

TOWN OF MIDDLEBURY
Policy Review Committee
Meeting Minutes – August 31, 2018

In attendance:

Committee members: Gary Baker, Donna Donahue and Chris English

Town Staff: Dan Werner, Public Works Planning Director, and Bill Kernan, Public Works Operations Director

- 1. Call to Order.** Chris called the meeting to order at 8:00 a.m.
- 2. Approve July 20, 2018 Meeting Minutes.** Gary made a motion to approve the July 20, 2018 meeting minutes, seconded by Donna. Approved unanimously.
- 3. Discussion Regarding Public Works Policies.** The Committee met with Dan and Bill to get further clarification around several policies first discussed at the July 20th meeting. A summary follows:

Street name and Street Addressing (p. 7050)

Dan's original recommendation: Somewhat superseded by 911 System.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

July 20 minutes: 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.

August 31 discussion: Chris reported that Beth had found the "Ordinance for the Regulation of Street Naming and Street Addressing," which all municipalities were required to adopt when the 911 naming system went into effect. Middlebury's ordinance was adopted on June 25, 1996. As such, Beth recommends that the policy on Street Naming and Street Addressing be considered obsolete.

Fences (p. 7150)

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

July 20 minutes: 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.

Aug. 31 discussion: Dan said that the Town does not endorse placing things, like fences, in the Town Right-of-Way and that the Work in the ROW permitting process already addresses the issue. He noted that the Winter Operations Plan addresses damage to mailboxes, but not fences, though damage to fences in the ROW could potentially be added.

Rather than trying to update the existing policy or create additional specific, Donna suggested writing a generic policy statement to the effect that the Town abides by existing statutes and ordinances prohibiting the placement of obstructions in the public right of way.

Tree removal on Class 2 and Class 3 Roads was handled as a single discussion item:

Tree Removal on Class 2 Roads (p. 7200)

Dan's original 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.

Tree Removal on Class 3 Roads (p. 7225)

Dan's original recommendation: Not needed, see above.

Dan reported that the Tree Committee is in the process of seeking official designation as a so-called "Tree City" and wants to discuss requirements for achieving that designation with the Infrastructure Committee in September. He said a key issue with the designation is the discussion of what constitutes a "public tree." The Committee discussed who different geographies could be defined to shape that conversation (downtown vs. village vs. residential, etc.), which could further complicate matters. Dan said that, from his perspective, the existing policies addressing how far back from the road trees may be cut are not what's needed; rather, a policy statement recognizing the Highway Department's authority to remove trees from the Town ROW outside the village without requiring a Tree Warden hearing would be valuable. Donna proposed that such a policy could include a statement about the Town replacing trees that have been removed at its discretion.

The Committee agreed to wait to see what the Tree Committee ends up presenting to the Infrastructure Committee before continuing the discussion.

Disposal of Wood (p. 7520)

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

Dan shared some of the history of earlier Town efforts to make wood from felled trees available to members of the public at the Stump Dump and why liability issues eventually ended that practice.

Bill said that, today, trees up to 12” in diameter are routinely chipped and then re-used as mulch, or simply left on the side of the road, where they are often claimed by members of the public.

Chris said he could contact VLCT to see if they have any guidance/concerns regarding potential liability to the Town for leaving wood on the side of the road. Donna proposed a policy statement saying simply that the Town will dispose of wood in a safe and environmentally-responsible way, leaving out entirely reference to public access.

Maintenance of Class 4 Roads (p. 7300)

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

This policy dates back to 1975 and there was discussion about the issues covered in the policy are, to some extent, covered by the Town’s Zoning and Subdivision Regulations. Chris said he would discuss this further with Jen Murray.

Old Town Road Ownership (p. 7325)

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

July 20 minutes: 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.

August 31st discussion. Chris reported that he had done some research on Act 178 (2006), which gave towns across the state until July 1, 2015 to account for all Class 1, 2, 3 and 4 town highways, as well as trails and “Unidentified Corridors” (aka Ancient Roads) to appear on town highway maps. After this date, all “Unidentified Corridors” not accounted for on highway maps would be considered discontinued, by statute. According to Kathleen, the Selectboard chose to allow the July 1, 2015 deadline lapse without taking any action regarding potential Ancient Roads in Middlebury. As such, Chris suggested, the policy regarding the Town taking ownership of an “Old Town Road” provided “substantial proof” is offered, is no longer relevant.

Handling of Stormwater Drainage (p. 7410)

Dan’s original recommendation: Needs update, mostly outdated.

July 20 minutes: 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.

August 31 discussion: Dan said that this policy is obsolete in that the U.S. EPA doesn’t want sump pumps outputting to the sanitary sewer system at all, and the waiver process mentioned in the policy is no longer relevant. He noted that over the years, the Town has been installing stormwater systems as part of major infrastructure projects to address areas in town where residences and businesses have been pumping to the sanitary sewer.

Dan confirmed that the “Ordinance Regulating the use of Public and Private Sewer Systems” is the enforcement mechanism for the Stormwater Drainage policy and questioned whether the policy should simply refer to the ordinance. There was some discussion about this idea and a general recognition that there is a need to tie polices, ordinances and specifications together in some way to make it simpler for staff and the public to find all relevant documents on a particular issue. Donna suggested the inclusion of an introduction to the Policy Book, once it has been updated, that refers the reader to the Town Ordinance Book and related Planning & Zoning and Public Works resources for more information about particular topics.

Specifications for Replacing Pavement Cuts (p. 7525)

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

July 20 minutes: 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.

August 31 discussion: Dan and Bill agreed with the Committee that this policy is actually a list of specifications and that they should be incorporated into the Public Works Specs and referred to through the Work-in-the ROW permitting process.

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Street Lights (p. 7575)

Dan’s original recommendation: Can be retained with minor updating.

Dan confirmed that Town Manager approval is still required prior to installing new street lighting but that most of this activity these days occurs within the development process.

Donna recommended replacing this policy with a simple statement that the Town Manager must approve the installation of street lighting in the Town Right-of-Way.

Following this discussion, Dan and Bill left the meeting.

4. Discussion of Possible Project with Energy Committee on Renewable Energy Policy (Depending on Outcome of August 28th Selectboard Meeting)

Chris reported that Energy Committee Chair Ross Conrad presented the Energy Committee's draft Renewable Energy Policy to the Selectboard on August 28th. The policy would, among other things, require Department Heads to obtain price quotes for renewable-energy-powered equipment and vehicles and present them, side-by-side, with fossil-fuel-powered alternatives when going before the Selectboard with a purchase request. It would also require vendors to submit a life-cycle cost analysis with their quotes, in order to make comparisons between fossil-fueled and renewable-energy-powered alternatives. The Selectboard, while apparently receptive to the idea, asked the Energy Committee to do some more work on the language to address some ambiguity in the policy. If the Board ultimately agrees to endorse the policy, Chris said he expected that the Selectboard will ask the Energy Committee to meet with the Policy Review Committee for review and polishing.

5. Discussion of Selectboard Request for Development of Employee Handbook. Chris reminded the Committee that, back when the Selectboard adopted the Personnel Policy in February, the Board had asked the Committee to work on creating an Employee Handbook that would cover "the cycle," from onboarding to exit interviews. He noted that the Board asked that work be completed within a year, which suggests a deadline of February 28, 2019. Gary and Donna commented that there are good templates available online that could be customized for Middlebury, and that this would be a good place to start.

Next Steps. The Committee will meet next on Friday, September 21st, at 10:00 a.m.

The meeting adjourned at 9:35 a.m.

Submitted by:

Chris English
Assistant Town Manager