggests a better consolidation.

The Board feels that the proposed ordinance is very detailed, they are hard to read and questions whether it is necessary to have to be so lengthy. There are references to State regulations included in the proposed ordinance, such as pond construction or equal housing, which is regulated by the State. Would it be possible to remove these sections?

The proposal appears to give authority to the Planning Commission for items such as Access, Driveway & Frontage Requirements. Under current regulations, the Select Board regulates these items and the Board is not willing to give up its authority to the Planning Commission. They welcome recommendations but feel that the Board needs to maintain its authority; these sections should be made clearer in both areas. Under the proposed ordinance, the Planning Commission would appoint the Zoning Administrator. Further research will need to be done on this, as the Board believes the Planning Commission can recommend the Zoning Administrator.

The Planning Commission has reviewed the comments from the Conservation Commission and they will be meeting again on April 14, 2004. The Board decides that an additional meeting needs to be held with the Planning commission and they will set a time at the next Select Board Meeting.

Other Business

In order to have use of the services provided by the Judicial Court an appointment has to be made for Custodian Official and Issuing Officials. It was decided to authorize June Lakin as the Custodial Official and Joanne Flanagan as Issuing Official. This can be discussed further at the next meeting.

Meeting adjourns at 9:05 p.m.

Respectfully submitted,

Cindy Carlson
Executive Assistant to the
Middlesex Selectboard

Approved 4/27/04
Middlesex Selectboard
Minutes of 4/13/2004

Present: Walter Kelley, Bill Callnan, Cindy Carlson, Mary Alexander, Peter Hood, Mary Just Skinner

Meeting called to order at 7:10 pm.

Peter reports that the Fire Department has submitted a FEMA grant application for the purchase of the new fire truck. Letters of support for the grant have been obtained from Leahy, Jeffords and they are working on Sanders.

The board along with John Lincoln's response reviewed a letter received from Kathleen Fleury. The Board will respond with a letter addressing her concern.

Motion: Walter moves to approve the minutes of 3/23/04. Mary Just Skinner seconds, motion carries.

Motion: Bill moves approval of the 4/6/2004 minutes, Mary Just Skinner seconds, motion carries.

The financial report was reviewed. A question came up concerning the balance of the insurance line item, which will be researched further. The orders were reviewed and signed. There was discussion about the number of Verizon invoices. June will be asked to see if the bills can be consolidated and if the town is getting the best rates.

Motion: Peter moves approval of the Outdoor Storage of Junk and Junk Vehicles. Mary Just Skinner seconds, motion carries.

Overweight Permits:

Carroll Concrete, R. P. Frost, Inc. dba Vermont Well & Pump, Paul C. Garcia, Gene Armstrong, Weston Pulpwood Sales, Bert French Jr., Donald E. Lavalley II, Limlaw pulpwood Inc., John H. Goss Trucking & Excavating, Inc., Cheney Trucking David Cheney EE Packard Enterprises, Inc., Dale E. Percy, Inc., Cox Trucking Inc., Clement Cox, Clifton A. Rathburn, Jr., Bill Atwood Excavating,

Motion: Mary Alexander moves approval of the above overweight permits. Bill seconds, motion carries.

Discussion of enforcement of the requirements of the overweight permits- Gary should enforce the policy with any violators. Peter will call Gary to discuss.

Correspondence

2004 Liquor License renewal application –Middlesex Service Center

Motion: Bill moves approval of the 2004 Liquor License for Middlesex Service Center. Mary Alexander seconds, motion carries

The Sub-Grant Agreement for the Great Brook Bank Stabilization project was received and reviewed.

Motion: Bill moves approval of the Sub-Grant Agreement for the Great Brook project subject to Mike Klein's review. Mary Just Skinner seconds, motion carries.

A letter from James Austin to reaffirm their commitment to the trail exchange as stated by their attorney including the request to make it non-motorized.

Opinions News Letter

Long Island NYC Emergency Management Conference 2004

VT Community Development Program Grants Management Compliance Workshop

Central Vermont Solid Waste Management District – proposal for resolving Landfill Concerns

State of Vermont Department of Public Service – copy of Notice of Appearance on behalf of the Department of Public Service

Invoice from McKee, Giuliani & Cleveland PC the invoice was added to the orders for payment

There was discussion of the Judicial Bureau request to designate an alternate person as an issuing officer to be able to issue violation tickets if there is an emergency and Joanne is not available.

Motion: Mary Just Skinner moves Peter Hood as the Alternate Issuing Official with the VT Judicial Bureau. Bill seconds, motion carries.

Motion: Mary Just Skinner moves Walter Kelley, Scott Merrill, Charles Merriman, Dennis Nealon and Roger Hirt, the current Zoning Board of Adjustment members, with terms expiring March 1, 2005. Bill seconds motion carries.

Motion: Mary Just Skinner moves to reappoint Rev. Phil Chase as Town Service Officer with a term expiring March 1, 2005. Mary Alexander seconds, motion carries.

Motion: Mary Just Skinner moves Michael Morissette as Emergency Management Coordinator with a term expiring March 1, 2005. Bill seconds, motion carries.

Motion: Mary Just Skinner moves Jason Merrill be appointed as Fire Warden with a term expiring March 1, 2005. Mary Alexander seconds, motion carries.

Motion: Mary Just Skinner moves to appoint Joanne Flanagan be appointed as Heath Officer and Constable with a term expiring March 1, 2005. Walter seconds, motion carries.

Motion: Mary Just Skinner moves to appoint John Lincoln as Zoning Administer with a term expiring March 1, 2006. Mary Alexander seconds, motion carries.

Bids for the new Town Truck were reviewed. Howard P. Fairfield Inc. in the amount of \$17,540 for the additional equipment and Walker Motors in the amount of \$24307 for the truck. The bids include \$1,100 in taxes, which the board does not believe that the town has to pay. Gary will be asked to check on this and any potential rebates. These bids submitted by Gary are the lowest ones that he received.

Motion: Bill moves subject to the clarification of the tax, to authorize Gary to order the new truck and equipment. Walter seconds, motion carries

The annual Financial Plan for Highways that was completed by Gary was reviewed.

Motion: Bill moves approval of the Financial Plan for Highways as reviewed by Gary Lamell. Walter seconds, motion carries.

