

1 **Regular Selectboard Meeting**  
2 **Monday, July 13, 2021**

3 **Meeting Minutes**

4  
5 **NOTE: Due to the need for separation to prevent the spread of COVID-19 virus,**  
6 **the meeting was held both remotely via video conferencing with some**  
7 **participants and with Board members in the Town Office Conference Room.**

8  
9 Members Present: Brian Carpenter, Nick Artim and Dan Brown, Heather Seeley, Esther  
10 Thomas and Farhad Khan. Lindsey Fuentes-George was absent.

11  
12 Staff Present: Town Manager Kathleen Ramsay, Assistant Town Manager Chris  
13 English, Director of Planning and Zoning Jennifer Murray, Town Clerk Ann Webster and  
14 Fire Chief David Shaw.

15  
16 Also Present: Howard Widelitz of the Energy Committee, representatives of Acorn  
17 Energy Co-op, Jean Terwilliger of Vermont Integrated Architects, Town Moderator  
18 Susan Shashok and interested citizens.

19  
20 The meeting was streamed live on the MCTVVT YouTube channel.

21  
22 **1. Call to Order**

23  
24 The meeting was called to order at 7:00 p.m. by Chair Brian Carpenter.

25  
26 **2. Approval of Agenda**

27  
28 Khan moved to approve the agenda, and Seeley seconded the motion. Ramsay said  
29 item 7.a. on the agenda regarding the park benches was being deferred until the next  
30 meeting. The agenda was approved as amended with 7 in favor, 1 absent. **MOTION**  
31 **PASSED.**

32  
33 **3. Approval of Consent Agenda**

34  
35 3.a. Approval of Minutes of the June 22, 2021 Selectboard Meeting & the June 23, 2021  
36 Selectboard Meeting Retreat

37  
38 3.b. Approval of 2nd Class Liquor License and Tobacco License for Global Montello  
39 Group Corp., dba Jiffy Mart (formerly Mac's Convenience Store); Approval of 1st and  
40 2nd Class Liquor License and Tobacco License for Twelve Acres, LLC, dba Shafer's  
41 Market & Deli

42  
43 3.c. June 28, 2021 Public Health & Safety Committee Meeting Minutes  
44

45 3.d. Placeholder Consent Agenda Item

46

47 3.e. Town Manager's Report

48

49 Seeley questioned including committee minutes in the consent agenda, since the Board  
50 had never needed to approve committee minutes previously. Carpenter said the Board  
51 wasn't approving the minutes; they were "accepting" the committee minutes as part of  
52 the public record.

53

54 Khan moved to approve the Consent Agenda as presented. Seeley seconded the  
55 motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

56

57

#### 4. Citizen Comments

58

59 There were no citizen comments.

60

##### 6.a Request from Director of Public Works Operations Bill Kernan for 62 authorization for the sole-source procurement of radio equipment and installation 63 for the Department of Public Works' new radio repeater

64

65 Ramsay said Bill Kernan is seeking the Board's approval to award a contract under  
66 the Sole-Source Purchases exception in the Town Purchasing policy for BearCom to  
67 complete the installation of the new radio repeater at the DPW facility for a total cost  
68 of \$7,759.62. She said Kernan notes that BearCom, a national provider of two-way  
69 radio equipment and related services, is the company that currently maintains all of  
70 the department's radio equipment. She said the Board's most recent action on this  
71 project, which has been several years in the planning, was the November 2020  
72 approval of the expense for Green Mountain Power to install utility poles and  
73 overhead lines between the DPW facility and the ledge above the storage shed,  
74 where the repeater is being installed, and the Board also approved granting a  
75 permanent easement to GMP in order to maintain its equipment. She said Kernan  
76 reports that the BearCom installation cost will be allocated on a prorated basis to all  
77 DPW departments as an operating expense

78

79 Khan moved to award a contract to BearCom, under the Sole-Source Purchases  
80 exception in the Town Purchasing policy, to complete the installation of the new radio  
81 repeater at the DPW facility, at a total cost of \$7,759.62. Seeley seconded the motion.  
82 The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

83

##### 84 6.b Request for a sole-source contract award for repair of a portion of the granite 85 fence on the Town Green damaged by a fallen tree during the May 26th storm

86

87 Carpenter said Kernan is seeking the Board's approval to award a sole-source contract  
88 to Hawk Creek Fence LLC (Ferrisburgh, VT) for the repair of the granite and pipe fence  
89 on the Town Green, adjacent to Court Square, at a not to exceed cost of \$14,050.

