

1 TOWN OF MIDDLEBURY  
2 Infrastructure Committee  
3 Town Offices Large Conference Room  
4 Thursday, June 22, 2017  
5 DRAFT Meeting Minutes  
6

7 Committee Members Present: Susan Shashok, Kirk Fiske, Heather Seeley, Gary  
8 Baker, Don Keeler, Jr., Luther Tenny and Chris Robbins. Also present was Alternate  
9 Judith Wiger-Grohs  
10

11 Town Staff: Director of Public Works Planning Dan Werner, Director of Public Works  
12 Operations Bill Kernan, Treasurer/Accounting Services Manager Jackie Sullivan, and  
13 Town Manager Kathleen Ramsay.  
14

15 Others Present: Residents of the Creek Road area.  
16

17 The meeting was called to order by Chair Susan Shashok at 4:30 p.m.  
18

19 Shashok began the meeting by introducing the new members to the committee, Luther  
20 Tenny and alternate Judith Wiger-Grohs.  
21

22 Approval of Agenda  
23

24 Town Manager Ramsay said there were a couple of priority items on the agenda that  
25 need to be acted on, so Chair Shashok suggested rearranging the agenda to  
26 accommodate those two items following the Creek Road item and then if time permitted  
27 they would go back to the other remaining items. The agenda was approved as  
28 amended upon motion by Baker, seconded by Robbins.  
29

30 Approval of June 8, 2017 Minutes  
31

32 Robbins requested the minutes be amended to add “low density development increases  
33 the cost of water main maintenance.”  
34

35 Upon motion by Robbins, seconded by Seeley, the minutes of June 8, 2017 were  
36 approved as amended. (Tenny and Keeler abstained)  
37

38 Citizens Concerns – None  
39  
40

41 Creek Road Study

42

43 Shashok gave a brief history of how the Creek Road Study came to be. She said in the  
44 spring of 2015, the Selectboard closed Creek Road due to significant road erosion  
45 along the banks of Otter Creek. Gates were installed to allow access to farmers, and  
46 the Board began to look at what to do to reopen the road. In the summer of 2015 the  
47 Town received funding from the Addison County Regional Planning Commission's  
48 Transportation Advisory Committee to complete an assessment of the flooding, erosion  
49 and other factors involved in the damage to Creek Road, Otter Creek and the abutting  
50 properties. She went on to say that in February of 2016, ACRPC contracted, on the  
51 Town's behalf, with Pathways Consulting for the Middlebury Creek Road Erosion  
52 Stability Study to look at the nature of flooding and bank erosion along the Otter Creek,  
53 explore strategies for stabilizing the banks, explore lower cost alternatives for reopening  
54 the road and provide alternative designs with cost estimates.

55

56 Shashok requested that the Committee be allowed to ask all their technical questions so  
57 they fully understood the project, and then she would open it up for comments.

58

59 Keeler said he was bothered that there were no cost estimates included for acquiring  
60 rights-of-way, and he thought that makes it hard to choose options without knowing all  
61 the costs involved. Shashok agreed, but that was not part of the charge and the  
62 Committee now needs to know what else is needed to move forward. Ramsay said that  
63 some of the property owners have indicated the willingness to contribute the land as  
64 their share of the project.

65

66 With no further technical questions, Shashok opened the floor to comments.

67

68 Mark Perrin, who resides at 1637 Creek Road, said he appreciates the challenge of this  
69 project. He said this property was acquired in 1967, and he has lived there since  
70 1990. As a property owner, he said they just want to be able to get to the end of their  
71 driveway. As a taxpayer, he said the challenge is the cost of the project and he  
72 wondered if they would be looking at other alternatives, such as a road out through to  
73 the South Ridge development off Middle Road, which might be a less costly option. He  
74 suggested a study of that possibility might also be done so all alternative cost options  
75 are looked at. Shashok said that Alternative #3 in the Study is the road Perrin is  
76 describing.