Peter received an e-mail from Susan Clark, Town Meeting Solutions Committee, asking if the Board would like the Town Meeting Solutions Committee to become involved in reviewing requests for special articles. The Board will ask the Town Meeting Solution Committee to set up a process to review requests for special articles and to make a recommendation at Town Meeting.

Walter & Bill meet with the Fire Department as part of the committee formed with the Fire Department to plan for the future of the Fire Department. The discussion involved developing a plan for equipment coordination and training with other fire departments and for retention of personnel. The discussion has assumed the Fire Department staying independent. The City of Montpelier was to have put some numbers together on what it would cost to take over service for Middlesex. To date the Committee has not looked into this any further. Walter will follow up with the City of Montpelier to see if the estimate has been completed for the Board to review. Another item to look at is a Town Fire Department and not a separate Volunteer Department. The Committee is also discussing paid volunteers.

Peter will talk to the Planning Commission at their meeting of April 14th to set a date for the next working session to discuss the proposed Zoning By-Laws.

Meeting adjourns at 9:40 p.m.

Respectfully Submitted,

Cindy Carlson
Executive Assistant to the
Middlesex Selectboard

Approved

Minutes of Select Board Meeting

Present: Walter Kelley, Cindy Carlson, Mary Alexander, Mary Just Skinner, Peter Hood, Sandy Levine, Greg Faber, Paula Crossett

Meeting called to order at 7:25 p.m.

Planning Commission

The Planning Commission submitted a summary of changes that has been made to the latest draft had been previously discussed with the Board. There was discussion concerning the proposed lot sizes within the districts, the sub-division application requirements and the proposed driveway and access requirements.

Motion: Walter moves to accept the draft of the proposed Middlesex Land Use and Development Regulations from the Planning Commission with the amendments to page 56 substituting Zoning Administrator for Planning Commission and on page 57 adding section B&C 3.12. The Board will hold a hearing 9/29/04 at the Town Hall at 7:00 p.m. Mary Just Skinner seconds, motion carries.

It was noted if any changes other than minor wording, are made to the proposed regulations, the Board has to hold another hearing. The interim zoning that addressed mixed-use districts and telecommunications towers, etc. will expire 12/04 and if the proposed regulations are not approved the Town would be back to the old zoning regulations.

The Planning Commission also submitted a draft report outlining how the proposed regulation meets the requirement of the Town Plan.

Gary Lamell, Road Commissioner

Gary and Mike Klein have meet with two property owners on the Brook Road concerning two separate projects that are to be completed in The Great Brook. It has been decided due to filing of necessary permits; only one project will be done this year, which will be completed over the upcoming weekend on the Wendel property.

The box culvert on the 3-Mile Bridge Road will be started next week along with some repairs to a section of the road that has collapsed. A culvert will be placed across the road near Dartmouth trucking building. It appears that the town is going to receive a Grant from Better Roads to do the upper section of Government Hill Road, cutting the trees and brush back, ditch and reset the culverts and put in fabric stone. The work has to be completed by 10/5th under the grant terms. By fitting this job in, the resurfacing projects will be slightly behind schedule. Gary has the winter sand ready for this winter. The repairs to the town hall will be completed this fall; digging out the wall, resurfacing the foundation and putting in the drain to eliminate the water seeping into the building.

There was discussion of the junk/junk ordinance and if Gary could have a role in urging residents to address the Boards concern. A list was compiled of potential violators and a letter drafted to send to property owners.

Mary Alexander has now had an opportunity to review some of the material, including the bank balances, for the North Branch Cemetery. Currently, there is no one on the Cemetery Commission that is willing to do maintenance for the cemetery. After discussion, it was decided to ask the Cemetery Commission to submit the rest of the information to Mary for review. At the 1st meeting in October when a decision can be made if the town will take it over.

The Board discussed the Flanagan/Austin proposed exchange of the town right-of-way. The Board had conducted a site review of the proposed location. A letter submitted by the Flanagan/Austin was reviewed. A general discussion was held concerning the cost/materials to upgrade the proposed vs. the existing. There was discussion of why a 2-rod right-of-way instead of 3-rod right-of-way which is customary. This will be discussed at a future meeting when all Board members are present.

Other Business

Dick Alderman, Gary Lamell, Karen Greenwood, has volunteered to be on the committee for the building facility. This will be deferred to the next meeting.

Motion: Mary Just Skinner moves approval of the 8/17/04 and 8/3/04 minutes. Walter seconds, motion carries.

Correspondence

Opinions News Letter

VLCT notice of 2004 Annual meeting of the membership

VLCT Candidate Bulletin

VLCT Membership to Vote on Proposed Changes to the VLCT Bylaws at Annual Business Meeting

VLCT presents Storm water Legislative remedies affecting municipalities

VLCT 2004 – 2005 Calendar of Training and Events

Letter from James Colby concerning the draft of the Zoning Regulations

Vermont State Police – Enforcement Contract for the month of July 2004

VLCT Nomination recommendation to the Board of Trustees

Opinions News Letter

VLCT draft of the 2005 Vermont Municipal Policy

E-mail from June Manning concerning the condition of the 3 Mile Bridge Road

Letter from JoAnne Flanagan concerning the proposed alternate right-of-way.

Letter from Joanne Flanagan concerning the date the Select Board will conduct the walk through on her property.

Overweight Permits

Lajeunesse Construction, Inc., Blue Diamond, Inc., Mark Whipple

Donald Giroux's Trucking, LLC has requested that 2 additional trucks be added to their existing permit.

Motion: Mary Just Skinner moves approval of the overweight permits for Lajeunesse Construction, Inc., Mark Whipple and Blue Diamond, Inc., subject to confirmation of the certificate of insurance for Blue Diamond Inc. Mary Alexander 2nds, motion carries.

Copies of correspondence concerning the proposed Moretown Quarry from Mr. Arthur Hendrickson, McCain Consulting, Inc., Lamoureux & Dickinson Consulting Engineers, Inc., Darby Stearns Thorndike Kolter & Ware, LLP, Cheney Brock & Saudek, P.C. Frihauf Appraisal Associates,

Meeting adjourns at 10:00 pm.

