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**Town of Middlebury
Infrastructure Committee
Thursday, May 11, 2023
Meeting Minutes**

Members Present: Gary Baker, Erik Remsen, Candy McLaughlin, Judy Wiger-Grohs, Andy Hooper, Luther Tenny and Alternate Jef Bratspis. Heather Seeley attended via Zoom.

Staff Present: Directors of Public Works Planning Emmalee Cherington, Director of Public Works Operations Bill Kernan, Director of Planning and Zoning Jennifer Murray and Wastewater Operator Dean Rheume. Town Manager Kathleen Ramsay attended via Zoom.

Others Present: Chris Robbins, Laura Asermily and Fred Dunnington. Jennifer Conley of VHB attended briefly via Zoom.

1. Call to Order

The meeting was called to order at 9:03 a.m. by Heather Seeley. Seeley said typically this would be the meeting when a Chair is elected and she didn't feel she should continue as Chair, but until they found someone to assume that position she wondered if they should postpone elections until the June meeting. Following some discussion, it was decided to wait until the June meeting. Jef Bratspis chaired this meeting.

Due to technical problems with the sound for Seeley and Tenny, Seeley dropped out of the meeting and Tenny came to the meeting in person.

2. Approval of Agenda

Tenny moved to approve the agenda and Baker seconded the motion. The agenda was approved as presented with 7 in favor. **MOTION PASSED**

3. Approval of Minutes

Baker moved to approve the minutes of April 6, 2023, and Remsen seconded the motion. There were no changes, so the minutes were approved as presented with 4 in favor, 4 abstentions (Hooper, Bratspis, Remsen and Tenny). **MOTION PASSED.**

4. Citizen Comments

There were no citizen comments.

5. Project Updates

Cherington gave updates on the following projects:

Chipman Hill Reservoir – She said they have been siphoning the reservoir for the past three weeks and have brought the water level down low enough to relocate the tadpoles, newts and their eggs. Cherington said she worked with Andrew L’Roe of the Conservation Commission and two Middlebury College students to relocate them to another area within the watershed. She said the water is now down sufficient that they can begin the soil borings.

South Street Project – Cherington said EJ Prescott has begun delivering the pipe to the storage area, and Casella Construction might begin as early as mid-June pending contract finalization.

Police Department – She said this project is now complete and they are already seeing an improvement in the air quality.

6. Bike/Pedestrian Plan

Jen Murray handed out copies of a page from the Essex Junction Bike and Pedestrian Plan for the Committee as an example of how they used a matrix to show features.

She said awhile ago she was before the Committee prior to applying for a Transportation Grant to hire a consultant to help with a Bike and Pedestrian Plan for Middlebury. She said she has received \$19,000 in grant funds, and now the challenge will be to find a consultant to help us this summer because they’re so backlogged with work.

She said the Planning Commission has been working on a survey for the community, and they want to have a townwide study to include East Middlebury, but they are working with a limited budget.

Tenny said VTrans is doing a study of Route 125 and they’ve engaged with the College on a bike/pedestrian lane, due to the use of that road by so many College students. He said they’d be taking public comment in the fall.

Murray said she hoped to be back to the Infrastructure Committee in early June for approval of a consultant, and they hope to begin the study in June.

7. Wastewater Generator

Cherington said some of the generators at the wastewater pump stations are very old, so they did some research and put it out to bid, and they are recommending the Milton CAT QAS45 at a cost of \$42,500 with a required 20% down payment. She said they

92 are requesting the Committee recommend the Board approve the 20% down payment.
93 Kernan said this has been incorporated into the Equipment Fund.

94
95 Tenny asked if this generator could be used in other locations, and Dean Rheaume said
96 it can run smaller and larger pump stations and is trailer mounted. He said the
97 department had 6 generators and they're now down to 2, and they're so old they can't
98 buy parts for them anymore, so they would like to purchase one this year and another
99 next year.

100
101 Baker moved to recommend the Selectboard approve purchase of the Milton CAT
102 QAS45 at a cost of \$42,500, and the 20% downpayment. Wiger-Grohs seconded the
103 motion. The motion carried with 7 in favor. **MOTION APPROVED.**

104 105 **8. Boardman Street Intersection**

106
107 Jennifer Conley of VHB said she was before the Infrastructure Committee last month to
108 talk about the Boardman Street Intersection, and one of the things they need to move
109 forward with is the Purpose and Need Statement. She said she'd made some tweaks to
110 the statement based on the conversation from the last meeting.

