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**Regular Selectboard Meeting**  
**Large Conference Room – Town Offices**  
**Tuesday, April 25, 2017**  
**Meeting Minutes**

**5:00 p.m. Site Visit – East Middlebury Flood Resiliency Project**

Members Present: Brian Carpenter, Susan Shashok, Victor Nuovo, Laura Asermily, Heather Seeley and Farhad Khan. Nick Artim was absent. Also present was Town Manager Kathleen Ramsay, Amy Sheldon of Landslide Natural Resource Planning, Roy Schiff of Milone and MacBroom, and East Middlebury residents Peggy Peabody and Dayton Wakefield.

Project Manager Amy Sheldon and Engineer Roy Schiff, reviewed preliminary work on the East Middlebury Flood Resiliency Project, which was initiated in 2011 in response to flooding associated with Tropical Storm Irene.

After the presentation of the overview of the project at the East Middlebury Methodist Church, the Selectboard visited the sites of the three components of the project: 1) the floodplain north of the Gristmill Bridge (viewed from the Gristmill Bridge), which project engineers recommend excavating to allow the river to spread-out to slow its velocity and reduce the energy of the water before it travels to the Gristmill Bridge and the berm along the river south of Ossie Road, to mitigate damage to these structures; 2) the floodwall at the Grist Mill Bridge, which is in need of repair and reinforcement; and 3) the berm along the river south of Ossie Road, which would be reinforced with rip-rap.

Final design engineering and archeological assessment work will be completed by the fall and updated application for funding for the \$2M project submitted to FEMA in late fall, in hopes of securing 75% funding (\$1.5M) for the project from FEMA with a 25% match (\$500,000). If funding and permitting for the project is secured, construction could be completed in the summer of 2018.

**Regular Selectboard Meeting – Town Offices**

Members Present: Brian Carpenter, Susan Shashok, Victor Nuovo, Laura Asermily, Heather Seeley and Farhad Khan. Nick Artim was absent.

Staff Present: Town Manager Kathleen Ramsay, Town Clerk Ann Webster, Fire Chief David Shaw, Chief of Police Tom Hanley and Community Liaison Jim Gish. Also present were Joel Perrigo and Wayne Symonds of VTrans, Aaron Guyette of VHB, and several members of the community. The meeting was televised on MCTV by Jim Corbett.

**1. Call to Order**

The meeting was called to order at 7:00 p.m. by Chair Brian Carpenter.

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## 2. Approval of Agenda

A motion was made by Asermily to approve the agenda, seconded by Seeley. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

## 3. Approval of Minutes for April 11, 2017 Regular Meeting and April 18, 2017 Special Meeting

Shashok made the motion to approve the minutes of the April 11, 2017 Regular Meeting as presented, seconded by Seeley. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

Asermily made the motion to approve the minutes of the April 18, 2017 Special Meeting as presented, seconded by Seeley. The motion carried with 5 in favor, 1 absent, 1 abstention (Nuovo). **MOTION PASSED.**

## 4. Citizen Comments

Rick Novak, who resides at 54 College Street, stated the need in town for designated motorcycle parking. He said there is there a need for it, but it would also free up some of the vehicle parking spots where motorcycles currently are required to park. He indicated some of the “dead” spots in parking lots that can’t be accessed by cars could be used for motorcycles.

Carpenter thanked him for his suggestion and said it was something they would be looking at as part of the downtown bridges project.

Green Up Day Coordinator, Peg Martin, made a surprise appearance in her Green Up Day costume, to distribute Green Up Day garage bags to all the Board and audience. She reminded them all that Green Up Day was Saturday, May 6<sup>th</sup>, and urged everyone to get out and help clean up the area.

## 5. 2017 Liquor License, Outside Consumption for Ovation Entertainment at Middlebury College golf course.

Town Clerk Ann Webster and one of the owners of Ovation Entertainment joined the Board. Webster said she had received all necessary documents and inspections were completed so they are all set for approval.

Seeley moved to approve the applications for 2017 Liquor License & Outside Consumption Permit for Ovation Entertainment, d/b/a Above Par, and authorize Town Clerk Ann Webster to sign them on behalf of the Board. Shashok seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

94 **6. Annual Appointments**

95  
96 The Board reviewed the list of nominees to vacancies on Town Boards, Committees and  
97 Commissions. The Planning Commission and Design Advisory Committee had more nominees  
98 than vacancies, so they discussed the options for those appointments, as well as a conflict of  
99 interest for Lillian Snow to serve on the Parks and Recreation Committee.