Respectfully submitted,

Cindy Carlson
Executive Assistant
To the Middlesex Select Board

Approved 10/12/04

Middlesex Selectboard
Minutes of 9/28/04

Present: Bill Callnan, Cindy Carlson, Peter Hood, Mary Alexander, June Lakin, Peter Hirschfeld, Mark Tillinghast, Bruce Jackson, Elizabeth Fortman, Joanne Flanagan, Lt. David Harrington, Todd Sheinfeld, Mary Just Skinner

Meeting called to order at 7:05 pm.

June Lakin, Town Clerk

The Financial Report through 9/1/04 was reviewed. It was reported that the State has received funding to gift to towns for the purchase of Ballot Machines. Towns have to apply and can receive as much as \$6,000. The town of Middlesex has not received any funding or notification. It is believed that a plan has to be in place in order to receive this grant. The Town of Berlin is in the process of setting this up. The Town has asked to be provided handicapped ballots but has not received notification to date.

Fire Department

The Fire Department reported that the new fire engine is almost completed. It is expected to spend approximately another \$1,000 on adaptors. There has not been any word regarding the status of the grant for potential funding of the purchase of the engine. Phone calls have been made requesting status, but the end date of the grant is 6/31/05 so notification could be at any time up to the 6/31/05 date. The fire department has applied and been awarded a grant in the amount of \$58,000. \$49,500 is

for the purchase of equipment for the fire department and the balance for the fast squad. In order to receive the grant monies copies of checks showing that equipment will be purchased has to be submitted along with invoices. Bruce Jackson will meet with June to finalize this process and if there are any questions, Peter can be contacted. The equipment will not be purchased until the funding is received.

Repairs have been made to the old engine and it is ready to hold water, 1000 gallons. In order to keep the truck from freezing the Town Garage where the engine will be kept has to be winterized. The fire department has obtained estimates for the project for a total cost of \$13,925. It was agreed that the fire department will fund this with the town reimbursing them over 2 budget periods, \$5,000 each period. This will be discussed with Gary and a decision made at the 10/12/04 meeting.

Joanne Flanagan, Town Constable ATV Concerns

The Board has had on going concerns and issues regarding the use of ATVs on class 2, 3 & 4 roads & trails. There have been complaints from landowners concerning the use of their private land and the use of town roads. The Board has done a cursory review of the law and confirmed with the town attorney so they feel they have a good understanding of the law. Under the State regulations, ATVs are not allowed use of town roads or trails and only on private land with the permission of the landowner. As with most towns, there is limited capability for enforcement. The Board is concerned with safety issues on town roads, noise and damage. The Board has invited the State Police and Todd Sheinfeld, Executive Director of the ATV Association to discuss these concerns and possible enforcement.

Joanne submitted photographs of damage caused by ATVs in the Bear Swamp area. ATVs are going over stonewalls, leaving debris, going through wetlands and have filled in a ditch by repeated use. Most of the complaints are from the Bear Swamp area. A list of ATVs owners has been compiled. It is suggested that the Board send a letter to the identified violators.

Currently there are no legal trails in the Town of Middlesex and there is no local club association. Individuals using public roads are required by State law to carry liability insurance.

Lt. David Harrington speaks to the Board and said he recently had a similar discussion with the Town of Moretown. The State Police have a limited staff and a limited ability to enforce the ATV laws. If a property owner can specifically state who, when, where and are willing to make a statement in court the State Police will enforce reported violations. Often time complaints will be prefaced "I don't want my name used". The victim has to agree to appear in court and it can take several months for a court date to be set and decisions made. Some towns have contracted with Fish and Wildlife to enforce ATV issues, but there is not any one available to patrol Middlesex. The State Police has issued 17 ATV tickets since January 2003, usually these are on main roads.

The State Police do not advocate opening up roads/trails as it can increase the number of problems. There are some towns that have opened up trails, but not any adjoining Middlesex. There are also clubs in those areas that can help with enforcement.

The Governor's Committee is looking into this issue and how to adapt to the problem. They recognize that this will continue to present concerns to both towns and private landowners. They are reviewing the possibility of making parents accountable for under age violators. Currently there are fines for violators, but if the fine is not paid, there are no points held against your driver's license, unless the violation was alcohol related or attempting to elude the police.

Todd can look at the legal enrolled residents for the town of Middlesex in the ATV Association and may be able to help start a "grass roots" program. He would explain to these people that if they continue to intrude on people's private land, there might never be trails in town. Private landowners carry 90% of VAST trails, and all landowners are not always willing to let everyone use their land.

It was decided to help educate residents an article with the State Regulations will be printed in the Occasional. A violation letter will be written and when the Constable receives written complaints, the letter will be sent to the reported violator. The complaint can always be made to the State Police instead of the Town's Constable or the Town Constable can witness the violation. If there is no improvement when the violation letter is sent the victim will be asked to contact the State Police. Since there is no Town Ordinance enforcement will come from the State Police.

Other Business

The Planning Commission will have summaries of the changes to the proposed Zoning Bylaws, copies of maps and a few copies of the complete ordinance for the public hearing 9/29/04. A summary of the ordinance will be given and then the floor will be opened up for questions. Members of the Planning Commission will be present to help answer any questions.

Motion: Mary Alexander moves to have the proposed Zoning By-Laws voted on by Australian Ballot if the Board moves to go forward with the proposed zoning by-laws. Bill seconds, motion carries. This motion was made as a result of a discussion on how to obtain the widest possible participation in this decision by town residents.

The town attorney was contacted to discuss invoices that have been received over the past year. The Town has been billed this year on an hourly basis and it is the opinion of the attorney's office that the Town will have a lower cost than if a retainer had been paid as in prior years. They have reviewed invoices for the past 3-4 years and feel that it is the Town's best interest to change to an hourly fee agreement. They are willing to review this at the end of the year and have a discussion to see how future years should be billed. The Board agrees to this, but likes the idea of a cap on the fee.

The letters to some of the property owners who are in violation of the Junk/Junk car ordinance was discussed. Letters were sent and the Town Constable will follow up and issue violation tickets as needed.

Motion: Mary Alexander moves approval of the Capital Equipment Refunding note in the amount of \$16,037.00 for the 2000 International Dump Truck. Bill seconds, motion carries.

Motion: Mary Alexander moves approval of the Town Highway Permit for Washington Electric Cooperative, Inc. to construct a 7200 volt electric distribution line on East Bear Swamp Road. Bill seconds, motion carries. Gary has reviewed the permit and recommends the Board approve.