90 The project includes the tear down and replacement of four granite posts and pipes that  
91 were damaged by a fallen tree during the storm on May 26th.

92  
93 Artim moved to award a sole-source contract to Hawk Creek Fence LLC (Ferrisburgh,  
94 VT) for the repair of the granite and pipe fence on the Town Green, adjacent to Court  
95 Square, at a not to exceed cost of \$14,050. Seeley seconded the motion. The motion  
96 carried with 6 in favor, 1 absent. **MOTION PASSED.**

97  
98 **6.c Award contract for replacement of an electrically activated influent valve at**  
99 **the Wastewater Treatment Facility**

100  
101 Carpenter said Wastewater Superintendent Bob Wells is seeking the Board's approval  
102 to award a contract to DeBisschop Excavating for the installation of a new 16-inch,  
103 electrically activated influent valve at the Wastewater Treatment Facility, at a total cost  
104 of \$3,800. He said DeBisschop was the low bidder of two contractor quotes that Wells  
105 obtained and the contract includes removal of the old valve. He said this request is a  
106 follow-up to the Board's April 13th action to approve the purchase of the valve, the  
107 second installment in Wells' plan to replace all four influent valves at the plant at a rate  
108 of one per year.

109  
110 Following some discussion over the valve and the installation process, Khan moved to  
111 award a contract to DeBisschop Excavating for the installation of a new electrically  
112 activated influent valve at the Wastewater Treatment Facility, at a total cost of \$3,800.  
113 Seeley seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION**  
114 **PASSED.**

115  
116 **7.a Downtown Railroad Bridge Replacement Project Community Liaison Jim Gish**  
117 **with a recommendation for the purchase and placement of downtown park**  
118 **benches, as budgeted by the Downtown Improvement District Commission**  
119 **(Deferred)**

120  
121 **7.b Consideration of request to re-open Triangle Park, pending formal notification**  
122 **releasing the space for public use**

123  
124 Carpenter explained that the Town received a request from St. Stephens Church to hold  
125 their annual Peasant Market on the newly renovated Triangle Park on Saturday, July  
126 31<sup>st</sup>, but since the park officially remains a construction site until the completion of the  
127 Bridge & Rail Project in late August, Kubricky Construction is currently in control of the  
128 park site. No formal action was taken.

129  
130 **8. Howard WidELITZ, Energy Committee Chair, with a recommendation on Net-**  
131 **Metering, including a request for a bond vote to finance the purchase of units in**  
132 **Acorn Energy Co-op's Bristol Project**

133  
134 WidELITZ said the Energy Committee was coming back to the Board with a  
135 recommendation on how to take advantage on the net metering that Green Mountain

136 Power (GMP) provides, and they established a set of criteria to use when looking at  
137 options. He said the first option is when a private solar company builds an array and  
138 gives a discounted price on the electricity it produces. He said the second option is  
139 buying units in a planned Acorn Energy Co-op community array in Bristol, which is what  
140 the Energy Committee proposed to the Selectboard last year, but there were too many  
141 complications and too much staff time required dealing with contractors, so that wasn't  
142 pursued. He said the third option is the anaerobic digester at the Wastewater  
143 Treatment Facility that we've been talking about, and the Energy Committee is funding  
144 more research into that option, but that option is 2 to 4 years away and they aren't sure  
145 that's the best option as a source of electricity. He said the cap for net metering for any  
146 one meter is 500 kilowatts, and the Town right now has a combined total of 153  
147 kilowatts, which gives us 347 kilowatts that we could still take advantage of.  
148

