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**SELECTBOARD MEETING**  
**Large Conference Room - New Town Offices**  
**Tuesday, April 26, 2016**  
**Meeting Minutes**

**DRAFT**

*Subject to approval by Selectboard*

Members Present: Brian Carpenter, Nick Artim, Susan Shashok, Laura Asermily, Donna Donahue, Victor Nuovo, and Heather Seeley.

Staff Present: Town Manager Kathleen Ramsay, Director of Operations Dan Werner, Bridge Replacements Project Community Liaison Jim Gish, and Fire Chief David Shaw. Several members of the community also attended the meeting, which was televised on MCTV by Dick Thodal and reported by John Flowers of *The Addison Independent*.

**1. Call to Order**

Board Chair Brian Carpenter called the meeting to order at 7:00 p.m.

**2. Approval of Meeting Minutes for April 13, 2016**

Laura Asermily moved to approve minutes for the April 13, 2016 Special Selectboard meeting, and the meeting minutes for the work session held prior to the special board meeting (copies attached); Victor Nuovo seconded.

Laura noted that at the Board's work session, members had also discussed function and staffing of committees and suggested that the minutes include the following paragraph:

"The Board noted the volume of committees on which its members serve and discussed its need to delegate members and staff evenly and reasonably by assigning one member rather than two members to committees in some cases and/or consolidating the number of committees toward this goal. The Board considered when and how committees meet in order to be effective and discussed the use of subgroups within committees to tackle specific topics or projects between regularly scheduled meetings. The Board recognized the value of regular meeting times that members and the public could access and noted that some committees could meet quarterly rather than monthly."

Correction to 4/13 minutes: Page 3, Lines 125-6: add DRB nominees: Gary Baker and Anne Taylor

Motion carried with 7 members in favor, none opposed. **MOTION PASSED.** Both sets of minutes approved as amended.

**3. Approval of Agenda**

Susan Shashok moved to approve the agenda; Donna Donahue seconded. Motion carried with 7 members in favor, none opposed. **MOTION PASSED.**

**4. Citizens' Comments**

None.

**5. Annual Appointments to Town Offices, Boards, and Commissions**

Susan Shashok moved to formally appoint the slate of candidates nominated by the Selectboard at its last meeting for Town Offices, Boards and Commissions (copy of list

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attached), with the exception of the nominees for the Development Review Board, which the Board would consider separately; Victor Nuovo seconded. Motion carried with 7 members in favor, none opposed. **MOTION PASSED.**

Regarding the two candidates, Gary Baker and Anne Taylor, vying for the Development Review Board vacancy, Victor Nuovo noted the benefits of having two qualified individuals contribute to DRB discussions, and suggested that the Board consider appointing the two candidates as alternates. Town Manager Kathleen Ramsay indicated that Zoning Administrative Jennifer Murray also supported appointing two alternates, and had recommended designating a first and second alternate. Anne Taylor agreed to serve as an alternate on the DRB, and Gary Baker volunteered to serve as second alternate. Heather Seeley moved to reappoint Don Keeler and Rick Emilo to the Development Review Board; Ann Taylor as Alternate #1, and Gary Baker as Alternate #2; Victor Nuovo seconded. Motion carried with 7 members in favor, none opposed. **MOTION PASSED.**

**6. Presentation of Conceptual Plans for the Pulp Mill Bridge Area Sidewalk Project**

**PUBLIC MEETING**

In his capacity as municipal local project manager for the Pulp Mill Bridge Area Sidewalk Project, Addison County Regional Planning Commission (ACRPC) Executive Director Adam Lougee requested the Board's approval for conceptual plans for the construction of 2,700 linear feet of sidewalk along Seymour Street and Pulp Mill Bridge Road. The collaborative effort between the Towns of Middlebury and Weybridge began with an August 2014 grant award of \$760,000, with a 10% local share, under the VTrans Bicycle and Pedestrian Program. Adam noted that the conceptual plans (copy attached) largely follow the scoping study conducted in 2014 with the only significant change related to Otterview Park where the sidewalk follows the road due to federal permitting constraints. The project is designed to have no water or sewer impacts; minimal storm water infrastructure; avoids existing trees and fences; and will not require the need of taking of any permanent easements. It will however require .15 acres of slope easements, and some small temporary construction easements on 10 properties on Weybridge Street.

