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Town of Middlebury
Public Health and Safety Committee
Meeting –Monday, June 28, 2021
Community Room – Middlebury Town Office
Zoom link opened by Kathleen Ramsey, operated by Heidi Lacey

Present: Committee Members: Chair- Thomas Hanley, Medical Rep. Mike Leydon – EMD Porter Hospital, At-Large Andrew L’Roe, At Large - Laura Asermily, At-Large Gary Baker

Absent: Fire Chief Dave Shaw, Town Health Officer Tom Scanlon, Dept of Public Works Director Bill Kernan, SB- Alternate Nick Artim, Select Board Member – Dan Brown

Guest Speakers: Jeremy Lynch, Byrd Scooters; David Silberman – Cannabis Control

Public: Michael Reeves, Daniel Houghton

Meeting called to order at 4:01 p.m.

Motion: Chief motioned to accept previous minutes

Second: Laura Asermily

Motion carried on unanimous voice vote

4:01 p.m. Meeting called to order

Approval of Agenda and welcome to new committee members

Motion: Laura Asermily – approve the agenda

Second: Gary Baker

Motion carried on unanimous voice vote

Agenda 1. Highway weight limit ordinance

Action required: Recommend amended ordinance for the Selectboard.

The amendment consists of an updated list of streets under weight restrictions.

Motion: Gary Baker recommended the amended ordinance be moved to Selectboard.

Second: Laura Asermily

Agenda 2. Rental Scooters – Presentation and Q&A to Jeremy Lynch representing Bird Rides (scooters) with a proposal to launch the rental service in Middlebury using town property.

Action required: On review, determine feasibility of such an enterprise and make a recommendation to the Selectboard

Jeremy Lynch presented the following information for consideration of E Scooters:

DRAFT

All users register via online application, there are options for those with no online service but is more cumbersome.

Riders must provide proof of 18 yrs of age or older. All Riders are required to watch a safety tutorial around use, liabilities and this tutorial can include rules specific to the Town.

Units are 44 lbs, considered lightweight, durable, front light, brake lights flash

A parking portal is used on the App to identify and map locations of units and the town line/route limits – all preapproved and part of the agreement with the Town.

Agreement includes a Byrd Account Manager and a Fleet Manager. Fleet manager is a paid employee and receives 45% of the revenue as a stipend.

Fleet manager helps to outline the port locations and route, responsible for all maintenance, pick ups, replacements, etc.

Proposing 50 units for Town. (Noted that Nashua started with 125 units) Would expect that 30-40 would be in use, 10 are typically held as back up units.

The Town will receive .15 cents per ride

No other cost or burden to the Town – Dept of Public Works, Middlebury Police would contact Fleet Manager for assistance.

Offer discounts to riders: low income (with proof/EBT benefit), 50% off for veterans and the elderly also mentioned

Having a “No Ride Zone” on a schedule is also available. Example: If there was a planned event such as a bike race, street dance or parade, Bird could program the scooters to avoid specific areas for specified times.

Helmet discounts provided to those that provide a helmet “selfie”. Free helmets available to riders at registration, only cost is shipping and handling.

Q & A Laura A - Likes the helmet portion of the program. Confirmed that there is not an exclusive license requested. Confirmed front/back of EBT card could be used as proof of low-income rider. Confirmed program works best with Smartphone technology but acknowledged that other means to set up accounts and activate use are also available. Asked how speed is restricted; there is a governor installed. Confirmed that the scooter is a “seasonal” option and not meant for extreme weather. March – Fall is ideal in this area.

Andrew L – Asked who owns the liability? A: Bird takes on the liability in the MOU, Town of Middlebury is listed as “additionally insured”. First responsibility is on the member/rider to follow the rules. Gross negligence is “another issue”. Asked if neighboring towns needed to be a part of the agreement or if this was a separate agreement? A: The fleet manager could reach out to towns on boundaries, safety is first and this would consider sidewalks, roadside shoulders, traffic flow, etc.

DRAFT

Heidi L – Asked about the suggested number of parking ports. A: Suggested 2-3 around town but ultimately it would be recommended by the local Fleet Manager.

Public Comment after the presentation:

- Michael R.
- Accidents should be considered
 - Would have concerns for liabilities related to alcohol
 - Noted that as a town we are encouraging foot traffic to downtown sidewalks/shops
 - Middlebury demographics are much smaller than the towns currently participating
 - Middlebury meets environmental concerns via walking and non-motorized bikes

Chair Hanley noted that a “Commercial Activity on Town Properties” ordinance passed in April regarding licensing of commercial entities using town properties and that the Selectboard could revoke the license as with others through due process. Noted the amendments to the ordinance took place in April.