149 He said after reviewing the various options, they're recommending the Town of  
150 Middlebury invest in the Acorn Energy Co-op option. He said this option would be an  
151 average net savings over the next 25 years of \$180,544, and this is a conservative  
152 estimate. He said as a partner, or co-owner of the array, after six-years the Town would  
153 have some say on how it's maintained. He said the Town could see savings beyond 25  
154 years since the solar panels will still be producing electricity at that time.  
155

156 Widelitz said participation in this project would increase the Town's renewable energy  
157 portfolio, support a local solar project and increase renewable energy in Vermont, and  
158 would help in the Town's plan to reduce its carbon footprint by 80% in 2030.  
159

160 He said the cost to participate in the Acorn project would be \$702/unit x 460 units, for a  
161 total of \$322,920. He went over the savings anticipated over 25 years, and stated again  
162 that these numbers were conservative.  
163

164 Widelitz went over how annual net savings of \$23,000 is calculated and Brown asked  
165 how the bond is calculated. Widelitz said Ramsay checked with the Vermont Bond  
166 Bank and the 20-year term is the shortest term bond that would allow a net savings  
167 every year. He said if we went with a 15-year bond, then the savings generated would  
168 just cover the cost of the bond.  
169

170 Ben Marks of Acorn Energy Co-op explained how the estimated savings is based on the  
171 production. Carpenter asked if an independent assessment had been conducted of the  
172 actual energy production of this proposed array, since what the panel can theoretically  
173 produce may vary based on weather, location, the angle of sunlight and other variables.  
174 Marks responded they did not have an independent assessment, and their estimates  
175 were based on production values from existing Acorn arrays – including the one by the  
176 Middlebury Police Department and one in Shoreham – and they find their projections to  
177 be accurate and conservative, so they're very comfortable with this projection.  
178

179 Widelitz said what the Energy Committee is proposing and what these estimates are  
180 based on assumes that the Town purchases a 25% share of this project, but 25% might  
181 not be available by the time it takes for the bond to be voted on, so at that point we

182 would take whatever was available. Carpenter asked if there was a deadline to get  
183 these rates, and Marks said the rates are locked in for the life of the project, so they  
184 won't change. He said most of the investors are small businesses and families who for  
185 some reason can't put solar on their homes or don't have space for them. He said  
186 they're not going to spend money on anything until they've sold 95% of the project, and  
187 they're currently at about 65% sold, but they expect to be sold out by the end of August.

188  
189 Carpenter asked where the array will be built, and Marks said it would be built on the  
190 closed landfill behind the Mt. Abe baseball fields, so it will be out of public view.

191  
192 Seeley asked about the solar array that was to be built on Halladay Road a few years  
193 ago, and said she thought the Town had some kind of agreement with them and  
194 wondered if this deal would impact whatever agreement we had with them. It was said  
195 that was a different type of array and agreement.

196  
197 Artim said he had a fundamental issue with the 25-year period, because with all the  
198 technological research going on with energy, in 25-years this array will be obsolete and  
199 we'd be locking ourselves into something and we couldn't take advantage of any new  
200 technology, so he wonders if this is in the best interest of the Town. Widelitz said it's  
201 true that we don't know how technology will change, but do you base a decision today  
202 on something we don't know will be available in the future. Marks said the Town would  
203 be buying the security of the project, and if at any time in the future the Town decides to  
204 not be in the project anymore, you can sell your security – which is a proportionate  
205 share of the project's production – to someone who does want it, and the price would be  
206 based on the cost of electricity at the time and the number of years the project will be in  
207 effect.

208  
209 Carpenter asked about the business structure of this project. Marks went over the  
210 structure of the project and how ownership shifts to the shareholders after 6 years.  
211 Carpenter said he'd like to see a pro forma for this project and what they, as the  
212 developer, see as a return. Marks said they are the manager of the project for the first  
213 six years, and after that the Series B partners have all the voting power and can decide  
214 to fire Acorn and hire someone else, or they can manage it themselves.

