

1 TOWN OF MIDDLEBURY  
2 Infrastructure Committee  
3 Town Offices Large Conference Room  
4 Thursday, September 13, 2018  
5 Draft Meeting Minutes  
6

7 Committee Members Present: Heather Seeley, Kirk Fiske, Gary Baker, Luther Tenny, Chris Robbins, Lindsey  
8 Fuentes-George and Alternate Judy Wiger-Grohs. Don Keeler was absent so alternate Wiger-Grohs would be  
9 voting.

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11 Town Staff: Town Manager Kathleen Ramsay, Director of Public Works Planning Dan Werner, Director of Public  
12 Works Operations Bill Kernan and Accounting Services Manager Jackie Sullivan.

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14 Others Present: Ross Conrad of the Energy Committee  
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16 The Meeting was called to order by Heather Seeley at 8:15 a.m.  
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18 Approval of Agenda  
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20 Ramsay said Kernan had requested an addition to the agenda for approval of an asphalt hot box as approved by  
21 voters at Town Meeting. Baker moved to approve the agenda as amended and Wiger-Grohs seconded the  
22 motion. The agenda was approved with 7 in favor.  
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24 Approval of Minutes  
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26 Robbins had a question on Page 2, Line 260-261 regarding cross-connections between sewer line and storm  
27 drains, and she wondered if this was accurate. This was discussed as to what exactly the context of the  
28 conversation had been, and it was finally decided to add "possible cross-connections" to the minutes.  
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30 Baker made the motion to approve the minutes as amended. Wiger-Grohs seconded. The minutes were  
31 approved with 5 in favor and 2 abstentions (Fuentes-George and Robbins).  
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33 Citizen Comments  
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35 There were no citizen comments.  
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37 Project Updates  
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39 Werner gave updates on the following projects:

- 40 • The final walk-through on the Charles Avenue project had been held earlier this week and there are only  
41 a few minor issues left to address. Werner said a resident on Charles Avenue told them he was very

42 pleased with the new street lights and he was enjoying how quiet the neighborhood is now with the  
43 new paving.

- 44
- 45 • Acker Construction started sidewalk work on South Street this week.
- 46
- 47 • Werner reported he and Library Director Dana Hart had met with someone from Efficiency Vermont on  
48 the aging boiler and air conditioning in the Library, and they'd been very helpful. Tenny asked if it was  
49 fueled by natural gas, and Werner said it was fuel oil from an underground tank, and the Efficiency  
50 Vermont person told them that regardless of whether they get a new building or not, they should get  
51 away from using fuel oil because of its inefficiency. Werner said the next thing they'll be looking at is a  
52 comparison of a new system with natural gas or a wood pellet system. Werner said they also looked at  
53 AC/heat pumps to replace the air conditioning, and will be looking at those in the future. Hart will get a  
54 report from Plouffe Heating, who has been working on the boiler in the last few years.
- 55
- 56 • Werner and Kernan will be meeting with VTrans officials soon on the recently announced 2020 paving  
57 schedule for the Class 1 roads in Middlebury, which are RT 30 and RT 7 (North Pleasant St and Court  
58 Street). He said the Town has some infrastructure projects that may conflict with that time frame, so  
59 they will discuss this with them along with crosswalks and other items.
- 60

#### 61 Tree Policy

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63 Judy Wiger-Grohs said this draft comes from the ad-hoc Middlebury Tree Committee. She said they did this for  
64 a couple of reasons; first because the Emerald Ash Borer is on the way and it would be good for the Town to  
65 have in place a program for dealing with the diseased trees, and also they are trying to get a Tree City USA  
66 designation that would entitle us to put up signs at the entrance of the Town announcing our status, receive on-  
67 line training opportunities and grant opportunities, and to advertise the benefits of trees. Middlebury would be  
68 the 8<sup>th</sup> designated town in Vermont. She said she would like a recommendation to the Selectboard for  
69 adoption. The deadline to apply for Tree City USA is in December and a Tree Policy or Tree Ordinance needs to  
70 be in place to apply, and they've chosen to go with a policy.

71

72 Seeley suggested there needed to be dates added on when it was created and when it was adopted.

73

74 Baker said he doesn't agree with the requirement in the Tree Maintenance section that says a tree contractor  
75 working on public trees has to have a certified arborist on staff. He said this might leave out some of the smaller  
76 contractors and suggest it be reworded to say "supervised by a Certified Arborist", since our Tree Warden Chris  
77 Zeoli is a Certified Arborist. Werner said the intent of this statement is to make sure that whatever contractor  
78 the Town hires to do tree trimming and maintenance knows what they're doing, such as having a Certified  
79 Arborist on staff. After much discussion, it was decided to amend the provision to read "All contractors hired  
80 to maintain public trees, including but not limited to, pruning and pest control, shall have on staff, or partner  
81 with, a Certified Arborist."

