

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

**Selectboard Meeting**  
**Large Conference Room – Town Offices**  
**Tuesday, September 27, 2016**  
**Meeting Minutes**

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

Staff Present: Town Manager Kathleen Ramsay, Director of Public Works Operations Dan Werner and Director of Business Development and Innovation Jamie Gaucher. Also present were several Munson Road residents, as well as members of the community. The meeting was televised on MCTV by Dick Thodal.

**1. Call to Order**

Chair Brian Carpenter called the meeting to order at 7:03 p.m.

**2. Approval of Minutes**

Heather Seeley moved, and Laura Asermily seconded, to approve the minutes of the site visit to Adirondack View on August 23, 2016 as presented. The motion carried with 6 in favor, 1 abstention (Artim). **MOTION PASSED.**

Victor Nuovo moved, and Susan Shashok seconded, to approve the minutes of September 13, 2016 as presented. The motion passed with 6 in favor, 1 abstention (Donahue). **MOTION PASSED.**

**3. Approval of Agenda**

Victor Nuovo moved, Laura Asermily seconded, to approve the agenda as presented. The motion carried with 7 in favor. **MOTION PASSED.**

**4. Citizen Comments**

There were no citizen comments.

**5. Munson Road Water Line Repair**

Heather Seeley said she was recusing herself from participating in this agenda item.

Mike Davis, a resident of Munson Road, joined the Board. He said at the end of August a water leak on the line serving 4 houses on Munson Road was reported to the Town. It was at that time they learned the water line was private and the property owners owned the line and were responsible for repairs to the line. He said none of the property

48 owners knew this was a private line, and there was nothing in any of their deeds. Davis  
49 said the line was installed in 1962 by Paul Carrara and Bud Palmer, and was built to  
50 Town specifications at that time under the assumption the Town would take over the  
51 line; however, there is no agreement between the Town and property owners. He said  
52 meanwhile the leak has not been repaired and water is still running down the road.  
53

54 Dan Werner joined the board with a notebook of documents that identifies and  
55 describes all private water lines in town as determined by a study in 1979. He said  
56 there are approximately 30 privately owned water lines as a result of the outlying town  
57 lines being combined with the Village water lines in the late 60's, and the study was  
58 done at the request of the Board in 1979. Werner said he wasn't surprised that property  
59 owners were unaware they were on a private line and there would be no need for  
60 agreements with the Town since the lines are "private".  
61

62 Carpenter asked if there had been past trouble with some of these private lines and  
63 have we taken over some of these lines. Werner said since he'd been with the Town  
64 there had been maybe 3 or 4 problems, the most frequent being the Pleasant View  
65 Terrace line in Weybridge and the South Munger Street line. He said in these two  
66 instances the property owners know it was private and they have come together to fix it.  
67

68 Donna Donahue asked why the Town hadn't reached out to notify these people they  
69 were on a private line and suggested we do it now. Werner said he isn't sure how many  
70 actual private lines remain in town since some have been upgraded, but he thought it  
71 was a good idea to contact them. Nuovo said it was up to the seller of a property to  
72 notify potential buyers of information such as private water lines and he wasn't sure it  
73 was the Town's responsibility to notify them, but thought it was a good idea to inform  
74 current owners they're on a private line. He said he can see where it might be assumed  
75 that if the line is in the ROW it would be a town line.  
76

77 Paul Carrara told the Board that 54 years ago he and Bud Palmer had installed the 2"  
78 copper water line in the Town R.O.W. in accordance to Town standards at the time.  
79 This had been discussed with the Town and it had always been assumed it was a Town  
80 line. He is not aware of any written agreement, but as far as he knows this line had  
81 been relatively maintenance free.  
82

83 Donahue asked if we had an estimate of cost to repair the leak. Davis said he had 4  
84 estimates ranging from \$2500 to \$4300, but he feels because the leak has been going  
85 on now about a month, the soil is saturated and a larger than normal excavation will be  
86 needed which might drive up costs, so he believes it will be a minimum of \$5000.  
87

88 Coleen Brown, who lives in the former Carrara house on Munson Road, feels that  
89 based on the early communication from the Town and Paul Carrara, and the fact there  
90 are no agreements is not a sound way of determining ownership and since there is  
91 nothing in their deed it makes it very unclear who owns that line. She would like to see  
92 more research done to determine who owns the line, but in the meantime she asked if  
93 the town would repair the leak and if it was determined the line was private, the owners

94 could be billed for the repair cost. She doesn't feel the notebook is sufficient way to  
95 determine ownership.