215  
216 Carpenter asked how this fits in with the proposal from the Friends of Middlebury  
217 Hockey's plans, and Widelitz said theirs is a separate plan, but the question would be, is  
218 their meter separate from the Town or would their credits be counted within our 500 KW  
219 cap?

220  
221 The question of the timing on the bond vote came up, and Ramsay said it would not  
222 happen before the end of August, so it's unsure what would be available for credits at  
223 that time. Marks said the Town could hold their place in line by making a 10% deposit,  
224 which is \$70/unit that they want; however that deposit is not refundable. Carpenter said  
225 it's possible we could go through the process of a bond vote and there not be any  
226 panels left. Marks said if the Board voted to proceed with a bond vote at the end of  
227 August at their July 27<sup>th</sup> meeting, he believes that timing would work for them, but they

228 couldn't wait for the bond sale in December in order to get cash, because they would  
229 need it to build the project, so there would need to have some kind of interim financing  
230 between the vote and the bond sale.

231  
232 Carpenter asked the pleasure of the Board, and Artim said he didn't have enough  
233 information to say yes. Ramsay said this can be pushed out to the July 27<sup>th</sup>, because  
234 we are still waiting for more documents from Acorn.

235  
236 Following some further discussion, the Board moved on to the next agenda item and  
237 they'll discuss this further at the July 27<sup>th</sup> meeting.

238  
239 **9. Jeremy & Liz Parker, Request to Cross Town Right of Way with a**  
240 **Proposed Driveway to Access the proposed Parker Homestead &**  
241 **Forest Farm off Washington Street Extension**

242  
243 The Parker's architect, Jean Terwiliger from Vermont Integrated Architects, was present  
244 and Jeremy Parker was attending via Zoom.

245  
246 Director of Planning and Zoning Jennifer Murray provided the background on the  
247 application by the Parker's to use a portion of the Town right-of-way (Trail LT1) from  
248 Washington Street Extension as the beginning of their driveway access. Murray said  
249 since the last time this was before the Board, the Development Review Board (DRB)  
250 met and has postponed their decision to July 26<sup>th</sup> so they would have Director of Public  
251 Works Operations Bill Kernan's technical review of the plans and more information on  
252 the driveway alignment. She said that a new survey will be done later this month to add  
253 more accuracy to their plans and possibly move the location of the access a few feet to  
254 the right. Murray said Town Counsel said the Selectboard has the authority to be  
255 making a decision about whether or not to use a portion of this right-of-way for this  
256 purpose and to suggest language and conditions. She said this evening the Board can  
257 discuss the application and hear any comments that are out there related to the  
258 application, and can either approve with conditions, to deny, or to move to the next  
259 meeting and give staff time to work with counsel on drafting any conditions in an  
260 agreement for them to review.

261  
262 Seeley said years ago when John Reynolds applied to use this access to his property,  
263 the Town denied his request based on safety concerns. She said she doesn't know that  
264 they have the information on what improvements have been made to make a decision  
265 and justify approving it now. She asked if there was more information on why it was  
266 denied earlier. Murray said they had reviewed the earlier Board minutes when the  
267 permit was denied, and Terwilliger and Parker have done further research, but one thing  
268 is the driveway the Parker's are proposing is in a different location than Reynolds had  
269 proposed, but Chief Shaw or Bill Kernan might be able to address that based on their  
270 reviews, since they had met with Jeremy Parker onsite, as did Police Chief Hanley.

271  
272 Parker said the decision made in 1999/2000 about reclassifying this right-of-way from a  
273 Class 4 road to a trail, was based largely on the LaRose survey recorded as map 882 in



274 the Town Clerk's Office. He said that survey really tied the decision together because it  
275 shows the right-of-way coming out on the northeast corner of the property that didn't  
276 have the suitable sight distances when looking to the west for traffic. He said that made  
277 sense for the reason the request was denied at the time as an access for John  
278 Reynolds and why it was such a safety concern. He said they're proposing to access  
279 the property at the top of the hill so they can have adequate sight distances in either  
280 direction.

