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**Town of Middlebury  
Infrastructure Committee  
Thursday, June 8, 2023  
Meeting Minutes**

19 Members Present: Heather Seeley, Gary Baker, Erik Remsen, Candy McLaughlin, Judy  
20 Wiger-Grohs, Andy Hooper, and Alternate Jef Bratspis. Luther Tenny was absent.

21 Staff Present: Town Manager Kathleen Ramsay, Assistant Town Manager David  
22 Sophrin, Director of Public Works Planning Emmalee Cherington, Director of Public  
23 Works Operations Bill Kernan, Director of Planning and Zoning Jennifer Murray and  
24 Wastewater Superintendent Bob Wells.

25 Others Present: Fred Dunnington.

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**1. Call to Order**

33 The meeting was called to order at 9:01 a.m. by Heather Seeley. Seeley said they need  
34 to elect a chair, since her schedule is uncertain over the next year, and she feels it  
35 would be best if she stepdown as Chair. She said unless anyone else is interested in  
36 being Chair, it has been determined that Jef Bratspis can be chair even though he is an  
37 Alternate on the Committee, so Seeley nominated Bratspis as Chair, and Baker  
38 seconded the motion. The motion carried with 7 in favor, 1 absent. **MOTION PASSED.**

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**2. Approval of Agenda**

Remsen moved to approve the agenda and Wiger-Grohs seconded the motion.  
The agenda was approved as presented with 7 in favor, 1 absent. **MOTION PASSED**

**3. Approval of Minutes**

Seeley moved to approve the minutes of May 11, 2023, and Wiger-Grohs seconded the  
motion. There were no changes, so the minutes were approved as presented with 6 in  
favor, 1 abstention (Seeley) and 1 absent. **MOTION PASSED.**

**4. Citizen Comments**

There were no citizen comments.

**5. Project Updates**

Paving - Cherington said the contract was awarded to Champlain Construction, and  
while the contract hasn't been signed yet Brookside Drive will be added to it, and they  
will start mid-July.

47 South Street Project - Cherington said Casella Construction is scheduled to begin in  
48 mid-July and they're hoping to complete it by late October, which will work well with the  
49 paving schedule. She said we've asked for traffic control plans, and one-way traffic will  
50 be maintained during the project. Baker asked if there was a penalty if they didn't  
51 complete the job as planned, and Cherington said their contract is for 135 calendar  
52 days, so based on their start date, they have a \$1,000/day penalty if it goes beyond the  
53 135 days, but weather days will get tacked onto the days.

54

55 Class II Highway Structures Grant – Cherington said we received the Structures Grant  
56 for Halladay Road, but not for Exchange Street. She said Otter Creek Engineering is  
57 working on the design, so she hopes we can construct this in 2024, with reclaiming and  
58 paving in 2025.

59

60 Colonial Drive – she said they did the final walk-through and did the punch-list, and  
61 some of the yard drains installed on properties are low. She said Champlain  
62 Construction went in and put risers on the drains and graded the areas so property  
63 owners can mow their lawns, and this additional work will be about \$5,000. She said  
64 the other unresolved problem on Colonial Drive is that plow trucks hit the sewer  
65 manholes this winter when plowing due to the grade, so it is being determined who is  
66 responsible for fixing this problem. She said it also hasn't been determined if this is a  
67 contractor installation problem, or because of the engineering design. Seeley said if  
68 they were installed according to the plans, then any problem is on the engineer.  
69 Cherington said this hasn't been resolved yet and discussions are ongoing, but the  
70 problem will be resolved this construction season.

71

72 Stormwater Inspections – Cherington said she has been doing stormwater inspections  
73 and they need to be completed by June 15<sup>th</sup>.

74

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## 6. ADA Compliance Presentation

76

77 Assistant Town Manager Sophrin said the Town has certain obligations under the  
78 American Disabilities Act (ADA) of 1990. He said under Title II of the ADA laws, local  
79 governments are required to have an ADA Coordinator, which can be a part-time  
80 position which is typically a town employee, and there needs to be a grievance  
81 procedure for people in case they feel there has been some discrimination, and public  
82 notice needs to be given about the Town's ADA position and procedures.

83

84 Sophrin said the larger thing needed is an ADA self-evaluation. He said a community  
85 like ours is not just supposed to look at our facilities, but our public land, parks, roads,  
86 sidewalks and programs and communications. He said when communities do these  
87 self-evaluations, they need to know the most recent ADA requirements, and that is a  
88 level of expertise that most towns and cities aren't going to have, so they hire a  
89 consultant to come and inspect for need to discuss how to conduct this survey in the  
90 future and there are grant opportunities through the State.