96

97 Susan Shashok said this is not an uncommon problem within water systems and thinks  
98 the fact there is a notebook with this information is "golden" and that the book is our  
99 record. She said she is a Certified Water System Operator for the East Middlebury  
100 Water System and doesn't have a lot of experience with this, but has heard from other  
101 water operators this is a common problem. She said they could look at cost-sharing an  
102 upgrade to the line, but the specifications today are not the same as 1962 and the cost  
103 would be more than the cost to repair it.

104

105 Carpenter asked Werner if there was a precedent for the town repairing private water  
106 lines and Werner replied no. Nuovo said he agreed with Shashok, but wondered if the  
107 fact the water line was in the public ROW inferred it was the Town line. Nuovo felt by  
108 setting a precedent of repairing the line, we might be placing a burden on the Town that  
109 really should belong to the property owners. He did feel however, that the location of  
110 the line and the fact it was built to Town specifications of that time, might indicate it was  
111 meant to be a Town line.

112

113 Donahue thought they should take this as an opportunity to correct something which as  
114 a system isn't a very good one. She felt it should be policy to notify people so this  
115 doesn't happen again and there should be cost sharing, at least in this situation.

116

117 Werner told Nuovo that there were other private water lines in the highway right-of-way  
118 and that in itself does not indicate ownership. He went on to say that the Town's Policy  
119 was created to clarify who owns what, and if there is no documentation it is considered  
120 private, so that is what we've been operating under since 1979.

121

122 Paul Carrara questioned who determined this was going to be a private line since the  
123 property owners all assumed it was a Town line. Werner replied and read from the  
124 policy where the Selectboard determined that any line outside the Village area as of  
125 June 30, 1966 that was less than 6" would be considered private.

126

127 Laura Asermily and Shashok both felt this would be a lot of work for staff to notify  
128 everyone identified in the notebook, but if owners were made aware they were on a  
129 private system, what would the process be for them to make it public. Donahue  
130 acknowledged it was extra work, but felt it was the Town's obligation to notify these  
131 people and make them aware they're on a private line. Nuovo agreed, but wanted it left  
132 to the Town Manager how to inform the owners.

133

134 Mike Davis said all four of the contractors he asked for quotes were very busy, so if the  
135 Board decided it was up to the home owners to repair, it could be six weeks before a  
136 contractor could come and fix it, and all that time the water is leaking and saturating the  
137 sandy soil under a Town road which could make matters worse. Carpenter asked  
138 Werner if it would be possible for the Town to repair the leak and then, if it was deemed

139 it was a private line, the Town could bill the owners. Werner replied if the Board votes  
140 that the Town will fix it, then they'll fix it, but is concerned about setting a precedent.

141  
142 Davis said the Town has leverage if they bill the property owners and they don't pay, but  
143 if he arranges the repair and pays out of his own pocket, he has no recourse if the  
144 others don't pay their share. Shashok asked Davis and Brown if they understood that if  
145 the Town repaired it, they will still be the owners of the line. Brown said they were  
146 aware of that and if the Board deemed them to be the owners, they'd draw up an  
147 agreement and file it in the Land Records.

148  
149 Nuovo said ownership of the line is complicated and may take attorneys to determine  
150 ownership. Carpenter said there had been enough testimony and based on Town  
151 policy adopted by the Selectboard and the lack of data to the contrary, we need to  
152 observe it is a private line. He did feel that because of earlier poor communication, we  
153 owe the neighbors help in resolving this situation on a one-time basis and repair the  
154 leak and bill them for the repairs. He also felt there was a map indicating private lines in  
155 town and a list of users on those lines should be sent an official notification that they are  
156 on a private line and should come up with an agreement amongst themselves for  
157 maintenance.