281  
282 Brown asked Chief Shaw about his concern for the safety of emergency services using  
283 this access. Shaw said it is probably the best location it can be, but his concern from an  
284 emergency services standpoint is they will have to cross left of center to enter the  
285 driveway. His other concern is the driveway is over 2000 feet long and only has one  
286 pull-off. He said if the access was on the lower side of the property, it would make it a  
287 lot quicker and safer for them to get to the property. He said he is also concerned about  
288 the narrowness of the driveway, especially in the winter.

289  
290 There was further discussion about the future maintenance of the long driveway and  
291 Parker pointed out they have made the entrance wider so that it meets all the  
292 requirements for emergency vehicles and they will be paving the portion of the driveway  
293 in the Town right-of-way and down to where it narrows to 14'.

294  
295 Brown asked about the other possible entrance through Painter Hills Development that  
296 crosses a Class 2 wetland and is that problem something that could be overcome.  
297 Parker said they want to access Washington Street Extension directly. Parker said the  
298 Painter Hills access has been used for decades by agricultural vehicles to reach the  
299 fields, but in order to bring that up to some type of code or design requirement it would  
300 disturb the wetlands, and it also disturbs the backyards of the residential properties of  
301 Painter Hills. He said this is a High Density Residential neighborhood, so while their  
302 proposed use isn't a high intensity use, it will have traffic that will be determined by how  
303 the farm develops. Brown said to him it's a balance of the safety of that neighborhood  
304 at the safety of the road that is much busier than the neighborhood, and doesn't  
305 necessarily see a lot of traffic coming from a farm, and pointed out other neighborhoods  
306 have to deal with traffic and large vehicles every day. Terwilliger said if you used the  
307 Painter Hills Access, you'd still be constructing about 1,000 foot long road to the farm,  
308 so it is still significant construction. She said the Painter Hills Rd comes on to a not-so-  
309 safe area of Washington Street Extension, so she doesn't know if that's a benefit.  
310 Brown disagreed and said he thought it was much safer. Murray said there were quite a  
311 few Painter Hills residents at the DRB hearing that were upset about the access coming  
312 through their neighborhood.

313  
314 Brown asked about where the DRB stood on this application. Murray said the DRB  
315 doesn't approve the access or the use of the trail, but they approve the construction of  
316 the driveway and the construction of a residence in the Forest District that requires  
317 Conditional Use Approval. She said the access onto Washington St. Extension requires  
318 a curb cut like any other dwelling would get from Public Works, but then is complicated  
319 by crossing the right-of-way, which involves Selectboard approval. Brown said he

320 knows the DRB looks at safety as well, and he's looking for their ruling. Murray said  
321 they meet again on this application July 26<sup>th</sup>.

322  
323 Resident Leon Smith spoke, and said while he isn't an adjacent property owner, he is a  
324 concerned citizen in the area and has hunted and hiked on this property for years and  
325 knows it well. He said one of his main concerns on this access is it's going to seriously  
326 impact the wildlife corridor that goes through this land from Chipman Hill to the forests  
327 and lands all the way back to the Butlers. He said additionally he's concerned about the  
328 safety concerns, having driven that road for 30 years, and recently there was another  
329 driveway and parking area added for the cemetery across the road from the proposed  
330 access, and the traffic far exceeds what you'd see in Painter Hills. He said Parker's  
331 goals seem in line with environment and soil conservation but putting a ½-mile driveway  
332 through a wildlife area doesn't seem in line with that. He said finally, that he knows  
333 John Reynolds and while he doesn't know the specifics of the deal back in 1999/2000,  
334 he does know Reynolds sold the land to the Town because the Town denied him the  
335 use of the right-of-way to access his property, and the Town changed it to a trail to  
336 avoid the possibility of using that corner, so for the Town to now reverse that decision  
337 would be a big injustice against Mr. Reynolds. He feels that the access through Painter  
338 Hills would be better, and there are also wetlands on the area where the Parkers  
339 propose the access that contain the same flora and fauna as that in the wetlands by  
340 Painter Hills.

