

1 **Regular Selectboard Meeting**  
2 **Tuesday, July 12, 2022**

3 **Meeting Minutes**

4  
5 Members Present: Brian Carpenter, Lindsey Fuentes-George, Heather Seeley, Dan  
6 Brown, Esther Charlestin and Farhad Khan.

7  
8 Staff Present: Town Manager Kathleen Ramsay and Director of Planning and Zoning  
9 Jennifer Murray

10  
11 Also Present: Interested parties.

12  
13 **1. Call to Order**

14  
15 The meeting was called to order at 7:00 p.m. by Chair Carpenter.

16  
17 **2. Approval of Agenda**

18  
19 Hooper moved to approve the agenda and Seeley seconded the motion.

20  
21 Carpenter said there was one addition to the consent agenda, Item # 3.d, to approve an  
22 outside consumption permit for Middlebury College in connection with their first and  
23 third class licenses for Atwater Commons and The Grille.

24  
25 The motion carried with 7 in favor, and the agenda was approved as amended.

26 **MOTION PASSED.**

27  
28 **3. Approval of Consent Agenda**

29  
30 Hooper moved to approve the consent agenda, and Seeley seconded the motion.

31  
32 3.a. Approval of Minutes of the June 28, 2022 Regular Selectboard Meeting

33  
34 3.b. Acceptance of Selectboard Subcommittee Meeting Minutes

35 03b – Consent Agenda – June 15, 2022 Energy Committee Meeting Minutes  
36 (Draft)

37  
38 3.c. Appointment of Ruth Hardy as Alternate to Ilsley 100 Project Team

39  
40 3.d. Approval of Outside Consumption Permits for Middlebury College for Atwater  
41 Commons and The Grille in conjunction with the Board's prior approvals to first and third  
42 class liquor licenses for these facilities, pending public safety review.

43  
44 3.e. Town Manager's Report

- 45
- 46 • Vermont Community Leadership Summit Opportunity
- 47 The next Vermont Rural Development Council (VCRD) Leadership Summit will take
- 48 place on Wednesday, August 10<sup>th</sup>, at Vermont Technical College in Randolph. The
- 49 summit is an opportunity for community leaders from around the state to come
- 50 together in a facilitated setting to reflect upon the changes and challenges of the last
- 51 two years and share information about new projects and civic engagement initiatives
- 52
- 53 • Community Child Care Expansion Project – Special Selectboard Meeting July 18 for
- 54 informal public hearing on potential Vermont Community Development Program
- 55 Grant Application for the Otter Creek Child Center expansion project. This special
- 56 meeting is necessary to meet the September 13<sup>th</sup> application deadline.
- 57
- 58 • 03e – TM Report – Chief Tom Hanley Receives Outstanding Service Award
- 59 Congratulations Tom!!
- 60
- 61 • 03e - TM Report - Current Correspondence - Received June 23 – July 6
- 62

63 The consent agenda was approved as presented with 6 in favor, 1 abstention (Khan

64 abstained from the June 28, 2022 minutes). **MOTION PASSED.**

65

#### 66 4. Citizen Comments

67

68 John McPartland of 53 Washington Street Extension supplied the Board with a handout

69 regarding his concerns about off-campus housing of Middlebury College students and

70 suggested changes that could be made to the Noise Ordinance and zoning bylaws to

71 help. McPartland said at an earlier meeting North Street resident John Tenny brought

72 to the Board's attention the problems the College students residing at 53 North Pleasant

73 Street, whose landlord set up outside facilities for parties. He said this same landlord

74 owns the property next to his house and the music has been very loud, but recently he

75 became concerned when a firepit was constructed similar to the outside facilities at the

76 other property.

