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**Town of Middlebury
Infrastructure Committee
Thursday, March 9, 2023
Meeting Minutes**

Members Present: Heather Seeley, Judy Wiger-Grohs, Erik Remsen, Gary Baker, Candy McLaughlin (via Zoom), and Alternate Jef Bratspis. Luther Tenny was absent.

Staff Present: Town Manager Kathleen Ramsay, Director of Public Works Planning Emmalee Cherington, Director of Public Works Operations Bill Kernan, Wastewater Superintendent Bob Wells and Director of Planning and Zoning Jennifer Murray.

Others Present: Zeke Davisson of Summit Properties, Director of Addison County Economic Development Corp. Fred Kenny, and resident Stephen Rouse.

1. Call to Order

The meeting was called to order at 9:00 a.m. by Chair Heather Seeley.

2. Approval of Agenda

Baker moved to approve the agenda and Bratspis seconded the motion. There were no additions or changes to the agenda, so the agenda was approved as presented with 6 in favor, 1 absent. **MOTION PASSED**

3. Approval of Minutes

Wiger-Grohs moved to approve the minutes of February 9, 2023, and Bratspis seconded the motion. There were no changes to the minutes, so the minutes were approved as presented with 6 in favor, 1 absent. **MOTION PASSED**

4. Citizen Comments

Steven Ralph of 80 Seminary Street Extension expressed concerns about the location of the proposed 3 story, multi-family unit in Stonecrop Meadows on Seminary Street Extension and the two accesses to the development being proposed by Summit Properties. He is asking they consider moving the 3-story building further back in the development and that the development have a single access aligned with Valley View Drive with a traffic light.

47 **5. Project Updates**

48

49 State Revolving Fund Applications

50

51 Cherington said last week the priority list applications were due for the CWSRF and the
52 DWSRF loans. She said points are assigned to different projects, and she said the
53 Chipman Hill Tank Project should receive high points because we're at the 90% design
54 phase, we've applied for the construction permit and have a positive bond vote, so the
55 State will look at all that when assigning points. She said in the spring after they've
56 assigned all the points, we will submit loan applications. She said we can get as much
57 as \$750,000 in loan forgiveness through these programs, so definitely a good source of
58 help in paying for a project.

59

60 For the Drinking Water State Revolving Fund (DWSRF) she applied for:

- 61 • Chipman Hill Water Tank Project
- 62 • South Street Project Waterline Relocation
- 63 • Foote Street Project
- 64 • Gorham Lane (a few years out, but will help State plan for future projects)

65

66 For the Clean Water State Revolving Fund (CWSRF) she applied for:

- 67 • Rogers Road Pump Station
- 68 • South Street Project Phase 2 Sanitary and Stormwater separation
- 69 • Bakery Lane Project

70

71 She said she did not include Mill Street since that is only at the 30% design phase.

72

73 Chipman Hill Water Storage Tank

74

75 Cherington said DeBisschop has completed the tree clearing on the site and it looks
76 good. The work related to soil borings will be delayed until May, based on the
77 recommendations from the State herpetologist. This allows any hibernating
78 amphibians/reptiles to move out on their own when things thaw. We will attempt to
79 relocate any that migrate in in addition to the eggs prior to the work.

80

81 She said she has also reached out to Northern Borders Regional Commission to let
82 them know we plan on applying, and they will need a letter of interest in March and then
83 they invite chosen participants to apply in the spring.

84

85 Halladay Road Pump Station

86

87 Cherington said we have not been able to procure an easement from Middlebury Area
88 Land Trust (MALT) for the construction of the generator structure south of the pump
89 station as proposed. She said MALT feels their easement on the property does not
90 allow for the construction of a building and would put their organization at risk.