77

78 Perrin said he has observed how the pedestrian and bike traffic has increased on Creek  
79 Road since it's been closed, and cars still come down to enjoy the scenery and the river  
80 and then turn around, so he strongly encourages them to look at coming from the

81 South Ridge development. He says this is not going to be an easy decision, because  
82 there are a lot of emotions out there.

83

84 They took a closer look at Alternate #3 and Perrin had been suggesting a private  
85 driveway to his property, and not a public road to Creek Road. Perrin said in that case,  
86 he was suggesting an Alternate #4, which would be to provide a private drive for his  
87 property.

88

89 Mr. Nop, who owns farm land on Creek Road, said that if the Town had listened to the  
90 landowners 5 years ago about the trees along the Creek, we wouldn't have this problem  
91 and the money spent on the study could have been used to fix the road. He said this is  
92 a lot of money for a short piece of road. Keeler asked Nop if he had access to his land,  
93 and Nop said he did, but it wasn't very convenient. Tenny said he agreed with Nop,  
94 that vegetation along the edge of the road would help and saw where a lot of trees had  
95 been cut in that area.

96

97 Maurice and Dean Rheaume asked how much it had cost to do the work on the 1,500  
98 feet of Creek Road to Court St, and Werner said around \$800,000.

99

100 Wiger-Grohs said she thought landowners were required by the State to have a riparian  
101 zone along the river, and wondered if that was circumvented because this is the Town.  
102 Tenny thought that only applied to new roads, so Creek Road is grandfathered.  
103 Shashok agreed, and said if the road was changed then there would be requirements to  
104 meet.

105

106 Peter Hubbard, a long-time resident who lives on Three Mile Bridge Road, said that one  
107 critical thing that keeps getting overlooked is the importance of allowing the river to  
108 overflow its banks or we will end up with another Flood of 1927. He gave a brief history  
109 of the flooding and how the river hasn't changed much, except for one area where the  
110 Town did some riprap work a few years ago on Three Mile Bridge Road. He felt there  
111 was one area of Creek Road that could be repaired, and that both the Goodrich's and  
112 Nop's have agreed to the road moving 25' feet onto their property to give the riparian  
113 area a chance to recover and some vegetation to grow. He also suggests closing the  
114 road off each winter and spring until the road dries out so as not to damage to road,  
115 then open it up for the summer and fall. He thought the Town would be making a huge  
116 mistake to belief they need to put in a whole new roadbed. He also urged to be  
117 cautious when making any changes to the river, as it impacts the flow and direction in  
118 other areas.

119

120 Seeley commented on past repair work and agreed it does impact the river. She also  
121 agreed that the area in question should be repaired and the road reopened. She  
122 thought it should be done in phases like other high-cost projects, and grants should be  
123 applied for to help with the cost.

124  
125 Maurice Rheaume, who grew up on Three Mile Bridge Road and has lived in the area  
126 his entire life, agrees that the road hasn't changed in 100 years. He also agreed that if  
127 the Town had listened to residents and used the money spent for the study, they could  
128 have repaired the spot and opened it to traffic. He said the Selectboard is statutorily  
129 responsible to repair and keep the road open unless it is officially closed, and the  
130 residents can legally require them to do so. He says to just fix what needs to be fixed,  
131 open the road and maintain it.

132  
133 Robbins said considerable money had been spent on putting riprap in the river and part  
134 of the need for doing this road project is to avoid having to keep doing that. Rheaume  
135 said if it was going to be done, it should be done right. He said the spot where the  
136 Town put riprap just off the paved portion of Creek Road, has rocks in the middle of the  
137 river, and they shouldn't be there. Werner said part of the problem is the river bed is  
138 so soft in that location, that even though the riprap is installed correctly, it eventually  
139 slides into the river.

140  
141 Shashok said she appreciated hearing the history of the problems, but there is really not  
142 much that can be done about that now and we have to move forward. She said the  
143 Town was spending so much money fixing all these different areas when problems  
144 arose, they thought it was time to look at the road as a whole.