77

78 John Tenny was also present and said the problems have been better in recent weeks

79 because there are fewer students there, but they are continuing to have small

80 gatherings and are still coming to his property to urinate because they don't have

81 access to the house. He said neighbors are being stonewalled by the College and are

82 not communicating with him or McPartland, and they have 3<sup>rd</sup> hand information that the

83 lacrosse team that's resided in the property at 53 North Pleasant Street will be replaced

84 with the alpine ski team and the football team will be located at the property next to

85 McPartland. He said they feel the College and the landlord are simply thumbing their

86 noses at them. He said the State Fire Marshall has determined the party barn at 53

87 North Pleasant Street is a public assembly occupancy for which they are not permitted

88 and they don't have a local zoning permit either for the barn. Tenny said the Police

89 Chief has issued a letter that the landlord has been deemed a public nuisance, and the

90 Town has ordinances to deal with situations like this and they should be enforced.

91  
92 Hooper asked Tenny what type of rules he felt the College should have for these  
93 students, who are adults, on how they should behave in a neighborhood and  
94 community. Tenny said the College has a responsibility to supervise these students  
95 they place out in the community and they're failing that.

96  
97 Carpenter asked Tenny to summarize his suggestions for enforcement and send them  
98 to him.

99  
100 Colleen Brown said she knew there was an agenda item for a report on the process for  
101 the Master Plan for the airport and that the Selectboard has been generous listening to  
102 the concerns of the neighborhood. She was there to let them know that the MANA  
103 (Middlebury Airport Neighborhood Association) was putting together a statement that  
104 addresses the merits of the Master Plan and where they have concerns and objections  
105 about an item, and the items they support.

## 106 107 **6. Public Hearing on Zoning Bylaw Amendments**

108  
109 Director of Planning and Zoning Jennifer Murray joined the Board for a presentation of  
110 an amendment to the Zoning Bylaws.

111  
112 She presented the timeline for the adoption process that will hopefully lead to the new  
113 Bylaws having an effective date of August 31, 2022, after which the Town could receive  
114 a designation from the State as a Neighborhood Designated Area in September.

115  
116 Murray reviewed the highlights of the amendment, focusing specifically on the necessity  
117 of providing more downtown housing. She pointed out the available areas for housing  
118 opportunities and the design standards for these neighborhoods that are also  
119 requirements for the NDA designation from the State. She also pointed out the benefits  
120 to the developer in these NDA neighborhoods.

121  
122 She said they've extended and expanded the mixed-use district that includes residential  
123 and commercial/industrial areas and described the techniques and additions they made  
124 to encourage stronger neighborhoods.

125  
126 Murray also went over some other "housecleaning" items they did to the regulations,  
127 such as changes to the wetland, flood plain and stream corridor regulations. She said  
128 they also made changes to the permit review process in an attempt to streamline and  
129 add efficiency to the process.

130  
131 She said cannabis is something they grappled with since they didn't have a definition for  
132 retail cannabis, so they added one and thought about where they wanted retail cannabis  
133 to be located in town. She said they selected the mixed-use district like the one by  
134 Shaw's supermarket, and the Protected Highway District on Route 7 south, but they did  
135 not select the downtown area from the Congregational Church to the Town Offices.  
136 She said since that decision, an application for a retail cannabis store came in just

137 under the wire for a store on Park Street, so at least there will be one retailer in the  
138 downtown area.

139  
140 Hooper asked a question regarding setbacks within the different residential areas.  
141 Murray said the older developments have lots that are not much larger than what was  
142 needed for a residence, but they do have a provision for setback waivers. She said the  
143 new bylaws say a setback waiver can be granted for up to 50% for new construction  
144 and up to 30% for existing construction, but the Assistant Zoning Administrator (AZA)  
145 has already had a few permits come in for waivers and he's finding this is overly  
146 complicated, so is hoping the Board will make it 50% for everything, and if we find it isn't  
147 working we could go to 30%.

148  
149 She said the AZA has also requested that condominiums be removed from the definition  
150 of uses that need a subdivision, as this provision has caused some recent  
151 complications. She said this applies when a building that is currently apartments that  
152 are rented wants to convert to units that are sold to the tenants. Fuentes-George  
153 wondered if there could be a number of units that might trigger the subdivision process.  
154 Murray said it's really a private, legal matter. Carpenter said the condominium process  
155 is handled well through the legal process, so thought it could be removed from zoning  
156 requirements.

