

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

Regular Selectboard Meeting
Large Conference Room – Town Offices
Tuesday, May 9, 2017
Meeting Minutes

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

Staff Present: Town Manager Kathleen Ramsay and Community Liaison Jim Gish.

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.

2. Approval of Agenda

The agenda was approved with no changes upon motion by Shashok, seconded by Khan. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

3. Approval of Minutes of April 25, 2017 Regular Selectboard Meeting

The minutes of April 25, 2017 were approved as presented upon motion by Asermily, seconded by Shashok. The motion carried with 5 in favor, 1 absent, 1 abstaining (Artim).

4. Citizen Comments

There were no citizen comments.

5. 2017 Liquor License, Outside Consumption and Entertainment Permit Approvals

Adam Shafer, the applicant for the 2nd Class License for Twelve Oaks LLC, dba Shafer's Market & Deli at 54 College Street, said there will not be any alcohol consumed onsite. The safety inspections are still outstanding, so approval would be dependent on successful completion of those.

Khan moved to approve the application for a 2017 2nd Class Liquor License for Twelve Oaks LLC, dba Shafer's Market & Deli, and authorize Town Clerk Ann Webster to sign it on behalf of the Board, pending the successful completion of the required public safety inspections. Nuovo seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

6. Joe Damiata, Interim Director, Risk Management Services, and David Sichel, Deputy Director of Risk Management Services, Vermont League of Cities & Towns Property & Casualty Intermunicipal Fund (PACIF) with an overview of & update on the services provided by PACIF, including the Work Strong Program.

Joe Damiata, David Sichel and Fred Satink, of VLCT, joined the Board to give them a brief overview of the services provided by VLCT and PACIF. Sichel, who has been with the League for 29 years and gave a history of how PACIF was created in response to the rising rates and coverage restrictions for

53 municipalities in the 1980's. PACIF began in 1987 and Middlebury became a member in 1991. He
54 said that they now cover 90% of the municipalities in Vermont.

55
56 Sichel went on to describe the benefits of the program for municipalities and the fact it is owned and
57 governed by members, and the Board comprises municipal officials. He said they put a lot of effort
58 into loss prevention to avoid claims before they occur. He said they work to keep the rates fair, and
59 because they are non-profit the profits are returned to the members.

60
61 Satink said that the services are constantly changing to meet the needs of communities. He said
62 one service was their grants program, and they had reviewed the recent Middlebury PACIF grant
63 application and would be fully funding our request for the maximum \$5,000 towards safety equipment.
64 Scholarship grants were also available for employee training programs, as well as programs run by
65 VLCT. He said contract review was also another service provided, as well as PACIF Online
66 University and the drug/alcohol testing program and training on employment practices liability.

67
68 Damiata urged the Board when they considered going out to bid for insurance, to keep in mind the
69 risk management and other services provided by the League. He said they weren't going to be the
70 cheapest rate, but to consider the value of the services associated with it.

71
72 Asermily asked if the Town normally went out to bid for insurance. Ramsay said the Town had not
73 gone out to bid since joining PACIF in 1991, but we have been contacted by a private insurer who
74 would like to put in a bid and it is a "soft" market now for insurance. Damiata said they had prepared
75 an RFP with all their services provided to the Town now, so he hoped the Town would use it when
76 securing bids so to compare apples to apples for the service they have with the League currently.
77 Carpenter said he saw the value of having the League with their knowledge of municipalities, but felt
78 the Board owed it to the taxpayers to go out to bid and at least see what was out there. He did say,
79 however, if it was a close bid, their knowledge of municipalities was important.

80
81
82 **7. Main Street & Merchants Row Bridge Replacement Projects: Update on the plan and timeline**
83 **for relocating ACTR from Merchants Row in preparation for installation of the temporary**
84 **bridges this summer.**

85
86 Community Liaison Gish joined the Board and said a timeline had been developed with the project
87 team, and he would be taking it door to door downtown to be sure everyone was aware of what was
88 coming. He will also be meeting with Porter Hospital and Middlebury College and other organizations
89 with large numbers of employees regarding managing the traffic during the project. June 1st is the
90 date VTrans is looking to have "boots on the ground" to begin the project.

91
92 Gish said VTrans would present their Environmental Assessment at a public hearing on May 11th at
93 Town Hall Theater at 7:00 pm. He said this is a formal hearing to take comments and it will be
94 recorded by a court stenographer. Following the hearing the comments will be reviewed and
95 responded to and added as an appendix to the final Assessment, which will be filed with the Federal
96 Highway Administration. He said as a prelude to the hearing, there would be an informal session from
97 4:00 to 6:00 to answer any questions. He mentioned an article in the Addison Independent on
98 Monday that laid out the history and progress to date of this project, and he thought it was well
99 prepared and would provide the community with useful information on where we are. Ramsay said
100 the EA is on the Town's website and copies are available in the Town Manager's Office and Ilsley
101 Library.

