

Selectboard  
Minutes of 1/11/2005

**Present:** Walter Kelley, Bill Callnan, Cindy Carlson, June Lakin, Gary Lamell, Abe Lewis, Shawn Fielder, Peter Hood, Karen Greenwood, Dick Alderman

Meeting called to order at 7:05 pm.

Abe Lewis and Shawn Fielder update the Board on the Rumney School Budget. The School has set their proposed 2005-2006 budget with a 1.5% increase. The CLA is 101.77 this budget period and was 116 which means that the town will have to raise in local taxes \$160,000. A meeting has been called for next week with all the schools in the district concerning this. Approximately 10% of the school budgets will need to be raised by the towns because of the CLA's.

**Gary Lamell, Road Commissioner**

The proposed 2005-2006 budget is discussed. Gary is level funding, knowing his proposal is tight, but he feels he can stay within what he is requesting. If there were additional funding available, he would accelerate his 5-year plan. Last year Gary projected some additional work that was to be done on the Great Brook, which was started but not completed. He expects to have that work completed before July 1, 2005 so it will not carry over into the next budget period.

The road crew salaries and health insurance benefits were discussed. When the new employee was hired, it was agreed that at the end of his probationary period, (90 days) his rate of pay would be reviewed. The Board discusses a proposed rate of pay increase for all town employees. It was agreed that a 3% increase would be projected for everyone and that Carl's rate of pay will increase immediately to \$11.40 per hour. There was also discussion of reviewing the entire payroll package including retirement when reviewing individual salaries.

The Board signs the certificate of mileage, which Gary has reviewed.

A Notice of Issuance for Conditional Use has been received from the Agency of Natural Resources for the bridge between Shady Rill and Putnamville.

**June Lakin, Town Clerk**

Karen Greenwood, Dick Alderman, Listers

The Listers are requesting an increase in their number of hours for the 2005-2006-budget period. They expect approximately 1230 hours will be needed which would put their wage line item to \$13,000. Due to the increase of building in town, new decks, garages and new homes there will be additional time needed to make adjustments. There is also additional work that needs to be completed because of the re-appraisal. The Listers have discussed the number of hours and agree that between the 3 of them, they will be able to carry this number of hours.

There was a meeting held last night in Berlin, for town mayors, legislative, and select boards to discuss the possibility of pooling some resources. An example would be, appraisers could be hired as a group, and the towns could share them when needed. There will be further discussions and more information to follow.

Dick explains the principal of the Common Level of Appraisal (CLA). When the appraisals were completed, 7/04, the town was at 1.15, which is quite high. Next years rate is 1.02 this drop means that approximately .10 cents will need to be added to the tax rate to cover the loss of state aide. The State uses \$6,800 as an annual cost per student; the town's cost is over \$9000. It is important to keep the cost per student down, under this CLA formula to receive the most state aide. The CLA went down, because the property values went up.

GIS Maps- The town has a set of tax maps that was started in the 1980's. The tax maps are updated on an annual basis to reflect any subdivisions and changes in ownership. If the town were to switch to the GIS system, digitalized tax maps would be available and there would be more flexibility for any one using the maps. Most towns are updating to this system. They have obtained an estimate from Judy Bond, a private individual, that could take the town's tax maps and digitalize them. She has given an estimate of approximately \$5,000. The listers feel they can live with the current tax maps for a while, but would like to take steps to move towards a GIS program. They would like to set aside \$5,000 for the 2005-2006 budget period and then add another \$5,000 in the following period. The Town of Duxbury has recently received a grant for the GIS Map Program. Cindy will call the town of Duxbury and Bill Rossmassler for further information.

The General Government proposed budget was reviewed and discussed. It was decided that the data on June's old computer which Janet makes use of, should be moved to either June's computer or the spare computer.

The Constable would like to buy a hat and a jacket to identify him when he goes out on calls. The cost is \$40.00, the Board is in agreement that he can do this.

Orders – Giuliani's office has submitted two invoices for payment, one for \$3,000 and one for individual items.

The intent of the invoices is a prepayment in the \$3000 amount for 2005-2006. Cindy will find out exactly what was spent for 2004-2005 for further discussion.

There is discussion of the special articles for the upcoming town meeting. The Feasibility Committee will be asked to have a summary report ready for the town report.

Milford Leonard Fund was discussed. The balance of the fund is \$14,078. June will remind the school that the annual amount of \$1,000 needs to be granted this school year.

Tax Sales – In the future the Board will be notified of all tax sales. June has talked to both the Tax Collector and the Town Attorney regarding this. Mary Alexander will do some further research on this with the town attorney on the properties that recently were up for tax sale, but not purchased by anyone.

The deed for the North Branch Cemetery has been executed and is ready to be recorded. The Board signs the property tax return. All funds are in an Edward Jones account including all recovered money from the bonds. Current balance is \$116,760.00 invested in cash and money markets, certificates of deposit, mutual funds. The Board feels that Edward Jones should recommend an investment policy to the town. The final minute book is in the process of being updated and given to the town. Mary Alexander will be the point of contact at this time, until Karen and Cindy can organize the information. There may be deeds that need to be recorded.

**Motion:** Bill moves minutes of 12/21/04. Mary Alexander seconds, motion carries.

The Board discusses the 1.5% early payment credit on tax bills and the penalty on delinquent tax payments. It is recommended that the 1.5% be increased to 2%.

**Overweight Permits**

The Hartigan Company

**Motion:** Bill moves approval of the overweight permit for The Hartigan Company. Mary Alexander seconds, motion carries.

**Correspondence**

Youth Service Bureau News Letter

State Police Enforcement Contract for the Month of October and November 2004

Vermont Association of Chiefs of Police invitation for a luncheon

Opinions newsletter

VLCT News

State of Vermont Department of Public Safety FFY 2005 State Homeland Security Program Grant and FFY 2005 Law Enforcement Terrorism Prevention Program Grant

Health Officer newsletter

Copy of FY2005 Transportation Enhancements Program grant application for The Transportation Enhancement Grant, Middlesex Village Project.

Newsletter from Middlesex United Methodist Church

Results of the 2004 Central Vermont Public Safety Survey

The Manager newsletter

Meeting adjourns at 10:10 pm.

Respectfully submitted,

Cindy Carlson

Executive Assistant to the Middlesex Selectboard

Draft

Minutes of 1/25/2005

**Present:** Walter Kelley, Cindy Carlson, Peter Hood, June Lakin, Bill Callnan, Bill Yacavonni, Janet Merrill, Mary Just Skinner, Mary Alexander, Shawn Fielder, Abe Lewis

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

## **Bill Yacavonni, Town Auditor**

Bill talks to the Board about a future change that will need to be made in the accounting process. The town will have to change from a cash basis vs. a modified accrual basis under the GASB 34 rules. An inventory of fixed assets with the original purchase price will have to be developed. The town will have to set a limit of fixed assets that can be expensed. Bill recommends a \$5,000 limit, anything above \$5,000 that is purchased would be an asset and depreciation would be applied each year for the expense. Bill is asked what an appropriate fund balance is for the town, and he recommends no more than 5% of the budget. Towns do not have to gain approval of the voters to keep a fund balance. Bill recommends that it be labeled "tax stabilization fund" or use it to pay down some debt if there is overage in the account. Bill does not recommend reducing the tax rate with the fund balance, as that causes fluctuations. The audit report from 1/1/03 – 6/31/04 was reviewed and discussed.

2005 Budget Discussion – The proposed budget to date has a 5.1% increase or an increase of \$35,043. The proposed budget was reviewed, with discussion of the legal fees, special articles and addition of the new fire truck to the budget. The town attorney's office had given a breakdown of actual costs over the past 3 years; the Board decides to make the change as recommended by the attorney's office to change to a billable rate instead of on an annual retainer basis. There has been \$49,371 of special articles submitted for consideration at Town Meeting. The Board has decided to ask the voters for a bond to pay for the new fire truck. The Board also discusses the assets of the North Branch Cemetery and if they should reduce the cemetery care. Since the Board does not have a full understanding of maintaining this cemetery, they are not comfortable with making a reduction.

**Motion:** Bill moves the proposed budget for 7/1/05 – 6/31/06 as \$726,635. Mary Alexander seconds, motion carries.

The proposed Rumney School Budget was discussed with the Budget Committee. The school does not know their special ed rates yet, but if you look at the straight number the cost per student is \$12,900 per student. The State does not include the special ed rates when calculating the rate per student, so this number is not a true comparison. The increase in their proposed budget is \$4,731, however, this is after a reduction of 1.5 teachers. The anticipated enrollment for next year is 123 students with a projected 12 additional students the following year. It was pointed out that there are a large number of students on honor roll at U-32 that have come out of Rumney.

The Town Warning's were reviewed and discussed. June asks that the Board consider a warning to change the term of the Town Clerk Treasurer/Trustee of Public Funds and the Delinquent Tax Collector to a 3-year term. June has done some research and approximately 20 towns that have changed to a 3-year term. The Board can call a Special Town Meeting and vote to impeach any one from these

positions if need be. There is some job security for the position with a 3-year term, but it also makes the position attractive for someone to run for the position. There was discussion that it is not a lot of effort to run every year, as only a small number of signatures are required. If this change were made it would be for the 2006 term.

**Motion:** Bill moves to include as a special article a question if the Town Clerk and Treasure/Trustee of Public Funds should be changed to a 3-year term. Walter seconds, motion carries.

**Motion:** Bill moves to include as a special article a question if the Delinquent Tax Collector's term should be changed to a 3-year term. Walter seconds. Mary Alexander abstains. Motion carries

**Motion:** Mary Alexander moves to increase the prepaid tax discount to 2% if paid within 30 days of the tax bill for the 2005-2006 budget period. Walter seconds. There is discussion of the discount at 1.5% costs the town approximately \$12,600 so if increased to 2% there would be an additional \$4,000 reduction in income for the town. The town does not gain any large increase in investments when taxes are paid early to make up this amount, due to low interest rates. Motion is not approved.

The special articles were reviewed and discussed. The Board discusses if the time of Town Meeting should be 4:45 instead of 5:00 pm.

**Motion:** Bill moves approval of the special articles for Town Meeting as read by Peter. Mary Alexander seconds; motion carries.

**Motion:** Bill moves approval to pay by bond over a 10 year period for the fire truck as authorized at the 2004 town meeting and purchased in July of 2004 at a cost of \$150,000. Walter seconds, motion carries. Mary Alexander abstains.

Peter has decided not to run again for re-election as moderator at town meeting. He believes it is a good idea to have a change for this position, so he can participate as a Board member. Susan Clark has expressed interest in running for this position.

**Motion:** Walter moves that the Town Report be dedicated to Gary Lamell this year. Mary Alexander seconds. Discussion: When the report was dedicated to the fire department it was the entire department not just an individual. Motion approved.

June is on vacation starting 2/15/05 and will be back 2/22/05. The town report will be printed while she is away. The Board should discuss if they want to add Martin Luther King Day as a holiday. There was concern about giving this additional day during the winter due to the road crew. It was decided that a more comprehensive study will be done, maybe give up another holiday in change of Martin Luther King Day.

There will be a BCA meeting on 2/22/05. The Ballot Clerks will need to be approved that night and June will have a list of the clerks prepared.

**Motion:** Mary Alexander moves approval a refunding note for the 1997 Caterpillar backhoe in the amount of \$18,300 the 1997 Caterpillar grader in the amount of \$25,726. Bill seconds, motion carries.

New signature cards were signed for new accounts set up for the Milford Leonard Fund and the Conservation Commission.

Update on the North Branch Cemetery; the location has been added to the Town Insurance Policies. Barbara Nelson will be contacted for the balance of the documents. It was decided that for the time being Karen and Cindy would work as staff under the Commissioners and Select Board.

**Motion:** Mary Alexander moves approval of the 1/11/05 minutes. Bill seconds, motion carries.

**Correspondence:**

Central Vermont Regional Planning Commission Transportation Advisory Committee meeting 1/25/2005

Vermont Rural Fire Protection Task Force Notice of Grant Funds Available

VLCT Local Government Day in the Legislature – 2/16/05

State of Vermont Agency of Commerce & Community Development – notice of a 2005 Historic Preservation Grant Application received from the Middlesex United Methodist Church.

Copy of Appeal of Rivers Development, LLC application no 2404;

New Labels for the 2004 Acts and Resolves book.

Senior Officials Workshop for Weapons of Mass Destruction and Terrorism Incident Preparedness

George D. Aiken RC&D Newsletter

The Town Constable has asked if the Town should develop a policy to check on shut-ins within in the community. The Board likes the idea, but does not want the legal responsibility. If he wants to check with Council on Aging or help the shut-ins start a phone tree that would be acceptable.

An Act 68 Sheet, which shows how tax rates are calculated, was reviewed. The Board should take a few minutes in a future meeting to discuss further.

Peter met with John Rahill concerning the feasibility study. A draft report is being prepared which will address how the Town should move forward. There will also be a summary printed in the Town Report. It was recommended to hold a public meeting after Town Meeting.

The League of Cities and Towns is exploring a concept where towns could share a town administrator with nearby communities. This would be a generalist position able to assist the towns with a wide array of services. There will be a meeting 2/10/05 to discuss further.

It has been discovered that the letter has not been sent to Flanagan/Austin which was drafted by Giuliani's office. It was recommend that the time frames in the letter be changed to May and August.

Meeting adjourns at 9:45 pm

Respectfully submitted,

Cindy Carlson  
Executive Assistant to the  
Middlesex Select Board

Approved March 8, 2005

Minutes of the Middlesex Select Board  
Meeting of February 8, 2005

Present: Mary Alexander, Bill Callnan, Walter Kelly, Mary Just Skinner, Peter Hood, Cindy Carlson, Beth Holtzman, Alisa Darmstadt.

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

The Rumney Playground Committee made a Safety Presentation because of a 2003 audit that had been done. Material was presented to the Board with a summary of goals, approach, activities & equipment, overall design, key improvements, repairs, new equipment and funding. There have been some repairs made and some items have been removed from the playground. The Committee is looking for funding through grants and in-kind contributions of town equipment. A site plan showing how the area would be divided into 4 areas with an age group focus for each one was reviewed. There are some concerns about recess rotation of grades and they are trying to incorporate multiple activities in both sides of the school.

The best estimate of cost is a range of \$30,000 to \$60,000. They are not looking to purchase a central structure from a supply company, but would rather purchase some ready made and constructing some with community support. The School Board is in support of the project and there has been discussion of a community playground vs. a school playground.

There may be an issue with the power lines, which currently go through the playground. Under the grant terms, there cannot be power lines going through the playground. Washington Electric has been contacted and provided an estimate of up to \$15,000 to move the lines. They may be upgrading the lines in the near future, so it may not be a concern. A survey of town residents will be sent out to seeking feedback on the town's needs and priorities.