341  
342 Nancy Malcolm, an abutting property owner said that the Painter Hills Development is  
343 now zoned High Density Residential, but at the time it was developed it was a Planned  
344 Unit Development and a middle residential development. She said the Planning  
345 Commission zoned the entire area High Density Residential to avoid spot zoning, but it  
346 cannot and won't be developed as high density. She said that farm access in Painter  
347 Hills was there before the development, so calling it a high density residential is not  
348 really the way it is presented.

349  
350 Artim said he likes the project that's being proposed, and he's feeling better about the  
351 safety of the access and asked what the options were. Ramsay said the Board could  
352 approve the application, deny it, or ask for an agreement to be drafted for a future  
353 meeting. Brown said he'd like to hear what the DRB had to say on the 26<sup>th</sup>. Murray  
354 said the only reason the DRB didn't approve it before was because they didn't have the  
355 civil engineering drawings with the level of specificity that they requested and they  
356 wanted to hear feedback from Bill Kernan to let them know if the sight distances  
357 checked out with what the applicant and engineer were telling them.

358  
359 Carpenter said if our Town experts have looked at the site and it meets the standards,  
360 then he doesn't see how as a governing board they can change those standards  
361 because cars go off that curve because they're going too fast. He said if it's at the peak  
362 of that hill and if the driveway is designed well enough and has a nice mouth for people  
363 to turn into, it's safer than some of the other driveways. Brown said the problem is there  
364 is a lot happening at the peak of that hill and there could be bikes or someone walking,



365 and now you're watching for the driveway to come in all at once. Carpenter said that  
366 could happen anywhere in town.

367  
368 Artim said he was in favor of approving it. Khan said there are differing opinions, and to  
369 him, Chief Shaw and Chief Hanley's opinions matter more than anyone else's, and he  
370 asked Terwilliger if she had a disagreement with Chief Shaw, then she should clear that  
371 up. Terwilliger said she thinks it's a matter of understanding what's on the drawings.  
372 Shaw said he agreed with Carpenter and this should be left up to the DRB, and the  
373 Board should focus on the right to use the trail. Seeley said she's still uncomfortable  
374 about not being consistent when access to this right-of-way was denied previously.

375  
376 Terwilliger pointed out that the Reynolds permit for access to this right-of-way was a  
377 different situation and would have come onto Washington Street Extension where there  
378 is a sight line issue. Parker said the minutes say that all adjacent property owners have  
379 frontage on Washington St or Seminary Street, so the property in question was for  
380 Reynolds landlocked property, so that would have required the Town to create a road  
381 that connected to either Seminary or Washington St. He said they have frontage on  
382 Washington St. Ext and the right-of-way passes through their property, but they own the  
383 land underneath. He said if they had a landlocked parcel he would understand how that  
384 1999/2000 decision would impact their request.

385  
386 Smith said he could see how you could say this is apples and oranges, but they both  
387 are requests to use the right-of-way. He said Reynolds was told "no" and then the  
388 Class 4 road was specifically downgraded to a trail so this issue wouldn't come up  
389 again. He doesn't see how safety has improved on Washington Street Ext and feels if  
390 the Board approves this access then they owe Mr. Reynolds an apology. He would like  
391 to see a proposal for a roadway through the Painter Hills access.

392  
393 Following more discussion by the Board, Brown said he wasn't willing to make a motion.

394  
395 Parker said their permit to construct in the Forest Zone is what triggered the DRB  
396 process, so he wondered if they had requested to build in the High Density Residential  
397 Zone and access onto Washington St Ext, would they have needed to come before the  
398 Selectboard for approval. Murray said they would have still need to come before the  
399 Selectboard.

400  
401 Artim moved to approve the request by Jeremy and Liz Parker to use a portion of the  
402 Town ROW and trail LT 1 (f/n/a Means Wood Road (TH #12)), where the trail intersects  
403 with Washington Street Extension, as a driveway access, with the language and  
404 conditions suggested by Town Counsel, and I further move that the motion, in its  
405 entirety, be included in the written public record for this meeting. Thomas seconded the  
406 motion.