145  
146 Josh Donabedian, Transportation Planner for Addison County Regional Planning, said  
147 what's very important to keep in mind is the State's forthcoming Municipal Roads  
148 General Permit Program which begins in 2018. He said all municipalities will be  
149 required to do an inventory of all 1,000 foot road segments in the town that are  
150 hydrologically connected, and he believes that will apply to most or all of Creek Road,  
151 and every 100 foot section that is either eroding or does not meet State standards will  
152 be required by State law to be fixed.

153  
154 Tenny agreed with many of the comments having lived on the river and survived two  
155 floods, and said that riprap is the knee-jerk reaction to an emergency. He said  
156 engineers give great detail on how the work is done, and he believes if the areas of  
157 riprap and the areas eroding are done properly with the detail provided, then the road  
158 could be opened. He thinks it's a strong option that should be considered, and use the  
159 study as a Master Plan that you implement over time.

160 Seeley disagreed, and thought the engineers don't always give the right information or  
161 have the right answers. She said the engineers said to clean out the river in the 80's  
162 and that wasn't right, and the recent information on the work done on the river wasn't  
163 right either. She feels that the people that work on the edge of the river and have fixed  
164 and repaired these areas may sometimes know more than the engineers.

165  
166 Baker said in the 80's the farmers in the area wanted the river cleaned out, so they went  
167 in and cleaned the trees out. Keeler said the problem in the north end began when they  
168 put the dry hydrant in and a box culvert right next to it, and we have to stop doing these  
169 things to the river.

170  
171 Perrin said he's traveled this road for 27 years and there are some sections that have  
172 been repaired that haven't budged, and we need to know what they did to those  
173 sections, because that's what needs to be duplicated.

174  
175 Hubbard said when they do the work the need to layer it and follow the curve, because  
176 if they deviate even a little they'll cause a back eddy or erosion on the other side. He  
177 said trees along the river that are leaning need to be cut and the stump and roots left in  
178 place, otherwise if the tree tips over it will take the bank with it.

179  
180 Robbins asked for clarification on what happened when the river was "cleaned out" and  
181 did that mean cleaning out the trees on the banks. Seeley said the river was actually  
182 dredged, and Keeler said old trees that had fallen in the river were taken out.

183  
184 Shashok asked for final comments, and then said the Committee needed to decide what  
185 to take back to the Selectboard.

186  
187 Keeler asked Dan Werner if there was anyone at Public Works with the expertise to put  
188 some stone in and fix it. Werner said no and a permit from the Army Corp of Engineers  
189 was needed first. Dean Rheume said he thought the permit for the Creek was good  
190 for any work done on that road for 5 years. Werner said no, it's "per spot" and the work  
191 done last year had to have a start and end date and was issued for only 140 feet.  
192 Werner said when the work was done by Perrin's house, he stood close to the work  
193 area and he couldn't even feel vibration from the machine, but when they did the work  
194 last year on the north end, he stood 200' away and the ground was like jello. He said  
195 it's just a different area. He said he knows some areas that have been repaired have  
196 held up better, but he thinks it's just the area of the river and not necessarily because of  
197 the way it was installed.

198

199 Shashok said the Committee had completed their charge, but she wonders if they now  
200 need to ask the Board if they should continue to explore phasing the project, or explore  
201 fixing the worst spot and open the road, and explore the right-of-way costs. Keeler  
202 asked where the money was coming from, since there's no money in the budget for this.  
203 Shashok said if they explore these things over the next couple of months, we'd be in  
204 another capital budgeting phase. Werner said different techniques to fix this are going  
205 to have different costs, so that still needs to be looked at.

206  
207 Shashok said Dale Hazzard (former Town Highway Division Chief) had estimated the  
208 cost to repair all the areas that needed repairs, to be \$1.2 million, which is not much  
209 less than the estimate to put in buffer zones and armor the different areas, which is  
210 long-term and more sustainable. Keeler asked about looking into FEMA funds.  
211 Shashok said East Middlebury River Project is dealing with FEMA funding and they are  
212 now in year 6 and only in Phase II. Werner said this wouldn't qualify for FEMA funding.  
213 Seeley said the Study indicated Alternative #1 of the study had potential for grant  
214 funding. Shashok said there are a couple of other projects that we want to apply for, so  
215 those would be competing for funds as well.