The Board was in general support of the project but asked that the survey be completed and results submitted to the Board. Also, the in-kind contribution of town equipment would have to be at a limited degree. There was a question on a deadline for expending the funds if the grant was received, it is the understanding of the committee that they would have 1-year.

## **Other Business**

**Motion:** Bill moves the minutes of January 25, 2005 with an amendment to adjust the wording of the motion to approve an article to pay by bond over 10 years for the fire truck. Mary Just Skinner seconds, motion carries.

The Board has received a Motion to Show Cause in connection with Linda E. Simpson. The motion was read and reviewed. A court date of March 22, 2005 has been set and Peter will attend the hearing. Ms. Simpson has not complied with the order to date. Peter Hood signed the motion.

The Town Building Feasibility Study Report was distributed and reviewed. Some one other than John Rahill is to be present at Town Meeting. The list of names on the committee was adjusted.

The Board finalized the draft of the Select Board Report and dedication to Gary.

It was decided to defer Act 68 Work Sheet until another meeting.

The Town Road and Bridge Standards was reviewed as presented by Gary Lamell, Road Commissioner. Gary has recommended that the Town adopt the standards and that if they are adopted that an additional 10% funding can be received on grants.

**Motion:** Mary Alexander moves to accept the Town Road and Bridge Standards as recommended by Gary Lamell, Road Commissioner. Bill seconds, motion carries.

**Motion:** Mary Just Skinner moves to submit the Paving Grant for Town Highway #2, Shady Rill in the amount of \$128,875 with a town match of \$25,775. Bill seconds, motion carries.

The Board is asked if they would have any land available for the use of Frisbee Golf. It would take approximately 25 acres. There is not this amount of land available at the recreation field.

The Board discusses the terms of office for Town Clerk and Delinquent Tax Collector. The following items were discussed: There was no warning of the item on the Board's agenda, so there was no time for research and discussion. The Town Attorney has since been consulted and he recommends that a change in term be treated as a significant change. A 3-year term would attract good candidates to run for the position. The state statutes do not provide for recall of elected officials unless stated in a charter.

**Motion:** Mary Alexander moves to amend the Town Meeting Warning to delete Article 6, and renumber the remaining articles. Mary Just Skinner seconds, motion carries.

There was discussion by the committee doing the feasibility study if test sites should be drilled on the former Morse property. Dexter Lefavour can do the test sites. The Board agrees that this should be done, Walter will ask Dexter.

The Fast Squad has obtained a grant in the amount of \$10,000. Proof of payment has to be received in order for the town to receive the funding. A check will be issued, but not submitted until the grant money is received.

## **Correspondence**

Black River Design, maps that are to accompany the Feasibility Study.

Meeting adjourns at 9:40 p.m.

Respectfully submitted,

Cindy Carlson  
Executive Assistant to  
The Middlesex Select Board

Draft

Middlesex Selectboard  
Meeting of 2/22/05

Present: Walter Kelley, Cindy Carlson, Mary Alexander, Peter Hood

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

The Board discusses the use of town buildings for parties that may serve alcohol. It has been the practice to not allow use of the buildings for this type use, however, there has not been a written policy in place. VLCT did provide a sample license agreement for the Boards review.

**Motion:** Request from June Lakin to use the Town Hall on April 9, 2005. Mary Alexander moves approval for use of the Town Hall with the understanding that there is no alcohol allowed, and at the appropriate fee. Walter seconds, motion carries.

**Correspondence:**

Letter from Scott Skinner regarding the Open Meeting Law. This is the outgrowth of an inspection conducted at the Flanagan/Austin property. It appears that he is asking that the Board adopt a policy to follow state law. A letter of response was drafted.

E-mail from Jim Paige concerning a notice of an incident regarding the potential of animal abuse. He has investigated and is making arrangements for the care of the animals.

Request for membership to VT Cemetery Association and the New England Cemetery Association.

Introduction from Raven Mark, a small publisher in Montpelier announcing the availability of All Those in Favor: Rediscovering the Secrets of Town Meeting and Community.

Verizon introduction of Verizon Jobi Professional

Notice of Reducing and Preventing Beach Closures in Northern New England Communities

Copy of Letter from Richard Alderman, Lister to Brian and Orsolya Callnan - concerning taxes due for 6/14/04 – 3/31/05 on their property on Wood Road.

Barre Town Newsletter

VLCT News

Full Circle Technologies notice of introduction

Middlesex Planning Commission Minutes of December 8,2004

Middlesex Planning Commission Minutes of January 12, 2005

Green Mountain Transit Agency – notice of Central Vermont Public Transportation Advisory Board meetings

Opinions News Letter

Disease Control Bulletin

A Handbook for Vermont Moderators.

FEMA's Flood Mitigation Flood Grant Notification. 13 Ritch Road and 28 Ritch Road fall into the program. The Board does not feel this property is in the town of Middlesex.

Copy of the letter sent to "Welcome new voters"

Copy of letter sent to Mark Tillinghast, Fire Chief from David Adams requesting a "controlled burn" of farmhouse and outbuildings on the Adams property at the end of Chase Road.

## Other Business

The Board discusses birth records that were printed in the Town Report, there were 3 births left off the list. Janet will speak at town meeting and give these announcements.

North Branch Cemetery is discussed. According to the Barbara Nelson all the deeds have been turned over to the town. Karen & Cindy will meet with a couple of people from the Cemetery Board to discuss past procedures and to give some guidance on rules and regulations. The signature cards for the Edward Jones account was completed.

## Overweight Permits

Carroll Concrete, McLure Moving & Storage DBA Excel Transport, A&W Artesian Well Co., Thomson Timber Harvesting & Trucking LLC. All Certificates were in order except A & W Artesian.

**Motion:** Mary Alexander moves the above overweight permits except A&W Artesian. Walter seconds, motion carries.

There will be a meeting held by the Board of Adjustment concerning a piece of property that has not been able to be built on in the past. The Board is asked if records can be marked as such so all interested parties are aware of this and The Board of Adjustment does not have to review these applications. It is the feeling of the Board, that it would not be reasonable to do this since each type of proposed structure would have to meet different guidelines. One property owner may want to build a house and the property may not meet those guidelines, however, if the next property owner wanted to build a garage the same property may meet the requirements.

Meeting adjourns at 8:45 p.m.

Respectfully submitted,  
Cindy Carlson  
Executive Assistant to  
The Middlesex Select Board

Approved March 22, 2005

Minutes of the  
Middlesex Select Board  
Meeting of March 8, 2005

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

Meeting called to order at 7:07 p.m.

**Organization**

**Motion:** Bill moves to appoint Peter Hood as Select Board Chair. Walter seconds, motion carries.

**Motion:** Mary Just Skinner moves that the Select Board Chair be allowed to vote on all issues that require a Board vote. Mary Alexander seconds. motion carries.

**Motion:** Mary Alexander moves Mary Just Skinner as Vice Chair. Peter seconds, motion carries.

The Board discusses the time, the location of where regular meetings should be held and how many times the Board should meet on a monthly basis.

**Motion:** Mary Alexander moves to hold the regular Select Board meetings the second and fourth Tuesday of each month at 6:30 at the Town Hall. Bill seconds, motion carries.

**Motion:** Mary Just Skinner moves the Times Argus be the paper of record. Mary Alexander seconds, motion carries.

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

**Motion:** Mary Just Skinner moves to appoint John Lincoln as Zoning Administrator to continue until his term ends and continue for the ensuing year. Mary Alexander seconds, motion carries.

**Motion:** Mary Just Skinner moves to appoint Bill Rossmassler for a 4-yr term, Mike Kline for a 3-yr term, and Richard Paradis for a 2-year term to the Conservation Commission. Peter seconds, motion carries.

**Motion:** Bill moves to appoint James Paige as the Town Constable. Mary Just Skinner seconds, motion carries.

**Motion:** Mary Just Skinner moves to appoint Rev. Phillip Chase as Town Service Officer. Peter seconds, motion carries.

**Motion:** Mary Just Skinner moves to appointment Walter Kelley, Scott Merrill, Charles Merriman, Roger Hirt and Dennis Nealon to the Board of Adjustment. Mary Alexander seconds, motion carries.

The Board discusses the role and duties of Cemetery Commissioners and refers to the State Statutes. It was decided to consult with the Town Attorney on advise for Select Board control of the cemeteries.

**Motion:** Peter moves to appoint Bill Callnan, Mary Just Skinner and Mary Alexander as Cemetery Commissioners. Walter seconds, motion carries.

North Branch Cemetery – The Board discusses if Karen Greenwood should keep a copy of the set of records for the cemetery at her home with the original at the Town Hall. The Board has no objection to a copy being kept at her house but both sets of records have to be kept up. Karen will be the Cemetery Administrator for the Town of Middlesex.

**Motion:** Mary Alexander moves to appoint Jason Merrill as Fire Warden. Bill seconds, motion carries.

**Motion:** Mary Alexander moves to appoint Ronald Krauth as Central VT Regional Planning Commissioner. Bill seconds, motion carries.

**Motion:** Mary Alexander moves to appoint Debbie Craddock as Wrightsville Beach District Director. Peter seconds, motion carries.

**Motion:** Peter moves to appoint Kevin Barrett and Greg Faber to the Central Vermont Solid Waste Management. Bill seconds, motion carries.

**Motion:** Mary Just Skinner moves to appoint Michael Morissette as Emergency Management Coordinator. Mary Alexander seconds, motion carries.

#### **Other Business**

Dave Magida spoke with Mary Just Skinner after Town Meeting to let her know that he had not received any notifications of the meetings held by Middlesex Facilities Overview/Study Committee, which he had been asked to serve on by the Board. Mary Just Skinner apologized to him after Town Meeting for her comment about him not attending any of the meetings and acknowledges a public apology through the Board Minutes.

Glenn Howland, Town Attorney, has received a phone call from Linda Simpson's Attorney stating that all residents will be moving out of the house prior to the March 22<sup>nd</sup> court date set for the status on the septic failure on her property. The hearing is still set and Glen is waiting for a formal statement that the house is unoccupied and secured. It is the town's responsibility to make sure that the building is secured, not the town's responsibility to secure the property. It was recommended that the Board request a Consent Order stating that Linda has not complied with the previous order and have a court issue an eviction notice with a deadline set by the court.

The Board discusses Jane Dudley's letter dated December 5, 2004 concerning ditching done along Macey Road that she feels caused damage to a water line servicing her house from a spring. She has submitted photos of the area and will come before the Board at the meeting of March 22, 2005. She is requesting that the Town reimburse her for the damaged line.

#### **Correspondence**

Questionnaire from Communities Working Together

Middlesex Enforcement Contract for the months of January and February 2005

Full Circle Technologies, Inc. introduction of GIS services

Verizon – Business DSL

Letter from Jim Colby asking if trailer can be removed on the Richard Atwood's lot on the Center Road. A response will be sent to him along with answers to his previous questions.

State of Vermont Agency of Transportation – asking which class 2 roads are scheduled for repair and or re-treatment

Constable report for January and February 2005

Copy of letter sent to P&D Excavating from Robert & Courtney Gourley concerning repairs to their driveway at the town's request

Estimated FY 2006 Education Tax Rates and house site education tax amounts

Vermont Coalition of Municipalities request to adopt a resolution opposing the illegal use of the State Education Fund

Vermont Moderators Hand Book

Central VT State Police Community Advisory Board letter asking the town to review their Advisory Board Representatives

e-mail from Sandy Bettis asking about the paved part of the Center Road, near I-89 it seems to always be in bad condition. This is due to the town not using salt on the roads, once the ice melts off this section of the road, the pavement is in good condition. A response from the Board will be sent to her.

Copy of letter from Sherry LeMay, Central VT Humane Society to Mr. Paul Hewitt concerning abandoned animals.

VLCT News

VT League of Cities and Towns – Revised Model Telecommunication Facilities Ordinance

VLCT – Selectboard Forum April 2, 2005

**Motion:** Bill moves approval of the 2005 Town Meeting Minutes. Mary Just Skinner seconds, motion carries

**Motion:** Mary Alexander moves the approval of minutes for the Board's meeting of 2/8/05. Bill seconds, motion carries.

**Motion:** Walter moves approval of minutes for the Board's meeting of 2/22/05. Mary Alexander seconds, motion carries.

Notice from Winooski Natural Resources Conservation District concerning a stream geomorphic assessment on the Upper Winooski River from Molly's Falls in Marshfield to Gateway Park in Montpelier as well as the lower Stevens Branch from Barre City to the confluence with the Winooski River.

**Motion:** Mary Alexander moves approval of Community Capital Note in the amount of \$54,515. Mary Just Skinner seconds, motion carries.

**Motion:** Peter moves Overweight Permits for A&W Artesian Well Co, G.W. Tatro Construction, Inc. Kingsbury Construction Co., Inc., Donald Giroux's Trucking, LLC, Weston Pulpwood Sales, Inc., Tomco Excavating, Inc., McCullough Crushing, Inc., Michael W. Lowell, S. T Griswold & Company, Inc., A Withers Trucking and Darcy Nelson. Mary Alexander seconds, motion carries

Meeting adjourns 9:15 p.m.

Respectfully Submitted,

Cindy Carlson  
Executive Assistant to  
The Middlesex Select Board

Approved 4/12/05

Select Board Minutes of  
March 22, 2005

**Present:** Walter Kelley, Bill Callnan, Cindy Carlson, Gary Lamell, Mary Alexander, Jane Dudley, Scott Gurley  
June Lakin, Peter Hood, Mary Just Skinner, Mark Perry

Meeting called to order at 6:35 pm

**Gary Lamell, Road Commissioner** – The Highway Budget will be overspent in 3 line items-fuel, equipment maintenance and utilities. Gary will be able to cut back in other areas to compensate and the bottom line will be within the budget. Gary suggests that an equipment fund be started to help with major purchases and major repairs.

Gary will take requests for large trucks to use the un-paved roads and will make accommodations for use at an early hour while the road is frozen. There will not be any surplus sand left this year. Gary is hoping he will be able to pull some out of the town's sand pit for next winter.

**Jane Dudley, Scott Gurley** - Last summer, sometime during late August – early September, after the Highway Department did some ditching along Macey Road, Jane and Scott lost pressure from their water source. Their house has been fed by a spring that is about 90 yards from the house. The spring and a substantial part of the line is in the town right of way. Jane and Gary spoke concerning where the line and spring is when the ditching started. Since this is the first year they had lived there, they did not know what to expect from the spring, as it is common for springs to slow during late summer.