83 Tenny asked for clarification on the section regarding a person owning property bordering on a public street,  
84 sidewalk, recreational path or other public right-of-way. He said as he reads it, the property owner is  
85 responsible for the care and maintenance of trees within the right-of-way. Wiger-Grohs said it was intended to  
86 mean that any trees on private property that overhangs or borders a public right-of-way, not trees within the  
87 right-of-way. It was decided to clarify this by adding the word “private” so the statement read “...to ensure  
88 private trees or shrubs...”.

89  
90 Tenny questioned the vagueness of the wording in Section V.- Control of Hazardous Trees & Trees Infested with  
91 a Pest or Pathogen, specifically the wording “...the cost of which shall be paid by the municipality or the  
92 property owner.” Wiger-Grohs said it was left vague intentionally. She said some policies they looked at the  
93 property owner was responsible to pay, and others it was up to the municipality. She said if there is a hazardous  
94 tree on private property and the property owner is informed of this, the municipality will remove the tree and  
95 bill the property owner for it. Alternative wording was discussed, but Werner pointed out this was a quote  
96 from a State Statute referenced earlier in Section. Ramsay recommended that they simply leave the first  
97 sentence of Section V as is and end it with ...”in accordance with State Statute”.

98  
99 Fuentes-George questioned the wording of the third bullet under Tree Removal regarding notification of the  
100 public. Ramsay said she’s been working with Tree Warden Zeoli and notifying property owners a week in  
101 advance of a hearing and putting a notice in the paper, and letting Zeoli hold the hearing and make the decision.  
102 Fuentes-George just wanted to be sure that she understood that two weeks prior to the removal of a tree, some  
103 kind of public meeting will be held.

104  
105 Seeley questioned removing the Statute wording to be consistent with the removal of the wording in Section V.  
106 Some felt the Statute wording was helpful, but it was pointed out that if the Statute is amended at some point in  
107 the future, then the Policy would need to be updated to reflect the new wording, where just having the Statute  
108 number would simply refer a person to the proper Statute. It was decided to remove the complete Statute  
109 wording and leave just the Statute number.

110  
111 Werner questioned the definition of “Public Tree” and “Public Shade Tree”. He said there needs to be a  
112 separate definition for “Public Shade Tree” so the Highway Department will be able to go and take trees down  
113 without having a public hearing. There was further discussion on the difference, and Tenny suggested just  
114 having a statement that the Tree Warden has the authority to waive a hearing to remove a tree if it’s deemed to  
115 be a scrub tree on the edge of the road. Ramsay suggested having this reviewed by Werner and Kernan to see if  
116 they can work with this Policy operationally, then have it go back to the Tree Committee before coming back to  
117 the Infrastructure Committee. Seeley suggested the Tree Committee look at the definitions and decide if there  
118 needs to be a separate definition for “Public Shade Tree”.

119  
120 Robbins said the timeline for notice prior to the hearing and the time for appealing the decision is off, because if  
121 the tree is to be removed two weeks after the hearing, then the tree will be down by the time of the deadline to  
122 file an appeal. There was discussion on the hearing timing and removal of the tree, so further clarification of the  
123 timing of the warning of the hearing and tree removal needs to be improved.

124

125 The Policy will go back to the Tree Committee and be on the agenda for the next Infrastructure Committee  
126 meeting.

127

128 Energy Committee – Ross Conrad

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130 Conrad said the Energy Committee has \$10,000 in their budget to put towards energy improvements. He said  
131 last year they used those funds for audits of the Police Department and Teen Center, and have been before the  
132 Selectboard to recommend some improvements to be made at the Police Department and Teen Center as a  
133 result of those audits, and those improvements will total \$10,000. He said the Board approved these  
134 improvements, but wanted them run by the Infrastructure Committee to see if they interfered with any plans  
135 for either building.

136

137 Fuentes-George said she had noticed the Police Department had money in the Capital Improvements budget for  
138 some work to be done, so she didn't know if this factored in the work the Energy Committee was proposing.  
139 Ramsay said the estimate came in higher than the amount of funds from the Energy Committee, so it may be  
140 that the funds in the Capital Improvements budget will be needed along with the Energy Committee funds to do  
141 the work. Werner said he'd mentioned this energy audit done by Zero Degrees to Efficiency Vermont when  
142 they'd met with them at the Library, and they offered to come and look at the Police Department and Teen  
143 Center as well. Robbins said with all the work that needed to be done at the Police Department, the \$9,000  
144 would not go to waste.