91 Cherington said she has suggested a parcel swap for a piece of Class II Wetland on the
92 north side of the pump station the exact same size, but MALT feels that sounds like a

93 complicated solution and would take a lot of time to complete. She also talked to our
94 local Wetlands Regulator, who had been to the site previously to confirm the
95 delineation, and she says it wouldn't be a problem to move the structure to the wetland
96 buffer area and she can obtain us a permit for this if that is what we choose to do, but it
97 isn't Cherington's preference. Seeley wondered about this location being in the 100-
98 year flood zone, and Cherington said she wasn't sure, but that was a good question,
99 and it's possible the entire pump station is in the flood zone.

100

101 She said because we don't want to delay this project, Otter Creek Engineering is
102 looking into moving the two buildings closer together, but they need to check
103 engineering codes, and also the Wastewater staff wanted more building separation.
104 She said if we're able to do this, then the entire project would be on our property.

105

106 Baker asked if this would cost more money. Cherington said there would be a cost
107 savings if we don't have to pay for an easement, but there will be addition costs for
108 engineering and perhaps electrical. Bratspis asked Cherington if it was possible to go
109 the MALT Board directly and Cherington felt the Board was aware of it and have been
110 included in correspondence, and there are tentative plans to meet with MALT next
111 week, but a decision needs to be made by April 1st.

112

113 Wells said to not worry about moving the buildings closer together and just have
114 Champlain Construction start ordering materials to get this project underway.
115 Cherington said as of this morning, we're hoping to sign a contract with Champlain next
116 week.

117

118 Police Department

119

120 Cherington said Dennis Newton has brought in some equipment to start the HVAC work
121 and Northern Basements has approval to begin their work. She said Robert Miller has
122 provided a quote for two steel doors.

123

124 UVM Capstone Projects – Mary Hogan Elementary School Water Quality Project

125

126 Cherington said she's been working with the UVM students on stormwater solutions and
127 their projects will be presented at the Design Poster Night on April 28th 5-7 p.m. and the
128 design presentations are May 10th from 8:30 am to 4:00 p.m.

129

130 She said she had recently taught a lesson for a 4th grade class at Mary Hogan School
131 on soil erosion and pollution, and then they went behind the school and looked at
132 Barnes Brook.

133

134 South Street Project

135

136 Cherington said the water portion of the South Street Project is out to bid and there was
137 a pretty good response at the pre-bid meeting, and they are discussing the prep work
138 needed for the site where the pipe we are pre-purchasing will be stored.

139
140 She said the engineer's estimate came in higher than anticipated, roughly \$1.1 or \$1.2
141 million which does not include the \$250,000 to pre-buy the pipe. She said we do have
142 the ARPA funds and there is additional funds in Capital Improvements to pay for this,
143 but it will be draining the account a little more than anticipated. She said we have a
144 deadline to use the ARPA funds, but she believes there is some possibility they will
145 extend the deadline. Seeley said if we're all ready to go, then we need to go forward
146 with it because this project has been dragging on for far too long. Cherington said we
147 have the grant for the stormwater and sewer portion, but we must relocate the water line
148 before that work can happen.

149
150 Colonial Drive

151
152 Cherington said we received a pay request that includes all the change orders for the
153 project and the fuel price adjustment for a total of \$34,667.17, but there is still 1%
154 retained for spring cleanup, seeding, mulching, and lowering three sewer manhole
155 structures.

156
157 **6. Stonecrop Meadows – Summit Properties Proposal Discussion**

158
159 Jen Murray gave a status report on the permitting process for Stonecrop Meadows, and
160 said there will be a sketch plan discussion by the Development Review Road on
161 Monday evening, but there will be many more hearings over the next several months,
162 since at this point we are still unsure of the number of housing units and Summit has
163 just hired a civil engineer who will give us a better idea of the stormwater requirements
164 and infrastructure. She said the Planning Department and the department heads have
165 made preliminary comments on the plans-to-date.

