

**Town of Middlebury
Infrastructure Committee
Thursday, March 14, 2024
Meeting Minutes**

Members Present: Candy McLaughlin, Erik Remsen, Judy Wiger-Grohs and Luther Tenny. Heather Seeley attended via Zoom but left early. Gary Baker, Andy Hooper and Jef Bratspis were absent.

Staff Present: Town Manager Kathleen Ramsay, Director of Public Works Planning Emmalee Cherington, Director of Planning and Zoning Jennifer Murray and Police Chief Jason Covey

Others Present: Robert Clark from Otter Creek Engineering, Fred Dunnington and Richard Hopkins.

1. Call to Order

The meeting was called to order at 8:58 a.m. by Acting Chair Luther Tenny.

2. Approval of Agenda

McLaughlin moved to approve the agenda, and Wiger-Grohs seconded the motion. There were no changes to the agenda other than to move the order of some items. The agenda was approved as presented with 5 in favor, 3 absent. **MOTION PASSED.**

3. Approval of Minutes

Resen moved to approve the minutes of February 8, 2024, and Wiger-Grohs seconded the motion. The motion carried with 5 in favor, 3 absent. **MOTION PASSED.**

4. Next Meeting Date

Due to several conflicts in April, there was discussion on when to hold the April meeting, and it was determined that the next Infrastructure Committee meeting would be Tuesday, April 16, 2024, from 9:00 a.m. to 11:00 a.m.

5. Citizen Comments

Wiger-Grohs remarked on the potholes in the northern parking lot at the Mary Hogan School. Cherington said she'd let Director of Operations Bill Kernan know.

6. Project Updates

South Street Waterline Improvements

Cherington said they met with Casella Construction last week to discuss the start of the project this year and she thinks they have a good plan, which includes multiple crews working on different

areas. She said they'll begin tree clearing soon in order to be completed prior to April 1st, and construction will begin April 22nd, with completion at the end of June if weather permits.

Remsen asked if this was both water and wastewater, and Cherington said this season would only be water, and the wastewater portion would be bid in the fall.

Wiger-Grohs said the Tree Policy requires 2 trees be planted for every tree that is taken down, so she would like to see that happen either in this location or another location. Cherington said they could keep track of the trees cut, but any replacement trees would be somewhere else, because they didn't want them over the utility lines.

Tenny asked what percentage of completion this project was at, and Cherington thought about 45%.

Halladay Road Pump Station and Culvert

Cherington said they are still having supply issues, so the generator is still not completely hooked up. She said Otter Creek Engineering has completed the culvert design for Halladay Road and it has been sent to the State for a Wetland and Stream Alteration Permit, so it can go out to bid soon. She said after this culvert is installed; she'll be applying for a paving grant to reclaim and pave Halladay Road.

7. Bakery Lane

Robert Clark joined the Committee and said they'd been working on this project for quite a while, which includes a complete re-do of the very old utilities. He said they had prepared a cost estimate based on 90% design, and at that time they worked with Public Works to find funding, and he feels the project is ready to move forward with a plan on how this project won't adversely impact the businesses. He said one way is to plan for a long project next summer that would need to be phased to allow access to the businesses and this would probably take 90 or more days, since it would involve sequencing to maintain water and sewer services, pedestrian and vehicular access and delivery schedules. He said this isn't easy since Bakery Lane is 13' at its narrowest point, which doesn't allow much space for equipment and access. He said the other option is a full shutdown and buy out the businesses for a month or so, completely close the road and do all the work at once. He said construction wise it would be easiest to close the entire road, because you would have a larger area to work if you don't have to leave a portion for access.

Clark said he and Cherington have met with the businesses twice. He said the first was a preliminary discussion to discuss options, and more recently to let them know this will be scheduled and ask them for some cost estimates if they were to be closed for a month. The businesses were concerned they would lose staff if they were closed for that long without reimbursement. Clark said while there would be money paid to the businesses, there would be cost savings for not having to put in temporary utilities and a shorter construction time. So, it might be advantageous to both the businesses and the Town to go with the shorter project time.

Cherington said they need to check with the State Revolving Loan Fund to see if this is a reimbursable expense.

Clark said they've asked businesses for how much it would cost them to pay salaries to employees, other expenses, and loss of business for a month, so we could begin to have a discussion, and since this project wouldn't happen until 2026, there is time to plan.

McLaughlin thought it was a great idea if we could be certain that the project could be completed within that amount of time. She wondered about including the Better Middlebury Partnership, so these businesses are not forgotten. Clark said these businesses will need support and once this job is complete, that area will be greatly improved and more accessible for everyone. He said they asked the businesses when their slowest time was, and they both said June after the College closes, so that would work out well.