Motion: Mary Alexander moves approval of the driveway permit for Bradford Dexter Lefavour. Bill seconds, motion carries. Gary has reviewed the permit and recommends the Board approve.

Motion: Mary Alexander moves to approve the minutes of 9/7/04. Mary Just Skinner seconds, motion carries.

It was reported that there has been no septic work done on the Linda Simpson property. The requirement was to have the tank in place by October, the requirement to have the temporary tank pumped on a regular basis has been taking place.

There was discussion of a well in the town's right-of-way on the Flanagan/Austin property. It was requested to have Mike Patterson prepare a map for Mylar filing as soon as possible. The burden will be on the property owners to prove that the well was not put in the town right-of-way.

Overweight Permits

Ray Laperle, G. M. Bowen Excavating, Contractor, Lynn W. Gallison, Hutchins Brothers, Inc.

Motion: Mary Alexander moves approval of the above overweight permits. Bill seconds, motion carries.

Correspondence

Letter from James W. Colby concerning the Draft of the Middlesex Land Use & Development

Copy of Letter from Conservation Commission to Gary Lamell thanking him for work done by the road crew for seeding and ditch work on McCullough Hill Road.

Letter from Conservation Commission regarding concerns about Class 4 roads and trails.

Copy of letter from McCain Consulting, Inc. regarding Rivers Development LLC

Copy of letter from Scott & Patricia Sainsbury concerning Rivers Development-Quarry Application

Notice from Safe Road Services – 2004 Town Fair & Field Day

Grants Management Compliance Workshop 10/20/04

VLCT – Annual Business Meeting to Consider Support for Universal Health Care System

State of Vermont notice of approval of grant for the installation of a dry hydrant located on the Great Brook.

Letter from Charles S. Phillips concerning use of the Kellogg-Hubbard Library

State of Vermont summary of enforcement contract for the month of August.

Copy of letter from Cheney, Brock & Saudek PC concerning the Rivers Quarry

Notice of land use permit change for Middlesex Properties LLC

Notice from fro US Department of Commerce concerning potential boundary and Annexation survey

CT VT Regional Planning Commission advisory committee

Cheney, Brock 7 Saudek PC copies of correspondence regarding Rivers Quarry

Minutes of CVSWMD meeting of the Board & Executive Board of Supervisors 9/1/2004

Letter of introduction from Sexual Assault Crisis Team

Meeting adjourns at 10:59 pm.

Respectfully submitted,

Cindy Carlson
Executive Assistant to
The Middlesex Select Board

Approved 10/12/04

Minutes of the Selectboard
Meeting of 9/30/04

Present: Peter Hood, Mary Alexander, Mary Just Skinner, Bill Callnan

Meeting called to order at 3:00 pm at Capitol Plaza, Montpelier VT

There was a general discussion concerning the public hearing of 9/28/04 on draft Land Use and Development Regulations. It was noted that the draft presented at the public hearing in-avertedly omitted a section concerning Accessory Apartments.

Motion: Bill moves to add language to the regulation relating to Accessory Apartments (Article 4.2.2.) making the floor area 600 square foot or 30% of the single family dwelling which ever is greater and to put the question on the ballot for the general election on November 2, 2004. Mary Alexander seconds, motion carries.

Respectfully submitted,

Cindy Carlson
Executive Assistant to
The Middlesex Selectboard

Approved 11/9/04

Select Board meeting of 10/12/04

Present: Walter Kelley, Cindy Carlson, Peter Hood, Gary Lamell, Mary Just Skinner
Bill Callnan, Bill Rossmassler, Dave Shepard, John Pulio, Elliot Burg, Betsy Shapiro

Meeting called to order at 7:00 pm

Gary Lamell, Road Commissioner

A proposal from Marcon Corporation was presented to complete a culvert and short bridges inventory. The bid amount is \$5,800, which is included in the current budget. One advantage to completing this inventory is when the town receives any grant funding an additional 10% will be added on to the grant amount for any bridge/culvert/paving project.

Motion: Walt moves to approve, the proposal in the amount of \$5,800 from Marcon Corporation to complete the culvert inventory. Bill seconds, motion carries

The 3-Mile Bridge project is proceeding slower than projected as the box culvert was delivered later than expected.

All of the equipment is in good repair and ready for winter season.

There was discussion of the improvements to the town garage for the use by the Fire Department. Gary is in agreement with the project, but would like to retain the heat in the 3rd bay and the storage of the Boy Scouts supplies will be in the section that the Fire Department will be using. The Fire Department had reported that it appears there is a problem with the old engine holding water and until they have more information, they will not start the renovations to the building. The Fire Department will be meeting next week and make a decision on the truck.

There was discussion of the Great Brook Project. The work is complete at one site in the brook and the remaining site will be done next year. Any paperwork that needs to be submitted will be done next year when both projects are complete.

A property owner has reported to Gary that when the Town dug some ditches along their property it might have caused failure of their piping which serviced their spring. At this time, the property owner has not asked the Town for any assistance in correcting the problem.

Bill Rossmassler, Dave Shepard, Conservation Commission

The Conservation Commission, with the assistance of a committee, has drafted a Conservation Fund Guidance Document and Application. After reviewing the document, the Board feels they are clear and easy to read and commend the Conservation Commission and Committee for a job well done.

Motion: Mary Just Skinner moves to approve the draft of the Middlesex Conservation Fund Guidance Document and Application. Bill seconds, motion carries.

A notice will be published in the Middlesex Monthly and posted on the town website to promote the Fund. To date there have not been any projects submitted, but there is a potential project on the end of

the Notch Road. The Friends of the Worcester Range is working with six towns to see which, if any, landowners may be interested in forming a large conservation project. This project is through the Vermont Land Trust.

There was discussion of the accounting procedure of the Conservation Fund. A checking account has been established for the conservation fund separating the Conservation Commission Budget. The fund can accept donations, and some towns have solicited for donations.

There was discussion of the location and management of Class 4 roads. It is possible to apply for grants to inventory these roads and trails. Towns can receive up to \$15,000 with no matching funds. The Board agrees that identifying these roads would be helpful, but at this time, they have no projects that this information would be used for.

The Conservation Commission submitted a letter to the Board thanking everyone for their work done on the proposed zoning and subdivision regulations.