91

92 He said we also need to develop an ADA Transition Plan based on the self-evaluation  
93 and this is meant to be a guide on how to address the ADA issues over time.

94  
95 Sophrin said in the future this Committee might have a role in hearing grievances, or it  
96 may be as simple as referring the grievance to Public Works to be addressed, but each  
97 issue needs to be addressed.

98  
99 Seeley asked if the self-evaluation begins any timeline, so it has to be completed, and  
100 Sophrin said most of the towns he spoke with address the problems over time and there  
101 are ways to triage the problems.

102  
103 Remsen wondered why this is coming up now since ADA has been around since 1990.  
104 Sophrin said some of these issues are addressed automatically as we build new  
105 buildings, they're to ADA standards, or a new sidewalk or playground. Town Manager  
106 Ramsay said if the Town receives government funds and we have more than 50+  
107 employees, we need to comply.

108  
109 Remsen asked if the Bike and Ped Plan could begin the process and Ramsay said  
110 we're already looking at having to scale back that project due to cost. Cherington said  
111 most of these plans or studies include ADA requirements in the design.

112  
113 Bratspis asked if the Public Health and Safety Committee will have a role in this, and  
114 Sophrin said there probably would be some crossover discussions with them, but it is a  
115 capital conversation since it involves public infrastructure. Seeley agreed this  
116 Committee should be a big part of this, but she isn't sure about this Committee handling  
117 the grievances and wondered about the Board of Civil Authority. Sophrin said it could  
118 be some other body that is established, and the other towns he spoke with said they get  
119 less than a handful a year, so they might just be resolved by Public Works.

120  
121 Sophrin said this presentation is to make the Committee aware and the next steps are  
122 to take a better look at these procedures and appoint an ADA Coordinator, and then  
123 begin to look into funding and a clearer idea of how much it will cost.

124  
125 Wiger-Grohs said it would be nice to have someone who has a disability to participate in  
126 this process as well, and Sophrin agreed with her and said it is recommended to have  
127 them included in the process as they will have insights into this that we might not.

128

## 129 **7. Lindale Mobile Home Park – Water Agreement**

130  
131 Bill Kernan said that Lindale Mobile Home Park is a consecutive water system that we  
132 wholesale water to, but they own their own system. He said they have petitioned the  
133 State to be exempted from testing their system since the Town already tests the water  
134 provided to them, and this would save them \$5,000 to \$6,000/year. He said the state  
135 has assured him the only testing plan he needed to adjust would be the chloroform test,  
136 and he's already done that so he began working on the agreement that says they could  
137 get an exemption from the State and then rely on the Town's testing results to provide

138 to their residents, but they would still own and maintain their own system. He said the  
139 agreement is now being reviewed by counsel. Kernan said we have two similar  
140 agreements with the airport where the Town line runs into the airport, but the agreement  
141 states the airport owns and operates that system, and the same is true with the  
142 agreement with Middlebury College, that they own and maintain the Town owned lines  
143 within the College. He said he is asking the Committee to recommend this be approved  
144 by the Selectboard following completion of the legal review.

145

146 McLaughlin asked about any danger of cross-contamination, and Kernan and  
147 Cherington agreed they didn't see that as an issue. Baker asked about increased  
148 liability to the Town, and Kernan said only if there was any contamination, we'd need to  
149 contact more people, but it's all our water anyways. Wiger-Grohs asked about the  
150 airport and why they aren't testing their system, and Kernan said it's not a consecutive  
151 system as defined by the State, but they do need to maintain it per the agreement.  
152 Seeley said the agreement is about repairing the system, not anything else.

153

154 Seeley moved to recommend the Selectboard approve the agreement pending approval  
155 from Town Counsel. Baker seconded the motion. The motion carried with 7 in favor, 1  
156 absent. **MOTION PASSED.**

157

### 158 **8. Halladay Road Pump Station Change Order #3**

159

160 Cherington said this change order for \$9,614 is needed because of the need to relocate  
161 the generator housing and the temporary power to keep the existing pump station  
162 running while improvements are under construction.

163

164 Seeley moved to recommend the Selectboard approve the Otter Creek Engineering  
165 Change Order #3 for \$9,614. McLaughlin seconded the motion. The motion carried  
166 with 7 in favor, 1 absent. **MOTION PASSED.**

167

### 168 **9. DPW Snow Pusher Purchase**

169

170 Kernan said Public Works recently replaced a front-end loader with a tractor, so we lost  
171 the ability to help with snow removal in the downtown area, so this request is to  
172 purchase an attachment for the tractor that will help with the snow removal process. He  
173 said this attachment is not in the budget, but there is money remaining in the salt budget  
174 that more than covers the cost of the attachment.