Seeley wondered if there was any funding available for these types of projects where businesses are impacted, and maybe it would be worth reaching out to the Economic Development Corporation to see if there was anything to help those businesses. She said if we decide to go with a complete shutdown, the contract must be very specific in that there will be monetary consequences if the job isn't completed when specified. Clark said there are two types of contracts now; the typical contract where there is so-much per day for each day they go over completion date; and there is the type with built-in milestones within the contract that can have separate penalties, so there are ways to handle that. Clark said the thought is they'd ask several contractors we've worked with in the past, show them the plans, and ask them if a month is a reasonable time to complete the work that needs to be done before a final decision is made.

Tenny said he's glad businesses are amenable to a shutdown, because his biggest concern is safety in a worksite that small, so a full shut down would be his preference. Clark said there are private residences in the area as well, but the impact will not be as great for them.

McLaughlin asked where the staging area would be located, and Clark said it would be in the area of the pump station.

There was no action needed by the Committee at this point.

8. North Branch Hydraulic Analysis

Clark went over the hydraulic studies Otter Creek Engineering did on two culverts on North Branch and one on Dragon Brook Road. He said the upper two meet the requirements and are adequately sized, so they only need to be repaired, not replaced. He said the lower structure, however, does not meet the hydraulic requirements so might be able to receive FEMA mitigation funding to install an appropriately sized structure.

Clark said because it is difficult to get large equipment to this site, they are recommending installing an aluminum arch and then only a concrete truck would need to get up there to pour footings.

Cherington said this would come back to the Committee when they have cost figures.

9. Paving Contract

Cherington said we received bids from Pike Paving and D&F. She said Pike's bid was \$483,831 and tonnage was \$119.20/ton. The D&F bid was \$323,724 and tonnage was \$83.56/ton.

She said both are higher prices than last year, but D&F is more in line with inflation.

Clark said they set up the contract to have the option of a bonding requirement, but there is a performance guarantee consistent with VTrans standards in the contract. He said because D&F is local, he believes any risks are relatively low.

Clark said they removed the Middle Road box-cut from the bid packet because all bidders said that work was outside of a typical paving contract.

McLaughlin moved the Committee recommend the contract with D&F for the value of \$323,724 to the Selectboard for approval. Wiger-Grohs seconded the motion. The motion carried with 5 in favor, 3 absent. **MOTION PASSED.**

10. Fleet Vehicle Purchase

Police Chief Jason Covey joined the Committee and said they have investigated the possibility of fleet vehicles due to the frustration the Department has had in getting vehicles in a timely manner for the past few years. He said these out-of-state companies do all the upfitting for these vehicles, so the cars are ready to go when received, whereas now they receive the vehicle and then must go to a separate vendor to have it upfitted. He said several Vermont agencies already purchase fleet vehicles, so he reached out to them. They said they aren't necessarily getting the cars faster, but it's an easier process. Covey said he learned that as of April of 2023 the turnaround time for a police vehicle was a year.

Covey said he spoke to the Rutland Department who purchase fleet vehicles, and they provided him with the price list, and he found the price difference was quite substantial, and they have the option of more brands of vehicles to purchase. He said in speaking with Cherington, it seems that Public Works has similar problems, and there is one company in Massachusetts that does all types of equipment, not just police vehicles.

Covey said, while he isn't sure, he doesn't believe we get trade-in credit when purchasing fleet vehicles, but he still believes they would be less expensive, and it appears more and more agencies are choosing to go this route.

Tenny asked about warranties and servicing. Covey said one local dealer has said if they don't sell the vehicle they won't do the warranty work on it, but County Tire has said they would do warranty work, so that might be an option. He said he finds it hard to believe these other departments are going all the way to Massachusetts for service, so area dealers must be doing it.

Seeley had to leave the meeting, but asked Covey if we would still get bid numbers, or do we only get one price. Covey said Rutland indicated they are provided a price list with the different options, so we would no longer go out to bid. Seeley felt more information was needed before going this route, and she wants to support local businesses as much as possible, so the next time we purchase a vehicle she'd like to compare the local dealers with the fleet prices.

Tenny wondered if we purchased the vehicle locally could we take the car to the fleet company for upfitting. Covey wasn't sure, but he doubted it, he said upfitting has gone up quite a bit in price and doesn't believe it will get better, but there aren't many companies that do this work.

Covey said one department referenced joining a "buying group" and he wasn't sure of that process. Ramsay said the Town used to belong to a buying group for fuel and there was a fee for that based on the amount of fuel purchased, and there are also State buying contracts that we can take advantage of at no cost, we just need to be identified as eligible.