They contacted Onion River Well and Spring and since the spring was full, they plunged high pressure into the line to try and clear it, however, it was not successful. The line goes under parking for their vehicle and they thought the line was blocked at that location. The box around the spring is degraded but it still holds water. They made a decision to drill a well and had that done in early October. The well was dug about ½ between where the spring is located and the house. During this, the well company severed the line from the spring to the house and discovered there was no water coming from the line. The line was severed before the driveway, so they assumed that the pipe was damaged where the town had done the ditching. The well company did check to see if there was something in the well blocking the pipe. They also discovered that the line was not where Gary and Jane had discussed its location. At this point, they contacted Gary.

The Board states that that it is not the town's responsibility to know the location of the line in the town's right of way, as there is no easement in place. The town did not have timely notice as Dudley/Gurley had diminished water for at least a month and they went 2 weeks without water before Gary was notified. If the town had severed the line, the water would have stopped immediately, not diminished over a period of time. If Gary had been called as soon as the water slowed, the town would have sent the backhoe up to dig the site up and if the pipe had been blocked or severed, the town would have made repairs. The Board understands that by moving their water source out of the town's right-of-way everyone has been done a service, however, they would have liked to have had the opportunity to investigate the situation sooner.

It would have cost \$700.00 to dig up and repair the line by the well company. The town's cost would be approximately \$500 as there would be no profit made on the town's part. The town could also do some exploratory work to determine if they caused water to stop flowing, however that would cost one day of work.

**Motion:** Peter moves that after reviewing the facts the town agree to contribute \$500 towards the cost of the new well, as there seems to be some reasonable probability that the town did contribute to the problem.

Motion dies for lack of a second.

**Motion:** Bill moves to offer \$250 assuming some probability that the town did contribute to the problem. If the landowner at their expense wants to take on the responsibility of proving that the town caused the damage the Board would be willing to reopen the situation. Mary Just Skinner seconds, motion carries.

The vote was four to one in favor of the motion.

If the landowner decides to dig up the line, the town would like to have Gary present.

Jane appreciates the Board's consideration and the discussion that she has heard, she feels awkward to have to approach the town in this situation. She would like to accept the Board's offer and not to take any more of the Board's time.

## **June Lakin, Town Clerk**

The Bond application has been submitted to VT Municipal Bond Bank for funding for the Fire Truck. Funding is not received until July if the Town is approved. In the mean-time the town will have to pay the interest in the 04-05 budget and the \$15,000 principal in the 05-06 budget

**Motion:** Bill moves to approve the Capital Equipment Refunding Note for the fire truck in the amount of \$150,000, until the Town receives the bond for a period not to exceed one year. Walter seconds, motion carries.

The town has voided check #59680 in the amount of \$18,290 and the Town is only paying the interest in the amount of \$3290.83

The expectation is that the tax rate can be set on 7/5/05, as the State will release their numbers at the end of June.

## **Mark Perry – Edward Jones**

All of the funds from the North Branch Cemetery has been invested into an account at Edward Jones. There is not currently check writing capability on the account. The balance is approximately \$116,000; some of these funds need to be used for annual maintenance and for a perpetual care fund. The previous Board was in hopes to use dividends from the account for maintenance. They were expecting about \$5,000 to maintain the cemetery.

There was discussion of the investment options the Board can use for the funds. The accounts can be changed if the Board would like other accounts. Before this is done, Mark suggests that an annual budget be developed, to set forth what the perpetual fund will include and to develop an investment policy. There is no investment fee; Edward Jones was compensated at the time of purchase. There is an annual operating fund paid from the yield on some of the accounts.

It was suggested that an inventory of the cemeteries be compiled, with a list of any needed repairs and what the town has for equipment.

Pat Healey from the Montpelier Cemetery will be happy to speak to the Board and give some advise.

Karen will do some research on what other cemeteries have in place for by-laws.

## Other Business

The bandstand committee met, there is a fundraiser being held May 21<sup>st</sup> and the project is moving along.

Lt. David Harrington is moving and has been promoted. A thank you note will be sent to him thanking him for his past services.

Linda Simpson – There was a hearing today. She has moved out of the property and is in the process of shutting off the power and water, and may be selling the property. Glen did not ask the Court to hold Linda responsible for the Town's legal fees for this situation. The attorney's office will check to see if the original order was recorded so any potential buyer is aware of the order and will have to make the necessary repairs.

Requisition #6 from Community Capital in the amount of \$38,579, this is the end of the grant. As the grant has now expired, the Board needs to have a public hearing to close the grant.

**Motion:** Mary Alexander moves to hold a public hearing on April 12, 2005 at the Town Hall at 6:30 pm. to close the Community Capital Grant. Bill seconds. Motion carries.

**Motion:** Mary Just Skinner moves approval of the minutes of 3/8/05. Bill seconds. Motion carries.

The Annual Financial Plan for Highways, has been reviewed by Gary and he recommended the Board approve.

**Motion:** Bill moves to submit to AOT The Annual Financial Plan for Highways for 7/1/05 – 6/30/06. Mary Just Skinner seconds. Motion passes.

Liquor license renewal application for Middlesex Country Store

**Motion:** Mary Just Skinner moves approval of the Liquor License for The Middlesex County Store. Bill seconds. Motion carries

Paul Alfarone, DMV was asked if he would sponsor a Rabies Clinic for the town, but he is already holding one this week-end.

The Board discusses enforcement of the junk ordinance, and would like to enforce only the potential bigger offenders and once those are addressed start enforcement of smaller potential offenders.

## **Overweight permits**

E. E. Packard Enterprises, Inc., Willie's Village Auto, Cardinal Freight Carriers, Inc., Limlaw Pulpwood, Inc., Allen Lumber Co., Harrison Redi-Mix Corp., Clifton A. Rathburn Jr., Champlain Construction Co., Bear Dog, Sundown Corporation, Dale E. Percy, Inc., Richmond Home Supply, Ultramar, R. P. Frost, Inc. dba Vermont Well & Pump,

All certificates are in order except Cardinal Freight Carriers, Inc. and Ultramar

**Motion:** Mary Alexander moves approval of the above overweight permits with the exception of Cardinal Freight Carriers, Inc. and Ultramar. Mary Just Skinner seconds. Motion carries.

## **Correspondence**

Letter from Patty Wiley, requesting a grant in the amount of \$500 for the Middlesex 4h Dairy and Goat Club from the Milford Leonard Memorial Scholarship Fund.

Newsletter from Massamont Insurance Agency, Inc.

Opinions News Letter

Letter of introduction from Lieutenant John Imburgio introducing himself as LT Station Commander

VLCT Weekly Legislative Report

Planning Commission Minutes of 2/9/05

US Environmental Protection Agency – workshop Reducing and Preventing Beach Closures in Northern New England Communities

State of Vermont Judicial Bureau collection report \$187.50 received for 2/1/05 – 2/28/05

Bank North Group, Inc. newsletter

CVSWMD has grant funding available to help communities to understand their wast streams and to identify opportunities for saving money, resources and/or local staff time.

Notice of FEMA FY 2005 Flood Mitigation Assistance grant program

Appointment form for the Central VT Regional Planning Commission Ronald Krauth, form filled out and completed.

The Fire Department has requested that the Board submit another FEMA grant for a second new fire truck, there is an April 1<sup>st</sup> deadline.

Meeting adjourns at 9:30 p.m.

## **Approved 4/26/05**

Special Public Hearing  
Middlesex Select Board  
Minutes of 4/12/2005

**Present:** Walter Kelley, Bill Callnan, Cindy Carlson, Emily Kaminsky, Mary Just Skinner,  
Peter Hood

Meeting called to order at 6:32pm.

### **Public Hearing for Vermont Community Development Program**

The function of the program, formally known as the Central Vermont Revolving Loan Fund, is to work with the town to disperse business grants into the community. They loaned \$150,000 for new loan capital, 16 businesses received \$244,050 leveraging an additional \$676,250 in private and other public financing. There were 20 new jobs created because of this program. Grant funds are dispersed to small start up businesses to larger business, and some are repeat borrowers. Loans were granted to businesses in Waterbury, Montpelier and Barre, there were not any Middlesex businesses during this grant period. Worcester will sponsor the next upcoming grant under this program. All the loans made in the last two years are current except for one \$600 loan. There have been some write-offs since the start of the program in 1997, but they are doing a better job at reviewing applicants.

The Notice of Program Completion Form had been previously signed and returned to Emily Kaminsky.

Regular Selectboard Meeting  
Minutes of 4/12/2005

Meeting called to order at 6:43 pm

**Present:** Walter Kelley, Bill Callnan, Cindy Carlson, Mary Just Skinner, Peter Hood, James Paige, Sandy Levine

### **James Paige, Town Constable**

Jim raised the following issues:

1. Gas mileage – The town reimburses the same rate as the federal amount.
2. Definition of Junk as pertaining to town ordinance – The Board states that they want to continue enforcement of the larger potential offenders. Jim is asked to compile a list of potential offenders and Cindy will send letters with a timeline for him to follow up with. The Board will also bring names to his attention. Once the larger problems are addressed, the Board will decide how to proceed with smaller offenders.
3. Would it be advisable to add a prohibition clause to the dog ordinance as complaints of dogs at large have been on a steady increase? Some residents have complained that there is not a leash law included in the ordinance and that dogs that are not watched over, they are just allowed to roam at free will. The Board is aware that the ordinance is broad, and recognizes that a leash law could be added. The Board feels that incidents have to be continuous and a dog must be dangerous for the animal to be picked up. In other situations, tickets should be issued with appropriate warnings and fines. All complaints must be

in written form before tickets are issued. As the Municipal Court will enforce these situations, it is important that the proper procedure be followed.

4. Reimbursement for cell phone – Jim has secured a personal cell phone and has asked if the same number could be used for phone calls for the Constable. The phone that the town had prior was a car phone, and could not be used all the time. Jim will be reimbursed \$25 per month for the use of his cell phone. His phone number is 522-5276 and Jim will have it posted on the town web-site.

5. Printing supplies – Jim would like to be reimbursed reasonable expenses for printing supplies for any correspondence he has to send out. For the time being Cindy will type any correspondence he needs to send.

6. Official ID-Jim will check to see if the town has an official badge, if not, then something should be purchased.

7. Private Dumps – Should these situations be referred to the Health Officer? He has found some properties with mounds of trash bags. The Board says yes, the Health Officer should investigate if there are serious concerns about large mounds of trash on private property.

8. The Board needs to control the budget and Jim needs to control his hours and pick his spots and only deal with the worst situations.

Verbal warnings on Junk Ordinance – Jim should not waste time on border line offenders, but give fair warnings and document the situations and follow it up.

Written letters will be sent out to the new violators and there are two property owners that have not complied with previous letters. A second letter will be sent to these property owners. Jim will discuss the number of vehicles with Peter Ainsworth and see if they can reach an agreement.

**Motion:** Bill Callnan moves to appoint James Paige to State Police Advisory Board. Walter seconds, motion carries.

Paul Hewitt, animal abuse case – Jim has been contacted by Paul looking for his animals. Jim has talked to the State Police as they have taken over the case. The Board advises Jim to refer anything to the State Police and not to become any further involved in this situation.

#### **Sandy Levine, Planning Commission**

Update on Zoning Changes – A group of town residents came to a PC meeting and have volunteered to help draft revised zoning by-laws. Representatives from the group have been appointed and they have been present at PC meetings. The PC would like to have a draft ready for a November vote, but it will more likely be ready for March town meeting. They realize that they need to address the interim zoning which covers cell towers and the new mixed use district by November.

The Board requests that the PC develop a time-line with objectives and concentrate on a plan for the interim zoning. The Board thanks Sandy for all the work on the zoning bylaws and wants to make sure that the PC is advised on how the Board appreciates everyone efforts.

#### **Other Business**

It was recommended that the Board request bids for a town attorney. Sample RFP's were obtained from VLCT and a list of potential attorneys. There was discussion of how the Linda Simpson situation was handled. It was also recommended that Paul Giuliani be asked to handle the town's account in the future. This will be further discussed at the next meeting.

North Branch Cemetery – The town needs to find someone to mow the property soon. It was suggested that some people in town be contacted to see if they are interested.

Support documentation for payroll from various help will be discussed with June.

Goals waived until next meeting

**Motion:** Mary Just Skinner moves to approve the minutes of 3/22/05. Bill seconds, motion carries.

The Vermont State Police renewal contract for July 1, 2005 to June 31, 2006 at a rate of \$37.18 per hour or \$371.80 per month was reviewed. The prior contract was for \$35.83 or \$358.30 per month.

**Motion:** Bill moves to approve the VT State Police renewal contract for the period 7/1/05 – 6/31/06. Walter seconds, motion carries.

Driveway Permit for T. Joshua Jackson – Gary has reviewed and recommends approval.

**Motion:** Bill moves approval of the driveway permit as recommended by Gary. Walter seconds, motion carries.

### **Overweight Permits**

JLC Transportation, Inc., John P. Centonze, Sr., DBA Airedal Excavating, Dubois Construction, Inc., Green Mountain Power Corporation, Gregory Supply Co. Inc., Donald E. Lavalley, Yvan Cote LLC/CSE Inc., Green Mountain Heritage, Inc., Lajeunesse Construction, Inc., Harold atten, Hutchins Brothers, Inc., Walker Construction, Inc., Cox Trucking Inc./Clement Cox, Hutch Crane and Pump Rental Corporation, Paul C. Garcia, Gillespie Fuels and Propane, Inc. Randolph Coal & Oil, Camp Precast Concrete Products, Inc., Ray Hickory Jr., Ultramar

**Motion:** Bill moves approval of the above Overweight Permits. Mary Just Skinner seconds, motion carries.

**Motion:** Bill moves Tracy Martin and Bob Rivett to the Budget Committee and Rita Ricketson as an auditor. Mary Just Skinner seconds, motion carries.

### **Correspondence**

CVSW FY2006 Budget

VT Rural Fire Protection Task Force 2005 Dry Hydrant Grants Program  
VLCT Weekly Legislative Report

Letter of introduction from East Coast Mapping, Inc.

March 2005 traffic enforcement contract

Notice of appointment for Tammy Nye as Health Officer for a 3 year term commencing 4/1/05

Johnson & Dix Diesel Agreement for 4/1/05 – 3/31/06

Vermont Cemetery Association Spring Meeting 4/21/05

VLCT News

Microsoft Office Desktop Training – VLCT sponsored

VLCT Conducting effective tax appeals

NESEC News

The Fire Department has requested that the town submit a grant application for the purchase of a second fire truck. The town has received a grant in the amount of \$86,000 for the purchase of fire equipment.

Letter from Dexter Lefavour concerning subdivision of his property on Dolan Road. He asks that a Municipal Impact Questionnaire be completed and returned to him.

Letter of Agreement for Site Evaluation of Wastewater Disposal Capacity for Town Hall and Fire Station from Lefavour P.C.