166
167 Zeke Davisson gave a brief background on Summit Properties and their other housing
168 developments, and said this project started in partnership with Middlebury College. He
169 said the overall vision is for approximately 200 units of mixed income properties, with a
170 lot of different types of housing to try to meet all the different levels of housing needs.
171 Initially they're thinking of doing this in 3-phases, beginning with the major infrastructure
172 and roads that will be built to public works standards, with the intention to turn roads,
173 and water and sewer lines over to the Town. He said the 2nd phase would be the
174 housing on the inside of the development for the middle income population. He said the
175 3rd phase would be a multi-family building.

176
177 He said all the infrastructure will be about \$6 million, so now they are working with
178 Ramsay on securing state and federal funding to pay for that in support of affordable
179 housing. He said the deadline for the first submission is tomorrow, and they'll be
180 applying for a Community Development Block Grant in April, and there are a couple of
181 other resources they'll be looking into as well.

182
183 Wiger-Grohs asked if it was possible to have all the parking for the entire development
184 in one place to eliminate parking by the houses. Davisson said there are some pockets

185 that could be that way, but not the whole community, but they are trying to do as much
186 parking underground as possible, but a central parking area would be huge.

187
188 McLaughlin asked about an arrow shown on the plans and what led to the decision to
189 have two entrances to the development. Davisson said that the arrow indicates a
190 possible area for a pedestrian access to the 5-way intersection, and the two accesses
191 are a code requirement for fire access, but the traffic concerns will be addressed in
192 future traffic studies and none of the plans are carved in stone. Cherington said sight
193 lines are a big concern of Police Chief Hanley as well, so that will be looked at further.

194
195 Davisson said they are now in the process of applying for state and federal funds for the
196 infrastructure buildout, with the intention to turn these over the town, with the primary
197 being the roads, water and wastewater.

198
199 Remsen asked how they planned to incorporate the development into the town and not
200 have a development set off by itself. Davisson said the challenge is the area is a
201 peninsula surrounded by wetlands, but it is next to Means Woods and the TAM and it is
202 still too early to have connectivity details, but there is an opportunity to connect the
203 people of the town to the TAM, but that will be in some future phase of the project.

204
205 Bratspis asked if this was totally residential or would it be a mixed-use development with
206 other services, and Davisson said it was purely residential.

207
208 Seeley asked if there was a pump station for the development, and he said there would
209 need to be pump stations, but they are just entering the civil engineering phase. She
210 has concerns about costs to the Town and what it will take from the Town perspective to
211 take over the roads and utilities, but Kernan and Cherington had outlined most of her
212 concerns in the department head comments. She asked if there would be a
213 Homeowners Association and Davisson said there would be.

214
215 Davisson said in considering new development and Town-owned infrastructure, typically
216 if they're built to Town specs the town takes them over and their funding applications
217 are predicated on the Town taking these over. He said the next conversations needed
218 would be the possibility of the Town taking on the stormwater areas, the smaller roads,
219 and the green spaces, and he believes the increase in Grand List values will be
220 significant. Seeley said she's having a hard time envisioning the cost of taking all these
221 over being covered by the increase in the Grand List. She said we really need to
222 understand if we'll be able to afford taking over all these areas. Davisson said there is a
223 real push to get the applications submitted for this funding before the deadlines, and
224 Seeley said she understands that, but we need to be sure we can take this
225 infrastructure over without their being a huge increase in the tax rate. Davisson said the
226 only way they can get this funding is the concept and commitment that the Town will
227 take over this critical infrastructure.

228
229
230

231 Seeley asked Cherington what it would take to do a cost analysis so the Town would
232 know how much it would cost to take this over, but Cherington said she didn't believe
233 we knew enough details at this point. Murray said one way to do a cost analysis is to
234 look at what it has cost in other towns for similar developments. Davisson said this is a
235 new development with the newly created density allowance, and he believes a cost
236 analysis will prove that. Seeley said it probably would, but we don't want to make a
237 mistake.

238
239 Seeley asked if any of the funding sources the Town was applying for were in
240 competition with the Summit project, and Cherington said only the Northern Regions
241 Grant we might tap into for the water tank, but she thinks we can align the projects to
242 make that work. Seeley just wanted to be sure we didn't see any conflicts.