175

176 Hooper moved to recommend the Selectboard approve the purchase of the snow  
177 pusher attachment. Baker seconded the motion. The motion carried with 7 in favor, 1  
178 absent. **MOTION PASSED.**

179

### 180 **10. Chipman Hill Water Tank – Engineering Agreement**

181

182 Cherington said she recently spoke with a vendor about a Glass Fused to Steel  
183 (GFTS) tank for Chipman Hill instead of a precast prestressed concrete tank proposed

184 in the engineering to-date. She asked the engineers why other tanks hadn't been  
185 considered, and it was because earlier they had planned on installing the tank further up  
186 the hill on Battell Trust land so it would need to be embedded in the hill to cut down on  
187 visibility, in which case it would need to be concrete, and when the location changed,  
188 they never pursued alternatives. She has asked the engineers how much it would cost  
189 for the additional engineering costs to explore the use of a GFTS tank, so for \$5,300 in  
190 additional engineering costs we could potentially save around \$200,000 for the overall  
191 project. She said the footprint for the concrete tank area is larger because of the need  
192 for a crane for installation, and the GFTS tank is sensitive to grade issues, but she  
193 doesn't think that will be a problem. It would reduce the installation time and a crane is  
194 not needed. She said the final decision would be made this fall after the additional  
195 engineering is complete.

196  
197 Fred Dunnington, who lives downhill from the reservoir, said he's concerned about the  
198 minor earthquakes we get occasionally, and he hopes the engineers take this into  
199 consideration when choosing a design. Cherington said she felt these were both  
200 comparable and the engineers are required to look at wind speeds, snow loads and all  
201 those types of potential threats. Cherington said the other thing with the GFTS tank is a  
202 crane is not needed, so it will reduce the footprint, reduce the number of truck trips to  
203 the project and cause less damage to the road, and the construction time will be  
204 reduced. She said there are pros and cons to both.

205  
206 Remsen said the idea is we save a lot more money if we spend this \$5,300 now, and  
207 Cherington said it's possible, but at least this way we have an option. Seeley asked  
208 about repairing the GFTS tank, and Cherington said it's comparable in those terms and  
209 has about the same lifespan as concrete.

210  
211 Baker moved the Committee recommend approval of the Dufresne Group Engineering  
212 Agreement Amendment #1 for \$5,300. Remsen seconded the motion. The motion  
213 carried with 7 in favor, 1 absent. **MOTION PASSED.**

## 214 215 **11. Bike/Ped Plan Engineering Agreement**

216  
217 Jennifer Murray said Trudell Consulting responded to our RFQ, even though  
218 consultants are all very busy now. She said their team is a very experienced group and  
219 she's very comfortable with them, and she has discussed with them how to get the best  
220 results with the \$24,000 budget we have, which isn't a lot for consulting work. She  
221 showed them a matrix from the Essex Junction Bike/Ped Plan that was shown as an  
222 example at the last Infrastructure Committee meeting, and they are willing to do one  
223 similar, along with a community facilities map and another map to show future potential  
224 projects. She said there will not be a large written report, it will focus mainly on the  
225 maps and the matrix. She said the public participation portion of this process will be  
226 very important and they are looking to do two surveys. She said the Planning  
227 Commission has worked up a survey for users and there will be a different survey for  
228 stakeholder groups, such as schools, bike/ped organizations, Tri-Valley Transit and the  
229 College, and the Planning Commission will act as the steering committee.

230  
231 Hooper said he saw that Regional Planning had worked with the regional bike/ped  
232 council to identify problem areas on common routes, so questioned if now was the right  
233 time to hire consultants or to just look at that list since they've already identified  
234 problems. Murray said it's always good to bring some additional information that's  
235 already available into the process.

236  
237 Seeley said she thinks the report Hooper is referring to was specific to biking around the  
238 tri-town area, and she is hoping the consultants will help us identify areas that require  
239 new sidewalks or improvements that can be used when planning future capital projects.  
240 She said the Town has had a lot of requests for sidewalks in certain areas, so she's  
241 hoping this study will help prioritize these requests.

242  
243 Remsen said he thinks the level of community interest has changed since Covid, and  
244 the level of bike use has shifted, so the information gathered in the earlier study might  
245 have changed, and Bratspis agreed and there is an increase in e-bike riders since then  
246 as well.