100  
101 Asermily made the motion to appoint John Anderson, Sarah Peluso and Sam Ostrow to the  
102 Planning Commission. Seeley seconded the motion. The motion carried with 6 in favor, 1  
103 absent. **MOTION PASSED.**

104  
105 Shashok moved to appoint Jim Pulver and Lillian Snow to the Design Advisory Committee, with  
106 Galina Mencil as Alternate. Seeley seconded the motion. The motion carried with 6 in favor, 1  
107 absent. **MOTION PASSED.**

108  
109 Shashok moved to approve the rest of the slate of nominees as presented, with the removal of  
110 Lillian Snow from nomination for Parks and Recreation Committee. Asermily seconded the  
111 motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

112  
113 **7. Follow-up Regarding Main Street & Merchants Row Bridge Replacement Project**

114  
115 The Board was joined by Wayne Symonds, Joel Perrigo and Aaron Guyette to go over the  
116 revised plans for the temporary bridges.

117  
118 Symonds said that due to the concern over the loss of Main Street parking spaces, and by  
119 agreeing to make Printer's Alley pedestrian only, they were able to shift the location of the  
120 temporary bridge to align with the existing centerline of Main Street, which allowed them to save  
121 some additional parking spaces. There will now be 7 parking spaces lost on Main Street and 5  
122 on Merchants Row. They will look into the possibility of making some smaller spaces available  
123 for compact cars.

124  
125 He said they will be relocating the water line that runs along the bridge prior to the installation  
126 and it will rest on its own separate structure next to the pedestrian bridge. The pedestrian bridge  
127 will be constructed of timber and after consulting with Public Works, this will not be maintained  
128 in the winter using the sidewalk plow, but will need to be shoveled or use a snow blower.

129  
130 Piles needed for the permanent bridge will be installed prior to the temporary bridge going in.  
131 This will allow the temporary bridge to be left in place until time for the main closure for the  
132 permanent bridge.

133  
134 Symonds went over the Merchants Row plans, with two-way traffic from Main Street to the  
135 bridge and then one-way beyond the bridge. The two-way is to accommodate the traffic exiting  
136 from behind the Battell Block. He said they also learned at the stakeholders meeting that there  
137 are tractor trailers that park on Merchants Row for food deliveries to the Merchants Row  
138 restaurants. They are looking at locations to accommodate these trucks during a certain time of  
139 day for deliveries. He said they have run the design template for the largest fire trucks, and

140 there appears to be enough room for them to access behind the Battell Block, but they may need  
141 to maneuver it by backing up a few times to realign the truck.

142  
143 The Merchants Row bridge will be the same two lane width as the Main Street bridge, but there  
144 will be a barrier and then a 6' pedestrian walkway over one section of the bridge. Bicycles will  
145 have adequate shoulder area on Merchants Row, but they will need to travel with traffic on Main  
146 Street.

147  
148 Symonds said there had been a suggestion at the stakeholders meeting about possibly replacing  
149 the bridge on Merchants Row with only a pedestrian bridge to save parking spaces. They did a  
150 design to show what that might look like, and it did have a net gain of a couple of parking spaces  
151 over what is there now. He said the people at the meeting were around 50-50 for and against the  
152 pedestrian only idea. Symonds cautioned the Board about going with a pedestrian bridge only,  
153 and then a year down the road decide a vehicle bridge is really needed. He said it would be a  
154 "hard sell" to get one installed at that point. He suggested instead installing the vehicle bridge  
155 and then trying it as a pedestrian only bridge to see if that worked.

156  
157 Symonds said the optimal schedule would be to begin the preliminary work of moving the water  
158 line and driving the piles as early in June as possible. The work will take 2-3 weeks of 10 hour  
159 days and no weekend work. They will be able to maintain two-way traffic, but it will cost in  
160 parking as they need to shift both lanes to one side and using the parking spaces. They would  
161 complete this work before July 4<sup>th</sup>, and then there would not be much work going on during  
162 Festival on the Green. Preliminary work will begin the week prior to July 22<sup>nd</sup>, when they will  
163 begin installing the temporary bridges. The first weekend, work would begin Friday night after  
164 the last train goes through and then Saturday and Sunday Kubricky would demolish the Main  
165 Street bridge. That next week they would assemble the temporary bridge. Beginning Friday  
166 night of the next weekend, Kubricky would launch the Main Street bridge and demolish the  
167 Merchants Row bridge. Both would be closed that weekend, with Main Street reopening maybe  
168 Tuesday or Wednesday of the next week. The following weekend, the Merchants Row bridge is  
169 installed, then there will be a couple of days of paving and then they're complete. Symonds said  
170 Kubricky will work as best they can to accommodate the Town Hall Theater schedule. The only  
171 night work will be on those weekends, and the rest would be normal construction hours of 7:00  
172 am until 5-6:00 pm.