157  
158 John Tenny asked about the remaining process for adopting the amended bylaws.  
159 Murray said depending on how many changes are made, there will be one more  
160 meeting before adoption, but if there are substantial changes made, there will need to  
161 be an additional hearing. Carpenter said he had done a Letter to the Editor for the  
162 Addison Independent calling attention to these amendments and this hearing, but it  
163 hasn't been published yet, so he feels they should have at least one more meeting.

164  
165 Carpenter said in Section 776 Temporary Structure and Uses, there is something in  
166 there regarding limiting temporary uses to 6 hours and wondered what if there was an  
167 event that might want to be a day event that would be longer than 6 hours. Murray  
168 suggested a temporary use could be limited to 3 days or less related to a particular  
169 event, and anything more than 3 days should be permitted.

170  
171 Carpenter asked Murray to explain the new Section 775 – Mobile Food Service. Murray  
172 said this is to clarify the permitting process for a mobile food service vendor on private  
173 property. Carpenter asked if this is specific to the downtown or would this apply to have  
174 a food truck for a private event at a home. Murray said the purpose of the language is  
175 for review of the application in regard to traffic and safety, but they could exempt private  
176 parties from this section. Director of the Better Middlebury Partnership (BMP) Karen  
177 Duguay asked if the applicant would be the vendor or the organizer, Murray said the  
178 vendor could apply with the property owner signing the permit as well. They also  
179 discussed a "master permit" the property owner would get and then the vendor could  
180 change provided they were in the same location.

181

182 Ross Conrad asked if there was anything in the bylaws regarding solar orientation of  
183 buildings being constructed so they'd be ready for solar panels. Murray said in the  
184 design standards they ask buildings to be oriented for solar to the greatest extent  
185 possible.

186  
187 Carpenter said one of the possibly contentious issues is the cannabis retail in the  
188 downtown, and there is already one application permitted and the bylaw amendments  
189 as written would not allow any more in the downtown, and he asked the Board's  
190 thoughts.

191  
192 Brown said he has not seen any proof that bringing cannabis downtown would improve  
193 downtown business, and he is not in favor of cannabis being anywhere downtown but  
194 is comfortable with just the one business. He said he doesn't want us to build our  
195 economy on cannabis stores and doesn't think that's what Middlebury is. Hooper said  
196 he disagrees and doesn't think any one business should have a monopoly in town and  
197 they should compete based on what people want.

198  
199 Fuentes-George said she hasn't read all the cannabis regulations from the State but  
200 wondered if there was an opportunity for some kind of retail establishment that sells  
201 other things while offering a small portion of the store for cannabis products. She said  
202 she has been to areas that had several cannabis shops in their downtown and you  
203 wouldn't know they were selling cannabis, so she mostly is in agreement with Hooper.

204  
205 Khan said he agrees with Brown and doesn't feel that cannabis sales will bring a lot of  
206 traffic downtown. Fuentes-George said that's why she wondered about businesses that  
207 sell more than any one thing.

208  
209 Brown asked BMP Director Duguay what she thought about this, and Duguay said she  
210 agreed with Hooper in that she didn't want to appear discriminatory.

211  
212 Seeley said she saw both sides of the argument and had no real opinion one way or the  
213 other. Charlestin said she agreed with Seeley in that she saw both sides of the  
214 argument, but she was leaning towards agreeing with Fuentes-George and Hooper.

215  
216 Carpenter said he'd given this a lot of thought and the community voted to support the  
217 sale of cannabis in the community. He said he didn't take that to mean populate our  
218 downtown with cannabis stores, but we did discuss where we would want them located  
219 at the time of the vote. He said one store has been approved for downtown, and we  
220 have shut down competition for other types of businesses in some areas, so it isn't like  
221 we're going to that extreme, and he thinks there are different activities that can impact  
222 what the downtown becomes, and he would rate a cannabis store in that category. He  
223 said he is not opposed to leaving the bylaws as they are that would limit the sale to one  
224 cannabis shop downtown, and then see how it goes, and if it's a positive experience we  
225 can open it up to other retailers in the future. He said it would allow us to ease into this  
226 and see what it's like in the downtown in a couple of years. Seeley said if we went with  
227 this route, she would like staff to monitor the number of inquiries about opening

228 cannabis retail in the downtown over the next 2 years, and that might have some impact  
229 on which way to go.