Notice that the balance in the Edward Jones Account included a \$6,000 deposit that had been made previously, that they thought would be additional funds.

Vermont Department of Health is sponsoring a regional planning process concerning the Pandemic Flu.

Meeting adjourns at 9:40 pm.

Respectfully submitted,

Cindy Carlson  
Executive Assistant to  
The Middlesex Select Board

## **Approved 5/10/05**

Minutes of 4/26/2005  
Middlesex Select Board

**Present:** Walter Kelley, Bill Callnan, Cindy Carlson, Mary Alexander, Peter Hood, June Lakin  
Pat Healy, Karen Greenwood

Meeting called to order at 6:35 p.m.

### **June Lakin, Town Clerk**

The financial report was reviewed and discussed. The Conservation Commission has agreed to over-see Green up Day this year. The town will have the two trucks parked at the town shed and Central VT Solid Waste has sent the \$250 disposal cost.

Peter will be away for the next meeting of The Communities Working Together, Mary Alexander will attend in Peter's place.

The Grant for a second new fire truck has been completed and submitted. The town will ask Senator Leahy and Congressman Sanders to send in letters of support.

There will be a seminar held 5/11/05 at 6:30 Pandemic Flu

### **Pat Healy, Green Mountain Cemetery**

An outline was given to the Board with objectives the Cemetery Commissioners should use to operate the cemetery. Information for the public should be made available at the Cemetery with a map, general rules and contact information. Green Mountain Cemetery does not clean monuments unless the family requests and there is a fee charged. Perpetual care covers stones falling over due to frost depending on when the lot was sold. In 1942 their perpetual care agreement was changed and it no longer covers maintenance of the stones at the cemetery's expense. Many cemeteries require a vault, but it is not required under state statute. Lot prices were discussed and Pat recommended that before the prices are changed that a budget be developed. He suggested include in the budget mowing, deferred maintenance, cost of grave diggers and administration costs.

Five cremation markers will be purchased to have on hand. The Scribner's will be asked if they will mow North Branch Cemetery along with the two they have been mowing in the past. There is mowing equipment in the shed at the cemetery; a key will be located so an inventory of the shed can be done.

A representative of the cemetery should lay out the plot before the burial. The transit certificate should be given to a cemetery representative and not filed directly with the town clerk. The funeral homes in the area are very helpful if questions need to be answered. The plot map should be filed with the town.

### **Other Business**

Mike Patterson will be asked to place marker pins on the Flanagan/Austin Property and mark the center line on the Cote property, so he can then file a map with the town. Gary will be asked to clear the right-of-way on the Cote property.

The following goals were developed:

1. Assist with the development of new zoning bylaws and/or interim zoning to address cell towers and the new mixed-use district.
2. Continue enforcement of the Junk/Junk Vehicle Ordinance.
3. Facilities Overview Study – work with committee to continue to develop a plan for town facilities.
4. Review Town Personnel Policy along with benefits.
5. Develop a budget and policy for the North Branch Cemetery.
6. Continue to pursue possible shared Town Manager.
7. Monitor financial statements to stay within the Town Budget.
8. Work with the Road Commissioner to locate possible sand/gravel sites within the town.
9. Continue participation with the Communities Working Together.
10. Review the town insurance policies.

**Motion:** Mary Alexander moves the above goals. Bill seconds, motion carries.

**Motion:** Bill moves approval of the minutes of 4/12/05. Mary Alexander seconds, motion carries.

Motion: Mary Alexander moves approval of the Central VT Humane Society agreement for January 1, 2005 – December 31, 2005. Bill seconds, motion carries.

#### **Correspondence**

The Cemeterian Newsletter

Opinions Newsletter

Planning Commission Minutes of March 9, 2005

Planning Commission Minutes of April 13, 2005

Weekly Legislative Report of 4/15/2005 and 4/22/2005

Vermont ECO Bike Tour – registration form

Subscription offer for Grants for Cities and Towns Hotline

Emergency Management Conference 2005 – Natural Disasters

Advanced Recycling notice of introduction

Agency of Transportation – 2006 Enhancements Program Schedule and Process

Vermont Agency of Transportation – 2006 Grant Application Form and Instructions

2005 Safety Source – directory of Goods and Services for Law Enforcement, Fire and Emergency Departments

American Funds Semi-Annual report ending 1/31/2005

Letter from LeRoy Carlson concerning a vacant lot on Macey Road

Moretown-Middlesex BRS 0284(14) Preliminary Plans for a bridge

**Overweight Permits**

Black Rock Coal, Inc., Haskins and Sons Concrete, Cheney Trucking, Ray Laperle, John H. Goss Trucking & Excavation, Inc., Bourne's Inc./Propane – Black Rock Coal, Inc., Cheney Trucking & Ray Laperle certificates are the only ones in order.

**Motion:** Mary Alexander moves approval of Black Rock Coal, Inc., Cheney Trucking and Ray Laperle overweight permits. Bill seconds, motion carries.

Meeting adjourns at 8:40 pm.

Respectfully submitted,

Cindy Carlson  
Executive Assistant to  
The Middlesex Select Board

Approved

Minutes of the

Middlesex Selectboard meeting of 5/10/2005

Present: Walter Kelley, Bill Callnan, Cindy Carlson, Jim Colby, John Lincoln, Mary Alexander, Mary Just Skinner, Peter Hood, Gary Lamell, Susan Clark, Elliot Burg

Meeting called to order at 6:35 pm.

Jim Colby

Jim is proposing to build an 83 lot RV campground on his property off Colby Road. There will not be any tent sites. The project is allowed subject to a conditional use permit from the Zoning Board of Adjustment. He will be developing three areas for the campground. Each lot will have power, sewer and water. The project will be completed in 3 phases. In order to continue with the Act 250 permit he needs to have some comments from town officials in support of the project.

There is a question concerning the discontinuation of an old access road dating back to 1960's that he has been researching. Jim has been unable to locate some of the old records, and is going to review Select Board minutes to see if he can find reference to the road being thrown up. He has requested this information from the State, as the road is in the State's right-of-way. If the road was thrown up then he would own half of the road and Atwood would own half.

The Board discusses granting a driveway permit on the town road, but if he wants a curb cut from the State Land, he has to submit a request to the State for an easement or right-of-way from the State Land.

Motion: Bill moves that the Board is generally supportive of the project as outlined as long as it fits into the zoning and approval of ACT 250. Walter seconds, motion carries.

Jim gives a copy of a sample Board Membership Application that he obtained for the town of Bradford.

Jim asks if any of his suggestions concerning the proposed zoning -by-laws that were voted on in November were incorporated into the document that was voted on. He was advised that the bylaws were not voted in and the Planning Commission is in the process of developing a new proposal. He was advised that his comments were read and considered. The Board did not respond back to everyone's comments.

John Lincoln, Zoning Administrator

The town collected fines for all 35 violators for the period 2002 - 2004. These were for building without a permit. All of the violators were granted building permits and if they had applied for the permit prior to construction would have been issued permits. John sends out a letter to the property owner and if no response, a second letter is sent which is recorded in the land records. The fine is twice the amount of the permit application. John has several sub-division permits that are on hold as the Planning commission is reviewing. Placing them on hold does not automatically grant them under the 30 day no action rule, as referring them to the Planning Commission is considered action. There have been a few applications denied for missing information, but usually he phones the applicant and gathers the required information. Some applicants come in without construction costs, but he generally knows that the cost falls into the category for the submitted fee.

Gary Lamell, Road Commissioner

The Brook Road is being resurfaced and grading is being done. Gary has talked to McCullough Crushing about moving to the town pit to see if they can find some sand. The cost of sand is going up and if they have to purchase it the 05-06 budget will be over by approximately \$10,000. The Board discusses cutting back on the usage. In 1981, the town used 3500 yards and currently they are using over 6000 yards. They did cut back some last winter by not doing late hour plowing and sanding. An article will be put in the Occasional asking if there are any land owners in town who may have a potential source of sand and gravel.

Gary is confident the town will receive paving funds for Shady Rill this year.

Gary has talked to two parties who received notice of improperly installed driveways and they are in the process of having them corrected.

Gary has talked to Mr. Cote about marking the town's right-of-way and has been advised to do it whenever he is ready. It is the intent of the town to put enough gravel down to make it passable.

Gary has talked to all the fuel oil dealers for pricing and is waiting for rates.

The test pits were done on the town property in the village, the only spot that test positive for septic is the current parking lot for the town hall. It was suggested that the village be organized into a fire district then there are federal grants available for various projects.

There is discussion of a letter from US Environmental Protection Agency. Gary feels that the town should register its sand pit, after further discussion the Board advises Gary to follow through with the registration.

The Board discusses locking the North Branch Cemetery. Gary has agreed to lock the gate by 9:00.

The Road crew is now on 4 - 10 hours days which is more efficient for them. They are not working on Fridays for the summer months.

Susan Clark, Town Meeting Solutions Committee

The Solutions Committee arranged for childcare at Rumney School this year. There were 13 children ages 2-11. Community Connections helped organize the project and they provided some staff, donations were collected and parents provided food. Community Connections paid 2 of their staff and they opted to give the teenagers a donation to go towards their DC trip. Total expenditures were \$165. The Board discusses if they should reimburse Community Connections the amount, as they do not want any child to go unserved for another program. They also discuss why there were paid staff when there were enough volunteers for the number of children. Susan states that this was the first time they provided this service and Community Connections knows that they do not have to provide as many paid staff in the future.

The new voter letter was discussed and The Solutions Committee will continue to send it in the future. There was discussion of whether to give an example of the tax rate based on a sample value of a \$100,000 house value. The committee will draft a statement to show this example for the boards review.

One of the items on the Committee's survey was to put a suggestion box at the town hall. After some discussion, it was decided that there is not enough need. If anyone wants to submit suggestions, they can use the drop box at the town hall, use e-mail or write a letter. It was noted that the PA

System does not work adequately and some people in the back of the room can not be heard when they are asking questions. The Solutions Committee will work with June regarding renting or purchasing a better system. On the discussion of space, it has again been suggested that a larger space is needed with the possibility of moving to Rumney School.

John Puleio and Eliot Burg, Band Stand Committee

The Band Stand Committee is holding two benefit concerts and they have been asked if they are covered under the town insurance policy. VT College wants a good faith statement that the town has been asked if they are covered under the town insurance policy and are not requiring any evidence. The Board feels that volunteers need to be covered if they are working on the behalf of the town. If there are any concerts held off town property in the future, the insurance company needs to be advised of the event.

Motion: Mary Just Skinner moves that the Bandstand Committee is a subcommittee of the Town Recreation Committee. Bill seconds, motion carries.

Updates & Time Line

A material list from Allen Lumber for the bandstand was reviewed. The projected material cost will be around \$10,000. Fund raising letters have been sent to members of the town and grant applications have been submitted to Northfield Savings Bank, National Life and Downs Rachlin & Martin PLLC. John Morrisette, a general contractor from town, is helping with the project and Middlesex Electric is interested in helping out. The Board believes that the Fire Department pays the electricity at the town's building and any additional power costs can be discussed in the future if there are any problems. The committee will confirm what power requirements will be needed for the sound system.

The Town will donate use of the equipment for footing holes and trenching and Gary has offered to donate his time. They estimate approximately 2-4 hours to complete this part of the project. They will get a building permit for the project if required.

Motion; Bill approval to proceed on the Band Stand Project as shown in the plan presented by the Band Stand Committee. Mary Alexander seconds.

Discussion: The site will be marked by John Puleio and John Morrisette on May 11th. The bandstand will be placed about 125' from the fire station on the flat part of the land. The Board can inspect the site at any time.

Motion carries.

## Other Business

All orders were signed.

Jim Paige, Town Constable will be advised to submit a copy of his cell phone bill for reimbursement for his monthly charge of \$25. His mileage was higher than it should be usual due to his investigating potential junk violators. The Board agrees that he should attend the requested training seminar in July. There will be discussion of his request to purchase a rabies pole at a future meeting.

The Bond Application for the Fire Truck has been revised and is ready for the Board's signatures. All Board members signed.

Leroy Brett and Joseph Picard have asked for an extension of time for the clean up of their property under the town junk ordinance. The Board feels that if a reasonable extension is asked for they will grant the extension. However, there will not be any further extensions granted. The Board feels it is ok to give Leroy & Joseph the extensions they asked for. The Health Officer will be asked to investigate the Larry Kennison property for a potential health hazard.

The Board discusses when a violation letter should be recorded. Under the Bianchi Ruling, the original letter has to be filed with the town records. If a courtesy letter is sent first that letter does not have to be recorded. The second step would be the violation letter, which would be recorded.

Motion: Bill moves that the 1st letter be a warning letter letting them know what the consequences are with no longer than 30 days to comply with the town Junk Ordinance. Walter seconds. Motion carries three to two.

The Scribners will mow the North Branch Cemetery for the next month and are putting together a proposal for mowing for the summer.

Preliminary Plans for the Moretown-Middlesex BRS0284(14) Bridge Project, Gary has reviewed and reports that he has no concerns.

Washington Electric permit for work on the Brook Road near the residence of Steven Wilkin - cutting trees, chipping brush, installing utility poles, anchors, guy wires & conductors. Gary has reviewed the application and recommends approval.

Motion: Bill moves to approve the Washington Electric permit for work in the Brook Road. Mary Alexander seconds, motion carries.

Overweight Permits

Motion: Bill moves approval of overweight permits for Gene Armstrong, John H. Gross Trucking and Excavating, Inc. Mary Just Skinner seconds, motion carries.

Correspondence  
VLCT News

Vermont Coalition of Municipalities concerning municipalities that have not adopted education fund resolutions

VLCT - Clerks and Treasurers Workshop 5/26/05

State of Vermont - Notice of award program for individuals in communities who have provided service with 20 or more years.

Opinions News Letter

VLCT Weekly Legislative Report

Barre Town Newsletter

Notice from Vermont Department of Health that the meeting for the regional planning process for the outbreak of the Pandemic Flue has been changed from 5/11/05 to 5/18/05

Milford Leonard Scholarship - Fred Weston daughter has submitted an application. The school will be contacted concerning this program.

Motion: Mary Alexander moves approval of the 4/26/05 minutes. Mary Just Skinner seconds, motion carries.

Meeting adjourns at 10:12 pm.

Respectfully submitted,

Cindy Carlson

Executive Assistant to

The Middlesex Select Board

Approved 9/13/2005

June 14, 2005

### Minutes of Select Board Meeting

**Present:** Bill Callnan, Peter Hood, Karen Greenwood, Cindy Carlson, Mary Alexander, Sue and Ed Scribner  
Mary Just Skinner, Jim Paige, Ron Morissette

Meeting called to order at 6:30 pm.