145

146 Robbins made the motion to recommend supporting the Energy Committee's recommendation of using \$9,000  
147 for the Police Department and \$1,000 for the Recreation Department Teen Center for improvements. Fuentes-  
148 George seconded. The motion was approved with 7 in favor.

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150 Cady Road Hydraulic Study

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152 Werner said he had requested proposals from engineering firms for a hydraulic study of the two 48" culverts  
153 underneath Cady Road in preparation for a Class 2 paving grant and/or culvert grant from VTrans. He said  
154 VTrans like to spread the funds out over various towns and it's been 2 or 3 years since we received one, so he  
155 hopes we'll be coming up for another one soon.

156

157 He said hydraulic studies are now required for culverts over a certain size to see if the culvert is the proper size  
158 for the drainage. He said three firms submitted proposals, East Engineering, Otter Creek Engineering and  
159 Green Mountain Engineering and East Engineering was the lowest bidder at \$2,500. Werner said while we have  
160 no experience with East Engineering, Tyler Billingsley, who founded the firm, used to work for Otter Creek  
161 Engineering and is a very bright engineer. Werner said this is under \$3,000 parameter for needing Board  
162 approval and requests authorization for the Manager to approve the funds.

163

164 Tenny asked if this culvert was a candidate for slip-lining and Werner said this study will determine if the culvert  
165 needs to be larger or it can be slip-lined. Seeley asked what the other bids were and Werner said Green  
166 Mountain was \$3,750 and Otter Creek was \$3,500.

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Baker moved to authorize Town Manager Kathleen Ramsay to approve the request for \$2,500 for the hydraulic study by East Engineering. Wiger-Grohs seconded the motion. The motion was approved with 7 in favor.

Capital Improvements Budget Planning

Ramsay said today the Committee would be focusing on Public Works. Werner went over the Highway Construction budget and said the amounts shown were from the bond approved in 2011 and explained how the amounts change and flow from year to year. The projects in the FY 19/20 budget are Colonial Drive, Peterson Terrace and Gambrel Court. Werner went over a map showing these areas and explained how he had color coded the areas based on the condition rating of the road, and he had highlighted storm drainage areas that need work and there are two areas on Colonial Drive that have icing issues that need to be addressed. He said there is also water and wastewater work that needs to be done.

Tenny said he had issues with a multifaceted project such as this, that involves roads, sewer and stormwater work that will take years to engineer and complete, and wonders what happens to the road that has a condition of #2 during this time. Werner said that the sewer and water portion of this project are separate and funded in the water and sewer Capital projects, and the highway and stormwater work is covered under this budget request. He said he is hoping to do this work next year.

Robbins asked about the stormwater portion and if he had a plan on how to deal with it and Werner said they had a good idea of how they were going to handle it. Robbins suggested creating an area between the two berms behind the Co-op Insurance building where the water runoff could accumulate. Werner said that is on private property and would need to be discussed with the Co-op.

Werner said the amount of \$255,000 for paving gravel roads is a rough draft of what it might cost to pave Happy Valley Road. Werner said there was some ledge that would need to be blasted in a couple of places, but it would be beneficial to keeping the ditches cleaned out if this road was paved. Seeley said this might need to be budgeted for over several years. Robbins said perhaps it could be tied into the roundabout on RT 7/Exchange Street if that is ever constructed.

Kernan said that the line item for crack sealing had previously been budgeted for in the Operational Budget, but then if they run out of time in a season and are unable to get the job done that year the money was lost. He said by budgeting for it in the Capital Budget, if a year is missed the money is still there and can be increased each year if needed. This would decrease the Operational Budget by \$20,000.

Tenny had a problem with this being in the Capital Budget when it's routine maintenance and can't be capitalized. Jackie Sullivan said the Capital Budget is not somewhere you put money because you don't want to lose it, and if the funds are still remaining in the Operational Budget at the end of the year, the Selectboard could move to restrict those funds going forward so they aren't lost. Sullivan said she can ask the auditors what they think about it. Werner said we just want to make sure those funds aren't lost, and Seeley said we also need to be sure we follow fiscal guidelines.

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210 Cross Street Bridge Funds

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212 Werner went over potential Capital Projects that could be funded by the Cross Street Bridge Surplus Funds.

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214 South Street/Chipman Park (\$282,000) – Werner said there are infiltration issues in the sanitary sewer and  
215 stormwater issues on the west side of South Street. The storm sewer portion is from Green Mountain Place to  
216 14 South Street, over to Main St (#99).