216  
217 Seeley moved to recommend to the Selectboard to find a way to fix and open Creek  
218 Road as soon as possible, and to develop a plan for phasing in and exploring grant  
219 funding for recommended Alternative #1 of the Study. Fiske seconded the motion.

220  
221 Keeler asked how this was going to be paid for since there is no money. Seeley said  
222 that the Selectboard is required to maintain the road, as Mr. Rheume pointed out, so  
223 she would like to see the Board do what they're supposed to do. Shashok felt by  
224 exploring these options to do the necessary repairs, that they were fulfilling their  
225 requirements, and not at any point has she been forgetting her duties.

226  
227 Robbins asked if the repair could be done as recommended in the study. Seeley said  
228 she was okay with amending her motion to include that, but said when looking at the  
229 slope in the design, she questions whether it actually goes the way they've shown and  
230 believes the slope is long-gone. Shashok said Seeley and Hubbard have made some  
231 great points, so having recommendations from them would be very helpful in the  
232 process going forward. Seeley said she'd like to see what's recommended in the  
233 design done in a high-slope area and see how it holds up after a couple of years before  
234 doing the whole road.

235  
236 Tenny wanted to know what the Town could do to restore some vegetation along the  
237 bank. He said for every one tree lost, we should be replacing with 2 or 3 smaller ones.  
238 Seeley said in some areas there isn't enough room to replace the trees. Hubbard said

239 if they moved the road just a little in that area, there would be room to replace some  
240 trees.

241  
242 The motion was called, but there was confusion over the wording of the motion and the  
243 changes made, so Seeley restated the motion with the amendments.

244  
245 Seeley moved to recommend to the Selectboard to fix the section of Creek Road that  
246 needs to be fixed to open it as soon as possible, and as soon as we can afford it, by the  
247 method outlined in the Study so we can evaluate how this method holds up while we are  
248 in the process of phasing, and exploring grant funding to do the remainder of work  
249 recommended in Design #1. Fiske seconded the motion. It was approved  
250 unanimously.

251  
252 Aldrich and Elliot Engineering Proposal – Pump Stations #3 & #9 Force Main

253  
254 Werner said this is a proposal for design services to look at the force main from Pump  
255 Station #9 and #3. He said those two force mains come together at the intersection of  
256 Weybridge Street and Jayne Court, and then into the Sag Pipe that goes under Otter  
257 Creek. They are looking to see if there is another way to design how those two mains  
258 enter the main pipe that goes under the river.

259  
260 Keeler said it had been this way since they were installed, so why do we have to do this  
261 now. Werner said the EPA says we need to do something with the Combined Sewer  
262 Overflows that happen at Pump #9, so this is to see if there is a better way to design it  
263 to make Pump #9 work better. Werner said part of this is exploratory to see what we  
264 have, but Pump #3 affects the efficiencies of #9 and #9 overflows. Tenny asked if  
265 these Pumps were able to communicate with each other, and Werner said no, but that  
266 was not part of this study. Dean Rheume, who works at the Wastewater Dept, said he  
267 thought that had been looked at in the past and it was determined that wasn't a good  
268 idea.

269  
270 Keeler asked where this \$9,800 was coming from, and Werner said the sewer capital  
271 fund.

272  
273 Seeley moved to recommend the Selectboard approve the proposal by Aldrich and  
274 Elliot for design improvements for Pump Stations #3 and #9 force mains at a cost of  
275 \$9,800. Tenny seconded the motion.

276  
277 Keeler said this money is just for an engineering study, they don't know what's there  
278 and how could they give us a proposal without knowing how to fix the problem. Werner

279 said the Sewer Department has plans that show conflicting information, so we don't  
280 physically know what's there until we dig it up, but then the engineers propose to  
281 hydraulically engineer a more efficient intersection of those two pipes. Shashok this  
282 was planned and there is money for this study.