Upon Selectboard approval, Adam indicated that a UVM archeological team will begin work on May 9<sup>th</sup>, followed by securing environmental permitting, feedback from VTrans, securing temporary ROWs; 75% of the plans by summer's end, and final plans by the end of the winter. It is anticipated that the project will go out to bid in late winter for construction in the summer of 2017.

Heather Seeley raised the issue of maintenance and suggested that both towns first decide on a resolution regarding winter plowing prior to final approval by the Selectboard. Victor Nuovo noted that he frequently walks along the loop which includes Weybridge Street, Seymour Street and Pulp Mill Bridge Road, and recognizes the need for a sidewalk to safely accommodate the number of pedestrians, joggers and bicyclists along the heavily used route.

Zelia Van Den Berg who with her husband, Gary Rodes, owns a Bed & Breakfast at 284 Pulp Mill Bridge Road was not convinced uprooting two maple trees several decades old to make way for a sidewalk along her property was necessary given the dedicated footpaths leading to Otter Creek and beyond. Mr. Rodes asked if a contingency fund existed for tree replacements. Adam Lougee indicated he would follow up regarding a contingency funding, and invited Ms. Van Den Berg and Mr. Rodes, and other residents impacted by the project, to talk with him about finding a possible solution.

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Speaking from a public safety standpoint, Fire Chief David Shaw whole-heartedly expressed his support for the sidewalk project. Adam Lougee added that the plans and maps are available on the Town of Middlebury's website at [www.townofmiddlebury.org](http://www.townofmiddlebury.org). Susan Shashok moved to approve 25% of the conceptual plans as presented for the Pulp Mill Bridge Area Sidewalk Project; Nick Artim seconded. Motion carried with 7 members in favor, none opposed. **MOTION PASSED.**

**7. Recommendations on Bid Awards for Painter Road Paving, Purchase of Loader and Trailer; Update on Creek Road Project; Spring Public Works Activities**

Director of Operations Dan Werner reported that the Town received four bids for the reclamation and paving of Painter Road beginning at Munger Street and going west 4,895 feet (copy of results attached). Dan has recommended low bidder Pike Industries for a total of \$193,551.25, noting at \$55.25/ton, the price is comparable to 2008 prices. Dan also noted that funding for the project will come from two sources: 1) the Town's Capital Improvement Fund; and 2) a State Class II Paving Grant (80% of the project, up to \$175,000 maximum). Victor Nuovo moved to award a contract for the Painter Road paving project to Pike Industries for a total cost of \$193,551.25; Nick Artim seconded. Motion carried with 7 members in favor, none opposed. **MOTION PASSED.**

Regarding the purchase of a loader and trailer, Susan Shashok recommended, and Board members agreed, that the bids first be reviewed by the Public Works and Facilities Committee prior to the Selectboard's consideration.

Dan also reported on Public Works spring activities, including the status of the Weybridge Street sanitary sewer replacement project now in its final design, as is the water monitoring project, and street sweeping is scheduled to begin shortly. Dan provided an update on Creek Road, noting that following issuance of the State permit, bidders have been allowed to make any adjustments before bids are considered for approval at the Selectboard's May 24<sup>th</sup> meeting.

**8. Downtown Bridge Replacements Project**

At its April 13<sup>th</sup> meeting the Selectboard referred Attorney Peter Langrock's letter of April 11<sup>th</sup>, on behalf of his clients who had expressed concerns with the safety of the railroad bridge replacements project, to the Local Project Management Team (LPMT) for review and recommendation. Downtown Bridge Replacements Project Community Liaison Jim Gish read the LPMT's formal response (copy attached) indicating that "many of the concerns expressed on behalf of [Mr. Langrock's] clients are shared by the LPMT and are in fact already a central focus of discussion and review during the design planning process now taking place in preparation for a Spring 2017 start to the main construction project." The LPMT's response also includes an attachment with a list of answers to the 18 questions posted in Mr. Langrock's letter that were reviewed by the LPMT, VTrans and Vanasse, Hangen, Brustlin, Inc. (VHB) at a meeting held on April 22<sup>nd</sup>. Jim noted that the parties have worked diligently to provide in-depth answers to the questions put forth, and have made them available on the Town's website at [www.townofmiddlebury.org](http://www.townofmiddlebury.org). He emphasized that the issues and questions will continue to evolve given the complexity of the project.