247  
248 Hooper said he has been aware of a recent conversation about how politicians on both  
249 sides are making government inefficient, by having months long studies without results.  
250 Murray said she does not see planning as causing inefficiencies, and she said this work  
251 will provide the Town with a really useful tool.

252  
253 Bratspis said this has been identified for years as something that should be done and  
254 feels the material they'll provide will be a really useful tool for this Committee to prioritize  
255 projects moving forward, and hopefully we will be able to make these projects happen  
256 and the report doesn't just sit on the shelf and we should take advantage that someone  
257 has replied to this RFQ.

258  
259 Seeley moved to recommend the Selectboard approve the Trudell Consulting Engineers  
260 agreement for \$24,000. Remsen seconded the motion. The motion carried with 7 in  
261 favor, 1 absent. **MOTION PASSED.**

### 262 263 **13. Water and Wastewater Budgets**

264  
265 Cherington said the major changes in costs on both budgets are inflation driven, and  
266 then briefly touched on each of the major drivers.

267  
268 She said one of the additions to the budget is the replacement of the fence around  
269 Palmer Springs for \$30,000. She said there is a Federal cyber agency that will come in  
270 and advise where there are potential security risks, and one of the things they  
271 specifically mentioned is infrastructure protection for wells. Seeley asked what other  
272 ADA issues will we need to deal with because we put up a fence, and she's leery of all  
273 the extra things we may need to get into by using Federal dollars. Cherington said we  
274 need to comply with ADA anyway, and they are making you aware of the steps that  
275 need to be taken to be in compliance, but they don't require it all be done at once.

276  
277 Cherington said there is \$10,000 added for a new locator for the water department that  
278 will be used for locating lines and valves, and that information can be imported and  
279 added to GIS.  
280  
281 Seeley asked how much we would need to raise rates to install the fence at Palmer  
282 Springs. Cherington said it was minimum, and the major increase in the Water Budget  
283 are the loan repayments that will begin this coming year.  
284  
285 Wastewater Operator Jeremy Rathbun said it's only when you are doing a project with  
286 Federal funding that might require ADA accommodations, such as work requiring a  
287 bathroom, then that would need to be ADA compliant, but a fence has no ADA  
288 requirements. Seeley said she wasn't necessarily talking about ADA, but more about all  
289 the strings attached to using Federal money.  
290  
291 Seeley said she's fine with having an analysis done on how secure our facilities are.  
292 Cherington said there is no charge for this analysis, and they will also come in and do  
293 training for people like the election officials.  
294  
295 Kernan said the fence around Palmer Springs is critical since the removal of the old  
296 fence to take down the old pump station has left Palmer Springs without protection, and  
297 this analysis will help us identify other areas that need attention.  
298  
299 In the Wastewater Budget, Bob Wells said Cabot has a surcharge rate increase as per  
300 the agreement, and then summarized the other major drivers of the Wastewater Budget,  
301 such as upgrading testing equipment and the purchase of two replacement seals.  
302  
303 Bratspis asked if they planned to purchase additional generators, and Wells said there  
304 were two built into the budget.  
305  
306 Seeley asked if they'd seen a drop in septage dumping due to the biogas facility at the  
307 Goodrich farm, and Wells said no, but they do keep a running track of what they are  
308 receiving and they are pretty much on-track.  
309  
310 Bratspis asked if they would shift from oil to gas, and Wells said they would be saving  
311 quite a bit if they did, but he's still waiting for numbers. He said if they go with a digester  
312 in the Plant upgrade, they could produce their own gas, but if not, they would need to  
313 use natural gas.  
314  
315 Next the Committee discussed the proposed rate increase. Cherington explained that  
316 she had used the number of gallons used as of April 14<sup>th</sup> and then she multiplied it to  
317 see what an annual rate would be for the estimated gallons used. She said the rest is  
318 the flat rate times four quarters and the gallons for FY24 are an estimate. She said  
319 looking at the overall user change, it isn't that significant.  
320

321 She said she's heard that as part of the Asset Management Plan, the State has agreed  
322 to fund a rate study, so we will be able to look at how we're calculating rates.

323  
324 Seeley summarized that an average household will see an increase of \$23.44/year, and  
325 she thinks this seems reasonable.