283

284 The Committee voted unanimously in favor.

285

#### 286 Municipal Roads Grants-in-Aid Pilot Projects

287

288 Werner said the Environmental Conservation Department is running a grant program  
289 through the Regional Planning Commissions, to get communities started on this general  
290 permit project that will begin in 2018. Werner said he commends the DEC on getting  
291 on top of the erosion problem. They are looking at the hydrologically connected roads  
292 that feed into streams and rivers. He said Middlebury has 35 to 40 connected road  
293 miles, and DEC pays \$12,500 towards that and Middlebury will contribute \$2,500 to  
294 pursue the road inventory and look at what practices we will do to minimize road  
295 erosion. Werner said the State had done the inventory and will let us know where the  
296 sections are that need work, so that's a big help.

297

298 Shashok asked if Werner was concerned about the completion dates of October 31,  
299 2017 or June 30, 2018, and Werner said he couldn't answer that because he doesn't  
300 know what the plan is yet. Ramsay said this is just a letter of intent.

301

302 Seeley asked if only \$12,500 was available to us, and Ramsay said it will depend on  
303 how many towns apply, so it's possible this number could go up if not many towns  
304 apply.

305

306 Seeley moved to recommend to the Selectboard to submit a Letter of Intent by July 5<sup>th</sup>  
307 to participate in the Municipal Roads Grants-in-Aid Pilot Project. Baker seconded the  
308 motion. The motion was unanimously approved.

309

310 Shashok said they were running out of time, so would delay some items. She asked  
311 about the deadline for the Ecosystem Restoration Grant, and Ramsay said there were  
312 four rounds of these funds, so we will apply for the 2<sup>nd</sup> round.

313

314 Werner said the contractor for the North and South Pleasant Street curb and sidewalk  
315 project will start July 5<sup>th</sup>. He said the Halpin Road Wetlands Permit application is ready  
316 to submit and no contracts have been approved for contractors until it is determined in  
317 the Wetlands Permit if anything more is required. Seeley questioned the delay in the



318 curb and sidewalk project, and Werner said the contractor was delayed and the storm  
319 drain project wasn't ready for the sidewalks to be installed.

320  
321 Shashok was unsure about the Court/Cross St traffic signalization timing issue, since it  
322 had not been before the Infrastructure Committee previously. Ramsay said it had been  
323 a concern on the Middlebury Bike-Ped site, and Shashok suggested they be invited to a  
324 meeting when it could be discussed.

325  
326 At the next meeting, Shashok asked Werner to provide updates on private water lines  
327 and the Chipman Park stormwater project, and Keeler asked for a water meter  
328 installation update.

329  
330 Ramsay said the Selectboard public meeting on the ACTR bus stop relocation is  
331 scheduled for 5:30 p.m. on June 27<sup>th</sup>, so suggested the Infrastructure Committee meet  
332 again on July 6<sup>th</sup> to discuss the results of the public meeting and to agree on a  
333 recommendation to the Selectboard. Shashok said they will also need another  
334 meeting because of the number of issues the committee needs to deal with. The  
335 upcoming meetings are:

336  
337 Thursday, July 6, 2017 at 4:30 p.m.  
338 Thursday, July 13, 2017 at 8:15 a.m.

339  
340 Committee Members Concerns

341  
342 Seeley had questions on the Water Budget and was concerned that even though rates  
343 were increased, the budget still showed a deficit. There was some discussion around  
344 the preliminary figures, but a more in-depth discussion will be done at a future meeting.

345  
346 Robbins said the estimated cost on the water main projects was shocking and asked  
347 about why there was Town water on Sheep Farm Road and Happy Valley Road.  
348 Werner said that there was water on Sheep Farm Road because of an agreement the  
349 Selectboard made years and years ago with Weybridge. Keeler told her Happy Valley  
350 Road was in Middlebury and there had always been Town water out there.

351  
352 The meeting adjourned around 6:10 p.m. upon motion by Seeley, seconded by Fiske.

353  
354 Respectfully submitted,  
355 Beth Dow