111
112 Bratspis said while he wasn't at the last meeting, based on the notes from the last
113 meeting he thought the statement reflected what was said. Remsen wondered if the
114 word "safety" or "safely" should be added to the purpose of the project statement or is it
115 necessary if it is spelled out in the needs. Conley said she felt it was perfectly
116 appropriate to add it to the purpose as well as the needs.

117
118 Wiger-Grohs asked if they were being asked to approve the project, and Conley said
119 this doesn't in any way approve the project, and the project still has to go through a
120 scoping study. She said this is just to approve the purpose and need for the project so
121 VTrans can consider it for a future project.

122
123 Baker moved to recommend the Selectboard approve the Purpose and Need Statement
124 as being appropriate to have VTrans consider this project for future consideration.
125 Remsen seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

126 127 **9. Paving Bids**

128
129 Cherington said the bid scope has changed slightly. She said the plan is to reclaim
130 Lower Foote Street from Route 7 to Cady Road, and then north of Cady Road, would be
131 just shim and overlay to the truck crossing at Dairy Road, then north of Dairy Road to
132 Foote Street would be reclaimed as well. She said the other roads they'd proposed to
133 reclaim were Leno Lane, Kings Row and Maecliff Court, but she said the mix on those
134 roads was so thin that she didn't want to lose the structural integrity of the road, so she
135 is proposing to do a shim and overlay, and that should give us 10 to 15 years before we
136 need to look at it again to reclaim. She said they also added Middle Road South to the

137 bid, since that is currently a gravel road and paving it will make it easier for winter
138 maintenance of that road by the Highway Department.

139
140 She said they received bids from Champlain Construction and Pike Paving, and the
141 engineer has reviewed the bids and is recommending awarding the bid to Champlain
142 Construction for \$474,870.91.

143
144 She said she would also like to add Brookside Drive to the shim and overlay list since
145 the highway crew had a really hard time holding that road together this winter. She said
146 currently, the edge of the road is higher than the travel portion, so by adding an overlay
147 it will help raise the pavement so the water will drain off the roadway better and help
148 keep the road in better condition and buy us some time before we need to do a
149 stormwater project in that area. Bratspis asked if the bid needed to be redone to
150 include Brookside, and Cherington said it could be done as a change order.

151
152 Dean Rheaume said in the late 1990's the Town rebuilt Lower Foote Street north of
153 Dairy Road, so he questioned the need to reclaim it. Cherington said the road didn't
154 score well in their road inventory, and it gets a great deal of truck traffic. She said there
155 are also plans to rebuild the truck crossing with concrete.

156
157 Tenny asked if Cherington had calculated how much Brookside would be based on the
158 bid schedule, and she said she did a quick calculation and she estimated the pavement
159 at around \$33,000, but she had not calculated how much it will cost to do the aprons.

160
161 She said when they were allocating ARPA funding, highway was allocated around
162 \$760,000, and some of that was going to South Street, which is really a water and
163 wastewater, and stormwater project— not highway. She said we have a tremendous
164 need for funds in the highway department, and she feels a good deal of those funds
165 should focus on those needs, because if we let these roads get too bad, we'll lose them.

166
167 Bratspis asked what they should approve, and Cherington said to approve the bid and
168 then they can approve the change order later.

169
170 Seeley said with the Colonial Drive project Champlain Construction had to sub out the
171 paving portion and it got put off until just before the paving plant closed for the season,
172 so she wondered if the engineer has had the discussion with Champlain on who the sub
173 is and what the schedule will be. Cherington said they are working with D&F Paving on
174 this project and the contract has language of a September 15th completion date.

175
176 Tenny moved to recommend the Selectboard award the paving contract to Champlain
177 Construction with the potential future amendment for Brookside Drive. McLaughlin
178 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

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10. Vermont Solar Fund Presentation

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Ian Phair and Ben Dorin of the Vermont Solar Fund LLC joined the Committee to discuss their proposal for installing solar panels on the Middlebury Town Offices and Memorial Sports Center but would focus more on the Town Offices.