John Pulio, Elliot Burg, Betsy Shapiro

The Board is asked to support a project to construct a Band Stand near Rumney School. The project would be dedicated to local artists. They have discussed the project with Rumney School for input into the project. A series of funding raising concerts will be held to help with the costs. They expect to work with a contractor and use volunteers for the construction. The current plan is to have a proposal to bring before the residents at town meeting and to ask for volunteers. The Committee needs to determine if the Band Stand would fit under the scope of a BOR project and whether the land they are proposing to use is BOR land. Bill will work with the committee, which will function under the Recreation Department. There was further discussion of the source of electricity and parking.

Other Business

North Branch Cemetery – passed over until next meeting

Town Buildings Feasibility Study – Mike Patterson and Walter Kelley have agreed to participate in the committee. There are still members needed, but the Board will continue to solicit candidates and make recommendations by the end of the week.

It was noted that there was an item on the order for the Fire Department that the Board did not believe should be included. Mark Tillinghast was called to confirm this and the item was removed.

Overweight Permits

Robert Vize and Albert St. Cyr Trucking

Both permits needed certificates of insurance.

Motion: Mary Just Skinner moves to ratify the decision made at the 9/30/04 meeting to put the proposed zoning bylaws to ballot for the general election on November 2, 2004 and to add language to the regulation relating to Accessory Apartments. Bill seconds, motion carries.

Motion: Mary Just Skinner moves approval of the 9/28/04 and 9/30/2004 minutes. Bill seconds, motion carries.

There was a discussion concerning a letter received from Scott Skinner with regards to the Town's policy on open meetings. The Town attorney had been consulted concerning a site visit the Board had conducted which the Board determined was not part of an open meeting. The Town Attorney will be consulted again, and the town's policy is to follow the open meetings law.

The Recreation Department has painted the shed at Rumney School with a volunteer effort. Materials had been included in this year's budget. There was discussion of the condition of the tennis courts. It has been confirmed with June Lakin that the amount requested for the equipment note signed was correct; the town report was in error.

Correspondence

Opinions News Letter

Vermont Department of Health regarding the Town Health Officer

State of Vermont Department of Public Safety – request to provide 24-hour emergency contact information for its top three members.

Letter from State of Vermont Department of Public Safety – establishment of a Steering Committee

Copy of letter to John Riley, Moretown Development review board concerning Rivers Development, LLC
VLCT News Letter

September 2004 State Police Enforcement summary

Letter from Cheney, Brock & Saudek, PC to John Riley – Moretown Development Review Board – concerning the proposed Rivers Quarry

E-mail from Office of State and Local Government Coordination and Preparedness concerning the grant for the fire truck – the town will not receive any funding.

CVSWMD Meeting of the Board & Executive Board of Supervisors – 10/6/2004

Letter from Phil Chase regarding response to the Dale Chastenay Fire

The catamount Trail Pedometer Challenge – 2/2005 notification

The Seedling newsletter

Letter from Darby Stearns Thorndike Kolter & Ware, LLP concerning the Zoning Application for Rivers Development LLC

Meeting adjourns at 9:10 p.m.

Respectfully submitted,

Cindy Carlson
Executive Assistant to the
Middlesex Selectboard

Approved 11/9/04

Selectboard minutes of 10/26/04

Present: Walter Kelley, June Lakin, Peter Hood, Mary Alexander, Cindy Carlson, Mary Just Skinner, Patty Wiley, Deborah Iazzo, Tammy Nye, Elizabeth Fortman,

Meeting called to order at 7:05 p.m.

June Lakin, Town Clerk

There was discussion of the correct date to use when prorating property taxes for real estate transactions. It was pointed out that under 27 VSA S309 a (1), municipal whose fiscal periods are July 1, to June 30th (as with Middlesex), the real estate taxes shall be prorated from July 1

Deborah Iazzo, Patty Wiley

The Board is asked to consider a request to rename the Chase Road to Nellie Chase Road. A signed statement from all property owners except the Hallocks was submitted requesting this name change. The residents of the road feel this request is in honor of Nellie Chase and the Chase family is in support of the request.

Motion: Mary Just Skinner moves to amend the name of the Chase Road to Nellie Chase Road. Walter seconds, motion carries. Mary Alexander abstains.

Health Officer

The duties of the Health Officer are discussed with Tammy Nye and Elizabeth Fortman. They both have experience with Home Health, EMT, and are currently both in school for further training. Tammy is willing to be the Health Officer with Elizabeth as the Assistant Health Officer.

Motion: Mary Alexander moves to appoint Tammy Nye as Health Officer and Elizabeth Fortman as Assistant Health Officer. Mary Just Skinner seconds, motion carries.

Jane Dudley property – The road crew was digging ditches along her property in July and sometime after the flow of water from her spring was restricted and over time, it completely stopped. She has now installed a new well, but she feels that when the ditching was done, the pipe was somehow damaged. Gary was not contacted to report the potential damage until sometime in October. This will be deferred until the next meeting when Jane is present.

Other Business

North Branch Cemetery- Mary Alexander has just received the information to complete the review of the cemetery and its financial state. She has also researched if cemeteries can be dissolved, and has confirmed that they can be. Mary will have more information for the next meeting.

Town Feasibility Study – A Committee has been appointed and the first meeting scheduled for 11/8/04 at 5:30 pm. The Board will offer to provide clerical support and to take minutes.

The minutes of October 12, 2004 were passed over until the next meeting.

A follow up needs to be done with Joanne Flanagan for the status of the letters that were sent out on potential violators of the Junk Ordinance.

The Board has been asked to approve a withdrawal from the VCDP Grant.

Motion: Mary Alexander moves approval of the withdrawal from the #2 VCDP Grant 0200/031G(10) in the amount of \$11829.17. Walter seconds, motion carries

Linda Simpson Property – Glen Howland has talked to Linda's attorney to request a formal notification of the status of the work that has been completed. The deadline has passed and Glen will request a hearing.

Correspondence

Planning Commission minutes of 9/7/04

Planning Commission Minutes of 8/11/04

Copy of letter written to the Times Argus from Michael W. Coffin

VLCT – Vermont Municipal Salaries & Benefits Report

Central Vermont Regional Planning Commission newsletter

Vermont Rural Fire Protection Task Force Wildland Fire equipment grant program

Vermont Department of Health – notification of a proposed amendment to the Rental Housing Health Code.