102
103 Gish said he'd intended to present a recommendation to the Board for a temporary relocation for the
104 ACTR, but there are still discussions to take place. He said a meeting had been held during the past
105 week with Bill Cunningham of ACTR, Laura Asermily, Chief Hanley, Bill Kernan, Dan Werner, himself

106 and Town Manager Ramsay. He said there were some differences of opinion as to where ACTR
107 should be located. ACTR would prefer to be located on the western side of South Pleasant Street by
108 the former Cole's Florist building, while Kernan and Werner would prefer ACTR to be on Seymour
109 Street across from Fire & Ice due to infrastructure work happening on South Pleasant St. There will
110 be another meeting this coming Thursday, and they will be joined by Shashok of the Infrastructure
111 Committee, to work out the differences and come up with a plan they can all support to bring to the
112 Board. Gish said VTrans wants ACTR out of their current location by June 12th.

113
114 Asermily pointed out this location is only from June 12th to when ACTR can have their new hub on
115 South Pleasant Street, so she said that is why ACTR is hoping to keep the temporary location
116 somewhere on South Pleasant St. Gish said the infrastructure work on the north end of South
117 Pleasant Street is looking to happen mid-September, but could be November. Details on design
118 plans for this project are still being worked out by the Engineers, but this is on a separate track from
119 the temporary ACTR relocation.

120
121 Nuovo asked how this worked with the permanent ACTR relocation. Gish said that VTrans is only
122 paying to move it once, so if the South Pleasant Street location works, it would remain there. There is
123 no plan to come back to Merchants Row. Artim asked about the infrastructure work and could it be
124 phased, Shashok said that was one thing they'd be looking at. Jim Moulton of ACTR said that the
125 Local Project Management Team earlier in this project had done a complete evaluation of different
126 locations for ACTR and one was in front of the former Cole's Florist and one was closer to downtown
127 on Seymour Street. He said at that time it was clear that South Pleasant Street was a superior
128 location over Seymour Street, and now the proposed Seymour Street location is less desirable than
129 the first one proposed. Carpenter said he was aware of those earlier discussions, so would reserve
130 judgment until this meeting on Thursday. Gish said they'd be back with a recommendation at the next
131 Board meeting.

132
133 Shashok mentioned that she would be attending the Environmental Assessment hearing on Thursday
134 with an open mind, and would like the others on the Board to do the same thing and then bring back
135 their opinions and have a Board discussion. Gish said they would have 30 days to respond.

136
137 **8. Financing District Legislation, if the Legislature is still in session.**

138
139 It had been anticipated that the House-Senate conference committee on Tax Increment Financing
140 legislation would conclude on May 6th, and no further discussion would be needed at this meeting.
141 However, Ramsay said the committee is still meeting and their next meeting is Wednesday, May 10th.
142 If they fail to reach an agreement, then TIF districts may be dead for this year. The senate
143 negotiators need further support to keep this going for at least 8 additional districts. Shashok said
144 she didn't mind just letting them work it out, but Carpenter said he was for pushing for more districts or
145 we could be left out.

146
147 Nuovo moved to have Town Manager Ramsay send a note to the House-Senate Conference
148 Committee saying the Board was in support of the House solution for at least 8 additional TIF districts.
149 Artim seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

150
151 Carpenter said he felt it was important to say that we have a project discussed at the Selectboard
152 level that they see no way to accomplish without a TIF District. Shashok said perhaps the Town
153 needs to be more prepared to be ready to go, so that is something to discuss at the retreat. Nuovo
154 wanted to know the names of the Committee in case the Board wanted to send personal notes as
155 well.

156
157
158

159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211

10. Consider re-appointment of former Selectboard member Donna Donahue to Policy Review Committee.

(Item taken out of order)

Carpenter said he had an email exchange with Donahue regarding her re-appointment to the Policy Review Committee and she is willing to continue with the Committee. Carpenter said he was grateful that the Committee could continue the great progress they've made on updating the Town policies, and the other Committee members were happy to have Donahue continue as well.

Artim moved to re-appoint Donna Donahue as a full member of the Policy Review Committee. Khan seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

9. *Adam Lougee, Executive Director, Addison County Regional Planning Commission & Printers Alley Transportation Enhancement Grant Project Manager, regarding transferring the grant award for the project from Printers Alley to Exchange Street for extend length of the bike/pedestrian path in order to meet the implementation deadline for the project.