Chair Hanley requested a motion to move to the Selectboard.

Group comments acknowledged public comments to be considered. Group noted that E Bikes/Scooters are going to come to town. Mike L – noted it is a feasible plan but needs monitoring and enforcement, to be looked at closely. Andrew L – asked that a review of where the scooters might cause “panic” in traffic flow. Requested that there be a comparison of experiences from other cities and any additional data around use, accidents, etc.

No motion on this matter

- Agenda 3. Cannabis nuisance ordinance
Information only – an update on S.25 as passed with respect to commercial cannabis Sales and the draft ordinance on local control and prevention of nuisances.

Group confirmed review of documents sent.

David S offered the following for consideration:

Local license fee would be set by the State

Noted that the ordinance should avoid using language around “nuisances” that aren’t nuisances in other businesses. . Items like sales to minors and traffic flow are not nuisances and should be handled by other means. He referenced the process by which liquor violations are referred to the Department of Liquor Control. These same type of issues should be referred to the State Cannabis Control Commission for action.

Noted that sales are to begin October 2021, the State Control Board has meet 6 times and are still in the process of rule making.

Chair Hanley recommended the selectboard become the local Cannabis Control Commission for local licensing, similar to the process of being the local Liquor Commission. The Board would then license a Cannabis retailer/ integrated licensee and noted the proposal would be similar to the local liquor licensing. The statute limits klocal control over a Cannabis licensee to compliance with zoning and nuisance ordinances. Asd rule making, to include health and safety issues c ontinues, it is unknown whether it will be allowable for an annual inspection by Middlebury Police and Fire Dept for safety compliance. Recommendations would be made to the Selectboard through this process.

DRAFT

Motion: Laura A. moved to recommend local licensing draft to Selectboard

Second: Andrew L.

Motion carried on unanimous voice vote

- Agenda 4. Rogers Road traffic study.
A request for a mid-block stop sign to control traffic speeds.
A traffic count and speed survey is underway and may not be complete by the time of the meeting.

Chair Hanley reported that the results of the study concluded the traffic study did not provide sufficient warrants for a multi-way stop at Monroe and Rogers Rd. To date 85% of traffic northbound from Court to Monroe travels less than 27 mph.

Reviewed the video of travel on Rogers Road and noted the absence of a speed limit sign for southbound/ westbound traffic. A request sent to DPW for erection of a 25mph sign. This also led to a discussion about pedestrian safety. Chair Hanley reports the paved road width is 23' 8" + or - with no dedicated lane for bike/ ped traffic.

Discussion around lack of sidewalks, dangers to pedestrians.

Public Comment:

Daniel H asked if it is viable to capitalize on the paving/construction that is already taking place this summer. Shared comments of concern for safety, recognizing that at the intersection of Rogers Rd and Monroe there is a visibility issue due to a large evergreen tree.

Chair Hanley will speak with DPW, to inquire as to whether the tree is in the town right of way or what measures may be necessary to eliminate the sight hazard.

Larger discussion to take place with the residential roads and traffic calming being sent to Infrastructure Committee

- Agenda 5. A review of potential traffic calming initiatives to deal with the many Reports of excessive speed on arterials, collector streets and residential Streets.

Further discussion including the Rogers Rd study, paving consideration and speed limits continued around traffic calming strategies. Chair Hanley will provide a link to a resource guide to the Infrastructure Committee with focus on possible "paint on the road" approach such as Yield Roadways and Advisory Shoulders from the 2016 Federal Highway Administration publication "Small Town and Rural Multimodal Networks". Chair Hanley noted that these are recent concepts and there is no long term study as to their effectiveness as traffic calming and bike/ped safety devices.

Other areas of consideration: School House Hill Rd, Halliday, Washington St Ext/Bushey's corner. Exploration of sidewalks and the narrow shoulders for some of these residential roadways.

Gary B confirmed that the Infrastructure Committee is open to the public.

No motion required

DRAFT

Other business:

Laura A announced that the Homelessness Task Force was reconvening Thursday, July 1st via Zoom to better understand the immediate summer needs. Chief Hanley planning to attend as well.

No other business:

Motion to adjourn: Gary B

Second: Andrew L