#### North Branch Cemetery – Karen Greenwood

There had been complaints that the cemetery needed to be mowed which has since been done. Janet McKinstry is going through the old deeds and creating a map of the cemetery. There is someone lined up to do the digging. There was discussion of what to charge for a cremation and for a full burial. Karen has called several other cemeteries and found rates from \$200-\$475 for cremation and \$500 - \$750 for a full burial. Karen will do some further research and find out what is involved in doing cremation burials before a price is set.

There are about 100 cave-ins in the cemetery that will need to be addressed in the future. There was discussion of rules to include in the cemetery policy. It was suggested the plant pots be placed behind the shed and if people want to come and claim them they can.

The Scribners report that the first time they mowed the cemetery they used 3 people for 6 hours each. There were two people running the tractor and 1 person trimming. The second time it took 5 ½ hours mowing and then 5-6 hours trimming. They have mowed 3 times. There are markers that need to be driven down into the ground, and there are some regular stones that are not down low enough.

If they are not trimming, they will do the job for \$300 and with trimming the cost will be \$400. The rate is \$35 per hour for a tractor and operator. The board will investigate what the mowing costs have been in the past.

Ed states that some times in the past when he is paid, the town has taken taxes out and sometime they have not. He would prefer to be an independent contractor and not have any taxes withheld.

The Scribners were asked not to trim every time they mow. The Board believes every other time should be fine. Later in the season if they don't feel trimming needs to be done they should wait and do it once per month.

The Board appreciates the work that the Scribners have done on the town cemeteries over the past years.

It was suggested that the commissioners meet at 6:00 before the Selectboard meetings.

## **Jim Paige, Town Constable**

There is discussion of the possibility of having two constables. Ron Morrissette is a part time deputy sheriff currently for two other towns. The town has limited funds available, but would be willing to have Ron as a back up if Jim was not available. The job duties were discussed and that the procedure for any criminal activities is to call the state police. The position is for enforcement of local ordinances.

**Motion:** Mary Alexander moves to appoint Ronald Morissette as second constable. Bill seconds, motion carries.

There is discussion of the enforcement of junk ordinance enforcement. Jim will follow up with the individuals who have not complied with letters that have been sent. He was instructed to extend the deadline if he thought it was appropriate if there is work in process to clean up the property.

Jim will order a patch from VACA for designation as an animal control officer.

## **Other Business**

Flanagan/Austin right-of-way dispute – Paul Giuliani has recommended that a claim be submitted to the town's insurance carrier because of a letter the Board received from Flanagan/Austin attorney. Paul has not responded to this letter to date. The Board discusses the possibility of having another attorney handle the case if the town pursues a court case. The claim has been submitted and if the situation is pursued the insurance carrier will appoint one of their attorneys as well. One of the residents who lives near Austin/Flanagan has stated to the Board that they would prefer to have a solution reached and they do not think that the town should be embedded in a law suite that would cost the town large attorney fees. The Board wants to do what is best for the town and will follow up with Paul on what his response will be.

The Communities Working Together meeting is Thursday, the 16<sup>th</sup>, at 4:30. Peter, Mary Just Skinner and perhaps Walter will be at the meeting.

The ground breaking for the bandstand is Friday 6/17/2005 at 9:00, and the Board has been invited. The town did agree that the town equipment would be used for this project for a reasonable amount of time. It does not appear that the Bandstand Committee will be able to raise enough funds to pay for the entire project. The Board discusses the possibility of contributing \$1,000 from the discretionary fund. This can be discussed again at the next Board meeting as the second dance will have been held and donation letters have been sent to all residents in the town.

The Board had agreed to contribute \$5,000 over two budget periods towards the repairs to the Town Garage for the Fire Department's use. The Fire Department has not gone over budget in this budget period, so it was decided to have them use \$2,500 from their budget and the town will give \$2,500 from the discretionary fund. The concrete work on the floor in the town shed has been completed. The Board has been advised that they did not use a local concrete person to do the work.

John Lincoln will be going on vacation and Cindy will act as interim zoning administrator while he is away for two weeks. Cindy and/or Karen may also assist the Zoning Board of Adjustment in administrative duties if the Board of Adjustment is in need of additional help.

Peter has talked to Gary Lamell, Road Commissioner. Gary reports that things are going well and he expects his budget to come out even for the year. He will be able to pre-buy some slate before the end of the year. Starting tomorrow the road crew will screen any material they can at the old town pit.

**Motion:** Mary Just Skinners moves approval of the 5/24/05 minutes. Bill seconds, motion carries.

There is discussion of adding the income with budget figures to the spreadsheet June submits to the Board. The income figures that were provided this time included income from the school, which would need to be removed to give the Board a true financial summary for only the town's income.

## Correspondence

Central VT Regional Planning Commission notice of meeting for 6/14/05

VLCT – notice of receipt of claim for Jin Austin & Joanne Flanagan

Notice from June Lakin, that all grant applications, agreements, and any other correspondence regarding said grants are to be filed with the Town Clerk.

Copy of a letter from John Lincoln, Zoning Administrator, concerning development of the Pettibone lot at the corner of Wood and Macey roads.

Semi-annual report for six months ending March 31, 2005 from American High-Income Trust

VLCT Town Fair Awards Program

Edward Jones Money Market Fund Annual Shareholder Report

VLCT Weekly Legislative Report

George D. Aiken RC&D

VLCT News

Marcon Corporation – Summary report regarding culverts and minor structures on the town highway system.

Vermont Emergency Operations Plan Template from Vermont Emergency Management

Pike Industries, Inc. quote for paving on 3-Mile Bridge Road and Shady Rill Road.

**Motion:** Mary Alexander moves to approve the paving quote from Pike Industries, Inc. Mary Just Skinner seconds, motion carries.

Second Amendment For the Agency of Commerce and Community Development – Peter signs in approval.

**Motion:** Mary Alexander moves approval of Camp Mead's liquor license. Mary Just Skinner seconds, motion carries.

**Motion:** Mary Just Skinner moves approval of the App Gap request for the Green Mountain Stage Race. Mary Alexander seconds, motion carries.

**Motion:** Mary Alexander moves approval of the Washington Electric permit application to construct a 7200-volt distribution line on Culver Hill Rd. Mary Just Skinner seconds, motion carries.

**Motion:** Mary Alexander moves approval of Overweight permits for Albert S. Cyr and Bill Atwood Excavation. Mary Just Skinner seconds, motion carries.

Meeting adjourns at 8:30 pm.

Respectfully submitted,

Cindy Carlson  
Executive Assistant to the  
Middlesex Select Board

## Approved 9/13/2005

Middlesex Select Board  
Minutes of June 28, 2005

**Present:** Walter Kelley, Bill Callnan, Mary Just Skinner, Cindy Carlson, Mary Alexander, June Lakin  
Gary Lamell, Dave Sheppard, Heather Furman, Sandy Levine

Meeting called to order at 6:30 pm

### **June Lakin, Town Clerk**

The financial statement through 6/30/05 was reviewed and discussed. The funding for the improvements to the town garage/fire department was divided between the discretionary fund and the Fire Departments budget.

It appears that the bandstand committee has raised approximately \$6,500 to date. The Board is concerned that the work on the project has started without enough funds available to complete it. The town has donated the use of its equipment, and will pay the additional cost of electricity. Even though the Board is in support of the project, they are pleased that there have been funds raised through donations and that the town has not been asked to contribute through tax dollars. It was decided not to contribute from discretionary funds at this time.

The bond request was signed for reimbursement for the new fire truck.

A letter from Peter Farrell regarding the Milford Leonard Fund was received. He recommends Rene Weston and the Middlesex 4-H Club for a total of \$825 to be sponsored under the fund.

**Motion:** Bill moves to accept Peter's recommendation for the Milford Leonard Fund. Mary Alexander seconds, motion carries.

It was decided not to change the date of the next Board meeting and to set the tax rate on 7/12/05.

### **Gary Lamell, Road Commissioner**

The resurfacing of Brook Road is complete. Work is currently being completed on 3-Mile Bridge Road preparing it for paving. When time permits, sand is being put up. The 4-day week is working out well. Gary has pre-bought slate for projects in the fall and spring of next year. There was discussion of potential sand and gravel pits. Gary has started to work on a couple of potential sites in town. Work will start on the Great Brook the first week of August. They were waiting for the Army Core of Engineers approval, which has now been received. Gary still has to put up a mailbox and trashcan and fix the gate at North Branch Cemetery.

There was discussion of temporary logging roads in town, several have turned into permanent driveways. Gary recommends developing a temporary permit for these types of temporary driveways.

### **Dave Sheppard, Heather Furman, Sandy Levine - Conservation Commission**

The Conservation Commission is thinking about creating a trails plan which would include looking at class 4 roads. They are looking at combining a grant application to include revision of the village plan and the trail plan. There has been a volunteer willing to write the grant application under the VT

Municipal Planning Grant Program for FY2006. The Board feels that their proposal is ambitious under one project but they agree that an inventory of the town roads would be very helpful. The village plan has to be updated by March 2007, so it is planned to work on it during 2006. There was discussion of how far back in time does the town want to go back with its research. No decision was made at this time.

**Motion:** Bill moves support of the Conservation Commission moving forward with the VT Municipal Planning Grant and that the Board be involved with the process of applying for the grant. Mary Alexander seconds. Motion carries four to one.

The Conservation Commission has applied and been awarded the grant for the village traffic study in the amount of \$20,000. There will be a 35-40 days for RFP's to be submitted. The study will focus on sidewalks, traffic calming, and village gateway signs. The intent is to have the study completed as quickly as possible and to be able to start on the recommendations as soon as possible.

A committee which grew out of the RT #100 quarry has approached the Conservation Commission regarding developing a corridor from exit 9 of I-89 to Moretown as a scenic corridor. The committee has received a grant to conduct this study. If the area is a designated scenic corridor, federal funding may be available for village enhancements. This would not be a threat to development in the village as the town plan and village plan override the corridor management plan. The Scenic Preservation Council oversees this project, which they hope to have complete by September. There will be more information to follow.

At the last meeting, the Conservation Commission meet with the Historical Society, and learned about their upcoming book. The Conservation Commission would like to give the balance of their budget to the Historical Societies project.

**Motion:** Mary Alexander moves that the Conservation Commission be allowed to contribute the remaining \$91.00 to the Middlesex Historical Society for the publishing Middlesex History. Bill seconds, motion carries.

The Conservation Commission oversaw Green Up day this year. In the past, they had not appreciated that there was a cost to the town. It was recommended that a Green Up report be included in the Town Report. They will check into potential funding of clean up sites from Central VT Solid Waste projects.

**Motion:** Bill moves to appoint to the Conservation Commission: Dave Sheppard to a 3-year term to expire January 08, Duncan Nichols to a 3-year term to expire January 08 and Rick Paradis to a -year term to expire January 07. Mary Alexander seconds, motion carries.

#### **Other Business**

**Motion:** Bill moves approval of the following Overweight permits: Masterson Excavation, Inc., Gregory A. Bartlett. Walter seconds, motion carries.

Driveway permit for Aaron Guilfoyl, Gary has reviewed the permit and recommends approval.

**Motion:** Mary Alexander moves approval of the driveway permit for Aaron Guilfoyl. Bill seconds, motion carries.

All orders were signed

**Correspondence**

2005-2006 municipal calendar

Dufresne & Associates, PC letter of introduction

Copy of letter from McKee, Giuliani & Cleveland to Douglas D. LeBrun, Esq. in response to his letter dated 5/20/05.

State of Vermont Department of Housing and Community Affairs concerning VT Municipal Planning Grant Program for FY2006

State of Vermont Judicial Bureau collections for 5/05

State of Vermont Agency of Transportation – 2006 Municipal Park and Ride Grant Program

VT State Police Enforcement Contract for Mary 2005

Copy of Letter from David John Mullett, PC concerning Tony & Deborah Iazzo and Washington Electric authority to install a power line on the Iazzo's property or in the town's right-of-way.

VLCT News July 2005

Letter from James Colby concerning the discontinuance of TH34

Jim has done some research on TH34 to determine whether this road was ever discontinued, and has found mention of a letter from 1959 where the town has agreed to discontinue this road, but there was not a copy of the letter included. It was recommended that Paul Giuliani be consulted.

Meeting adjourns at 8:30 pm.

Respectfully submitted,

Cindy Carlson

Executive Assistant to

The Middlesex Select Board

## Approved 8/9/2005

Middlesex Select Board  
Minutes of July 12, 2005

**Present:** Walter Kelley, Bill Callnan, Mary Just Skinner, Cindy Carlson, Mary Alexander, June Lakin Peter Hood, Brent Lilley, David Adams, Maria Luchia Ferreira

Meeting called to order at 7:17 pm

### **June Lakin, Town Clerk**

The tax effort report was completed and reviewed. It was decided to use part of the fund balance to reduce the tax rate.

**Motion:** Mary Just Skinner moves the tax rate at .43. Walter seconds, motion carries.

### **David Adams, Maddia Moussia, Brent Lilley-Washington Electric**

Washington Electric is asking for approval of a permit to install a distribution line on Chase Road. Gary has reviewed the request and he recommends approval. The Iazzos, whose property part of the line will be installed on, has not been willing to meet with Washington Electric. The Iazzos have secured an attorney and have requested that the line not be installed. Mr. Adams is willing to pay an additional cost to have the line buried in the town's right-of-way in front of the Iazzos property. Washington Electric has consulted with their attorney and has been advised that they do not need the Iazzo's permission to install the line in the town's right-of-way. The permit application was reviewed along with the map showing where the line will be installed.

**Motion:** Mary Alexander moves to approve the permit for Washington Electric to install a distribution line on Chase Road in the town's right-of-way near the residence of Tony & Deborah Iazzo. Bill seconds, motion carries.

Minutes waived for the next meeting.

The Board agrees after discussion not to hold a meeting on 7/26/05 and hold the next regular meeting on 8/9/05.

**Motion:** Bill moves to authorize Walter as primary and Peter as back up to sign the orders in the event any need to be approved prior to the next Board meeting. Mary Alexander seconds, motion carries.

**Motion:** Bill moves to approve the driveway permit application for Eric and Linda Kemp for Wood Road. Gary has reviewed and recommends approval by the Board. Mary Alexander seconds, motion carries.

**Motion:** Mary Just Skinner moves approval for the State of Vermont Department of Taxes license agreement for Computer Appraisal Services in the amount of \$157.00. Bill seconds, motion carries.

**Motion:** Mary Alexander moves approval of the one-year note for the 2004 Ford Pick-up in the amount of \$7,117.00 to the Chittenden Bank. Bill seconds, motion carries.

**Correspondence**

ACT 250 Land Use Permit – Middlesex Properties, LLC to construct a 16'x70' one story shed addition on the northeast side of the existing main building.