VLCT Health Trust, Inc – 14th annual meeting of the membership 11/19/2004

Letters from James Colby

Overweight Permit

Robert Vize

Motion: Mary Alexander moves to approve the overweight permit for Robert Vize. Mary Just Skinner seconds, motion carries.

Letter of interest from Ronald Krauth for the VT Regional Planning Commission

Motion: Mary Just Skinner moves to appoint Ronald Krauth as representative VT Regional Planning Commission. Mary Alexander seconds, motion carries.

After discussion, it was decided that the December Board Meetings would be the 14th and the 21st instead of the 7th and the 28th.

Meeting adjourns at 8:55 pm.

Respectfully submitted,

Cindy Carlson
Executive Assistant to
The Middlesex Select Board

Approved 11/22/04

Middlesex Select Board
Minutes of November 9, 2004

Present: Walter Kelley, Bill Callnan, Cindy Carlson, Peter Hood, Ron Mazzucca, Gary Lamell, Mary Just Skinner, Mary Alexander

Meeting called to order at 7:01 pm

Ron Mazzucca addresses the Board with regard to auxiliary apartments and asks the Board to consider adding this section to the existing zoning so the town complies with requirements by the state.

Gary Lamell, Road Commissioner

The Board was presented with handouts addressing Motor Vehicle interpretation of Title 23 V.S.A. section as requiring municipalities to register over-the-road maintenance equipment. There was discussion of a notice of changes to the Manual on Uniform Traffic Control Devices affecting street name signs; compliance date is January 9, 2012.

The Box Culvert has been installed on the Three Mile Bridge Road and the project is complete. The Grant for Government Hill has been approved. Gary has cleaned up his side of the Town Garage in anticipation for the improvements the Fire Department will be doing.

The Board discusses the situation on Jane Dudley's property. The Board does not feel the Town has any liability based on the facts, as they know it.

Discussion of Flanagan/Austin Property

Doug LeBrun, Flanagan/Austin's attorney, has contacted Paul Giuliani to see if the Board would confer upon Paul some kind of settlement authority to establish a route that will take less or equal work compared to the Board's favored route and to bring it to a passable state.

The Board discusses the following points:

1. The Board has done its best to establish the current right-of-way.
2. In August, the Board inspected a new proposed alternate route that started below the current driveway and ended above the driveway running parallel. In general, it was the most viable of other routes offered, but the current right-of-way is straighter and shorter.
3. The Board needs to think about the future and what their response will be when they are asked to improve the right-of-way making it passable. Currently there is a spring and a pond in the town's right-of-way and the right-of-way is blocked.
4. The Board has an obligation to listen to proposals and ask for comparable alternate routes.
5. Should the current right-of-way be marked and or improved.

Most of the complaints that have been made are that the current right-of-way is blocked and the Board should have asked that they be removed.

The Road Commissioner recommends to the Board that they assert the current right-of-way, mark its location, allow a reasonable amount of time to remove the items blocking it and allow a longer period to remove the spring and pond. He does not feel that any improvements should be made to the right-of-way and anyone wanting to make improvements should make the proper request.

Motion: Bill moves that the town assert their right-of-way as being the flagged site that Mike Patterson marked. Mary Just Skinner seconds.

There was further discussion on how the town would assert its right-of-way.

Motion: Bill amends his motion that the town assert their right-of-way as being the flagged site that Mike Patterson marked, require removal of brush, trees, boulders and the right-of-way blazed within 30 days. The town will remove the blockage at the towns expense if the property owner fails to do so with in the time frame. Mary Just Skinner withdraws her second. Motion dies for lack of a second.

Motion: Walter moves to assert the towns right-of- way as the flagged site that Mike Patterson marked, require removal of brush, trees, boulders blocking the right-of-way and the right-of-way blazed within 30 days. All other man-made obstructions blocking the right-of-way not limited to the spring and pond must be removed within 6 months. All costs at the Flanagan/Austin expense. Mary Just Skinner seconds.

Walter, Peter and Mary Just Skinner vote yes, Bill votes no, Mary Alexander abstains.

Paul Giuliani will be asked to write a letter to Flanagan/Austin with a copy to their attorney.

There was discussion of the follow up possible violators of the Junk Vehicles/Junk Ordinance. The letters were sent out and Joanne has followed up with the property owners. Most of the properties have been cleaned up and she is still working with a couple.

Susan Clark, Town Meeting Solutions Committee

The Committee thanks the Board for their support to the committees work. The following points were discussed.

1. Dedicating the town report to someone every year.
2. It has been suggested that examples be used of how the budget will affect someone who has for example a \$100,000 house.
3. Discussion that the Budget Committee and Select Board report should coincide.
4. Discussion of the town hall being crowded and the voting booths distract from the meeting.
5. Childcare was offered last year in the church, but there is only room for 12 children. The upstairs of the fire department or the meeting room of the town hall could be used.
6. The moderator should repeat the question into the microphone. The Select Board should stand up and speak clearly from the front of the meeting. It was suggested that perhaps a moderator who is not a Select Board member be appointed.
7. Discussion of the start time and length of the meeting and the church's dinner. The Board is open to having the meeting start at 4:30 but keep the budget time for 5:15 and reviewing the order of the special articles. The Committee should ask if starting the meeting at 4:30 is acceptable to town residents.
8. Discussion of the non-profits funding requests. East Montpelier has created a committee to research these requests; an application has to be completed. At town meeting, the letters are

available and one person is asked to speak on behalf of the requests. It was suggested that a summary of the requests be included in the town report. The Town Meeting Solutions Committee will develop an application.

9. It has been suggested to print in the Town Report the Robert Rules and to have them as a hand out. This year the town report will include a town contact sheet.
10. Last year the committee wrote a letter to new additions to the checklist inviting them to the town meeting. The board will fund this project this year.
11. There has been discussion about holding a photo contest and the winning photo would be on the cover of the town report. The committee is asked to help make recommendations to the dedication of the town report.

Other Business

Mary Alexander has confirmed with Paul Giuliani that the North Branch Cemetery can be deeded to the Town. The cemetery has lost its charter as no annual report was filed in 1997 or 1998, the remaining Association can deed the property to the town. The Board can act as the Cemetery Commissioner and under State Statutes; the Town has to take over the cemetery.