230  
231 Murray said when Attorney Dave Silberman was in for the review of the application for  
232 the downtown cannabis business, he mentioned all the reasons it was illegal to regulate  
233 retail cannabis differently than other kinds of retail, and since Middlebury was one of the  
234 first municipalities to approve the sale of cannabis, other towns are waiting to see how  
235 litigation works out to see if it can be regulated. She said there is a local cannabis  
236 control board as well, and former Town Planner Fred Dunnington had suggested letting  
237 them deal with this rather than through zoning, and there is some merit to that; however,  
238 the Town would have to create this local board. Brown said liquor is controlled by the  
239 Selectboard, but Ramsay pointed out that's a fairly limited control and suspects it would  
240 be similar for cannabis and isn't sure what the State's regulations are to support their  
241 oversight. Murray said until there are a couple of lawsuits, we won't know how limiting  
242 Town control is. Seeley said she wants to avoid any litigation for the Town.

243  
244 Carpenter asked what would happen if the next time they met on the bylaws  
245 amendment we decide to take this out, and Murray said it would be considered a  
246 substantial change and would trigger the need for another public hearing.

247  
248 They discussed the possibilities and risks of their decision, such as appeal and possible  
249 litigation. Seeley said she wanted them to take the time to make the right decision.  
250 Murray said she would prefer that the Board just removed the cannabis portion of the  
251 amendments at this meeting and deal with it separately. Murray said that would put the  
252 next public hearing at the Selectboard meeting on August 9<sup>th</sup>, and then immediately  
253 following the hearing they could adopt the bylaws.

254  
255 Elise Shanbacker of Addison County Community Trust pointed out that a delay in  
256 approving the bylaw amendment could impact potential sellers who might want to list  
257 their property for future housing development but are in a wait-and-see mode right now,  
258 waiting for these regulations, so if the Selectboard feels cannabis needs to be  
259 addressed, they should adopt this amendment and deal with it separately.

260  
261 Carpenter said they'd pull the cannabis portion and warn the remainder of the  
262 amendment for another public hearing, then asked Murray to investigate this further and  
263 come back immediately with recommendations on what to do with the cannabis  
264 regulations, which would be treated as a separate, stand-alone amendment. Murray  
265 said since the Board is conflicted, she would suggest the Planning Commission submit  
266 something similar to what is before them this evening, so once it's warned for a hearing,  
267 any future retail cannabis applications would need to be reviewed under both sets of  
268 regulations, with the more stringent set taking precedence. She said that way the Board  
269 could take their time on getting input.

270  
271 Carpenter called the public hearing portion of the meeting over at 8:36 p.m.

272

273 **7. Nick Artim, the Town’s representative to the Vermont Agency of**  
274 **Transportation’s Technical Advisory Committee and Middlebury Airport**  
275 **Communications Task Group Members Prem Prakash and Eugene Roy with an**  
276 **update on the Airport Master Planning Process**  
277

278 Nick Artim, Prem Prakash and Eugene Roy joined the Board, and Carpenter said they  
279 were present to provide an update on the master planning process for the Middlebury  
280 Airport, and the work being done to improve communications between VTrans, the  
281 Airport, the neighbors and the Town.

282  
283 Artim gave an overview of the various meetings he, Prakash and Roy had been  
284 attending in the last few weeks. He said the update of the Middlebury Airport Master  
285 Plan by VTrans is something that is required by the Federal Aviation Administration  
286 (FAA) on a regular basis to establish critical, immediate and long-term needs for the  
287 airport. He said Federal roads, railroads and waterways all go through this planning  
288 process so the regulatory agency can determine what is needed to go further, and in  
289 this case it’s the FAA.

