

TOWN OF MIDDLEBURY
Policy Review Committee
Meeting Minutes – July 20, 2018

In attendance

Committee members: Beth Dow, Gary Baker and Chris English

Chris called the meeting to order at 8:00 a.m.

Begin Review of Public Works Policies. The Committee started its review of the Public Works policies, based on input provided by Planning Director Dan Werner. A summary of the discussion follows:

Posting of Roads (p. 7000)

Dan's recommendation: Not needed; posting of roads is governed by State Statute.

Chris noted that the Town posts weight restrictions each spring for ten road segments (including some, but not all of the segments listed in the original 1972 policy). He said he would look for the Statute that Dan has referred to and provide a copy to the Committee. The Committee agreed with Dan's recommendation to delete this policy, pending confirmation of the content of the Statute.

Posting of Roads and Weight Limits (p. 7025)

Dan's recommendation: Not needed; posting of roads by State Statute and that Town roads already have posted weight limits.

This policy summarizes the Selectboard's findings from an October 2, 1973 public hearing regarding damage being caused to Quarry Road by overloaded vehicles and subsequent impacts to oversized-load permits. Since the Town no longer issues such permits, the Committee agreed that the policy is no longer relevant.

Street name and Street Addressing (p. 7050)

Dan's recommendation: Somewhat superseded by 911 System. Need to check with Jen Murray if numbering guidelines are in the development requirements.

Beth confirmed that numbering guidelines are not included in the development process requirements and that the State's 911 system governs. Chris noted that this policy is really a procedure and that, if a policy is still needed, it should be limited to Section 1- Purpose in the current document.

Beth said she believes that Towns were required to adopt a policy regarding street names and addresses when the 911 system first came online and that the Town's current policy of June 28, 1994 may reflect that requirement. She said she would investigate the history of the 911 system and try to determine whether a formal policy is required.

Snow Removal (p. 7100)

Dan's recommendation: Not needed; Superseded by State Statute.

Chris will look for the Statute in question to confirm that it addresses restrictions regarding dumping snow in the Town right-of-way.

Town Plowing of Developer's Roads (p. 7125)

Dan's recommendation: Not sure if we need this one. We don't plow roads that are not accepted by the Town.

The Committee concluded that a new policy statement may be in order that explicitly states that the Town does not plow or maintain roads over which it has no control.

Winter Maintenance (p. 7135)

Dan's Recommendation: Not needed; we have a comprehensive Winter Operations Policy (probably needs a little updating).

The Committee discussed whether a general policy statement based on the first paragraph of the current policy might be in order to make clear that the Town does not maintain a "bare roads" policy.

Fences (p. 7150)

Dan's recommendation: May not be needed; as a general statement in the Winter Ops Policy that items placed in the Town ROW shall be removed.

The Committee discussed the fact that two separate issues are being addressed in this policy: 1) the Town's responsibility to repair fences damaged during snow removal; and 2) circumstances under which property owners may construct fences in the Town right-of-way. Dan cites the Winter Operations Policy as the governing authority regarding issues of property damage; however, that policy does not address constructing fences in the Town right-of-way.

At this point, the Committee agreed that further discussion with Dan and Bill Kernan is needed on this issue and others, specifically Winter Maintenance (7135), Fences (7150), Tree Removal on Class 2 Roads (7200), Tree Removal on Class 3 Roads (7225), Disposal of Wood (7250) and Maintenance of Class 4 Roads (7300). Chris will invite Dan and Bill to the next Committee meeting.

Tree Removal on Class 2 Roads (p. 7200)

Dan's recommendation: Not needed, but tree removal on Town roads and property could be agreed to by Tree Warden (State Statute @ public trees) and Director of Operations.

Discussion deferred until Dan is able to meet with the Committee.

Tree Removal on Class 3 Roads (p. 7225)

Dan's recommendation: Not needed, see above.

Discussion deferred until Dan is able to meet with the Committee.

Disposal of Wood (p. 7520)

Dan's recommendation: Not needed as I believe there is State Statute.

Discussion deferred until Dan is able to meet with the Committee.

Maintenance of Class 4 Roads (p. 7300)

Dan's recommendation: Need concurrence with State Statute governing Class 4 roads.

Discussion deferred until Dan is able to meet with the Committee.

Old Town Road Ownership (p. 7325)

Dan's recommendation: I believe not needed, but should concur with Benj Putnam.

The Committee is aware that there has been legislative action at the State level regarding so-called ancient roads that may render his policy from 1981 obsolete. Chris will look for the relevant statute.

Drainage culverts (driveway culvert) (p. 7400)

Dan's recommendation: Needs updating to concur with Town Road Standards.

The Committee is uncertain whether the policy should be updated, per se, or if the Road Standards, themselves, simply supersedes it. Chris will request a copy of the Town Road Standards for the next meeting.

Open Drainage (p. 7401)

Dan's recommendation: Not needed. Stormwater regulations make this moot.

The Committee accepted Dan's recommendation, as is. Policy should be deleted.

Handling of Stormwater Drainage (p. 7410)

Dan's recommendation: Needs update, mostly outdated.

This policy was created in 1993 to "enforce" portions of Sections IV and V of the Ordinance Regulating the Use of Public and Private Sewer Systems. However, since ordinances are subject to enforcement, not policies, the Committee questioned whether a policy is even necessary. Chris will obtain a copy of the Sewer Systems ordinance for the next meeting.

Driveway Access to Dwellings (p. 7425)

Dan's recommendation: Need to check with Jen if this is in development process.

Chris will speak with Jen Murray regarding this issue. If driveway access is addressed in existing Planning & Zoning procedures/regulations, a standalone policy statement may not be necessary.

Work in ROW (p. 7500)

Dan's recommendation: This is not a ROW Policy, we have one. This is driveway work and it needs to be compared to the Middlebury PWks Specifications.

Specifications for Replacing Pavement Cuts (p. 7525)

Dan's recommendation: Not needed, but can be addressed in the ROW permit Process and in the Midd PWks Specs.

Both of these policies are, in fact, construction specifications and, as such, the Committee felt they do not belong in the Policy Book. The Committee agreed that it needs further input from Dan and Bill as to where these specifications exist and what else is included in them, before making a recommendation about the status of these policies.

Approval of Utility Easements (p. 7550)

Dan's recommendation: Needs updating to include any utilities and clarification with Town Manager and Town Counsel.

Chris noted that the Town has not been following this policy in the years that he has worked here; Approvals for utility easements go before the Selectboard. He also said that the State's Section 1061 process for the conveyance of Town-owned land comes into play in this process, too. The Committee agreed that further investigation is needed.

Street Lights (p. 7575)

Dan's recommendation: Can be retained with minor updating.

The Committee questioned whether this policy is still relevant and deferred making a recommendation, pending further discussion with Dan and Bill.

Underground Telephone cables (p. 7600)

Dan's recommendation: Eliminate. Can be handled through Work in ROW permit.

The Committee accepted Dan's recommendation, as is.

Next Steps. The Committee did not set a date for a follow-up meeting, deciding instead to wait until Donna was available to consult her calendar. Once a date is established, Chris will contact Dan and Bill about joining the Committee to discuss the items noted above.

The meeting adjourned at 9:05 a.m.

Submitted by:

Chris English
Assistant Town Manager