Remsen asked if the Public Works vehicles joined this group, would that help. Covey said he would think it would, since their vehicles are quite a bit more expensive than police vehicles. Ramsay said the question on servicing of the vehicles is very important to get answered.

Resident and member of the Energy Committee Richard Hopkins asked if there were limitations on the makes or models of vehicles available through this service. Covey said the list he was provided with had every police car available, more than what we have had from local bidders, since we have not had bids on Chevrolets in several years. He said there are only so many police packages made.

Covey will ask about warranty servicing and more information on the buying group and report back to the Committee. McLaughlin also asked him to find out if Rutland buys public works vehicles as well.

11. Bike/Ped Plan

Director of Planning and Zoning Jennifer Murray joined the Committee to discuss the Bike/Ped Plan.

Cherington went over some minor grammatical and organizational changes made to the Plan since the Committee first saw it.

Cherington said Trudell Consulting Engineers had an engineer walk the town and he identified issues at certain intersections that will be really helpful in the future.

There was a discussion on the priorities and areas that need improvements, and how this Plan will be a great tool moving forwards planning projects.

McLaughlin asked what the next step was, and Cherington said that the areas identified in this Plan as needing improvement, will be incorporated into future projects happening in that area to improve connectivity. Remsen said this is really now up to the Infrastructure Committee to be sure this information is incorporated into projects so the Plan doesn't just sit on the shelf.

12. FY25 Town Highway Grants

Cherington said the application for these highway grants are due in mid-April. She said Halladay Road is planned to be done in this cycle, and she believes we are in a good position to receive the \$175,000, with a 25-30% match, and the timing for when to use it would stretch out for a couple of years.

McLaughlin moved the Committee recommend the Selectboard approve the application for FY25 Town Highway Grant funds for \$175,000. Remsen seconded the motion. The motion carried with 4 in favor, 4 absent. **MOTION PASSED.**

13. RFP Archeology and Historic Preservation

Cherington said the Clean Water State Revolving Loan Fund (CWSRF) that we have received for both Bakery Lane and South Street, requires the Town to protect the cultural, historical and archaeological resources of the sites, so we have reached out to several consultants who are listed on the VTrans approved consultant lists. She said she is trying to confirm that the historical part of the South Street project was done in an earlier portion of the project, which would be a cost savings, but we need to do the archeological study. She said the two proposals we have received are from Crown Consulting Archeology, LLC, and Otter Creek Engineering has worked with them in the past; and, Hartgen Archeological Associates, Inc, that she has experience with. She is requesting Crown Consulting Archeology, LLC for the archeological studies on Bakery Lane and South Street, and Hartgen Archeological Associates, Inc for the historical assessment of Bakery Lane.

McLaughlin moved the Committee recommend the Archeological Resource Assessment contracts with Crown Consulting Archeology, LLC for the value of \$4,575 for Bakery Lane and South Street to the Selectboard for approval. Remsen seconded the motion. The motion carried with 4 in favor, 4 absent. **MOTION PASSED.**

Tenny asked Cherington if the motion should break out the costs for each location seeing as how it would be two separate contracts, and Cherington felt the motion was fine.

Wiger-Grohs moved the Committee recommend the Historical Resource Identification contract with Hartgen Archeological Associates, Inc. for the value of \$4,800 for Bakery Lane to the

Selectboard for approval. Remsen seconded the motion. The motion carried with 4 in favor, 4 absent. **MOTION PASSED.**

14. Committee Concerns

McLaughlin asked what the Public Works reaction was to John Flowers article in the Addison Independent regarding the water system problems and asked the status of the shortage in the Water Department staff. Cherington said there were three Water Department staff members when she came to the Town, then one position was vacated around Christmas, and we have since hired a person for that position and we are in the process of hiring one more. Cherington said she felt the article was accurate and that we still have 6 or 7 associated valves/ leaks that we know need to be replaced, and we know that there is a leak in the main transmission line that we need to repair once the weather allows. She said the work will be spread out and shouldn't cause long water outages as before.

McLaughlin said the town where she previously worked had a cleaning and lining program for aging pipes that helped strengthen and preserve them and wondered if Middlebury had ever done that. Cherington said she's been talking to the State and other municipalities about this for use in the transmission lines. She said Burlington is using it for their aging infrastructure and thought it would be helpful to the main transmission line, Route 7 and Exchange Street lines. She said it is a 3-week process and may involve running a temporary waterline above ground while the work is being done. She is also looking into other options such as pipe bursting.

Tenny asked if we were still losing the amount of water we were before, and Cherington said she wasn't sure, but she believed we're still losing quite a bit.

15. Adjournment

The meeting adjourned at 10:37 a.m. upon motion by Remsen, seconded by McLaughlin.

Respectfully submitted,
Beth Dow