158  
159 Nick Artim moved that the Town, under the guidance of the Town Manager, make an  
160 effort to notify everyone on private water lines of their existence and that they are  
161 responsible for future maintenance; and, that the Town repair the leak on Munson Road  
162 and bill each landowner a portion of the cost as a one-time solution, with the stipulation  
163 it remain a private line. Victor Nuovo seconded the motion. The motion carried with 6  
164 in favor, 1 abstention (Seeley). **MOTION PASSED.**

165  
166  
167 **6. Ladder Truck Subcommittee Recommendation for Purchase of a Replacement**  
168 **Ladder Truck**

169  
170 David Shaw, Myron Selleck and Jeff Carpenter joined the Board. Assistant Chief  
171 Selleck wanted to acknowledge the other members on the Committee, Captain Curt  
172 Galipeau and Lieutenant Scott Selleck.

173  
174 Selleck recapped the firms that they invited to bid were HME, Pierce Corp. and Smeal  
175 Apparatus. He said they evaluated each bid and compared each to their list of  
176 specifications, without knowing what the final bid was from any of them. It was only  
177 after the bids were all evaluated that they entered the bid amount in, and felt the system  
178 they used was valuable and could be used when purchasing other equipment in the  
179 future. He explained their scoring system and how they arrived at an aggregate score  
180 for each bidder. In the end, HME came in with the highest score and the lowest bid of  
181 \$825,100.

182

183 The Ladder Truck Committee is recommending the bid go to HME, at a cost of  
184 \$825,100, with a \$15,334 discount for a 100% pre-pay, which brought the total cost to  
185 \$809,766.

186  
187 Heather Seeley said it was an excellent presentation, and asked if the truck could be  
188 serviced locally or if it had to go back to the manufacturer. Chief Shaw said the  
189 maintenance would be done at the dealer in Ossipee, New Hampshire, not at the HME  
190 plant in Michigan, and there is some road service available. Public Works would be  
191 able to handle oil changes.

192  
193 Nick Artim said this has been a long process and they had come up with an outstanding  
194 methodology to come up with this recommendation.

195  
196 Nick Artim moved to approve the Ladder Truck Committee's recommendation to award  
197 the contract for the purchase of a new ladder truck to HME, Inc., of Wyoming, Michigan,  
198 for a total of \$809,766, including a discount of \$15,334 for 100% prepayment. Victor  
199 Nuovo seconded. The motion carried with 7 in favor. **MOTION PASSED.**

200  
201 Asermily asked what the Board could say at Town Meeting regarding the large hit to the  
202 Equipment Fund. Shaw said that they have pushed out the purchase of their next three  
203 vehicles, so there will be more than enough money in the fund for those and they are  
204 still working on the replacement schedule. Once that's done they'll update the  
205 spreadsheet and send it back to the Board.

206  
207 Nick Artim moved to authorize Town Treasurer Jackie Sullivan to release a lump-sum  
208 payment to HME, Inc. for \$809,766. Seconded by Heather Seeley. The motion carried  
209 with 7 in favor. **MOTION PASSED.**

210  
211 Chief Shaw said they are also requesting approval for \$56,705. This includes \$48,305  
212 for the loose equipment and tools needed to outfit the new truck and \$8,400 for the  
213 radio equipment. The equipment on the current truck is outdated and some no longer  
214 meets OSHA requirements, so this would upgrade the equipment for the new truck. He  
215 is requesting approval of the money now so that they can take advantage of sales and  
216 specials that come up during the year, so that the equipment will all be ready when the  
217 truck arrives in 2017. This money would come out of the same fund as the truck.

218  
219 Nick Artim moved to establish an equipment purchase fund under the guidance of Town  
220 Treasurer Jackie Sullivan for \$48,305 for equipment and tools and \$8,400 for radio and  
221 equipment for a total of \$56,705. Heather Seeley seconded. The motion carried with 7  
222 in favor. **MOTION PASSED.**

223  
224 **7. Transportation Alternatives Grant Program: Consider Submission of an**  
225 **Application for Supplemental Funding for a Shared Use Path on Exchange Street**  
226

227 Town Manager Ramsay gave the Board an update on the grants the Town has so far  
228 for this project and the Town's share of the costs.

229  
230 The first grant for \$330,000 was for the sidewalk from Elm Street to Champlain Valley  
231 Plumbing and heating. The Town's share was 10% or \$33,000, which was appropriated  
232 over 2 fiscal years.

233  
234 The second grant was \$378,000, with the Town's 10% share being \$37,800 which still  
235 needs to be funded in the Capital Improvement Fund and she proposes doing that over  
236 two fiscal years, FY18 and FY19.