173  
174 Asermily asked what the deadline was to make South Pleasant Street one-way. Symonds said  
175 that decision is really separate from the temporary bridges, but at the same time ACTR is  
176 needing to relocate.

177  
178 Khan asked about how long the waterline would be out. They said that by installing valves they  
179 will be able to isolate the line so properties would only be off for a few hours.

180  
181 Seeley asked about how soon the decision was needed on the pedestrian only option on  
182 Merchants Row. Symonds said as soon as possible so as not to jeopardize the June 1<sup>st</sup> start date.  
183 Shashok said the idea had come up at the staff presentation of the plan and had been intriguing  
184 enough to bring it to the stakeholders meeting, where there was also some interest. She said  
185 while it is tempting, it limits the ability to move traffic through that area. There was discussion

186 on what would be the benefit of making it pedestrian only, and Nuovo said if it was proven it  
187 would bring more business for downtown during construction he might consider it. Symonds  
188 said one thing mentioned in the meeting was the ease of installing it, which might shorten the 16-  
189 18 day closure by maybe 4 days. There was further Board discussion, but it was felt it was not in  
190 the best interest of the public to limit it to pedestrians only.

191  
192 Chief of Police Hanley spoke in favor of making Merchants Row one-way all the way from Main  
193 Street to eliminate left-turning traffic trying to enter Main Street. He said the two crosswalks  
194 there are the most dangerous in town because of the busy traffic pattern and eliminating that left-  
195 turn would help. Carpenter asked if a right-turn only coming out of Merchants Row would help,  
196 and Hanley said it would, but would be difficult to enforce. Hanley said he realizes this has  
197 nothing to do with the project, but he would like to take the opportunity to try and fix a  
198 dangerous situation. Jim Gish pointed out that the only traffic that would be coming onto Main  
199 Street from Merchants Row would be Battell Building traffic, which isn't going to be that much.  
200 There was further discussion on no left-turn. Symonds said they could do a sign that stated that  
201 and then they could do the ordinance later.

202  
203 Seeley moved to approve the Main Street configuration with pedestrians only on Printers Alley  
204 and a one-way vehicular bridge on Merchants Row. Shashok seconded the motion. The motion  
205 carried with 6 in favor, 1 absent. **MOTION PASSED.**

206  
207 Jim Gish said that Town officials and ACTR would meet next week to come up with a plan for  
208 temporary location of ACTR before the South Pleasant Street hub is ready.

209  
210 Gish said the Environmental Assessment would be delivered to the Town Offices and Ilsley  
211 Library tomorrow (April 26<sup>th</sup>) and would be available on the project website.  
212 <http://vtrans.vermont.gov/projects/middlebury>. There would be a public meeting on May 11<sup>th</sup> at  
213 Town Hall Theater for public comments on the Assessment, with an informal session from 4:00  
214 to 6:00 p.m. for the community to stop in and meet one-on-one with representatives from the  
215 State, and then the formal presentation from 7:00 to 9:00 p.m.

216  
217 Carpenter mentioned the Board had in their packet a copy of the Motion to Dismiss the claim  
218 from Attorney Langrock regarding the Town's responsibility to replace the bridges. Asermily  
219 said there was also a memo from Gish giving the reasons why the idea to relocate the railroad  
220 east of Town that had been in the Addison Independent was not feasible. There was some  
221 further discussion on the reasons why this is not an option.

## 222 223 **8. Annual Adoption of Local Emergency Management Plan**

224  
225 Chief Hanley said that every year we are required to file an updated Emergency Management  
226 Plan to the State, or risk not being eligible for disaster relief funds. He said this is a very basic  
227 plan that includes mostly contact information and shelter locations, but he also has a more  
228 comprehensive plan that includes operational plans that they update periodically. As far as  
229 shelters, he said he'd be meeting with Red Cross to work out the shelter situation. Red Cross  
230 doesn't set up or fund shelters like they used to around the State. Municipalities are responsible  
231 for establishing and maintaining their own shelters.