Motion: Mary Alexander moves that the Town of Middlesex take over the North Branch Cemetery from this date forward accepting all of their assets, real-estate and debts and that a deed is prepared conveying the property from any remaining trustees. Mary Just Skinner seconds, motion carries.

Motion: Mary Just Skinner moves the minutes of 10/12/04. Bill seconds, motion carries.

Motion. Mary Just Skinner moves the minutes of 10/26/04. Mary Alexander seconds, motion carries.

Grant funding for counting machines is still available through the Secretary of State. The machine has to be programmed prior to each election for the ballots, this cost can be \$500 to \$1,000 per ballot.

The Planning Commission next meeting is 11/10/04, and they will be discussing how to proceed with the zoning. The Board should obtain a legal opinion on how to extend the interim zoning and the Planning Commission invited to the next Board meeting.

The Feasibility Committee has met and developed an agenda for its meeting. They will hold interviews with the various departments.

There was discussion of the request for support for the construction of a Band Stand. There is no need to hold a public hearing, the item should be discussed at town meeting.

Correspondence

Central VT Regional Planning Commission agenda for 11/9/04 meeting

VLCT Board notification of FY06 Dues

Letter from State of Vermont concerning flood repetitive loss locations on Rich Road. Peter will advise there is no Rich Road in Middlesex.

Copy of letter from Darby Stearns Thorndike Kolter & Ware, LLP concerning Rivers Development LLC

VLCT News

Opinions News Letter

Copy of Town of Moretown Development Review Board concerning Ben & Denise Sanders Proposed Findings of Fact and Conclusions of Law

Vermont Department of Banking, Insurance Securities and Health Care Administration 2004 Vermont Managed Health Care Plans: A Guide for Consumers

CVSWMD Meeting of the Board & Executive Board of Supervisory 11/03/04 meeting

Meeting adjourns at 10:07 p.m.

Selectboard meeting of 12/7/2004

Present: Walter Kelley, Bill Callnan, Cindy Carlson, Leroy Carlson, Peter Hood, Mary Just Skinner

Meeting called to order at 7:03

Interim zoning regulations

The interim zoning regulations for Wireless Telecommunications adopted 11/4/02 and a Mixed Use Districted adopted 11/26/02 have expired. The Board can adopt these regulations again, one time only for a one year period. There can be no changes to the regulations.

Leroy Carlson was present and had comments for the proposed zoning by-laws that were recently voted on. He gave a quick summary of his comments and will present them to the Planning Commission.

The Board discusses if they should wait to vote on this until the next meeting due to the weather. As they have not heard any comments from residents concerning the interim zoning, they decided to vote at this meeting.

Motion: Mary Just Skinner moves to readopt the interim zoning regulations for wireless communications dated 11/4/02 and mixed use district dated 11/26/02 for a one year period. Walter seconds. Motion carries. Bill abstains.

Rumney School Board A letter from the Rumney School Board was received recommending Don Hirsch, after interviewing the candidates. All letters of interest are read and reviewed by the Board. After careful consideration the Board feels it is not necessary to interview each candidate as the appointment is only until Town Meeting in March. If the appointment were for a full term, the Board would complete an interview process.

Motion: Bill moves to appoint Don Hirsh as a member of the Rumney School Board until March 1, 2005. Walter seconds, motion carries.

North Branch Cemetery – passed over until next meeting.

Motion: Mary Just Skinner moves to approve the minutes of 11/22/04. Bill seconds, motion carries.

The Board discusses the upcoming budget meetings. It was decided that the Planning Commission, Conservation Commission and Recreation Department should submit the budget in writing and in the interest of time not meet with the Board unless there are major changes to their budget request. It was also recommended to combine the Highway and Administrative budget to the same night, which allows one full meeting for discussion and any needed adjustment. After further discussion the Board decides to do this and the Administrative and Highway Budgets will be discussed on January 11th.

Linda Simpson update – Glen Howland, town attorney has had no response from Linda's attorney and is petitioning the court for a hearing. Glen expects to have a hearing date within the next 7-10 days.

The letter on the Board's decision has not been sent out to Flanagan/Austin but is in the draft stages.

Fax Machine – It was decided to replace the fax machine with a plain paper fax machine for the town office. Peter will check to see if he has a spare at his office.

Correspondence:

Reminder from June to appoint a committee to review special article requests.

e-mail message from Ed Leary, Operations Manager Department of Forests, Parks & Recreation requesting actual language regarding an issue on the ballot regarding changing development laws, which would possibly close lands to recreation.

Central VT Chamber of Commerce – notification of Health Savings Account plan availability

State of Vermont Department of Public Safety-Emergency Management – Update of VEM Projects

VLCT News

Overweight Permits

Nathan Foster, Scot Abare, Robert LePage,

Motion: Bill moves to approve overweight permits for Nathan Foster, Scott Abaire and Robert LePage. Mary Just Skinner seconds, motion carries

State of Vermont – Agency of Transportation – Town Highway Structures Program – TA65 for work performed on THS60005-303 (BC0767). The Board signed the document.

James Paige has submitted a letter of interest for the constable. He will be able to attend the meeting of 12/21/04.

It has come to the attention of the Board that there was a tax sale in September that they were not made aware of. This should be discussed with June at a future meeting.

A Driveway Permit for Robert & Courtney Gourley was reviewed. Gary has recommended that it be denied due to improper installation of the driveway over the top of the culvert.

Motion: Bill moves denial of the overweight permit for Robert & Courtney Gourley, Walter seconds, motion carries.

Meeting adjourns at 8:23 pm.

Respectfully submitted,

Cindy Carlson
Executive Assistant to
The Middlesex Selectboard

Minutes of 12/21/04
Select Board Meeting

Present: Walter Kelley, Bill Callnan, Shawn Fielder, Cindy Carlson, Mary Alexander, Peter Hood
Abe Lewis, Mary Hood, Paul Costello, Robbie Herald, Charlie Catlin, James Paige, Bruce Jackson, Mark
Tillinghast, Bill Rossmassler, Dave Shepard, Barry Goodman, Mary Just Skinner

Meeting called to order at 7:04 pm.