407  
408 Michael Reeves said he lives directly across the road from where this access is  
409 proposed, and they see the speed of the cars on that corner and he thinks this will add  
410 another level of potential accidents. He said he agrees with Mr. Smith about the

411 families on bicycles on this corner and supports what Mr. Smith and Mrs. Malcolm had  
412 to say, and while they support the Parker's right to develop this parcel, they wanted to  
413 go on record that they are in favor of the Painter Hills access.

414  
415 Carpenter called for the vote on the motion. Carpenter, Thomas and Artim voted in  
416 favor of the motion. Brown voted against the motion, and Khan and Seeley abstained.  
417 The motion failed because there was not a majority vote.

418  
419 Carpenter asked if the Board was in favor of tabling this until the next meeting. Seeley  
420 said she wondered what more information they get that would make a difference in the  
421 final vote. She said she isn't sure seeing the agreement will make a difference in how  
422 she votes, so she guessed she'll read some more of the minutes. There was further  
423 discussion on what others might need to help them make a decision, and how the  
424 Reynolds application was different from this one.

425  
426 Carpenter said he didn't understand how they could vote this down when the access  
427 sight lines meet the standards. He said as a business man, developer and property  
428 owner, he'd be outraged if the Board turned him down for something that met  
429 standards. Murray also pointed out that all the Selectboard can do is to approve or  
430 deny this request for the access on Washington St Ext, they don't have the authority to  
431 choose which access he uses, and if they choose to deny it, then he would either be  
432 forced to use the Painter Hills access or choose not to develop this property.

433  
434 **10. Request from the Northeast Archaeology Research Center to transfer artifacts**  
435 **collected as part of its 2019 work for Green Mountain Power as part of the Federal**  
436 **Energy Regulatory Commission (FERC) hydroelectric relicensing process to the**  
437 **Vermont Archaeology Heritage Center**

438  
439 Carpenter said Rosemary Cyr, Lab Director of the Northeast Archaeology Research  
440 Center (NE ARC) in Farmington, ME, has written a letter requesting the Board's  
441 permission to transfer several recently-cataloged Native American artifacts recovered  
442 from an archaeological site on Town-owned land along Otter Creek to the Vermont  
443 Archaeology Heritage Center (VAHC), Barre, VT, where they would be permanently  
444 housed and made available for research, education and public interpretation.

445 He said the recovered items were part of archaeological field work that NE ARC  
446 conducted in 2019 on behalf of Green Mountain Power, as part of the Federal Energy  
447 Regulatory Commission hydroelectric relicensing process, and the Selectboard  
448 approved a similar request from NE ARC in February 2018, in regard to more than 700  
449 artifacts recovered at Otter Creek dig sites in 2010 and 2012. He said by signing the  
450 Deed of Gift to the Archaeology Heritage Center, the Town would waive all present or  
451 future rights to the recovered artifacts, their use or disposition.

452 Artim moved to authorize Town Manager Kathleen Ramsay to sign the Deed of Gift  
453 allowing the transfer of Native American artifacts recovered by the Northeast  
454 Archaeology Research Center on Town-owned land in 2019 to the Vermont Archeology

455 Heritage Center in Barre. Seeley seconded the motion. The motion carried with 6 in  
456 favor, 1 absent. **MOTION PASSED.**

457

458 **11. Approve Warning for Special Town Meeting in Late August to Vote on**  
459 **Ripton's Financial Plan for Withdrawal from the Addison Central School District**