232  
233 Asermily moved to adopt the Town of Middlebury Emergency Operations Plan for 2017. Seeley  
234 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**  
235

## 236 **9. Infrastructure Committee Update and Recommendations**

237

### 238 **9.a. Hillcrest Road – Partnership with College for Infrastructure Upgrades**

239

240 Shashok said the Town is partnering with Middlebury College to make some needed upgrades to  
241 Hillcrest Road infrastructure. The Town has set aside \$36,900 of Capital Improvements funds to  
242 cover the cost of stormwater improvements and paving, and the College will cover the cost of  
243 water line and fire suppression system upgrades.  
244

245 Seeley moved to support the Infrastructure Committee’s recommendation that the Town partner  
246 with the College on infrastructure upgrades on Hillcrest Road, with the Town’s portion to be  
247 funded by \$36,900 earmarked for the project in the FY18 Capital Budget. Seeley seconded the  
248 motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**  
249

### 250 **9.b. Award Engineering Contract for Combined Sewer Overflow Project**

251

252 Shashok said the recommendation is for an agreement with Aldrich and Elliot for engineering  
253 services to conduct flow monitoring and to establish recommendations on preventing future  
254 overflows at pump stations #3 and #9 on Weybridge Street. These have been identified as  
255 priority locations and where there have been several overflows over the years.  
256

257 Khan moved to approve Amendment #1 to the September 14, 2016 agreement with Aldrich &  
258 Elliott to conduct a wet weather overflow evaluation at Weybridge Pump Station # 3 and #9, at a  
259 cost not to exceed \$31,000. Nuovo seconded the motion. The motion carried with 6 in favor, 1  
260 absent. **MOTION PASSED.**  
261

262 Asermily mentioned that when she checks the accounts payable checks, she noticed how high the  
263 electricity bill is for these pumps and wondered if the overflows cause this. There was some  
264 discussion on the pumps for water and wastewater and how much electricity it takes to run these.  
265 She was concerned the increases in the electricity usage might indicate an equipment problem.  
266

### 267 **9.c. Award Engineering Contract for well Monitoring Project**

268

269 Shashok said this is new work needed for State requirements for fluoride and chlorine  
270 monitoring. This amount will cover the project from bid to completion in an amount not to  
271 exceed \$29,300.  
272

273 Shashok moved to accept the Infrastructure Committee’s recommendation to approve  
274 Amendment #2 to the January 13, 2016 agreement with Aldrich & Elliott for Well Monitoring  
275 Sites Bid and Construction Phase Services, at a total not to exceed \$29,300. Seeley seconded the  
276 motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**  
277

278 **9.d. Award Contract for Culvert & Headwalls for Halpin Road Project**

279  
280 Shashok said this is a request to authorize Town Manager Ramsay to sign a purchase order to  
281 purchase the aluminum culvert and headwalls for the Halpin Road Project. The purchase of  
282 these will allow for them to be constructed on-site and shorten the amount of time the road will  
283 need to be closed to traffic. This was not an additional cost to the project, but simply the Town  
284 taking care of this purchase rather than the contractor to speed things up.  
285

286 Asermily moved to support the Infrastructure Committee's recommendation to authorize Town  
287 Manager Kathleen Ramsay to sign a Purchase Order for \$62,900 for the purchase and installation  
288 of an aluminum culvert pipe and headwalls from Contech Engineered Solutions. Nuovo  
289 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**  
290

291 **9.e. Extend Sewer Use Agreement with Ari-Mark**

292  
293 Shashok said with the expiration of the 20-year agreement on April 9, 2017, the Infrastructure  
294 Committee recommends an extension of the current agreement until June 30, 2017 while a new  
295 agreement is negotiated.  
296

297 Seeley moved to support the Infrastructure Committee's recommendation to extend the current  
298 Sewer Use Agreement with Agri-Mark until June 30, 2017 while a successor agreement is  
299 negotiated. Shashok seconded the motion. The motion carried with 6 in favor, 1 absent.  
300 **MOTION PASSED.**  
301

302 **10. Earth Waste and Metal Request for Renewal of Salvage Yard Permit**

303  
304 Ramsay said that every five years, salvage yards must renew their permit with the State, and part  
305 of that process is having the town they're located in sign off that they are in compliance with  
306 local ordinances.  
307

308 Shashok moved to approve the application for Certificate of Approved Location for Earth Waste  
309 & Metal for the operation of its salvage yard at 4079 S. Route 7, and authorize Town Manager  
310 Kathleen Ramsay to execute the appropriate approval documents, once identified. Seeley  
311 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**  
312

313 **11. Report on Town-College Lunch**

314  
315 Carpenter reported that he, Shashok, Artim and Town Manager Ramsay had lunch on April 17<sup>th</sup>  
316 with College President Laurie Patton, Special Assistant to the President Dave Donahue and  
317 Executive Vice-President of Finance and Administration David Provost.  
318

319 Carpenter said they discussed public safety and the recent collaborative efforts developed  
320 between the College's Department of Public Safety and the Middlebury Police Department,  
321 which has been going very well. He said Artim spoke about the Town's commitment to  
322 purchase a new ladder truck, and President Patton had asked for information on the potential  
323 usage of the truck and what percentage of buildings at the College the truck might be used on.