290  
291 He said this airport is a local general aviation airport service for private small aircraft  
292 that are either individually or corporately owned, with some occasional air taxi service  
293 and while there is not currently air training going on at the airport, it could in the future.  
294 He said this airport plays a huge role as a maintenance airport, but there is no  
295 commercial service at this airport and none is planned.

296  
297 He said the first public hearing on the draft was June 30th and what is emerging in the  
298 recommendations is upgrading navigational equipment for safer operations and  
299 extended operating periods. He said there is some flight navigational and GPS  
300 equipment, and while lights have been mentioned, they are not currently in the  
301 recommendations. He said additional hangars are being requested for housing aircraft  
302 and maintenance and a terminal as a pilot rest area. The plan is to have the plan done  
303 by the end of the year.

304  
305 Artim said Eugene Roy is the Middlebury Airport Neighborhood Association (MANA)  
306 representative on the Technical Advisory Committee, and he has done an outstanding  
307 job, but the Selectboard represents the community, so he has tried to understand as  
308 many viewpoints as possible. He said while MANA has been very vocal on matters, we  
309 need to also recognize that there are residents who live in the area around the airport  
310 who may have chosen not to be a part of MANA, and also recognize the airport is part  
311 of the Middlebury economy.

312  
313 He said we’ve heard that VTrans is not good at communicating, and Prakash will speak  
314 more to that, but he believes Michele Boomhower at VTrans has demonstrated a good  
315 effort to get communications out, and it wasn’t that they weren’t communicating, it was  
316 the way it was being communicated to the community, which is not familiar with aviation  
317 terms. He said, as an example, when people hear they want to install lights at the  
318 airport, they think of the large lights at commercial airports that would change the

319 character of the area, when in fact the lights would be “pilot activated lights” that come  
320 on only long enough for the pilot to land and then they take off. He believes by the time  
321 they got to the public hearing the consultants and VTrans were talking in terms for a  
322 broader audience.

323  
324 Artim said they talked to other residents in the area to see what their concerns and  
325 thoughts there were, and they found that most people weren’t that concerned about the  
326 airport, but what they did hear repeatedly was a concern that Munson Road would be  
327 closed and the runway extended, which is a rumor that dates back to 2015 or 2016, but  
328 this has never been in a plan to do that, and there are no plans in the future to do this  
329 either.

330  
331 Artim also addressed the impact of the airport on the local economy and provided a  
332 brief history of the aviation businesses that have been and are currently housed at the  
333 airport.

334  
335 Artim said there will be another public hearing and he feels they’re moving in the right  
336 direction.

337  
338 Prem Prakash said he is the communication liaison between MANA and VTrans and the  
339 Selectboard. He said he’s one of the founding members of MANA and lives very close  
340 to the airport, and one of their major concerns was they had an opportunity as a  
341 community surrounding the airport to receive timely and accurate information from  
342 VTrans so they know what’s going on, and beyond a shadow of a doubt, that has been  
343 accomplished. He said Michele Boomhower has been extraordinary, an exemplary  
344 professional, and has followed through on everything she said she’s going to do. He  
345 said there are monthly meetings established between VTrans, MANA and the Town,  
346 and Boomhower takes the minutes of those meeting and makes sure they’re posted on  
347 the Town’s website. He said she has also taken on the responsibility to ensure that all  
348 information related to airport operations and development are on the VTrans website  
349 and the Town website.

350  
351 He said the Master Plan is a somewhat difficult document for a lay person to get  
352 through, but with diligence it is comprehensive, and he wanted to clearly state that when  
353 MANA gathered this past winter and prepared their concerns, these concerns have all  
354 been addressed to their satisfaction in the Master Plan. He said they were concerned  
355 the airport would be developed and expanded into an airport that was beyond what they  
356 considered a community airport, but the Master Plan details that the airport will maintain  
357 it's Class B status for very small aircraft. He said they’d been concerned that the  
358 runway would be extended, but now they know there is no runway extension planned.  
359 Their third major concern, he said, was installation of lights, but the only lights proposed  
360 are unobtrusive and pilot operated and are not visible from the ground.