Phair said while they understand the Town receives credits for solar projects located behind the police station and one in New Haven, he said the Energy Committee and certain Selectboard members would like to see the Town make a strong statement in support of global energy by having solar panels on the Town Offices. He said this location is perfect in that the roof is fairly new with a standing seam metal roof that would work well for solar panels.

He said their model when working with non-profits and tax exempt entities, is that they would enter into a lease agreement where they would own the project, and the Town would simply pay for the value of the power produced, which means the Town's power bill won't change at all, but when the project is paid for, in approximately 14-years, the Town would get a steep discount going forward of 50% on future power bills, or the Town would have the option to buy the profit back at a low price. He said they would arrive at that price by calculating what 2 years of production would be, or a 2-year return on investment. He said hopefully this will encourage more non-profits to go solar if it isn't a financial challenge for them. He said they'd done this with both Cornwall and Panton.

Bratspis thought this might work well for the Town Offices, but asked Bill Kernan how this would impact the Memorial Sports Center since they've been looking to replace their roof. Kernan said he'd have to check his notes, but he seemed to recall there were some structural issues with the Sports Center as well. Phair said the Sports Center actually obtained a Certificate of Public Good (CPG) to put solar on the roof, but then as he understands it the Town hired Martin Hain, a structural engineer, to assess the roof and he determined the solar panels described in the CPG were too large for that roof to support, so Vermont Solar Fund engaged Hain to come up with a plan that was acceptable for that roof. He said he spoke with Vermont Roofing Company, and in their view the roof is in good condition, so long as the seam is maintained routinely. He said since then he heard the Town had decided to go with a membrane roof. Kernan said it hasn't been decided whether to go with a membrane roof or not. He said they did find out that because of the way the Sports Center is owned by the Town, but managed by the Friends of Middlebury Hockey, the solar credits would not count towards the Town's maximum. Phair said this project would be designed to meet the power needs of the ice rink.

Tenny asked if they'd met with the Energy Committee, and Phair said they have met with them a handful of times and he believes they're comfortable recommending the project, and they've met with a few Selectboard members. He said the CPG they have for the Town Offices has a deadline of September 21st of this year to be connected to Green Mountain Power. He said if they could begin by August, they should be able to

229 meet the deadline. He said because the Sports Center obtained their CPG quite a while
230 ago, because of Covid their timeline was extended. He said it would be good to
231 complete the projects with the existing CPGs.

232
233 Hooper said the engineers of the Bristol solar project designed it so the panels had too
234 much shade in some areas causing it to produce less energy than expected, and he felt
235 that was an engineering error that should have been covered by their errors and
236 omissions insurance, but because of the added cost they had not required it, so he
237 wondered if Vermont Solar Fund carried errors and omission insurance. Phair said he'd
238 have to go back and check, but because Vermont Solar Fund will own the panels, they
239 require the property owner to insure the panels. Phair said if the panels don't provide
240 the estimated power, Vermont Solar Fund are the ones that are impacted, not the Town,
241 since they only pay for the power produced.

242
243 Tenny asked if they were responsible for the maintenance of the panels, and Phair said
244 yes, unless the Town was in some way responsible for any damage to the panels, and
245 they'll have a 25-year warranty. Tenny asked if the Town had the option to purchase
246 the system at the end of the 14-year payback period, and Phair said if the Town
247 chooses to do nothing, then they get a 50% discount, or they could choose to purchase
248 the system for approximately 2-years' worth of meter credits and receive 100% of the
249 project value. He estimated the 2-years' meter credits would be around \$12,000.

250
251 Dean Rheaume asked if the panels were American made, and Phair said usually they're
252 from Southeast Asia, but they might be able to get Canadian panels. Dorin said the
253 dynamics of the panels are changing constantly, and a lot of the panels they've used
254 recently came from a company that has manufacturing plants in both China and the
255 United States, but whether or not they'd be able to use that company for this project is
256 uncertain.

257
258 Bratspis said he understands this would go through the bid process, and he wondered if
259 this meant Vermont Solar Fund would be submitting a bid for approval. Phair said that
260 would depend on the way the Request for Proposals was structured, but there aren't a
261 lot of companies that front the costs up front the way they do, so there may not be many
262 proposals. Cherington said it's the Town's policy that this would have to go out to bid.