Middlebury resident Matt LaFiandra pointed out that VTrans has yet to provide documents referenced in several of answers cited, and urges the Board to remain diligent in insisting that the agency do so.

Select Board Meeting Minutes

Tuesday, April 26, 2016

163 Nick Artim moved to approve the letter from the Selectboard as drafted by the LPMT in  
164 response to Peter Langrock's April 11, 2016 letter citing concerns regarding the Bridge  
165 Replacements Project; Donna Donahue seconded. Motion carried with 7 members in favor,  
166 none opposed. **MOTION PASSED.**

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168 Jim Gish noted that the LPMT will hold its next meeting on Thursday, April 28<sup>th</sup> at 4:00 p.m., and  
169 an Information Session hosted by St. Stephen's Church on the impact of historic buildings  
170 during the project will be held on Wednesday, April 27<sup>th</sup>. Property owners are invited to a  
171 luncheon at the church and listen to guest speakers from VTrans, VHB and State Agency of  
172 Historic Preservation.

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174 **9. Town Offices & Recreation Facility Project**

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176 Nick Artim summarized the detailed recommendation submitted by Clerk of the Works Judith  
177 Harris (copy attached) addressing the issues raised regarding the multi-purpose room floor in  
178 the new Recreation Facility in an effort to accommodate the dance program as well as comply  
179 with ADA recommendations. After consideration of several potential solutions and conducting a  
180 series of tests to gather relative coefficient of friction data between relative floor surfaces, it was  
181 determined that the best path forward to improve the multi-purpose room floor is to hire a  
182 certified professional floor care company to strip, clean and apply the manufacturer's  
183 recommended surfacing product. Judith Harris reports that this process, required every 1-2  
184 years, will produce a consistent surface with some reduction of coefficient of friction to improve  
185 use for dance activities without creating a surface which will compromise safety for seniors.  
186 Lauren Asermily moved to proceed with Judith Harris' recommendation as presented; Nick  
187 Artim seconded. Motion carried with 7 members in favor, none opposed. **MOTION PASSED.**

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189 **9.b. Update re: Demolition of Buildings at 94 Main Street - Discussion of Bonding**

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191 Nick Artim advised it is estimated that the demolition of the Municipal Building at 94 Main Street  
192 will exceed \$100,000. The Board's Bid & Security Policy (copy attached) requires Bid Bonds,  
193 Guaranty Bonds, Performance Bonds and Payment Bonds for contracts above \$100,0001;  
194 however, qualified local contractors with track records of successful project completion have  
195 expressed concern about this requirement limiting their ability to bid on the project and adding  
196 unnecessary expense to the project. Nick noted that a number of options have been evaluated,  
197 including waiving the bond requirement.

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199 DISCUSSION: Town Manager Kathleen Ramsay noted additional research has been done with  
200 Gary Baker who served on the Policy Review Committee that developed the policy. Gary Baker  
201 argued it has been his experience that the bonding process is an expensive one, and would  
202 submit if a contractor is not bonded it is for the reason he/she does not qualify. Heather Seeley  
203 agreed that resistance to bonding is likely an inability to be bonded. Heather also raised the  
204 concern of plans for the material in terms of where it will be transported following demolition.  
205 Brian Carpenter concluded that the Board does not wish to waive the policy regarding the bond  
206 requirement.