243
244 Davisson said the main thing now is to get all their funding applied for and to have the
245 Town's support and then the next conversation will be on the Town's appetite for the
246 other infrastructure in the project.

247
248 Fred Kenny said he wanted to speak on the importance and urgency of this project and
249 the applications for infrastructure funding. He said from an economic development
250 standpoint we need more affordable housing immediately. He said before coming to
251 Addison County he worked for the State in the Economic Progress Council that
252 reviewed the applications, and the next round of ARPA Fund applications are due this
253 Friday and a Community Block Development Grant (CBDG) next month, so he hopes
254 there is a way an agreement can be made to make that application a success.

255

256 **7. Gorham Lane Water Line**

257

258 Cherington said at the last meeting there was concern that the sewer and stormwater
259 should be included in this project, but she checked with former Planning Director Dan
260 Werner and the sewer was addressed in the 1990's and the stormwater has also been
261 upgraded, so she is recommending leaving the Otter Creek Engineering Agreement as
262 it is now and when they're doing the field survey they'll check grades and any
263 modifications can be done as change orders and leave the agreement amount the same
264 for now. This Agreement covers project design and permitting.

265

266 Bratspis moved to recommend the Selectboard approve the Otter Creek Engineering
267 Agreement in the amount of \$48,000. Remsen seconded the motion. The motion was
268 approved with 6 in favor, 1 absent. **MOTION PASSED.**

269

270 **8. TAP Grant – Stormwater Feasibility Study**

271

272 Cherington said back in December she submitted a funding request based on an
273 engineer's estimate to bring four outstanding stormwater permits for parcels of 3+ acres
274 to 30% plans and to look at the Town's Master Plan that incorporates some stormwater
275 components. She said the State reviewed the application and contacted her suggesting
276 we request more money, and recommended instead of \$24,750 that we request

277 \$50,000, so she requested that they increase our grant request to \$50,000, which would
278 bring our required match to \$10,000, which we have funds for in the Capital Budget.

279
280 Wiger-Grohs moved to recommend the Selectboard approve the revised TAP Grant
281 request from \$24,750 to \$50,000, requiring \$10,000 in matching funds. Baker
282 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

283

284

285 **9. Public Works and Police Station Building Upgrades**

286

287 Cherington said we now have a quote from Robert Miller for \$22,220 for replacing the
288 wooden soffit and trim with a composite material, a new awning over the southern
289 entrance, install a new vent in the gable and replace three shop doors with new steel
290 doors. She said he's ready to do this work if we can approve it.

291

292 Bratspis thought the initial deposit was significant and asked if that was typical.
293 Cherington said she wasn't sure how much of the deposit includes the cost of the
294 material.

295

296 Cherington said the Police Department quote from Miller is \$6,200 for a door to close off
297 the garage portion of the building from the storage/fitness center portion, and a door at
298 the top of the basement stairs to help with air quality and moisture concerns.

299

300 Wiger-Grohs moved to recommend the Selectboard approve the quote from Robert
301 Miller, d/b/a Rob's Home Improvements, for \$22,200 for repair work at Public Works
302 Facility. Remsen seconded the motion. The motion carried with 6 in favor, 1 absent.
303 **MOTION PASSED.**

304

305 Bratspis moved to recommend the Selectboard approve the quote from Robert Miller,
306 d/b/a Rob's Home Improvements, for \$6,200 to install two doors at the Police
307 Department Storage Building. Remsen seconded the motion. The motion carried with
308 6 in favor, 1 absent. **MOTION PASSED.**

309

310 **10. South Street Project – Final Design Engineering Agreement**

311

312 Cherington said it was thought at first that Landmark Engineering would just have to
313 upgrade the original designs done by Green Mountain Engineering, but surveying
314 showed there was a conflict with the elevations from the original design that required
315 more work than planned, so Landmark is requesting an additional \$2,580 to their
316 previously approved Engineering Agreement cost of \$28,706, for a total of \$31,286.
317 She said this increase now will prevent future change order costs if this conflict hadn't
318 been discovered until we began construction and will help in the next design phase of
319 the sewer and stormwater portion of this project. Seeley felt this was a reasonable
320 increase for the work.