263
264 Cherington asked if the Town Offices are using more power than the panels generate,
265 who covers the gap in cost. Phair said the Town Offices power is being covered
266 already by a solar project in New Haven, so any power credits coming from the panels
267 on the Town Offices would have to be allocated to some other Town building account.
268 He said it's possible the net metering credits don't cover an entire power bill, and then
269 there would be a balance left to be paid.

270
271 Baker asked the life of the panels, and Phair said they're warrantied for 25-years, but
272 they have typically lasted 35 to 40-years. Baker asked who was responsible for the
273 disposal at the end of their lifetime, and Phair said they would be unless the Town
274 chose to buy the system.

275
276 Ramsay said she'd noticed they used an interest rate on the \$50,000 project, and
277 wondered if that was something that the Town could look at financing up front to avoid
278 that 7% interest rate and she'd also like to run this contract by legal counsel for review,
279 as with all contracts. Phair said if the Town didn't want to pay up front, VT Solar Fund
280 would be financing it and don't have the advantage of the Town's preferred rates.

281
282 Ramsay asked the kilowatt rating of the Sports Center roof and how does that relate to
283 the Town's overall 500 net metering cap. Phair said the Sports Center project would be
284 133 KW, but that's being allocated to the Friends of Middlebury Hockey, but thought
285 they were a separate entity. Ramsay said it is something that will have to be figured
286 out.

287
288 Tenny asked if the panels would be penetrating the standing seam roof. Dorin said they
289 have clamps that go over the seam and then bolts that tighten the clamps so there is no
290 penetration. Tenny asked about any potential damage to the roof in a wind event, and
291 Phair said that would be covered by the property owner's insurance. Tenny said the
292 Town should verify the roofs warranty, which are typically 10-years.

293
294 Bratspis felt comfortable with this project so he's ready to move forward with it, but it's
295 up to the Committee if they're ready to move forward with it. Tenny is concerned about
296 the timeline, considering all the steps the Town needs to take and the timeline of the
297 CPG. Kernan said there's no reason not to consider a solar project on this building, so
298 make a motion and recommend it to the Selectboard and put it out to bid. He said they
299 don't need to accept the bid, but at least get the process started.

300
301 Remsen moved to recommend that the Selectboard move forward with a bid process to
302 install solar panels on the Town Offices roof. McLaughlin seconded the motion. The
303 motion carried with 7 in favor. **MOTION PASSED.**

304
305 **11. Water and Wastewater Budgets**

306
307 Cherington said this is an early draft and is still subject to changes, but she wanted to
308 present it for discussion. She said one thing to consider is that some projects are
309 coming online, so we'll begin paying interest and principal on these beginning in FY24.
310 She said they would look at this and the rates again in June, and then they'd go to the
311 Selectboard.

312
313 Tenny asked how the users were receiving the incremental increases in rates.
314 Cherington said she'd asked Ramsay that, since there will be an increase with the
315 reservoir project, and she wondered if a one-time increase would be better than
316 incremental, and she said Ramsay felt incremental increases were favorable.

317
318 Tenny asked if they'd noticed a decrease in usage due to all the water saving
319 appliances being used now, and Cherington said we had actually seen an increase over
320 the years, but a lot of that could be the industrial users.

321
322 Hooper said so much of these costs are fixed and so much of the fees are marginal,
323 and he notes there are equity issues between the industries. He said with housing, if
324 you look at one pipe going to a six-unit house vs. a single house, it seems as though
325 that would be an infrastructure savings and over time savings that would be nice if that
326 advantage could show up in the cost of providing a service. Cherington said the Summit
327 Properties proposal for Stonecrop Meadows shows very minimal infrastructure increase
328 to support over 200 units, so that makes it feasible to construct it, whereas if you were
329 building 200 units down the road, it would cost too much to initiate the project. Hooper
330 just wanted us to think about equity.

331
332 Tenny said several years ago there was a consultant hired to help with rates and they
333 charted how we metered and how we billed, and that was discussed extensively, and
334 that's why our flat have been increasing along with marginal increases in cost per 1000
335 gallons. He said he thinks the rate structure bares more cost to the smaller users to
336 some degree, as opposed to the industries and College. Cherington said the Asset
337 Management Plan may also look into this to some degree as well.