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208 **9.c. Town Offices Open House**

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210 Nick Artim encouraged members of the community to plan on attending the Town Offices Open  
211 House on Friday, April 29<sup>th</sup> beginning with an Opening Ceremony and Ribbon Cutting at 2:00  
212 p.m., followed by tours and light refreshments until 5:00 p.m. Nick also noted that the white  
213 powdery substance that some have observed on the outside of the new Town Offices is not  
214 uncommon on brickwork less than one year old. The technical term is "efflorescence" and is  
215 often attributed to "new building bloom." (summary attached).

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**10. Appointments to Committees of the Selectboard**

Donna Donahue moved to approve the slate of committee appointments, noting the following amendments: DIDC: Heather Seeley; Town Energy Committee: Heather Seeley (tentative change, depending on meeting time); Better Middlebury Partnership: Victor Nuovo. Nick Artim seconded.

**Downtown Improvement District Commission**

Heather Seeley

**Policy Review Committee**

Donna Donahue, Gary Baker,  
Chris English (staff), Beth Dow (staff)

**Addison County Economic Development Corp.**

Kathleen Ramsay (staff)

**Business Development & Innovation Advisory Bd.**

Nick Artim, Brian Carpenter, David Donahue,  
Tom Corbin, Amy Gibans McGlashan,  
Ken Perine, Sarah Star, Alt. David Hamilton,  
Jamie Gaucher (staff), Kathleen Ramsay (staff)

**Personnel Committee**

Donna Donahue, Victor Nuovo, Brian Carpenter,  
Chris English (staff)

**Infrastructure Committee (formerly Public Works)**

Susan Shashok (chair), Heather Seeley,  
Don Keeler, Gary Baker, Kirk Fiske, Ryan Emilo,  
Chris Robbins, Dan Werner (staff),  
Jackie Sullivan (staff), Kathleen Ramsay (staff)

**Middlebury Area Land Trust**

**Parks & Recreation**

Donna Donahue

**Economic Development Initiative**

Nick Artim, Donna Donahue, Brian Carpenter,  
Jamie Gaucher (staff), Kathleen Ramsay (staff),  
Jennifer Murray (staff)

**Lazarus Property/Printers' Alley**

Incorporated into LPMT

**Middlebury River Special Task Force**

Incorporated into Public Works

**Planning Department**

**College Relations**

Brian Carpenter, Nick Artim, Alt. Kathleen Ramsay (staff)

**MCTV**

Susan Shashok

**Addison County Transit Resources**

Laura Asermily

**Town Energy Committee**

Heather Seeley\*

**Better Middlebury Partnership**

Victor Nuovo

**Expenditure Review**

Laura Asermily, Heather Seeley, Alt.

**Town/School Committee**

Heather Seeley, Victor Nuovo, Kathleen Ramsay (staff)

**Health & Safety Committee**

Laura Asermily, chair, Nick Artim, Alt.; Don Keeler,  
Kevin Parizo, MVAA, David Shaw (fire chief),  
Tom Hanley (police chief), Kathleen Ramsay (staff)

**Planning Commission or Planning Department**

**Town Office & Recreation Facility Building Committee**

Nick Artim (chair), Laura Asermily, Victor Nuovo,  
Nancy Malcolm, Lance Phelps, Chris Zeoli, Dean George,  
Ann Webster, Terri Arnold, Kathleen Ramsay (staff),  
Beth Dow (staff)

**Local Project Management Team**

Dean George, Nick Artim, Donna Donahue, Ken Perine,  
Dick Terk, Jim Gish (staff), Kathleen Ramsay (staff)

**Library Building Committee**

Victor Nuovo, Nick Artim, Alt.

**Multi-Modal Center**

Motion carried with 7 members in favor, none opposed. **MOTION PASSED.**

**11. FY16 Year-to-Date Budget Reports**

Town Manager Kathleen Ramsay anticipates that, barring any unforeseen developments, fiscal year 2016 will end with a budget surplus, given the mild winter and ongoing vacancies in Town staff positions. (Reports citing 75% of the fiscal year for the Equipment, Water, Sewer and General Funds, as well as a summary for the Local Option Tax are attached.)