321

322 Remsen moved to recommend the Selectmen approve the request by Landmark
323 Engineering Amendment #1 to increase their Engineering Agreement for Final Design
324 by \$2,580, bringing the final cost to \$31,286. Baker seconded the motion. The motion
325 carried with 6 in favor, 1 absent. **MOTION PASSED.**

326

327 **11. Lead Service Line Inventory/Asset Management Plan Discussion**

328

329 Cherington said this is a Federally required mandate that we need to inventory our
330 water lines to see if we have lead lines in the service section of our distribution system.
331 She said the unfortunate part of this is we also need to determine if the private line
332 sections are lead or galvanized, and we have until October 16, 2024, to do this
333 inventory. She said the State has allocated \$302,273 for us to do this work, and about
334 \$200,000 of that will be forgiven, so our overall cost will be just over \$100,000.

335

336 She said the second part of this plan is to do an Asset Management Plan at the same
337 time, because as she looked through the priority list for funding, and communities with
338 an Assets Management Plan receive an additional 75 points, which would significantly
339 increase our scoring on these applications anytime we're going after water funding.
340 She said it depends on how much of an in-depth plan we want to do, but the State
341 forgives \$50,000 towards the cost of an Asset Management Plan and if you do a Plan,
342 they view that as the preliminary work for the service line inventory, so that \$50,000
343 essentially gets covered twice. She thinks it's something we should consider. In our
344 recent RFQ for services we did include an Asset Management Plan, so we have firms to
345 call on to do the work. It takes about 6-12 months to do this work, so if we want to do a
346 plan we should begin it sooner rather than later. She has talked to a few local
347 engineers and they are interested in helping us with this, so it makes sense to do it and
348 roll it into our lead line inventory.

349

350 She said the Water Department staff is in the process of replacing the end points on the
351 water meters in residences, so they are doing an inventory of the type of lines entering
352 the house and documenting them.

353

354 Bratspis asked if this involves testing the water coming into the line, and Cherington
355 said no, this does not involve testing the water. She said it's really the best guess of
356 what the line is based on what is coming into the house or at the curb stop. She
357 believes there will be a subsequent phase of the inventory where any lead lines will
358 need to be replaced, but there are still changes being imposed in the rules, so it's a
359 moving target at this point.

360

361 Kernan said if we don't get this completed, we can report the area we don't get to as
362 "unknown". Cherington said we can also look at neighborhoods built after the date
363 when lead lines were banned, and know that they'll be okay, and focus our energy in
364 the areas previous to that date.

365

366 Wiger-Grohs doesn't understand why we can't just test the water for lead if there are
367 lead pipes. Seeley said you have to identify where the lines are lead, but it might not

368 show up in the water. Kernan said we test for lead in the system, and none has ever
369 shown up, and you can eliminate lines 2” or larger that would go into industrial
370 customers. Seeley is just concerned once it’s identified we’ll have to plan to replace
371 and fix them. Cherington said she feels there’ll be another round of funding for that, but
372 if we don’t accept the first round of funding we wouldn’t qualify for the next round.
373

374 Seeley asked if the Committee needed to act on anything, and Cherington said no,
375 since we have a list of engineers to choose from and as long as the Committee is on
376 board to do the Asset Management Plan we can move ahead with it, and the Committee
377 all felt it made good sense, especially since it would increase our score for funding
378 opportunities.
379

380 **12. Committee Concerns**

381
382 There were no concerns.
383

384 **Next Meeting**

385
386 The next Infrastructure Committee meeting is Thursday, April 6, 2023.
387

388 The meeting adjourned at 10:50 a.m. upon motion by Wiger-Grohs, seconded by Baker.
389

390 Respectfully submitted,
391 Beth Dow
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