237  
238 She had previously outlined a grant application for the difference in cost between the  
239 sidewalk to a shared use path between Champlain Valley Plumbing and Heating and  
240 Catamount Park, which has a rough cost estimate of \$100,000. The Transportation  
241 Alternative Grant requires a 20% Town share, or \$20,000.

242  
243 She said the Board had also talked about applying for a grant for the remainder of the  
244 path from Catamount Park to Route 7, and that would be roughly \$990,000, with the  
245 Town share at 10% being \$99,000 or at 20% \$198,000. She said this grant is for a 20%  
246 share, but the maximum grant under the Transportation Alternative Program is for a  
247 total project cost of \$375,000 with the State paying \$300,000 and the local share being  
248 \$75,000.

249  
250 She said the engineer is still working on better estimates for the difference in cost  
251 between the sidewalk and the shared use path and for the remainder of the project to  
252 Route 7. She would like to come back to the Board on October 11<sup>th</sup> with better  
253 estimates and something in writing on where we stand with the Town match.

254  
255 There was discussion on how the Town's share is adding up and how only 1/3 of the  
256 final section of the project would be funded by grants. Heather Seeley said she  
257 supported the project, but she can't support that amount of money right now with so  
258 many other capital projects that need to be done. The Board will review the  
259 information prior to the October 11<sup>th</sup> meeting and come back with ideas on how to go  
260 forward with funding, such as possibly bonding for the project.

261  
262  
263 **8. Downtown Bridge Replacement Project Update on the Project, Review of**  
264 **Revised Agreements with the Agency of Transportation and Assignment of the**  
265 **Town's Contract with Kubricky Construction to VTrans**  
266

267 Community Liaison, Jim Gish, reported to the Board that progress was being made and  
268 the new project team will be ready to present a revised plan and timeline to the Board at  
269 their October 11<sup>th</sup> meeting. He said Wayne Simmonds is leading the team, and he's the  
270 head of VTrans Accelerated Bridge Construction Program.

271  
272 Gish said he has been attending the weekly team meetings in Montpelier and their main  
273 two concerns are assuring continuing safety of the Main Street and Merchants Row  
274 bridges and limiting street level disruption downtown to one construction season or less.

275 They plan on reducing the time to replace the two bridges from many months to many  
276 weeks.

277  
278 In preparation for the October 11<sup>th</sup> presentation, the team met with Chair Carpenter and  
279 Donna Donahue and Nick Artim representing the LPMT. Some of the key issues  
280 discussed were utility relocation, closing Printers Alley during certain times of  
281 construction, conservation measures to protect 3 species of bats found in the bridges  
282 and a plan to manage a hazardous waste spill in the tunnel.

283  
284 Gish said that VTrans has arranged to have the bridge inspections for the two bridges  
285 done quarterly instead of annually, and two temporary bridges are being stockpiled so in  
286 the event that one or both bridges were deemed unsafe, a temporary, two-lane bridge  
287 would be in place within 7 days.

288  
289 Prior to the October 11<sup>th</sup> presentation to the Board, the Team will be meeting with key  
290 stakeholders and property owners to hear their concerns, and will complete this phase  
291 of the planning process with a public meeting around the 1<sup>st</sup> of November.

292  
293 Nick Artim wanted to point out that while the Team is saying the disruption period of the  
294 project will be reduced, overall the entire construction will be long. The trade off for a  
295 shorter disruption period is a longer lead time.

296  
297 Gish said that the Town had terminated its Service Agreement with VHB for  
298 Convenience on August 26<sup>th</sup>, and VHB is currently working on retainer for VTrans prior  
299 to entering into a contract. The Construction Service Agreement with Kubricky is in the  
300 process of being assigned to VTrans, so this should take care of any remaining Town  
301 liability with these firms. The Finance and Maintenance Agreement between the Town  
302 and VTrans is currently out for 3<sup>rd</sup> party legal review. Following that review any  
303 comments or changes will be discussed with VTrans prior to coming to the Board for  
304 their review and approval.