Adam Lougee joined the Board to give them an update on a couple of projects. The first one is a 2008 VTrans Grant in the amount of \$240,000, that was originally earmarked for work along the river, and then transferred for work on Printer's Alley, which is now being covered under the railroad bridge project. Lougee said this money has to be used by 2018, or we will lose it. He and Town Manager Ramsay discussed other areas to direct the funds, and he is suggesting the Board request to have these funds redirected to the Exchange Street Sidewalk Project, although he can't guarantee VTrans will go along with this. Lougee said the current funds take the sidewalk to Catamount Park, and this amount would take it to Mainelli Road.

Shashok asked about the \$60,000 matching funds the Town would need to provide and hoped there would be alternative ways to fund this rather than have it come out of Capital Improvements. There was discussion over the obstacles that might make this difficult. Lougee said the engineer said there were some issues with steepness and wetlands, but not anything that couldn't be overcome. Ramsay said to keep the funding you only have to get the project to right-of-way acquisitions, not construction.

Artim made a motion to authorize Town Manager Kathleen Ramsay to sign the letter to Scott Robertson, VTrans Project Manager, requesting that all remaining funds from the Printer's Alley grant be re-directed to the Exchange Street Shared Use Path Project. Asermily seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

Lougee said there were a couple of changes in the revised conceptual plans for the first two phases of the Exchange Street Sidewalk Project. The crosswalk that was to cross by R.K. Miles lumberyard was being relocated south of the lumberyard and instead of simply striping the sidewalk across driveways, VTrans wants the sidewalks to continue across the driveways. He said that, assuming the Board was fine with those changes, they were ready to go to right-of-way.

On the Seymour Street/Pulp Mill Bridge Project, Lougee said all right-of-way documents have been approved and they will be meeting with property owners. He said all but one property owner are giving temporary easements, so he is hoping it will go easily to begin construction this season.

212
213 **11. Approval of Check Warrants.**
214

215 Asermily said she had reviewed the checks with Khan, and all were in order, so she moved to
216 approve total expenditures in the amount of \$463,192.75, consisting of \$371,704.37 for accounts
217 payable, and \$91,488.38 for payroll, for the period April 26, 2017 through May 9, 2017. Shashok
218 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**
219

220 Asermily mentioned the electric bills had come down this last time, and Ramsay said since the
221 suggestion for review was made, the Treasurer and Department Heads will review the electric bills.
222

223 **12. Town Manager's Report**
224

225 **12a. Well #4 Failure and Emergency Purchase.** Ramsay reported that Public Works Operations
226 Director Bill Kernan reported to her that Well #4 suffered a drive failure on April 21st that took the unit
227 offline. He solicited quotes for replacement parts from three vendors, which ranged in price from
228 \$7,750 to \$12,080, but the timing of the event, as well as the need to get Well #4 back online quickly,
229 was such that the bid process normally specified by the Town's Purchasing Policy could not be
230 completed in time. Based on his analysis of the three quotes received, Bill recommended purchasing
231 the needed parts from Pioneer Motors, of South Burlington, and Kathleen approved an emergency
232 Purchase Order totaling \$11,438. This amount was not only for parts, but installation as well.
233

234 **12b. Recent Contributions to Parks & Recreation.** Ramsay said the Town gratefully acknowledges
235 the receipt of the following contributions in support of Parks & Recreation programming: Cabot
236 Creamery & Rotary Club of Middlebury - \$200 and St. Stephens' Peasant Market Outreach Grant -
237 \$500.
238

239 **12c. Economic Health Task Force Survey.** Ramsay said Heather Seeley had asked her to
240 announce that The Task Force has launched its survey and is requesting responses no later than
241 Friday, May 12th, and a link to the survey can be found on the main page of the Town Website. She
242 also encouraged the Board to share the link with friends to get as many responses as possible.
243

244 **12d. Downtown Improvement District Renewal.** Ramsay reported the Downtown Improvement
245 District Commission had met on Friday, May 5th, to begin work on renewing the Special Assessment
246 District for another 7 years. She said a mailing went out to 124 property owners within the District and
247 they have until May 17th to reply, and 2/3rds of the owners need to sign the petition to bring it to the
248 Selectboard for consideration. The DIDC will meet again at noon on May 25th to review the
249 responses.
250

251 **12e. Junk Complaints.** Ramsay said she had received 3 complaints about junk accumulations on
252 neighbors' property outside the village district. The junk ordinance only applies to properties within
253 the village area. These property owners are asking the Town to take some action, but currently there
254 is nothing allowed by our ordinances, but they may want to reconsider this at the Board retreat. Two
255 of the property owners have applied to the Board of Lister's for property assessment reductions.
256

257 **12f. Dog Park Opening.** Ramsay said the Grand Opening of the Dog Park and Leash Cutting
258 Ceremony would be Saturday, May 13th from 10:00 a.m. until noon.
259

260
261 **13. Board Member Concerns**
262

263 Asermily commented on all the activity that had happened in town this past weekend, and how it was
264 good to see all these things going on.