338 339 **12. Asset Management Plan**

340
341 Cherington said at this point it's just a discussion, and she's gone over it a few times
342 with the engineers. She has asked for a 10-year capital plan and more GIS work, since
343 there are some deficiencies in our mapping. She says an agreement has to go to the
344 State for approval, but she asked them to hold off sending it to give the Committee a
345 chance to comment on it.

346
347 She said the scope is around \$30,000, and the State will fund it through their revolving
348 fund up to \$50,000, so it will not cost us anything and will increase our chances for
349 future funding options. Tenny asked if this included our lead service line inventory, and
350 Cherington said it does not. She said the state is allowing towns to do some of the lead
351 service line work internally with the option of reimbursement, so her goal is for us to do
352 as much of the inventory as possible.

353 354 **13. Mary Hogan Stormwater Design Contract**

355
356 Cherington said the Mary Hogan stormwater project was originally lumped into the
357 stormwater feasibility study grant, but because the Town is in an audit and it takes 3 or
358 4 months for the State to finalize these grant awards, she's pulling out the Mary Hogan
359 project because we need to have these designs to the 90% level by this fall. She said
360 we have to submit jointly with Mary Hogan School, and they're on the timeframe of
361 submitting it in early fall, because the State is hopefully rolling out the funding for the
362 construction piece of these school projects and since we're on school property we can
363 tap into the funding if we submit at the same time. She said if we pull the engineering
364 out of the feasibility study and pay for it separately, we can get it in the timeframe, and
365 she'd hate to miss the opportunity by not being ready for it.

366

367 Tenny moved to recommend the Selectboard approve the Aldrich and Elliot proposal for
368 \$40,300 for the Mary Hogan Stormwater Project. Wiger-Grohs seconded the motion.
369 The motion carried with 7 in favor. **MOTION PASSED.**

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14. Structures Grant

373 Cherington said she'd applied for two structures grant from the State for 80% for
374 structure replacement on Exchange Street and Halladay Road. She said she's learned
375 we may not get both, so she's prioritizing Halladay Road and asked for a hydraulic
376 study by the State. She said the complication with that construction is there are sewer
377 lines under the structure, and the State is recommending a larger structure which
378 means we need to install it deeper, potentially requiring us to move the sewer lines.
379 She reached out to Otter Creek Engineering, and they have drafted up a proposal for
380 this structure that also includes a hydraulic analysis and soil borings, and since the
381 State has already done the hydraulic analysis, we will be looking at a revised
382 engineering contract that will reduce the \$21,500, so she recommends approving this as
383 a "not to exceed" amount.

384

385 Tenny moved to recommend the Selectboard accept the Otter Creek Engineering
386 proposal for Halladay Road for a not-to-exceed amount of \$21,500. Remsen seconded
387 the motion.

388

389 Dean Rheaume said the Town has upgraded all the culverts on Creek Road except the
390 two culverts just north and south of the Perin property. He said the Town has already
391 purchased these culverts and they're stored at the "stump dump", but the money for the
392 project was used elsewhere, so maybe we could use some of this Structures Grant
393 money to replace those two culverts. Cherington said these grant funds are specific to
394 this location, so it can't be used elsewhere, but moving forward she could apply for a
395 Structures Grant to replace those if they are sized properly.

396

397 Bratspis called the motion, and it carried with 7 in favor. **MOTION PASSED.**

398

399

15. Committee Member Concerns

400

401 Wiger-Grohs said she was concerned about the excessive speed of cars on just about
402 every road in town.

403

404 Remsen said a parent at Mary Hogan who has a child who walks and bikes to school
405 from the South Village area, complained to him that the rapid flashing beacon at the
406 Creek Road intersection can only be triggered from the east side, so when the student
407 is going to school there is no way for the student to alert traffic that they would like to
408 cross the road. Kernan said that light was damaged by a truck and he will follow up with
409 his contact on that.

410

411 Hooper apologized for being late to the meeting, but he may be late some Thursdays.

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16. Next Meeting

The next meeting of the Infrastructure Committee will be Thursday, June 8, 2023 at 9:00 a.m.

17. Adjournment

The meeting adjourned at 11:20 a.m.

Respectfully submitted,
Beth Dow

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