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## 12. Approval of Check Warrants

Having reviewed the check warrants from April 14, 2016 through April 26, 2016 (copy attached), Laura Asermily moved to approve total expenditures in the amount of \$302,920.81, consisting of \$212,661.10 for accounts payable, and \$90,259.71 for payroll; Heather Seeley seconded. Motion carried with 7 members in favor, none opposed. **MOTION PASSED.**

## 13. Town Manager's Report

Town Manager Kathleen Ramsay reported that the conveyance (notice attached) related to the permanent easement that the Board approved on April 13<sup>th</sup> in support of Vermont Center for Emerging Technologies' entryway will become effective 30 days from the April 18<sup>th</sup> posting date, unless a petition objecting to the measure, signed by 5% of the legal voters of Middlebury, is presented to the Town Clerk.

The Selectboard's Facilities Tour is planned for Tuesday, May 3<sup>rd</sup> from 9:00 a.m. to 12:15 p.m. and will include stops at the Department of Public Works, Wastewater Treatment Facility, and Police Department (itinerary attached). Kathleen invites board members to contact her regarding carpool arrangements.

The Planning Commission has endorsed a Statement of Principals regarding Solar Siting (copy attached) to be part of the agenda for the Selectboard's consideration at its next meeting on May 10<sup>th</sup>.

Green-Up Day is Saturday, May 7<sup>th</sup>, and bags will be available at the Middlebury Public Works building at 1020 Route 7 South (next to Rosie's) from 7:30 a.m. to 3:30 p.m., Monday through Friday, and at the Town Offices from 8:30 a.m. to 4:00 p.m. Monday through Friday, prior to Green-Up Day. All are asked to please bring filled bags back to Public Works between 9:00 a.m. and 4:00 p.m. Also, should anyone find tires or large debris along the road, please pull them over to the road shoulder and let the highway staff know their location.

## 14. Board Member Concerns

Victor Nuovo suggested that rearranging the seating may improve the acoustics in the New Town Offices conference room. Susan Shashok and Brian Carpenter indicated that there have been some concerns raised with the quality of video recordings as well, and Dick Thodal is working with engineers to resolve the issues.

Laura Asermily invited community members to participate in the May 4<sup>th</sup> Walk and Roll Day as an opportunity to practice the new rules for bicyclists recently adopted by the Town. Local pediatricians and Selectboard members are encouraged to join the bicyclists at 7:45 a.m. at South Village, Seymour Street, or Washington Street Extension. Middlebury Safe Routes will also host the Kelly Boe Ride on Monday, May 2<sup>nd</sup> at 4:00 p.m. at Middlebury Union High School, and on Wednesday, May 4<sup>th</sup> at 3:00 p.m. there will be a Bike Safety Fair at Mary Hogan School.

Brian Carpenter reminded those wishing to receive regular updates on current events from the Town via email may sign up on the Town's website at [www.townofmiddlebury.org](http://www.townofmiddlebury.org) or email the Town Manager at [kramsay@townofmiddlebury.org](mailto:kramsay@townofmiddlebury.org).

## 15. Executive Session: Potential Contract Negotiations

In accordance with Vermont's Open Meeting Law requirements, Susan Shashok moved that the Board find that premature general knowledge of the consideration of potential contract

Select Board Meeting Minutes

Tuesday, April 26, 2016

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negotiations would clearly place the Selectboard at a substantial disadvantage because the Selectboard risks disclosing its litigation strategy if it discusses the potential contract negotiations in public. Donna Donahue seconded. Motion carried with 7 members in favor, none opposed. **MOTION PASSED.**

Susan Shashok further moved that the Board enter into Executive Session to discuss potential contract negotiations, under the provisions of Title 1, Section 313(a)(1) of the Vermont State Statutes. Nick Artim seconded. Motion carried with 7 members in favor, none opposed. **MOTION PASSED.**

The Board entered into Executive Session at 8:50 p.m.

The Middlebury Selectboard will hold its next regular meeting on Tuesday, May 10, 2016 at 7:00 p.m.

Submitted by,  
Peggy Connor, Board Clerk

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**ADDENDUM**

**16. Action on Matters Discussed in Executive Session**

**17. Adjourn**

At 9:20 p.m. the Board came out of Executive Session and adjourned without further action.