361  
362 He said their other major concern was protection of the town aquifer, and after a lot of  
363 conversations and education, they now know the aquifer is protected and that concern  
364 can be laid to rest. He said speaking for all the residents, they appreciate the Board



365 setting up all these communication protocols and they encourage them to speak with  
366 business owners at the airport, who have been invaluable to him in learning what a  
367 community airport means, how avionics functions at an airport and the value of small  
368 businesses at an airport.

369  
370 Eugene Roy said there wasn't much he could add that Artim and Prakash hadn't  
371 covered, but he did say he was glad they'd visited the airport businesses and each  
372 business understands there are neighbors around them and they seem to be respectful  
373 of that. He said he is interested in the possibility of installing a berm system at the end  
374 of the runway as a noise abatement measure, but that such a system is not currently in  
375 the Master Plan.

376  
377 Khan said when he'd discussed the location of future hangars with them earlier, it had  
378 been indicated the location was negotiable, and he wondered if that was still the case.  
379 Artim said it is still the case, and the consultants have indicated there is a need for an  
380 additional 50,000 square feet of hangar space at the airport. He said they've looked at  
381 locating some in the area by Khan's residence and the other residences north of Airport  
382 Rd, and some at the south end of the airport. He said they're trying to get an Act 250  
383 permit for a quantity of hangars, but before anything can be built they would have to  
384 state why they need the space and then there is a secondary review that could be  
385 approved in one location or the other.

386  
387 Hooper said this was a good report and it sounds like VTrans has really stepped up and  
388 improved communications.

389  
390 Carpenter thanked them on behalf of everyone and said it is something we have to  
391 continue to work on and feels there's a couple of things that still need to work on, such  
392 as the berm. He said since he will recuse himself from the Act 250 review so he can  
393 represent the Town with the reconfiguration of the hangar locations. He said he's heard  
394 about the concern for the aquifer for years, so he reached out to someone who is  
395 knowledgeable on the subject to educate himself, and the truth is besides the airport,  
396 there are houses, gas stations and East Middlebury sitting on the aquifer, so they are  
397 more likely to contaminate it than the airport, so that was some solace to know the  
398 airport is not the biggest threat to our water supply.

399  
400 **8. Karen Duguay, Better Middlebury Partnership, requesting a Public Assemblage**  
401 **Permit for the Block Party Downtown on August 4, 2022**  
402

403 Duguay said this permit application for a block party is a little different than the earlier  
404 block parties they've done before. She said their Thursday market has been going so  
405 incredibly well with 41 vendors and hundreds of people attending, but because it's a lot  
406 of work and going so well, they're going to combine the block party with the market.  
407 She said they plan on closing off just the area of Main Street between Merchants Row  
408 and the Post Office. Duguay said she has talked to Tri Valley Transit about altering their  
409 route during the event and will be communicating with the emergency services as well,  
410 and she doesn't anticipate any issues coming up.

411  
412 Seeley moved to approve a Public Assemblage Permit for Better Middlebury  
413 Partnership's Block Party on August 4, 2022. Hooper seconded the motion. The  
414 motion carried with 7 in favor. **MOTION PASSED.**

415  
416 **9. Jennifer Murray, Director of Planning & Zoning, award contract for the**  
417 **Update of the Local Hazard Mitigation Plan**  
418

419 Murray said she is looking for approval to hire SEAM Solutions of Barre, Vermont, to  
420 update the Local Hazard Mitigation Plan. She said we are overdue to update our Plan  
421 and they can begin right away and complete the work by early in 2023. She said the  
422 Addison County Regional Planning Commission had also submitted a proposal to do  
423 the update, but she said there is an advantage to having an outside consultant do the  
424 work. The Town has received a grant to cover the cost of this work.