305  
306 Carpenter said at the meeting this past week with the Team, he expressed his biggest  
307 concern was the continual flow of traffic through the downtown should either of the  
308 bridges need to be closed. VTrans has assured they will have the temporary bridges  
309 ready to be placed within a weeks' time, but he has asked them to make a written  
310 commitment to that effect to the Town as part of the plan. Carpenter said the Board  
311 needs to make an official position and hopes they might be able to have a discussion  
312 and agree on a Board position at the meeting on October 25<sup>th</sup>, following the Board  
313 hearing the new plan and timeline from VTrans on the 11<sup>th</sup>.

314  
315 Gish said the meeting on October 11th is not going to be a big presentation, but an in  
316 depth discussion and a chance to really dig into the plan. Carpenter said that he will  
317 ask for the support of the Board to reduce the Local Project Management Team down to  
318 two Selectboard members and Gish, since the management of the project has shifted to  
319 the State.

320

321 There was discussion on the possibility of a larger than normal audience for the meeting  
322 on the 11<sup>th</sup> and the fact it is not intended as a formal presentation. It was thought that  
323 setting and announcing the date of the public meeting prior to the October 11<sup>th</sup> meeting  
324 would help keep the meeting on the 11<sup>th</sup> to an educational meeting for the Board rather  
325 than a lot of public comment and debate prematurely. Gish will talk to the VTrans  
326 people about setting a date for the public meeting.

327  
328 **10.b. Middlebury Business Development & Innovation Fund**  
329 **Meeting of September 15, 2016**

330 (Item taken out of order)  
331

332 Jamie Gaucher, Director of Business Development and Innovation, joined the Board to  
333 report on the September 15, 2016 MBDF Advisory Board meeting where they discussed  
334 improving Broadband communication throughout Middlebury. At this meeting the  
335 Board hosted Fairpoint Communications, represented by the President of Vermont  
336 Fairpoint, the Director of Government Relations and via phone, the Director of Business  
337 Development, who gave a presentation on their facilities, network and fiber around  
338 Middlebury and their plans to expand the network and offer additional services.

339  
340 Bryan Alexander, who owns a small business in Ripton devoted to the future of  
341 education and technology, described to the Board his experience in trying to run his  
342 business and expand it with the limited broadband available to him from Fairpoint. He is  
343 limited to his ability to communicate with others and is unable to do any type of video  
344 conferencing with clients. The types of communications so vital to businesses and non-  
345 profits is not possible in Ripton or many other parts of Vermont.

346  
347 He and a dozen other have been doing research and talking about the problems with  
348 rural broadband to elected officials, non profits and broadband providers, and they have  
349 concluded it is a case of policy and market failure. It is a market failure because they  
350 are told it is not cost effective to provide this service to these areas and it is a policy  
351 failure because the State has backed down on its promise to expand broadband. He is  
352 at the meeting to see what is happening in the Middlebury area and if that might  
353 overflow to areas in Middlebury that aren't being served and to surrounding towns.

354  
355 Shashok asked if there was follow up on the work Tilson did for us that might be helpful  
356 in the future. Gaucher said it was actually Tilson's work that prodded Fairpoint to  
357 contact Middlebury, as well as OTT, and it is the Tilson plan they are hoping to  
358 implement.

359  
360 Alexander said the problem is not just economic, but in education as well. Schools are  
361 not able to get broadband width sufficient for the children in K-12 to take the Common  
362 Core tests. Gaucher said this is not a technology issue, since the technology exists, but  
363 it's a business issue for a rural area and for Middlebury. He said he was encouraged  
364 after his meeting with Fairpoint since it was the first time an incumbent provider was  
365 willing to sit down and brainstorm solutions. The plan has always been to do this in  
366 "fiber-hoods", installing it neighborhood by neighborhood within the Addison Central



367 Supervisory Union District, which is larger than Middlebury, but includes all the students  
368 that eventually go to school here.

369  
370 There was discussion on the importance of expanding in Addison County to increase  
371 economic diversity and improving education opportunities.

372  
373

#### 374 **9. Selectboard's Report on the Discontinuance of Adirondack View Drive**

375  
376 At the August 23<sup>rd</sup> meeting, the Board directed Town Counsel to prepare the Order of  
377 Discontinuance for Adirondack View and include language authorizing Kathleen  
378 Ramsay to execute a Quitclaim Deed conveying the land to Middlebury College, as well  
379 as a Bill of Sale and other appropriate documents to convey the Town's interest in the  
380 water and sewer infrastructure underlying the road.