James Paige – application for Town Constable

The job duties were outlined: Noise complaints, animal related complaints, enforcement of the Junk Ordinance and bringing known unlicensed dogs into compliance. Complaints related to any disturbance of the peace should be referred to the state police. The Board does not want a weapon carried. A job description will be put together for the position.

James is available during the day as he works from home. He has worked around law enforcement in the past, although not recently. He has worked for Norwich University in the security department, along with other positions. The Board does require a written quarterly report to keep them updated.

Motion: Bill moves to appoint James Paige as Town Constable effective 1/1/2005.
Walter seconds, motion carries.

Kellogg Hubbard Mary Hood, Paul Costello, Robbie Herald, Charlie Catlin

The library continues to see an increase in the amount of usage. It has doubled since the addition was completed; many children use the library after school. A packet of information was given to the Board, including an outline of cost cutting efforts made and the proposed assessment for the 2005 budget. Currently local towns support 25% of the library's budget; the library is working to grow the endowment in hopes to have it contribute 50% of the operating costs. It was suggested that the library contact the legal community to solicit endowments.

The library will submit a special article petition for Middlesex's contribution this year. Last year the library changed its formula based on the number of cardholders and circulation. Based on this new formula, Berlin did contribute to the budget last year. It is general practice for libraries to only use tax dollars to operate; examples were included as part of the packet. The Board suggests that the Library Board also consider how to increase funding as they add services. The endowment was flat last year, however, it is expected to have an average of 7% increase in the future. The Library has received some major gifts this year, including one for the endowment.

Fire Department

Bruce Jackson, Mark Tillinghast

The Fire Department is asking for level funding this year. The building maintenance line item has been reduced, however they are hoping to make some improvements to the building to cut down on the cost of heating.

The old fire truck is now repaired and will hold water, so the Fire Department would like to go ahead with the improvements to the building at the Town Garage. They have applied for a small grant, but it is only around \$500. The Fire Department has \$23,354 in a money market account and \$9000 in CDs. They added about \$3000 in fundraising last year. They do use some of this funding to buy turnout gear, make contributions to other towns fire departments, purchase of equipment or improvements to the fire station. It was suggested that these funds be labeled, as a future building fund or equipment fund. The Fire Department has applied for their 501C and is waiting to hear back on the status.

The Board needs to decide if they want to bond for the purchase of the new fire department. They have received a \$58,000 grant for the purchase of equipment, but did not receive the grant for the new fire truck.

Conservation Commission

Bill Rossmassler, Dave Shepard, Barry Goodman

The Conservation Commission would like to ask that \$5,000 be added to the Conservation Fund this coming budget period. They would like to know if they should petition for additional funds or ask to include it in their budget. The Board decides to include it as a special article.

They are interested in purchasing a camera, an infrared digital action camera that will be used by the school and made available to land owners. The camera would be purchased from the Conservation Commissions budget and is approximately \$350. The Board states that the camera would become town property and it should reside either at the town hall or with one of the Conservation Commission members. The Conservations Commission should develop a sign out procedure for the camera.

Discussion of the grant the town has received for traffic calming. There is a \$4000 match. The grant will come after 7/1/05. \$1800 in kind can be used that the Conservation Commission will do. The balance of \$2200 may need to be included in the next budget.

Bill Rossmassler went to a VLCT workshop for roads in general and has a packet of information that he thought would be good for Gary. He also has information on digital tax maps, when the Board is ready. The longer that this is put off, the more expensive it becomes to have them up to date. He believes that about half of the towns are up to date, but he will get that answer.

Discussion of the Recreation Committee, Conservation Committee and Planning Commissions proposed budget. The Recreation Committee is asking if the town can help fund replacement of soccer goals at a cost of \$750 to \$1000. Budget discussions will continue at the next Board meeting, January 11, 2004.

Other Business

North Branch Cemetery

Mary Alexander now has the remaining documents and the deed ready for signature, which will be signed next week. Mary has talked to the Scribners, and they may be interested to continue as commissioners and to do some of the work needed at this cemetery.

The town has secured a pre-buy discount for the purchase of slate in the amount of approximately \$1,400.

Motion: Mary Just Skinner moves approval of the 12/7/04 minutes. Walter seconds, motion carries.

There is no hearing date set for Linda Simpson situation. The town attorney is still working on this.

The Board discusses the property tax sales that took place in September. The Board thought there was a standing procedure for these situations, and that they were to be notified when tax sales took place so the town could bid. The delinquent tax collector turns the process over to the town attorney, and the tax sale is held at the town clerks office. Mary Alexander will contact the town attorney to see how to proceed with these properties.

The Board discusses the possibility of putting the town attorney services out to bid. This can be done after Town Meeting if the Board decides too proceed.

Correspondence

State of Vermont Petroleum Contamination at the Olsen Residence, Middlesex VT

Central Vermont Solid Waste Management fiscal year 2005 Member Town Assessment

Letter from John Puleio outlining the proposed bandstand, with a copy of a notice to be posted in the Middlesex Monthly.

Motion: Bill moves general support of the bandstand project subject to applying for a building permit, subject to a final design approval and location of the proposed bandstand. Mary Alexander seconds, motion carries.

Copy of Washington County proposed budget for 2005 – 2006

VLCT Legislative Priorities

Budget Amendment and Requisition #4 Community Capital of Central Vermont

Vermont Department of Buildings & General Services – copy of the Source Protection Area Map for their water system

Opinions News Letter

Planning Commission Minutes of 10/13/04

Town of Moretown Development Review Board – decision of Development Review Board on the Conditional Use Application for Rivers Development, LLC

State of Vermont Agency of Transportation notification that the Town of Middlesex has been awarded a \$16,000 grant under the enhancement activity Program. There is a 20% local match requirement.

State of Vermont Department of Taxes – Certified Equalized Education Property Value effective 1/1/2005

Notice of the availability of FEMA's Pre-Disaster Mitigation Competitive grant program.

Washington Electric permit to perform work on Bear Swamp Road, construction of a secondary electric line to serve the new Paul Giacherio residence. Gary has reviewed and recommends the Board approve. Motion: Mary Just Skinner moves approval of Washington Electric's permit to perform work on Bear Swamp Road, construction of a secondary electric line. Mary Alexander seconds, motion approved.

Meeting adjourns at 9:50 pm.

Respectfully submitted,

Cindy Carlson
Executive Assistant to
The Middlesex Select Board