460

461 Town Clerk Ann Webster and Town Moderator Susan Shashok joined the Board to  
462 discuss the process.

463

464 Carpenter asked if it had been determined yet if this could be voted from the floor.  
465 Webster said Statute Title 16 under Education for a town withdrawing, it's very specific  
466 about how you have to vote for each town to approve that, and that is each town has to  
467 vote the same day, at the same time and they all have to vote by Australian ballot. She  
468 said in Section C, it states that if it's been approved, then the towns just have to vote on  
469 the financial plan the Ripton Board comes up with in agreement with the Addison  
470 Central Supervisory District (ACSD) Board, so Section C says nothing specific about  
471 how the vote is held as long as it's accepted by the other towns. She said in speaking  
472 to Mr. Bronson of the Bridport School Board, they never do anything by Australian ballot  
473 unless it's statutorily required and it's been difficult to get an answer from the Secretary  
474 of State of ACSD, but she's convinced it can be voted from the floor, and would  
475 recommend that. She said, however, if the Board decides at the July 27<sup>th</sup> meeting to  
476 have a bond vote, then the point is moot and you would warn both items as an  
477 Australian ballot vote.

478

479 Webster said if it is Australian ballot, then anyone requesting early ballots will  
480 automatically be mailed a ballot and that will be at the Town's expense, and she said  
481 that would be about 800 ballots. She said unless Ripton is going to put out a lot of  
482 information on this plan, she doesn't feel we'll get a lot of ballots back, plus the polls  
483 would need to be open from 7:00 a.m. to 7:00 p.m. on election day, so she feels it's a lot  
484 of extra work, but if there is a bond vote, then that would generate more interest.  
485 Shashok said there is also trickiness if they do have a floor vote, because you have to  
486 differentiate who can vote and who can't vote, and that's tricky.

487

488 Following further discussion on the vote, the Board will decide this at the next meeting  
489 on July 27<sup>th</sup>.

490

491 **12. Accept Quit Claim Deed from the Bushey Family**

492

493 Carpenter said as a follow-up to the Board's April 13th discussion on this matter, there  
494 are two requested actions before the Board, for consideration:

495 The Board needs to accept the Quitclaim Deed prepared by Town Counsel releasing to  
496 the Town of Middlebury all right and title held by the Bushey family regarding the so-  
497 called Bushey or Hammond Cemetery, located on the westerly side of Washington  
498 Street Extension and as recorded in Middlebury Land Records as a January 3, 2020  
499 survey conducted by LaRose Surveys, P.C.; and approve a letter prepared by Town  
500 Manager Kathleen Ramsay acknowledging the Bushey family's request to retain the

501 option to bury Bushey family cremation ashes and/or place burial markers on the  
502 grounds of the cemetery after the Quitclaim Deed has been executed, subject to receipt  
503 of any permits that may be required.

504  
505 Khan moved to accept the Quitclaim Deed releasing all Bushey family rights and title to  
506 the so-called Bushey or Hammond Cemetery on Washington Street Extension. Seeley  
507 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**  
508

509 Khan also moved to approve the Bushey family's request to retain the option to bury  
510 Bushey family cremation ashes and/or place burial markers on the grounds of the  
511 cemetery after the Quitclaim Deed has been executed. Artim seconded the motion.  
512 The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**  
513

### 514 **13. Approval of Check Warrants**

515  
516 Thomas moved to approve total expenditures in the amount of \$537,649.50, consisting  
517 of \$428,231.61 for accounts payable, and \$109,417.89 for payroll, for the period June  
518 23, 2021 through July 13, 2021. Seeley seconded the motion. The motion carried with  
519 6 in favor, 1 absent. **MOTION PASSED.**  
520

### 521 **14. Board Member Concerns**

522  
523 Thomas said it was an interesting meeting, especially the discussion about the Parker  
524 access request, and while she didn't say much, she was listening and learning a lot.  
525 Artim said listening is important for learning.  
526

527 They had further discussion about the meeting on July 27<sup>th</sup> and that Carpenter would  
528 not be present. Ramsay said she would also not be present at the next meeting.  
529

530 Carpenter said he appreciated that everyone on the Board respects each other's  
531 opinions.  
532

### 533 **15. Adjourn**

534  
535 The meeting adjourned at 9:35 p.m. upon motion by Khan, seconded by Seeley.  
536

537 The next meeting of the Middlebury Selectboard will be Tuesday, July 27, 2021 at 7:00  
538 pm.  
539

540 Respectfully submitted,  
541 Beth Dow  
542  
543