Constable Log for 5/05 – 6/05

2005 Town Fair notification

2005 Legislative Wrap-up

Central VT State Police Community Advisory Board – incident report from 11/18/04 – 5/18/05

Champlain Business Journal

All orders were signed.

Meeting adjourns at 8:40 pm.

Respectfully submitted,

Cindy Carlson  
Executive Assistant to  
The Middlesex Select Board

Approved 9/13/2005

Middlesex Select Board  
Minutes of August 9, 2005

Present: Walter Kelley, Mary Just Skinner, Mary Alexander, Bill Callnan, Gary Lamell  
Peter Hood, Jeff & Ken Koonz, Jim Colby

Meeting called to order at 6:30

## **Gary Lamell, Road Commissioner**

The application for reimbursement for paving on Shady Rill Road was signed. The project on Great Brook will start on the 16<sup>th</sup>. Gary received a phone call from a resident, asking to have a sign put up for a deaf child. The Board discusses what would their liability be if they do not install the sign.

**Motion:** Mary Alexander moves if the property owner will purchase the sign, the town will install the deaf child sign. Bill seconds, motion carries.

Gary has discussed speed enforcement with the State Police on McCullough Hill Road. The road is not posted, so they can not do any enforcement. There should be at least four signs installed on McCullough. The state police also suggested putting a stop sign on Story Road and East Bear Swamp Road. Gary was instructed to install the two stop signs and the four speed signs on McCullough Hill Road.

The road crew is working on the ditching by Rumney School. They will be resurfacing the Notch Road as their next project.

A notice was received stating that towns will not be required to cover their sand and salt to prevent run-off as previously advised. This means that we will not have to build a substantial structure to cover the sand pile.

The Board discusses the possibility of having the Fire Department purchase its own fuel. The Fire Department will be asked to record amounts used, as this cost is being taken from the Highway Department's budget. The Fire Department can apply for grants to be reimbursed for their fuel.

The Board discusses the request to upgrade 600' of Zdon Road to Class 3 status. Gary has inspected the location and he does not have any concerns. The base will be put in this year, and next year the topsoil. The builder will bear the cost of this upgrade. The road has to be improved to state standards before the town can accept upgrading the road. The town will receive some reimbursement if they accept the upgrade. Gary also has looked at the site for the Washington Electric Permit application that will be forthcoming. He recommends the Board approve the Washington Electric Permit when it is improved.

## **Other Business**

The Town Attorney has accepted service on the Town's behalf for a formal suite by Joanne Flanagan and Jim Austin. A claim has been submitted to the Town's Insurance Company for their review to see if

there is any insurance coverage. Paul recommends that the Town does not move forward with their request to remove items blocking the towns right-of-way.

The lazzos has requested the Board reconsider the Washington Electric Permit for installation of power lines in the Towns right-of-way. The lazzos had requested that the Town not grant the permit by way of a letter to the Board through their attorney. The Town's Attorney has been consulted and feels that the lazzos will seek relief through the court system and recommends that the Town not vacate the permit. Washington Electric has consulted with their attorney as well. The Board has no reason not to grant electric permits through the Towns right-of-way and keep property owners from having electric. This request will be taken up at the next Board meeting of August 23, 2005.

Construction has proceeded on the bandstand; crews are working on the weekends.

Jim Colby's letter was reviewed along with Glen Howland's letter stating that the Town Attorney will review the matter of TH #34.

The 2005 Recreation and Education Facility Grant Application will be given to Elliot Burge in hopes of some additional funding for the bandstand.

There will be a meeting 8/31, 2005 at 10:30 to consider strategies to work on the PILOT project at the City of Montpelier. Mary Just Skinner will attend.

Jim Colby was advised that the town received his letter and that the Town's attorney has been consulted. Jim had not received Glenn's letter. The Board wants to handle the situation properly, and will advise Jim as soon as the Board receives an answer. Jim has asked Judy Lewis from AOT to research TH #34, along with two other roads on his property for their status. Judy will send someone out to measure the distance from the center of the road for the abandoned trailer on Atwood's property. It appears that it is in the States right-of-way. The States right-of-way extends up the Center Road past Emery's property.

All orders were signed. It was noted that Carl French is not listed on the Town's life insurance invoice. The Board questions if he is eligible for the coverage at this time.

## **Driveway Permits**

George and Tanya Brett, John Demieter and Emily Palmer – Gary has reviewed and recommends approval for both permits.

**Motion:** Bill moves approval for the above driveway permits. Mary Alexander seconds, motion carries.

## **Overweight Permits**

Paul Hartshorn, Theodore I. Salomaa III Trucking, A&M Trucking

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

**Motion:** Bill moves approval of the refunding note for one year in the amount of \$30,930 for the Fire Truck. Mary Just Skinner seconds, motion carries.

**Motion:** Bill moves to approve the minutes of July 12, 2005. Mary Alexander seconds, motion carries.

The 2005 Recreation and Education Facility Grant Application is a 3-one match. The Board would be in support of applying for \$2,000 to finish the project. There are no plans at this point for additional fund raising. They are hoping to have it finished enough to have a band at the corn roast in late September.

Meeting adjourns at 8:30 pm

Respectfully submitted,

Cindy Carlson  
Executive Assistant  
Middlesex Select Board

## **Approved 9/13/2005**

Minutes of Selectboard  
Meeting of 8/23/2005

**Present:** Walter Kelley, Bill Callnan, Mary Just Skinner, Cindy Carlson, June Lakin  
Mary Alexander, Peter Hood, Heather Furman, Steve Gladchuck?, Bill Rossmassler

Meeting called to order at 6:30 p.m.

### **June Lakin, Town Clerk**

The financial report was reviewed and discussed. To date over half a million dollars have been collected from early payment of property taxes. June has received several compliments regarding the work of the highway department. The City of Montpelier has been billed for their share of paving on the 3-Mile Bridge Road, and the town has been reimbursed.

All orders signed

June will follow up on the availability of computerized voting machines. She will also review who is covered under the life insurance policy provided by the town.

### **Other Business**

Gary has reviewed and recommends approval of the Washington Electric Permit to extend the power line.

**Motion:** Walter moves to approve the power line extension at the end of Zdon Road. Bill seconds, motion carries.

The Iazzos have requested a meeting before the Board concerning the Washington Electric Permit for Chase Road. The Board granted the Iazzos request to meet at their September 13<sup>th</sup> meeting. Washington Electric has not started the installation, and will wait until the Board reviews the permit before any work is started.

The copy of Letter from McKee, Giuliani & Cleveland to James Colby was discussed. The attorney's office will be consulted on what their progress is on the status of Town Highway #34.

#### **Overweight permits:**

Theodore I. Salomaa III, Paul & Marie Hartshorn, A&M Trucking, Bellavance Trucking, Gregory E. Tallman, Jeff Newton/Newton Construction, LLC

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

### **Conservation Commission**

The Middlesex Village Traffic Calming, Bicycle and Pedestrian Feasibility Study and design project

was reviewed and discussed. Both the Consultant and the Transportation Department has reviewed and approved the project. The Board was presented with a contract and scope of project. The town's share is \$2,000 in cash and \$2,000 in-kind. The result of the project will be conceptual designs to include, sidewalks, signs, bicycle facilities, traffic calming and streetscape improvements. The presentation will be ready for June, 2006. This project has to be completed to move to the next step to apply for funding for any improvements. The Board asked what the Commission thought would be a typical cost for some of these projects, but there was no firm idea. The Board states that it would be more prudent to be able to apply for grants to do the projects without having to spend such a large amount for a study.

**Motion:** Bill moves approval of the contract with Resource Systems Group for the Middlesex Village Traffic Calming, Bicycle and Pedestrian Feasibility Study and Design project. Mary Alexander seconds, motion carries.

Moretown has requested that V-Trans conduct a Route #100B Vermont Byway Nomination Package & Corridor Management Plan Summary. V-Trans has opted to include The Town of Middlesex in this summary, even though Middlesex did not ask to be included. There is a 3-year designation and the Town would reapply on a regular basis. The designation can be granted due to historic, recreation, archaeological or scenic qualities of the area. This designation could help provide funding for the traffic-calming project. If the town signs on to the project, there is no cost to the Town and the Town would not be obligated to go forward with the designation. Additional information is available at <http://www.byways.org/learn> and <http://www.vermont-byways.us/>. Moretown should be ready to ask for designation by the end of the year. There will be a public hearing held in September for Moretown.

**Motion:** Mary Alexander moves to accept V-Trans recommendation to be included in the Route #100B Vermont Byway Nomination Package and Corridor Management Plan Summary. Mary Just Skinner seconds. Motion Carries - 3 in favor, 1 abstention and 1 apposed.

Heather believes the Historical Society has approached Sticks and Stuff about improving the railroad station.

## Other Business

Mary Christian contacted the board regarding the poor site lines at the intersection of Bear Swamp and Center Road. Gary was contacted and went over to look at and was approached by the property owner and instructed not to cut anything on his land. The town's right-of-way is very wide at that intersection. Gary and Peter will meet with the property owner to work on a solution.

**Motion:** Mary Alexander moves approval to give Peter authority to sign on behalf on the Town for the close out of the Central Vermont Revolving Loan Fund Grant # VCDP #0200/03IG(10). Bill seconds, motion carries.

### **Correspondence:**

Constable Log July & August 2005

Notice of seminar 10/20/05 – VT Cemeterians to meet at Mount Royal Cemetery

Land Use Permit Administrative Amendment for Grenier Land Company

State of Vermont Department of Housing and community Affairs – Certificate of Program completion

State of Vermont Department of Housing and Community Affairs – Grant Closeout Procedures and Final Program Report

VLCT News

State of Vermont Senate Chamber – outline of new grant programs available

Opinions Newsletter

Department of Taxes – Correction of Buildings PILOT Estimate for fiscal year 2006

Edward Jones – notice that certain mutual fund shares can be replaced.

VT Housing Finance Agency – Seminar 10/20/2005 Sharing success strategies for Local Housing Action

VLCT 2005 Annual Meeting of the membership 9/14/2005

VLCT sponsoring Microsoft Office Desktop Training

Municipal Planning Grant Application Workshop 9/1/2005

US Department of Interior notice of approval for the Land and Water Conservation Fund project that will assist Middlesex School District.

State of Vermont Agency of Natural Resources concerning Bridge #50 replacement project over the Winooski River.

Town of Barre, Vermont Notice of Emergency Medical Services is available

State of Vermont Agency of Commerce and Community Development announcement of the Community Broadband Grant Program for 2005

Notice from State Police enforcement contract for the month of June 2005

The Local Landscape newsletter

Land Use Permit administrative amendment Middlesex Properties, LLC

State of Vermont Senate Chamber – notice of new grant programs

VLCT Health Care Reform Proposal

VLCT F2006 Municipal Policy

CVSWMD Executive Board Minutes July 20, 2005

City of Montpelier, PILOT meeting

Meeting adjourns at 8:35 pm.

Respectfully submitted,

Cindy Carlson  
Executive Assistant to  
The Middlesex Select Board

## Approved

Middlesex Select Board  
Minutes of September 13, 2005

**Present:** Bill Callnan, Cindy Carlson, Gary Lamell, Peter Hood, Mary Just Skinner, Mary Alexander Anita Crowth, Tom Jackman, Bill Rossmassler, Dave Sheppard

Meeting called to order at 6:30 pm.

### Gary Lamell, Road Commissioner

The Great Brook project, installing weirs in the brook bed has been completed. There is a remaining balance of \$2,500 from the grant fund from this project. Mike Klein will inspect the brook for any additional work that can be done this year. Gary is not expecting to receive reimbursement from FEMA for the work on this project as he expects them to be short of funds due to the recent hurricane season.

Work is still progressing on Government Hill under the grant from Better Back Roads. The meeting with Greg Faber will be scheduled over the next week to discuss roadside cutting along his property. Gary will move back into the shop at the Town Garage, even if the Fire Department has not completed the repairs they intended to this year. Gary is in the process of notifying the Fire Department of his intent. The floor work is completed but the doors are not installed yet.

The stop signs and deaf child signs are installed as well as the speed signs on Bolduc Road. The highway department is planning to go off the summer schedule next week.

### Other Business

The Board received copies of correspondence from McKee, Giuliani & Cleveland dated 9/9/05 to Douglas LeBrun, Esq. with a draft to the complaint and the requests to Admit Interrogatories and requests for Review. The Board will review the documents further and respond to Glenn's draft.

**Motion:** Mary Alexander moves approval of the 6/14/05 minutes. Bill seconds, motion carries.

**Motion:** Bill moves approval of 6/28/05 minutes. Mary Alexander seconds, motion carries.

**Motion:** Mary Alexander moves approval of 8/9/05 minutes. Bill seconds, motion carries.

**Motion:** Mary Alexander moves approval of 8/23/05 minutes. Bill seconds, motion carries.

William Yacavoni submitted his proposal for auditing the town.

**Motion:** Mary Alexander moves to approve Bill Yacavoni's proposal to audit the books for the period ending 6/31/05. Bill seconds, motion carries.

VLCT Health 2006 Benefit Changes

**Motion:** Bill moves to go with option #1 with \$100 deductible with co-pays of \$10 Generic, \$15 Preferred \$30 – Non-Preferred. Mary Alexander seconds, motion carries.

3 in favor 1 no vote

An order was submitted from the State of Vermont Agency of Transportation for Town Highway Class 2 Roadway Program form TA65 for work performed on THR6006-304 (P00943). This order was signed.

## **Driveway Permits**

Kevin & Sara Barrett and Elliott and Monique Morse. Gary has reviewed and recommends approval of both permit applications.

**Motion:** Mary Alexander moves approval of the overweight permits for Kevin and Sara Barrett and Elliott and Monique Morse. Bill seconds, motion carries.

## **Conservation Commission**

Tom Jackman, Bill Rossmassler, Dave Sheppard, Anita Crowth

Tom has written the planning grant application to update the Town Plan. Tom will meet with the Planning Commission on 9/14/2005 to discuss. When the Board was first approached about this grant, it was the intent to combine the revised Town Plan and a Class 4 Road Study under one project. Tom recommends that the grant application be submitted for the Town Plan only, as the program requires a single project. Since the Class 4 Road Study is a very large project, it is likely that the application would be turned down if both projects were combined. It is planned to attach a strong trails plan to the Town Plan. A work plan narrative was reviewed and discussed. The deadline for the application is the end of the September. The maximum grant amount is \$15,000. The Board is in favor of moving forward with the process.

The Conservation Commission has developed a brochure outlining the Conservation Fund, which will be sent out to all town residents.

## **Other Business**

The Planning Commission has submitted to the Board for their review proposed zoning bylaws updates. The Board will hold a public hearing on October 5<sup>th</sup> at 7:00 pm. Jim Colby's comments concerning the proposed zoning bylaws received via e-mail was given to the Board members.