381  
382 Laura Asermily moved to approve the Order of Discontinuance of Highway #59 (also  
383 known as Adirondack View). Donna Donahue seconded. The motion carried with 7 in  
384 favor. **MOTION PASSED.**

385  
386

#### 387 **10. Committee Reports**

##### 388 **10.a. Public Safety & Health Committee Meeting of September 13, 2016**

389  
390 Laura Asermily said the Committee is working with residents on how best to file and  
391 track noise ordinance complaints. Donna Donahue asked if the Public Safety  
392 Committee could help with complaints like the one made earlier in the meeting by Eli  
393 Madden about the way he'd been turned away at the Police Station when he went to  
394 give a statement regarding a biking incident 9 years ago. Asermily spoke to Madden  
395 and told him she did not think he would have the same response now, since Chief  
396 Hanley has been working closely with the biking community on the new bike  
397 ordinances.

398  
399  
400

##### 401 **10.c. Policy Review Committee Meeting of September 21, 2016**

402  
403 Donna Donahue summarized the steps the Policy Review Committee went through to  
404 develop the proposed Ordinance to Regulate Commercial Activity on Public Property.  
405 After looking at it in regards to displaying items for sale or art displays, the Committee  
406 realized this was a more complex issue than originally thought. Over the course of  
407 several meetings and many discussions, the Committee refined the Ordinance and  
408 condensed it down to strictly regulating commercial activity on public property.

409  
410 Donahue said the Ordinance was streamlined so as to be crystal clear to anyone who  
411 read it and it is not intended to preclude future commercial ventures that might arise and  
412 for which there might be a need for a specific type of vending ordinance.

413  
414 The Board agreed to warn a public hearing for adoption.  
415

#### 416 **10.d. Energy Committee Meeting of September 21, 2016**

417  
418 Heather Seeley said the minutes from their last meeting were in the packet, along with a  
419 media release from Vermont Department of Public Safety regarding Draft Energy  
420 Planning Standards. This draft is in the public review process until October 20<sup>th</sup>. She  
421 also reported on the training they received on Trip Diaries which involves recording  
422 vehicle use over a 3 day period so people can have an accurate view of how they use  
423 their vehicles. The Energy Committee can now show others how to train others so they  
424 can be aware of the way they use their cars.

#### 425 426 **10.e. Town-College Lunch Meeting of September 22, 2016**

427  
428 Brian Carpenter said the notes from the meeting were in the packet, but the two main  
429 topics discussed were the MBDF initiative review and the downtown bridge  
430 replacements. He, Nick Artim and Donna Donahue attend with Town Manager  
431 Ramsay. Asermily wanted to know about looking into who attends these lunches going  
432 forward. Carpenter said they try to rotate members who attend, but the decision is also  
433 based on the subject matter of the agenda. He said unless it is felt this isn't fair, he'll  
434 continue with this method going forward, but he does have a strong commitment to  
435 include everyone. He said they hoped to try having the lunch to discuss the agenda,  
436 but then have an open meeting with the rest of the Board for discussion. Shashok said  
437 she understood that the decisions made are often last minute, but it doesn't allow the  
438 other Board members a chance to support that person who gets to attend the lunch.

#### 439 440 **10.f. MBDF Initiative Review Subcommittee Meeting of September 23, 2016**

441  
442 Nick Artim reported on the first meeting of this Committee that was created to evaluate  
443 the factors that led to the creation of the Middlebury Business Development Fund as it  
444 reaches the end of its 5 year trial period. The Committee will look at the  
445 accomplishments and goals and prepare a summary and a recommendation to either  
446 continue the program as is, continue the program with modifications, or to terminate the  
447 program. He said the next meeting will involve looking at a list of people to interview  
448 and questions to ask, and told the Board if they had names of people they thought  
449 should be contacted, or questions they'd like asked, to send them to Kathleen Ramsay.

#### 450 451 **11. Award of Contract for Pool House Siding & Window Replacement Project**

452  
453 Ramsay reported that there had been two bids on the replacement window project, with  
454 Robert Miller being the lowest bidder at \$14,400. While comparing bids, Judith Harris  
455 found that Miller's proposal did not include two of the windows specified. By adding the  
456 two windows and upgrading the quality of the windows, at the recommendation of  
457 Harris, Miller's bid came in at \$16,900, which was still lower than the other bid of  
458 \$41,950. Because of the 5-week lead time for ordering the windows, there was not time

459 to wait until the next Infrastructure Committee meeting, so Ramsay called Susan  
460 Shashok and Heather Seeley regarding the timing of the project and they concurred  
461 with the recommendation to go forward.