265
266 Artim said he was noticing the LED traffic lights are wearing out and he wondered what the
267 maintenance schedule and cost was for those. Ramsay said she'd ask Dan Werner.

268
269 Shabsok said the East Middlebury Community Picnic would be Sunday, June 4th, starting at noon,
270 behind the Sarah Partridge Community House. Everyone is asked to provide a side dish, but
271 beverages, meat and cake is provided.

272
273 Khan said he had been asked by someone about having benches installed between Shaw's and The
274 Commons housing complex, to give a place for older people carrying groceries to stop and rest.
275 Ramsay will follow up with Bill Kernan. Khan also mentioned an article in the Community College of
276 Vermont magazine that features him and his wife, who are both students at CCV.

277
278 Asermily also mentioned that Vermont Magazine did an article on Middlebury in their recent edition.

279
280 Carpenter said if the State approves shifting the grant funds to the Exchange Street Sidewalk Project,
281 he wondered about asking businesses to commit a pledge to pay an annual amount that perhaps the
282 Town could borrow against, so we can complete the entire project. Ramsay said perhaps we could
283 look at interfund borrowing where the Town would sign a Promissory Note to itself for a set amount of
284 time, like 5 years, at a reasonable interest rate. She also said that since construction won't begin for
285 awhile, that maybe another year's contribution from Capital Improvements, along with pledges would
286 get it done.

287
288
289 **14. Allen Karnatz, Champlain Valley Farm Director, Vermont Land Trust, regarding funding**
290 **from the Land Conservation Fund for the Butler & Pominville Vermont Land Trust Projects.**

291
292 Since the meeting was running ahead of schedule, Karnatz had not arrived yet. Ramsay said Karnatz
293 had asked her to look up the balance of the Conservation Fund, and as of end of FY16, the fund
294 balance was \$398,611. This was established in 2005 and 1 cent on the tax rate has been collected
295 since then, but when the economy was struggling, the Town asked the Battell Trustees to fund the 1
296 cent out of the cell tower revenue. Since revenues are now down for them, they contribute around
297 \$54,000 per year to this fund.

298
299 Eben Punderson, President of the Middlebury Area Land Trust was there to provide MALT support for
300 the request. He said there was a time that MALT might have been the ones making this request to
301 use the Conservation Fund for these projects, but these duties have shifted more to Vermont Land
302 Trust, since it has more resources. He said MALT wanted to Board to know that they did support the
303 use of these funds.

304
305 Since Karnatz still had not arrived, Ramsay read the request to the Board. She said Allen Karnatz,
306 Champlain Valley Farm Director, Vermont Land Trust (VLT), is asking the Board to consider allocating
307 \$55,000 from the Town Conservation Fund in support of VLT's efforts to purchase the development
308 rights for, and permanently conserve, two land parcels in Middlebury, owned by 1) Shirley & Joel
309 Pominville (aka Quarry Road Farms, Inc.), and 2) Doug Butler (off Munger Street). The VLT's
310 requested Conservation Fund contributions - \$25,000 for a 210-acre parcel in the Pominville dairy
311 farm; and \$30,000 for a 148-acre parcel in the Butler dairy farm – represent roughly 6% to 7% of the
312 total acquisition costs for each project, which Allen reports is consistent with other projects the VLT
313 has been involved in. He further notes that the Town funds will provide the VLT with much-needed
314 leverage when he meets with the Vermont Housing & Conservation Board on June 14th to seek grant
315 funding to purchase the development rights for the two projects.

316

317 Karnatz arrived at this time. He said he was there mostly to answer any questions the Board had and
318 he was excited to bring both projects to them at this time. He will be going to the Conversation Board
319 on the 14th of June to request the larger grant, but any support from the towns will provide some
320 leverage to be approved.

321
322 Shashok moved to authorize the allocation of \$25,000 from the Town Conservation Fund in support of
323 a VLT grant application to purchase development rights to, and permanently conserve, a 210-acre
324 parcel owned by Shirley & Joel Pominville. Asermily seconded the motion. The motion carried with 6
325 in favor, 1 absent. **MOTION PASSED.**

326
327 Shashok moved to authorize the allocation of \$30,000 from the Town Conservation Fund in support of
328 a VLT grant application to purchase development rights to, and permanently conserve, a 148-acre
329 parcel owned by Doug Butler. Asermily seconded the motion. The motion carried with 6 in favor, 1
330 absent. **MOTION PASSED.**

331

15. Adjourn

332

333
334 The meeting adjourned at 8:35 p.m. upon motion by Shashok, seconded by Asermily.

335

336 The next meeting of the Middlebury Selectboard will be at 7:00 p.m. on Tuesday, May 23, 2017 in the
337 Town Offices at 77 Main Street.

338

339 Respectfully submitted,

340 Beth Dow