326  
327 Baker moved the Committee recommend the Selectboard adopt the proposed FY24  
328 Water Fund Budget of \$1,959,488. Wiger-Grohs seconded the motion. The motion  
329 carried with 7 in favor, 1 absent. **MOTION PASSED.**

330  
331 Seeley moved the Committee recommend to the Selectboard for approval a water base  
332 rate of \$68.00 per quarter for in-town users and a water base rate of \$74.00 per quarter  
333 for out-of-town users, and a usage rate of \$4.05 per 1,000 gallons for in-town users and  
334 \$4.32 per 1,000 gallons for out-of-town users for FY24. Wiger-Grohs seconded the  
335 motion. The motion carried with 7 in favor, 1 absent. **MOTION PASSED.**

336  
337 Cherington said there is no out-of-town rate for wastewater, and there are additional  
338 revenue sources as well, so she removed that anticipated revenue from the total  
339 expense, so the flat rate would go from \$36.00/quarter to \$40.00/quarter, and the rate  
340 per 1,000 gallons would go from \$7.09 to \$7.41. Cherington said it was \$28.00 increase  
341 annually.

342  
343 Wiger-Grohs moved that the Committee recommend to the Selectboard the proposed  
344 FY24 Wastewater Fund budget of \$3,092,096. Seeley seconded the motion. The  
345 motion carried with 7 in favor, 1 absent. **MOTION PASSED.**

346  
347 Remsen moved the Committee recommend to the Selectboard a base rate of \$40.00  
348 per quarter and a usage rate of \$7.41 per 1,000 gallons for FY24. Seeley seconded the  
349 motion. The motion carried with 7 in favor, 1 absent. **MOTION PASSED.**

350

#### 351 **14. Committee Member Concerns**

352

353 McLaughlin said it seems like more than normal road patching around town. Cherington  
354 said it is more than normal and moving forward we need to look at increasing our paving  
355 on an annual basis to reduce the need for so much patching.

356

357 Baker said there was a STOP sign knocked over on Fields Road, and Cherington said it  
358 is a private road, so the residents will need to replace it. Seeley said Fields Road is a  
359 perfect example of a road that was not built to Town Specifications, so the Town didn't  
360 take it over leaving the residents responsible for repairs and maintenance.

361

362 Bratspis asked about the solar project for the Town Offices. Cherington said she  
363 drafted an RFP which showed her how complicated the various options are, and it made  
364 her realize we should have a professional consultant involved to advise us with this  
365 project. She said it appeared we were rushing the project to keep our locked in rate.  
366 The rates changed last September (it's a two-year cycle. She calculated it out, based on



367 the proposal, and all we're risking to lose \$93.00 per year on this building by waiting, so  
368 the Selectboard approved reaching out to a consultant we had worked with at the Police  
369 Department, and they have agreed to help us and provide a proposal. She said they  
370 indicated it was not in the Town's best interest to enter into a power-purchase  
371 agreement, which was the proposal the Committee heard at the last meeting, because  
372 the Inflation Reduction Act gives municipalities a 30-40% credit directly to a solar  
373 project, which would far exceed any benefit we'd get from having someone else do the  
374 project for us and own it. She said we get a 30% credit up front, and if we used USA  
375 made panels, we get 40%. She said we are moving forward, but we're going to use the  
376 consultant to do the RFP, and maybe we'll be able to install by late fall or winter.

377  
378 Bratspis said in front of the National Bank of Middlebury there were signs that say "No  
379 Pedestrians" and wondered what those were for. Kernan said there has been a  
380 problem with people getting out of the car and walking on this island and then falling not  
381 realizing there was a drop-off, so he's looked at railings and other things, but the idea is  
382 to let people know that it isn't a sidewalk. He said this raised island is for stormwater  
383 and it was the best issue the engineers could come up with.

384  
385 Wiger-Grohs said she was alerted by Dean Rheume that there are a lot of ash trees  
386 that are looking in awful condition. Seeley said the ash trees on her property got hit  
387 hard by the late frost and believes it's taking them longer to recover, so she isn't sure its  
388 insect related. Wiger-Grohs said it still might be worth looking at them. Kernan said the  
389 removal of ash trees is more than the highway department can handle, so the Town will  
390 need to put money aside to hire a contractor to do this work.

391

## 392 **15. Next Meeting**

393

394 The Committee will take the month of July off, so the next meeting of the Infrastructure  
395 Committee will be Thursday, August 10<sup>th</sup> at 9:00 a.m.

396

## 397 **16. Adjournment**

398

399 The meeting adjourned at 11:16 a.m. upon motion by Baker, seconded by Wiger-Grohs.

400

401 Respectfully submitted,  
402 Beth Dow

403

404

405