462  
463 Susan Shashok moved to award the contract for the Pool House Siding and Window  
464 Replacement Project to the low-bidder, Robert Miller, for a total cost of \$16,900.  
465 Heather Seeley seconded. The motion carried with 7 in favor. **MOTION PASSED.**

## 466 **12. Appointment of Deputy Zoning Administrator**

467  
468  
469 Laura moved to appoint Assistant Zoning Administrator Victor Sinadinoski as Deputy  
470 Zoning Administrative Officer for a 3-year term. Seconded by Nick Artim. The motion  
471 carried with 7 in favor. **MOTION PASSED.**

## 472 **13. Update on Attorney Dumont's Letter Regarding Vermont Gas**

473  
474  
475 Ramsay reported that Town Counsel Benj Putnam will provide guidance to Zoning  
476 Administrator Jennifer Murray, but his initial assessment is that a zoning permit is not  
477 applicable for most, if not all, of the facilities proposed by Vermont Gas.

## 478 479 480 **14. Set Fall Meeting Schedule**

481  
482 A new schedule to avoid meeting on the General Election day on November 8<sup>th</sup> was  
483 requested at the last meeting. The new proposed schedule is for Board meetings on  
484 November 15<sup>th</sup> and 29<sup>th</sup>. The meeting on the 29<sup>th</sup> would be in lieu of the December 6<sup>th</sup>  
485 meeting.

486  
487 Seeley wanted to keep in mind going forward that Feb 28<sup>th</sup>, 2017 conflicts with ACSU  
488 annual meeting, so as that gets closer maybe we can change times. It was agreed that  
489 they'd meet on February 27<sup>th</sup> instead.

## 490 491 492 **15. Approval of Check Warrants**

493  
494 Laura Asermily said she had reviewed the checks and found them to be in good order  
495 with a total expenditure of \$3,149,190.75. Of this amount, almost \$2,000,000 was in  
496 bond payments and payments for the Weybridge St and Creek Road projects.

497  
498 Asermily moved to approve the check warrant. Victor Nuovo seconded. The motion  
499 carried with 7 in favor. **MOTION PASSED.**

## 500 501 **16. Town Manager's Report**

502  
503 She reported a survey was being conducted on the Creek Road Erosion Stability Study

504 and that the public meeting scheduled for September 28<sup>th</sup> had been postponed until  
505 sometime in October.

506

### 507 **17. Board Member Concerns**

508

509 Seeley had noticed in the ACRPC update that there was a Road Scholar workshop  
510 being offered in Rutland entitled Rivers and Roads, and she wondered if our Public  
511 Works was aware of it and thought it was a good fit. She also commented on the  
512 previous biking incidents brought up in the meeting that she as a CDL driver had equally  
513 as many bike incidents to report from the driver perspective.

514

### 515 **18. Executive Session**

516

517 In accordance with Vermont's Open Meeting Law requirements, Susan Shashok moved  
518 that the Board find that premature general knowledge of the consideration of a  
519 personnel matter would clearly place the Selectboard at a substantial disadvantage  
520 because the Selectboard risks disclosing its litigation strategy if it discusses the  
521 personnel matter in public. Nick Artim seconded. Motion carried with 6 members in  
522 favor, 1 absent. **MOTION PASSED.**

523

524 Susan Shashok further moved that the Board enter into Executive Session to discuss a  
525 the personnel matter under the provisions of Title 1, Section 313(a)(1) of the Vermont  
526 State Statutes. Heather Seeley seconded. Motion carried with 6 members in favor, 1  
527 absent. **MOTION PASSED.**

528

529 The Board entered into Executive Session at 10:02 p.m.

530

531

### 532 **19. Action on Matters Discussed in Executive Session**

533

534 The Board exited Executive Session at 10:40 p.m. upon motion by Donna Donahue,  
535 seconded by Laura Asermily, with no further action.

536

### 537 **19. Adjournment**

538

539 The meeting adjourned at 10:40 p.m.

540

541 Respectfully submitted,

Beth Dow