217

218 Court Street/Monroe St Intersection Improvements (\$200,000) – Werner said this is the start of a multi-year  
219 phased approach to solve the issues at this intersection. He said a few years ago there was a public input  
220 process and a consultant was hired to look at what the best way to manager that area is. He said it was decided  
221 at that time that a cross-intersection with signals at Charles Avenue, Monroe Street and Charles Avenue was the  
222 best and least expensive option for traffic flow. He said the \$200,000 is set aside for the start of land  
223 acquisitions and some engineering work to identify some costs. Werner will be talking to VTrans to see how  
224 this will fit into anything they have planned so nothing has to be done over.

225

226 Lucius Shaw Lane Adaptive Reuse (\$700,000) – Werner said this is for the adaptive reuse of the old wastewater  
227 building and sand filter building.

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229 Main Street/Merchants Row (\$100,000) - This is for sidewalks, curbing and stormwater work beyond the scope  
230 of the Downtown Bridges Project. Ramsay said Aaron Guyette of VHB is working on final design plans, so when  
231 those are complete we will have a better idea of where their project ends and where ours starts so we can get  
232 better numbers. Werner said the stormwater portion of this would involve removing the storm sewer that  
233 crosses the back of the lots on the corner of Maple Street that is connected to the sanitary sewer. He said years  
234 ago there was \$20,000 in the budget for engineering services to move this line, and once the railroad project is  
235 done this line will need to be relocated, but the cost is unknown at this time.

236

237 Highway Capital (\$100,000) – Seeley asked if these were additional funds for the Colonial Drive/Peterson  
238 Terrace/Gorham Lane projects beyond the bond. Werner said it is also the wrap-up for the bank stabilization  
239 project on Shard Villa Road. He said they are going to bid the bank stabilization project for the Shard Villa  
240 Project in October, so then we'll know that number, but the work will be done next year.

241

242 Battell Bridge Repairs (deficit) (\$142,862) – Werner said years ago repairs were made to the Battell Bridge prior  
243 to the construction of the Cross Street Bridge. He said there was an attempt to get State funds for these repairs,  
244 but that didn't happen, so we've been carrying this deficit since 2004/2005, and it would be good to get it  
245 closed.

246

247 Plow Trucks FY19-20 (\$285,000) FY20-21 (\$290,000) and Sweeper FY21-22 (\$280,000) – Werner said they're  
248 proposing to fund these large purchases in the next few years with the Bridge Surplus funds and then borrow for  
249 the smaller vehicles and equipment. Seeley asked about moving the sweeper purchase up on the schedule,

250 since it was aging and in need of replacing. Kernan said that is a good point, but we need to get on a regular  
251 schedule for replacement of equipment.

252

253 Ramsay said she and Werner had tried to schedule the expenditures to maintain a fund balance of \$1 million in  
254 the Cross Street Bridge Funds. She noted there would probably be additional ideas on how to spend these  
255 funds. Robbins said ideas she'd heard were Downtown Master Plan, shelter for the rail platform and the  
256 Exchange Street water line. Ramsay said they'd tried to budget for items that affect the whole Town, whereas  
257 the Exchange Street water line would only impact those users. Robbins wasn't totally in agreement with that.  
258 Seeley said the Route 7 section of water that feeds the entire town is something that could be considered as  
259 well, but none of these items are set in stone; it's just to give us an idea of what has to come out each year to  
260 meet our goals.

261

#### 262 Asphalt Hot Box

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264 Kernan said that this item was in the Capital Budget last year and approved by the voters at Town Meeting. He  
265 said a Hot Box keeps the asphalt hot and can be used to patch asphalt year-round. He said there are only two  
266 vendors in the State that sell these and both have been demonstrated by staff and there is no preference. He  
267 said the high bid was \$27,950 and the low bid was \$24,480, which is just over the \$24,000 approved in the  
268 budget.

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270 Baker moved to recommend the Fairfield bid of \$24,480 be approved by the Selectboard. Fiske seconded the  
271 motion.

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#### 273 Committee Concerns

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275 Wiger-Grohs wanted to be sure she received all the comments regarding the tree policy. Ramsay and Seeley  
276 said there were meeting notes, minutes and she could watch the DVD of the meeting.

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#### 278 Next Meetings

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280 October 11, 2018 at 8:15 a.m.

281 October 25, 2018 at 8:15 a.m.

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#### 283 Adjournment

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285 The meeting adjourned at 10:10 a.m. upon motion by Fiske, seconded by Wiger-Grohs.

286

287 Respectfully submitted,

288 Beth Dow