

Kathleen Ramsay

From: Bill Kernan
Sent: Thursday, October 18, 2018 6:41 PM
To: Kathleen Ramsay
Subject: Riverfront Park
Attachments: Marble Works Revised MOU 9-21-18.docx; Maintenance & Scope of Work.docx

Hi Kathleen,

I have been working with Marble Works to develop an updated MOU concerning Riverfront Park. Attached is the new MOU and Maintenance Schedule that is agreeable to both parties and below is some background information...

Dec 2010

- The Town of Middlebury (Town) and the Marble Works Partnership (MWP) entered into a Memorandum of Understanding (MOU) for the creation of Riverfront Park
- Section 10 of the MOU discusses the two parties entering into an agreement for their respective responsibilities following the completion of the project
- The initial phase of the project was completed which included regrading of the steep slopes along the river and the creation of two benches that would eventually serve as pedestrian accesses

Dec 2012

- The Town submitted a grant application to assist with additional project construction costs

May 2013

- An addendum to the MOU was signed between the Town and MWP agreeing to the final design of the project and the final easement area

Oct 2018

- The park has subsequently been completed and maintenance and upkeep for the following areas became the responsibility of the Town
 - o Mulching trees
 - o Trimming, mowing, reseeding and planting of native grasses on the steep slopes
 - o Weeding, mulching, pruning and care of the rose beds and rain gardens

The Town has struggled keeping up with the required maintenance. No additional staff was hired to perform the work nor any contractors sought out to provide assistance. The result of this has been a fairly unsightly, at times, park with trees suffering from lack of water in the hot summer months as well as tall grass weeds, saplings and even poison parsnip growing on the steep slopes. The rose hedge has also suffered from lack of maintenance.

Given the information above plus the fact that the original MOU dealt primarily with the original construction only, I thought it would be best to state clearly that the original MOU has now been superseded and replaced by the Grant of Public Access Easement and that this new MOU and Scope of Maintenance Work will be the defining document going forward for maintenance and care of the area.

The fee contemplated in the new MOU of \$4,000 annually was arrived at by using 8 man-hours per week between the months of April and October at a pay rate of \$17/hr, which MWP is able to provide. As a comparison, if the Town were to perform this same level of service the cost would be roughly \$6,622 annually including all benefits if paid at the lowest level pay grade in the collective bargaining agreement. If approved, I would suggest adding a new line item to the Parks and Recreation operating budget under "Parks Maintenance" called "Riverfront Park".

The attached documents have been reviewed and accepted by the Town, MWP and Town Counsel. Please let me know if need any additional information in order to bring this matter before the Selectboard.

Thank you,

Bill Kernan
Dept. of Public Works
Director of Operations
Town of Middlebury
1020 Route 7 South
Middlebury, VT 05753
bkernan@townofmiddlebury.org
802-388-8100 ext. 298