A copy of a letter dated 4/8/59 from the Town of Middlesex Selectman to Mr. R. F. Taylor, District Engineer District #9 was reviewed. This letter shows that the Board at that time had the intention to abandon road #34 from southerly boundary of New Interstate Highway to Bettis Colby farm. Cindy will meet with Judy Lewis from AOT to discuss further.

Valerie Bluhm has offered to do some painting at the North Branch Cemetery, but will not be able to start the project until next summer. Valerie will submit a letter in the future asking for permission.

The Rumney Play Ground Committee has asked for a letter of support from the Board. The request did not include a description of the project. Cindy will ask for a summary of what the project is expected to be.

Mary Just Skinner went to the last PILOT meeting and submitted to the Board information she collected.  
Correspondence

The Board would like to have the correspondence separated prior to meeting and have routine mail put into one folder for their individual review during the meeting. Correspondence that requires action will be discussed as a Board.

State of Vermont July 2005 Enforcement Contract

Copy of letter from David Adams/Maria Lucia Ferreira to Robert LeClair, concerning enrollment of their son at U32.

Notice from Cargil Deicing Technology of their booth at the VLCT Town Fair Participant

Letter of introduction from National Geomatica

Edward Jones notice of Banknorth Inc. second quarter report 2005

Letter from Town Meeting Solutions Committee to Sand Levine, Planning Commission

Letter from New Beginnings 4-H Club thanking the Select Board for their scholarship from the Milford Leonard Fund

CV Economic Development Corp 28<sup>th</sup> annual meeting 9/26/05

VLCT – Planning and Zoning Forum 10/7/05

Capital World Growth & Income-Class a special meeting notice of 10/17/05 – North Branch Cemetery

Engineering Ventures, Inc. notice of booth at VLCT Town Fair Day 9/14/05

Central VT State Police Community Advisory Board – request for the Select Boards meeting schedule

State of VT Department of Housing and Community Affairs – Audit Determination – Final Review in Lieu of an Audit

Corn Roast is 9/23/05 it will be combined with the opening of the Bandstand. Notice will go in the mail to all town residents.

John Rahill's facilities report is still in process. Peter will follow up on the status.

The VLCT is reviewing the claim submitted for Flanagan/Austin file.

Meeting adjourns at 9:05 pm.

Respectfully submitted,

Cindy Carlson  
Executive Assistant to  
The Middlesex Select Board

## Approved 11/08/05

Middlesex Select Board  
Minutes of 9/27/2005

**Present:** Peter Hood, Mary Alexander, Cindy Carlson, June Lakin, Tom Jackman, Mary Just Skinner, Eric Scharnverg

Meeting called to order at 6:35 pm

### June Lakin, Town Clerk

The renewal note date for 2000 dump truck is due with a balance of \$8,018 at 3.4% interest.

**Motion:** Mary Alexander moves to approve the renewal note in the amount of \$8,018 for the 2000 Dump Truck to the Chittenden Bank. Mary Just Skinner seconds, motion carries.

June has received a request from William and Cynthia Huntsman who have purchased the Pagel property. The request is to continue the tax arrangement for the cabin that is used by the Boy Scouts that the town has had with the Pagels. The town has been paying the taxes on the cabin in support of the Boy Scouts.

**Motion:** Mary Alexander moves to accept this request. Mary Just Skinner seconds, motion carries.

Tom Jackman presented the board with a copy of the resolution for the municipal planning grant application for the revised town plan.

**Motion:** Mary Alexander moves to approve the resolution. Mary Just Skinner seconds, motion carries.

All orders were signed

### Overweight Permits

Bolduc Auto Salvage and Century Recyclers Inc., DBA Century Enterprises, Inc.

Century Recyclers, Inc. certificate is not in order.

**Motion:** Mary Alexander moves to accept the overweight permit for Bolduc Auto Salvage. Mary Just Skinner seconds, motion carries.

### Correspondence

Letter from Jim Colby with comments to be presented at the Public Hearing for the Proposed Zoning for Mixed Use District

Minutes of Public Hearing for Proposed Zoning Changes dated 8/31/05 from the Middlesex Planning Commission

Copies of Correspondence from McKee, Giulliani & Cleveland regarding the Flanagan/Austin case.

State of Vermont Office of the Secretary of State – VT Public Service Awards

2005 Planning Celebration

Notice from Diamond & Robinson concerning the Washington Electric Permit to Construct Utility Lines in Municipal Right-of-way.

Copy of letter written to Recreational and Educational Facilities Grant Advisory Committee concerning support of the Phase 2 Playground Project at Rumney School.

Copy of letter written to VT Department of Buildings and General Service in support of the Bandstand constructed near Rumney Memorial School.

VT Community Development Program Grants Management Compliance Workshop

State of Vermont Judicial Bureau notice of collections of enforcement tickets.

## **Eric Scharnverg, Executive Director of the Cross VT Trails**

Cross Vermont Trails is asking the Board to endorse a proposal to follow the Three Mile Bride Road approximately .96 miles. The project will include installation of traffic signs marking the trail. The Town of Berlin has endorsed this route. The trail will end in Burlington and start in Newbury. All junctions on the trail will be signed. The trail will be approximately 87 miles long. A brochure is being developed to promote the trail.

**Motion:** Mary Alexander moves to accept the proposal from Cross VT Trails. Mary Just Skinner, seconds motion carries.

Minutes are deferred to the next meeting.

The Board discusses the Route #100B Vermont Byway Nomination Package & Corridor Management Plan Summary. The Board did not agree to request a designation, but did want to be included in the study. A letter will be sent to Steve Gladzchuk in support of the study.

The Board discusses the proposed interim zoning by-laws and the changes that have been made to the draft that will be presented at the public hearing October 5, 2005.

There will be an update on the junk enforcement at the next board meeting.

Meeting adjourns at 8:05 pm.

Respectfully submitted,

Cindy Carlson  
Executive Assistant to  
The Middlesex Select Board

## **Approved 11/08/05**

Public Hearing  
Middlesex Select Board  
10/5/2005

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

Meeting called to order at 7:00 pm.

Comments noted from the Planning Commissions Public Hearing on 8/31/2005

Comments noted from James Colby of 9/13/2005

Comments noted from Dave Shepard of 10/2/2005

Meeting adjourns at 7:15 pm.

## Approved 11/08/05

Middlesex Select Board  
Minutes of October 27, 2005

**Present:** Walter Kelley, June Lakin, Cindy Carlson, Mary Just Skinner  
Peter Hood, Kerry DeWolfe, Joshua Diamond, Brent Lilley, Deborah Iazzo

Meeting called to order at 6:33 pm.

### **June Lakin, Town Clerk**

**Motion:** Mary Just Skinner moves to accept the Special Town Meeting Warning for voting by Australian ballot on November 29, 2005. Walter seconds, motion carries

**Motion:** Mary Just Skinner moves to approve the Better Back Roads Grant application in the amount of \$6,892 for Government Hill. Walter seconds, motion carries

**Motion:** Mary Just Skinner moves the minutes of 10/11/05. Walter seconds, motion carries.

Minutes of 10/5, 9/13/05 and 9/27/05 were deferred

Jim Colby's request to correct the boundary lines for Parcel No 9-8-18 (Colby Farm) was discussed. A letter was sent to the District #9 Highway Department dated April 8, 1959 outlining items the Middlesex Select Board agreed to do because of the new Interstate Highway being constructed. The Select Board at that time did not formally sign an official agreement. The Board agrees it was the intent of the Select Board of 1959 to complete the process to Abandon Road No 34 from southerly boundary of the new Interstate highway to the Bettis (Colby) farm. A letter will be sent to the Highway Department stating this and the land records will be corrected.

### **Washington Electric Permit, Chase Road**

Joshua Diamond, Kerry DeWolfe, Brent Lilley, Deborah Iazzo

It was noted that David Mullett is not present for the meeting. The Board rescheduled its regular meeting to accommodate David Mullett and Iazzo.

A permit application to install a power line to property owned by David Adams has been submitted for the Board's consideration. The Town's Road Commissioner had reviewed a previous application for the installation of the line and he had recommended approval to the Board.

A copy of voluntary acceptance of service signed by David Mullett accepting service of the Washington Electric Cooperative, Inc. permit application was submitted as Exhibit #4.

Deborah Iazzo requests permission to address the Board and states she did not realize that the situation had gotten to the point of a holding this meeting.

Joshua Diamond would like to go on record, stating that he will object to any statements made by Deborah Iazzo that refer to past negotiations.

Deborah states that she would like to work out the situation of the installation of the power line between herself and the Adams. She feels that the situation has been misconstrued and that the Board has the impression that they have not been able to reach an agreement. Deborah feels that they should have had the opportunity to voice their opinion before the permit had been approved.

The Board states the purpose of this meeting is to act on the permit application. If the parties feel they can reach an agreement and all parties are willing, the hearing should be set aside and the parties adjourn to discuss settlement of the issue.

Kerry DeWolfe states that on behalf of Mr. Adams they do not want to negotiate installation of the line. They want the permit to issue.

Deborah is advised that if the permit application is approved at this meeting, it will not preclude any further negotiations on how the line is constructed. The Board encourages the involved parties to work out a solution. A permit application has to be issued in order for the power line to be installed in the town's right-of-way. Deborah states that original discussions concerning the installation of the line, involved installation of the line further back on the Iazzo's land and not in the town's right-of-way. The Board states that this is not the issue before the Board. The town is not involved in the installation process, and the issue before the Board is only the permit application in the town's right-of-way. Deborah requests the Board to delay any decision to approve or disapprove the permit until both parties can reach an agreement on the installation of the line.

Joshua states that WEC does not intend to withdraw its application. This meeting was specifically set for tonight to accommodate Attorney David Mullett. Mr. Adams had asked that the process not be delayed and arranged for a representative to be at this meeting.

Joshua Diamond introduces Brent Lilley, a senior field technician for Washington Electric, who affirmed the presented evidence. The findings presented to the Board on behalf of Washington Electric Cooperative, Inc. was admitted into evidence.

Exhibit #2 is a map of Middlesex with Chase Road highlighted and the area noted where Mr. Adams seeks to construct a private home. The proposed power line was outlined showing the underground section and above ground proposed line.

Exhibit #3 A, B, C, D, E, F & G – Photographs of the existing power lines on Chase Road.

Brent is asked if there are other locations in town with underground line in the town's right-of-way. There are not a lot of primary underground lines; most power lines are above ground.

Brent is asked by Joshua Diamond, WEC Attorney, if this is a fair and accurate recording of the facts and if they appear to be true. He agrees. WEC moves exhibits 1, 2, 3 a-6 and 4 into the record.

David Mullett's letter on behalf of Deborah & Tony Iazzo attorney, dated 10/25/05 is read by the Board and submitted into evidence.

Kerry DeWolfe's letter on behalf of David Adams dated 10/27/05 is read by the Board and submitted into evidence.

Glen Howland letter on behalf of the Town of Middlesex dated 10/27/05 was read by the Board and submitted into evidence.

Joshua Diamond letter on behalf of WEC dated 10/27/05 was submitted into evidence. This letter included Washington Electric Inc., proposed Findings, Conclusions, and Order for the permit application submitted by Washington Electric to construct and maintain a utility line within the Chase Road municipal right-of-way.

The language presented in Glen's letter was discussed. Deborah feels that the permit should not be granted now and should not be granted until both parties can reach a decision regarding the installation of the line. The Board again states that they are not going to enter into disputes between two neighbors. The time to reach an amicable agreement is not over. The Board's responsibility is to review the application and make a determination. Two of the three parties have requested no further delay in the permit process. Deborah feels that her voice was not heard previously. Joshua Diamond objects; any installation negotiations are not part of this decision and he opposes any request to delay the permit approval date. Kerry DeWolfe also opposes a request to delay the permit approval date.

**Motion:** Mary Just Skinner moves to approve the Washington Electric permit application to install and maintain an electrical distribution line on Chase Road. Peter seconds, motion carries.

Joshua Diamond requests, on behalf of Washington Electric, that the Board adopt the findings as recorded and amended. Copies of the proposed findings were given to Deborah Iazzo. The only modification to the findings is in Paragraph 8, line #2 1600 feet should read 1050 feet.

There is discussion of the conclusion and order paragraph 6, which states that any impact to the highway as a result of construction will be restored no later than October 31, 2006. It is suggested that an amendment be made to state once construction is completed that any necessary repairs to the highway will be completed within 30 days of completion of the project. Washington Electric states they do not object to this amendment.

**Motion:** Walter moves to adopt the findings with the amendment to change under findings and conclusions paragraph #6, Line #4. In addition, any impact to the highway as a result of construction will be restored no later than 30 days after construction is complete or October 31, 2006 whichever ever occurs first. Mary Just Skinner seconds motion carries.

Hearing was concluded at 8:22 pm.

#### **Driveway Permits**

Mark Tillinghast

**Motion:** Mary Just Skinner moves approval of the driveway permit for Mark Tillinghast. Walter seconds, motion carries.

#### **Overweight Permits**

Jeff Baker Trucking

**Motion:** Mary Just Skinner moves approval of the overweight permit for Jeff Baker Trucking. Walter seconds, motion carries.

A Fire Department grant was discussed. The Board authorizes Mark Tillinghast and June Lakin to apply for the funds.

VLCT will update the town building values based on current replacement costs and make a recommendation to the Board.

**Correspondence:**

VLCT Municipal Inquiry Service

VLCT – Notification of pilot projects that would provide local law enforcement to enhance day-to-day municipal public safety needs.

Central Vermont State Police Community Advisory Board Minutes of 9/20/05

Opinions News Letter

VLCT – Economic Development for Municipal Leaders 11/17/05

Letter from Jim Colby concerning the status of a boundary correction for Parcel No 9-8-18

Letter from Jim Colby concerning the status of the Proposed Zoning Regulations

VLCT Board Sets FY07 Dues

VLCT 16<sup>th</sup> Annual meeting of the membership November 18, 2005

Letter from Timberline Events concerning the Green Mountain Relay 6/10/06 – 6/11/06

Copy of the Emergency Operations Plan for Middlesex

Meeting adjourns at 9:00 pm.

Respectfully submitted,

Cindy Carlson  
Executive Assistant to  
The Middlesex Select Board

# Approved

Middlesex Select Board  
Minutes of November 8, 2005

**Present:** Walter Kelley, Bill Callnan, Cindy Carlson, Peter Hood, Mary Just Skinner, Mary Alexander, Brenda Persons, Jessie Dupont, heather Furman, Steve Gladezuk, Amy Bell, Denise Sanders, Jill Smith, Angelo Napolitan, Don Wexler, Dave Shepard, Barry Goodman, Joe Segalle, David Saladino

Meeting called to order at 6:30 pm.