324  
325 Carpenter said they updated the College officials on the Main Street and Merchants Row bridges  
326 and the installation of the temporary bridges, and invited the College to participate in the  
327 stakeholders meeting. Other items discussed were the work on the economic development  
328 initiative and the need for high speed internet. Shashok had also created a summary of  
329 Infrastructure Committee projects that she gave to them. Since they were unable to cover  
330 everything on the agenda, they decided to try to meet again in June.

### 331 332 **12. Vermont Health Department's 3-4-50 Initiative**

333  
334 Asermily said this State initiative was brought to the Public Health & Safety Meeting by Health  
335 Officer Tom Scanlon. The Health Department's initiative suggests easy steps toward creating  
336 healthy communities to reduce disease and decrease mortality.

337  
338 Asermily moved to sign the Vermont Department of Health's 3-4-50 Pledge in support of the  
339 statewide effort to support a health and thriving Vermont. Khan seconded the motion. The  
340 motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

### 341 342 **13. FY17 Year to Date Budget Report**

343  
344 Ramsay reported on the YTD budgets for Town General/Water/Sewer/Equipment funds, saying  
345 that everything is on target so far. She said the expenditures appear to be up from last year at the  
346 same time, but this is due to the timing of some debt payments and the fact they were paid earlier  
347 in the year than previously.

### 348 349 **14. Approval of Check Warrants**

350  
351 Asermily said she had reviewed the checks and they were all in order. She did think department  
352 heads should review the electric bills so they can see the variations and spot areas there may be  
353 problems. Total expenditures for the period were \$401,005.69.

354  
355 Asermily moved to approve total expenditures in the amount of \$401,005.69, consisting of  
356 \$310,836.93 for accounts payable, and \$90,168.76 for payroll, for the period April 12, 2017  
357 through April 25, 2017. Shashok seconded the motion. The motion carried with 6 in favor, 1  
358 absent. **MOTION PASSED.**

### 359 360 **15. Town Manager's Report**

361  
362 Ramsay said due to the sensitivity of some to use private e-mail servers for Town business, if  
363 anyone on the Board would like a Town of Middlebury e-mail address, she would be happy to  
364 provide that for them.

365  
366 She said on Thursday and Friday of this week she'd be out of town visiting colleges with her  
367 daughter, so she wanted to inform the Board that Assistant Town Manager Chris English would  
368 be Acting Town Manager in her absence.



370 They discussed moving their strategic planning meeting up from the July date they had looked at  
371 earlier. The dates of Tuesday, May 16<sup>th</sup> or Tuesday, June 6<sup>th</sup> worked for all of them, so they will  
372 consult with Artim before choosing a date.

373

374

## 16. Board Member Concerns

375

376 Asermily inquired about the schedule for changing out the Cross Street Bridge banners, since  
377 they are still a winter theme and its spring. Ramsay said there is a schedule and they'll be  
378 changed out soon.

379

380 Asermily also mentioned the upcoming Fire Department Ham Dinner at the Waybury Inn on  
381 May 2<sup>nd</sup>. She said this is an opportunity to support and thank the Fire Department and for them  
382 to thank the community.

383

384 Shashok thanked the Board for having the site visit in East Middlebury to talk about the river  
385 project. She said it had been a long time coming and it was nice to get the project started again.  
386 She said residents should be informed that Amy Sheldon would be working directly with some  
387 of them on easements. Ramsay said she'd left project updates and site maps with Peggy  
388 Peabody for the Community House.

389

390 Khan asked how long these improvements to the river will last – how many more “Irene” type  
391 storms will it sustain. Shashok said the modeling for the project showed it holding up through at  
392 least 3 large storm events and beyond. She said the walls and berm would last, but the triangular  
393 piece of land might have to be dug out.

394

395 Carpenter said he was pleased with the latest plan they had for the bridges and that they didn't  
396 have to lose as many parking spaces as the earlier plan.

397

398 The meeting adjourned at 8:58 p.m.

399

400 The meeting of the Middlebury Selectboard will be at 7:00 p.m. on Tuesday, May 9, 2017 in the  
401 own Offices at 77 Main Street.

402

403 Respectfully submitted,

404 Beth Dow

405

406

407

408

409