## Public Hearing – Traffic Calming Middlesex Village

Barry Goodman addresses the meeting. The Conservation Commission received an enhancement grant to conduct a study for traffic calming in the village. The purpose of this meeting is to get input from residents regarding pedestrian, traffic and gateway issues. The study has been conducted by RSG Engineering Company. This study does not commit the town to any of the recommendations that will be made.

An annualized traffic study indicates the median speed is between 32-37 mph through the village. An accident history was reviewed; there were no reported crashes for a 5-year period. Functional Classification was reviewed; this is used to collect traffic from a smaller road onto a main source of travel. Generalized Land Uses in the Village was reviewed as part of the study.

### Comments:

There was discussion of 3-foot shoulder, which is the state recommendation, for the use of bicycles and pedestrians. The shoulder through the village is anywhere from 1' to 5'. To widen the shoulder land would have to be taken from property owners.

There was discussion of a sidewalk through town, do people feel safe walking through the village and is there a need for sidewalks in the village? Residents stated safety is the concern in the village. Traffic travels too fast. It was felt if there are sidewalks people would park in the side of the road or park on the sidewalk to step into the sidewalk. It is possible to put a 7" granite curb to help deter parking on the sidewalks. It was suggested that a walk/bike lane should be created instead, as with sidewalks bikers have to use the road. It was noted that the wider the shoulder the faster cars travel and residents felt a 2-3' wide lane for a bicyclist is adequate. It was noted that as you travel through town, the best side of the road changes. There is no space to get out of the way of traffic while walking in some areas through the village.

There was discussion of safety issues at the village store. There have been vehicles travel through the parking lot from RT #2 and exit onto 100B without stopping, to avoid the turning traffic at the intersection. The intersection is very close to the entrance to the store and the intersection is not well lit. If someone is crossing the road, it is difficult to see him or her. Suggestions were made to install some pedestrian friendly lighting, define parking spaces in the store parking lot and reduce the size of the entrance to the store from 100B. Further discussion of downsizing the entrance way concerned citizens as it could cause back up of traffic on RT #2, and there are delivery trucks that would have a more difficult time of entering the parking lot.

Other suggestions were to provide parking for the public at the former Morse property, better signage for the intersection on 100B, more speed enforcement by the State Police through the village, lower the speed limit to 25mph and better gateway notice of the village. There was discussion of the former Morse property. It is the hope to develop this property; currently there is a feasibility study for a town building need being finalized. This property could be developed with town buildings, providing access to the river or a park. Access to the property should be considered as part of this study.

The Board states they understand why some residents would recommend sidewalks versus a walkway. However, there are long-term financial needs associated with sidewalks that have to be considered; maintenance, plowing, sanding and liability to the town of any potential injuries. If a walkway were built instead, the State would be responsible for maintenance.

The Board moves into its regular meeting.

## **Don Wexler, Town of Moretown, Steve Gladczuk, VT By-Ways Project**

The Town of Moretown is going to ask that 100B through Moretown be designated as a scenic by-way. They are asking the Board to include Middlesex as part of this request. The designation is for a 5-year period. If the two towns submit the request as one, it is a stronger package for the approval process.

The designation allows the community to define projects within the designation. There is possible grant money available for projects like such as the traffic calming. The designation does not change zoning or limit the type of traffic that can use the by-way. The state considers the designation a by-way it is only labeled scenic by-way or historic by-way. Moretown will host another public hearing before the request goes to the Transportation Board for review and a final decision.

**Motion:** Mary Alexander moves to seek designation of the RT #100B Vermont By-Way before the Scenic Preservation Council with conjunction of the Town of Moretown. Mary Just Skinner seconds. Motion passes 3 to 2

## **Gary Lamell, Road Commissioner**

A proposed temporary driveway permit application was reviewed.

**Motion:** Mary Alexander moves to approve the process of implementing a temporary driveway/access permit and the proposed temporary driveway/access permit application. Bill seconds, motion carries.

Gary will notify the contractors when they call him that the application is required and a notice will be placed in the occasional.

The town has not been reimbursed yet for the project on Government Hill. Gary will be applying for grants for replacement of a culvert on the Brook Road. The doors have been installed on the town garage and they still have to install the heating system.

## Other Business

All orders were signed

**Motion:** Mary Just Skinner moves to approve the 10/27/05 minutes. Walter seconds, motion carries.

**Motion:** Mary Alexander moves to approve the 9/27/05 minutes. Mary Just Skinner seconds, motion carries.

**Motion:** Mary Alexander moves to approve the 10/5/05 minutes. Mary Just Skinner seconds, motion carries.

The Band Stand Committee has received notice that a grant in the amount of \$2,700 has been approved. The Committee is looking for a business sponsors for the project for future concerts. The Committee has raised all the funding for this project, there has been no town funds contributed, other than the use of the equipment.

The Cemetery Commission will meet on 11/16/05 at 6:30 pm.

The audit report was given to the Board Members for review. The Board would like to schedule the review the Bill Yaccavonni as soon as possible.

## Correspondence

Introduction to the Vermont Marijuana Policy Project

VLCT News

George D. Aiken RC&D & Northern Vermont RC&D

Letter from Ruth Shuman concerning meeting special needs

VLCT 2006 Winter Olympics

Letter from Michael Levine requesting permission to remove trees along the Bear Swamp trail  
Ok to do per the board

CT Economic Development – Survey concerning the towns economic priorities

State of Vermont Department of Taxes concerning FY 2006 Lister Training Subaccount Balance

VT State Police Enforcement Contract Summary for September 2005

Constable Log from Jim Paige for September – October 2005

Green UP Day notification – May 6, 2006

## **Overweight Permit**

Daniel R. Molleur

Motion: Bill moves to approve the Overweight Permit for Daniel R. Molleur. Mary Alexander seconds, motion carries.

The Board discusses the enforcement of the Junk Ordinance. Final letters will be written with notification that tickets will be issued if property owners do not comply with the ordinance.

Meeting adjourns at 9:15 pm.

Respectfully submitted,

Cindy Carlson  
Executive Assistant to  
The Middlesex Select Board

## **Approved**

Minutes of the Middlesex Select Board  
Meeting of 12/06/2005

**Present:** Walter Kelley, Bill Callnan, Mary Just Skinner, Cindy Carlson, June Lakin, Peter Hood, Mary Alexander, Gary Lamell, Susan Clark, Abe Lewis,

Meeting called to order at 6 30 pm

**Motion:** Mary Just Skinner moves to appoint Thea Schwartz to the Budget Committee. Mary Alexander seconds, motion carries.

**Motion:** Mary Just Skinner moves to approve the minutes of 11/22/05. Walter seconds, motion carries.

## **Susan Clark, Town Meeting Solutions Committee**

The Town Meeting Solutions Committee has compiled with the help of John Riley and Bill Callnan charts of the town's budget. The charts outline how the tax dollars are spent for both the municipal budget and the breakdown between school, municipal and special articles. The charts will be printed in the Town Report and be a hand out a town meeting.

The History of Middlesex being published by Sarah Seidman and Patty Wiley is expected to be ready for sale by Town Meeting. It was suggested to have a slide show start about 15 minutes before town meeting showing photos that are part of this publication. Susan suggests that the Town Report be dedicated to Russell Alger, Band Stand Committee or Sarah and Patty for the book. The Solutions Committee is working on childcare for town meeting.

## **Gary Lamell, Road Commissioner**

Gary submitted a proposed budget for 2006-2007 in the amount of \$412,150 with an increase of \$33,646.

Gary has included a 3% salary increase and took a substantial increase for gas, oil and diesel. A truck purchase will be made in 2006 for one of the large trucks. Gary will see if he can do a pre-buy for diesel and oil.

## **Other Business**

The Community Land Trust has asked the Town of Middlesex to designate Central Vermont Community Land Trust as a community development organization making them eligible to serve the municipality to provide affordable housing to assist low and moderate income homeowners.

**Motion:** Mary Just Skinner moves to designate Central Vermont Community Land Trust as a qualified non-profit community development organization to carry out community development activities on the Town Middlesex's behalf. Bill seconds, motion carries. The resolution was signed.

Peter has been contacted by the Middlesex United Methodist Church to write a letter of recommendation for a historical grant application they are submitting for improvements to the steeple.

## **Driveway Access Permit**

**Motion:** Bill moves to accept the driveway permit for Devin & Renne Smith. Mary Just Skinner seconds, motion carries.

## **Correspondence**

NESEC News

VLCT notice of benefits charged to the town for unemployment benefits year to date.

VLCT Board of Directors Vacancy – Application Sought

VT State Police enforcement contract for 10/2005

VT Associations of Chiefs of Police notice of a luncheon 1/17/2006

Letter from David Adams and Maria Lucia Ferreira thanking the Board for granting permission to run power lines along the Town right-of-way.

USDA notice they are accepting applications for the Community Facility Loan and Grant Program.

VLCT notice of Quarterly Benefits Charged Statement

Department of buildings and general services is seeking letters of interest from the towns that may be interested in hosting a department of corrections work camp facility.

Notice of pre-budget meeting for Washington County Budget for 2/1/2006 – 1/31/2007

Barre Town Newsletter

Middlesex Fire Department Invoices for equipment purchases.

The Board would like to invite members of the Planning Commission to the next meeting to discuss the zoning regulations.

**Motion:** Mary Alexander moves to go into executive session for personnel reasons. Bill seconds, motion carries.

Board comes out of executive session at 8:40 pm.

Meeting adjourns at 8:40 pm.

Respectfully submitted,  
Cindy Carlson  
Executive Assistant to the  
Middlesex Selectboard

# Approved

Middlesex Selectboard  
Minutes of the December 20, 2005

**Present:** Walter Kelly, Bill Callnan, Mary Just Skinner, Peter Hood, Mary Alexander, June Lakin, Cindy Carlson, Martin Hahn, Wayne Whitelock, Mary Hood, Don Welch, Abe Lewis, Sandy Levine

Meeting called to order at 6:35 pm

## **Kellogg Hubbard Library – Martin Hahn, Mary Hood**

The Board was presented a library report for review. The library is making a request in the amount of \$165,000 for all taxpayers and \$13,166 for the Town of Middlesex. Middlesex residents have borrowed over 13,000 items from the library over the past year. The Kellogg-Hubbard Library is second only to Burlington in terms of size of their circulation and their circulation is 54% higher than the next most active library. A federal grant and private funding with no local taxpayers dollars have funded the bookmobile. They are in the process of applying for another federal grant as the current grant has expired. The book mobile has an average annual cost of \$70,000.

The library has lost interest income from their endowment and has had to tap into the principal to cover expenses. The Library Board is aggressively seeking to grow the endowment fund and is committed to raise the revenues to keep the taxpayer support at a minimal. Many cutbacks have been made and at this time they feel the only way to additionally reduce expenses would be to cut back on the hours opened. They have asked all organizations that use the meeting rooms for support, but many have no budget. They are not looking to expand any programs, which would increase expenses. There are state standards with penalties, which have to be meet if they charge fees for services such as use of the internet and rental of videos. It was suggested by the Board, that federal guidelines may be outdated and should be reviewed and possible recommendations made to update these guidelines. The Town of Berlin has been advised that a local taxpayer contribution must be made this year or they will not have free use of the library. The Berlin residents would have to pay for a library card if this contribution is not made.

## **State Police Community Advisory Board – Don Welch, Wayne Whitelock**

The goal of this Board is to facilitate communications between towns, residents and the State Police. They operate such programs as START, which helps notify parents of the possibility of youths serving alcohol at parties, Neighborhood Watch programs, incident reporting forms, education presentations and literature and a public safety survey. The Board is asked to include in the town report a summary of their program. They would like the Board to appoint someone to represent the town in this advisory board. There are 15 active towns participating. They have made available to the town a Family Emergency Preparedness Workbook that can be left in the town clerks offices.

There are minimal operating costs associated with this advisory board. They are requesting a fee of \$100 from each town to be included in the town's budget.

## **June Lakin, Town Clerk**

A proposed budget of \$789,000 was reviewed and discussed. The budget will be finalized at the next Board meeting.

## **Sandy Levine, Planning Commission**

A Board received a copy of the proposed draft for the Land Use and Development Regulations, which will be presented by the Planning Commission at their public hearing January 11, 2006. The document has been simplified from last year's proposal. They may also make minor minor modifications to the current zoning map. Once the document is officially presented to the Board a public hearing will need to be held if the Board accepts the draft. The Board will schedule a public hearing 1/24/2006 in anticipation of receiving the official document from the Planning Commission. This was agreed upon so proper notice can be give in the event it will be voted on by the public at Town Meeting 2006.

## **Other Business**

All orders were signed.

The Board received a letter concerning a delinquent tax notice and penalty. The property tax payment was made, however, the check was returned for NSF funds. The resident called the town clerk and explained that the check was going to be returned, and that funds had been transferred but were not available at the time the check was deposited. The resident did not want to issue a replacement check at that time due to the amount of the check. A replacement check was not received by the deadline and the Tax Collector was notified. They are asking that the town waive the penalties accessed, as they had been in communication with the Town Clerk. The issue has to be handed by the Board of Civil Authority, a meeting will be scheduled prior to the next Board meeting.

The Board discusses the towns process of notify residents of returned checks.

### **Correspondence:**

VLCT Professional Services announcement

VLCT News

VLCT notification of The Leader: Helping Control Health Care Costs at VLCT

VLCT Tow meeting Tune-up Workshop 1/11/2006

Opinions Newsletter

CV Economic Development – survey for top three economic development priorities

Northeast municipal forum

VLCT Weekly Legislative Report

VLCT Local Government Day in the Legislature 2/15/2006

Minutes of 11/9/2005 Middlesex Planning Commission Meeting

Insurance Alert from Massamont Insurance Agency, Inc.

Notice from VLCT concerning their prior reinsure NLC Mutual insurance rating.

Letter from Robert M. Fisher concerning the town equipment

Verizon New England, Inc. petition and order for pole and wire location request to place, replace, and maintain poles and associated wires, cables, anchor/guys and trimming/cutting rights at Tel RTE 6-4, Culver Hill Road. Gary has reviewed and recommends approval.

**Motion:** Bill moves approval of the Verizon New England Inc., petition for Tel RTE 6-4, Culver Hill Road. Mary Just Skinner seconds, motion carries.

## **Overweight Permit**

Paul I. Stone Jr. Trucking

**Motion:** Mary Alexander moves approval of the overweight permit for Paul I. Stone Jr. Trucking. Bill seconds, motion carries.

The Board discusses the possibility of putting on a warning for town meeting granting authority to the Select Board to appoint cemetery commissioners instead of having it an elected position.

Meeting adjourns at 9:15 pm