425  
426 Khan moved to award a contract to SEAM Solutions to perform an update to the Town's  
427 Local Hazard Mitigation Plan at a total cost of \$7,425. It was seconded by Fuentes-  
428 George. The motion carried with 7 in favor. **MOTION PASSED.**

429  
430 **10. Review and Approval of Downtown Improvement District Budget for FY23**  
431

432 Town Manager Ramsay said the Downtown Improvement District Commission (DIDC)  
433 met in June and recommend a budget of \$33,333, which includes a power source for  
434 Triangle Park events to facilitate vendors, and a pilot project for a porta-potty on Mill  
435 Street. She said it also includes money for proposed development of WiFi in the  
436 Triangle Park/Merchants Row area and she has had some preliminary discussions with  
437 St. Stephens Church about hosting that and they've been receptive to it. Also included  
438 is the development of cell phone charging stations for visitors and tourists and  
439 wayfinding business directories and parking signs for the downtown.

440  
441 Hooper asked about the DIDC. Ramsay said it was established by ordinance and  
442 members are appointed by the Board, and these people represent specific groups and  
443 their work is specific to the Downtown Improvement District.

444  
445 Khan moved to approve an FY23 Downtown Improvement District Budget totaling  
446 \$33,333. Seeley seconded the motion. The motion carried with 7 in favor. **MOTION**  
447 **PASSED.**

448  
449 Carpenter thanked the businesses that contribute to the DIDC budget. He said he  
450 realizes this is a tax that they don't have much choice in paying, but at the same time  
451 their contributions have done some major projects that have really helped the  
452 downtown.

453  
454  
455  
456

457 **11. Set the Municipal Tax Rate and the**  
458 **Downtown Improvement District Tax Rate for FY23**  
459

460 Ramsay said based on the Town Meeting approved budget and the approved  
461 appropriation of \$750 for Addison Allies Network, the Town needs to raise \$7,881,813.  
462 She said when you divide that by the Town's total Grand List of \$9.8 million, you come  
463 up with a municipal tax rate of \$0.8024. She said we also have a local veteran's  
464 exemption that adds \$0.0012 to the tax rate, and the Fire Fund adds another \$0.0200 to  
465 the tax rate, for a total municipal tax rate of \$0.8236.

466  
467 Khan moved to set the Municipal Tax Rate for FY23 at 82.36-cents per 100 dollars of  
468 property value. Seeley seconded the motion. The motion carried with 7 in favor.

469 **MOTION PASSED.**

470  
471 Ramsay said based on the DDC budget just approved by the Board of \$33,333, the  
472 proposed DDC tax rate is \$0.0512, which is a slight reduction from last year when it  
473 was \$0.0517.

474  
475 Khan moved to set the Downtown Improvement District Tax Rate for FY23 at 5.12-cents  
476 per 100 dollars of property value, and Seeley seconded the motion. The motion carried  
477 with 7 in favor. **MOTION PASSED.**

478  
479 Carpenter said the good news is that the education tax rate is down a bit, so our tax rate  
480 will continue to be steady. Ramsay said the tax rate would be sent to the printers so  
481 they could begin printing tax bills, and the first payment is due August 15<sup>th</sup>.

482  
483 **12. Declaration of Official Intent to Bond for Expenses Associated with the**  
484 **Realignment of the Court-Charles-Monroe Intersection**  
485

486 Carpenter said the Board is being asked to approve a Declaration of Intent stating that  
487 the Town will use bond proceeds to reimburse itself for the expense associated with the  
488 realignment of the Court-Charles-Monroe Intersection. He said the Declaration commits  
489 the Town to complete such reimbursement within 18 months of either the date of the  
490 first expenditure of funds or the date that the project is placed in service, whichever is  
491 later. The Town may also reimburse itself for expenses incurred up to 60 days before  
492 adoption of this resolution, including VHB's preliminary design work for the intersection.

493  
494 He said the Town Clerk would sign this Declaration, so approval is also authorizing her  
495 to sign the form.

496  
497 He said the Board has entered into a Purchase and Sales Agreement to purchase the  
498 old Maverick gas station site and we've been working for a number of years to realign  
499 that intersection, which according to the traffic analysts is a significant impediment to  
500 smooth traffic flow on Court Street.

501

502 Fuentes-George moved to approve the Declaration of Intent to Bond for expenses  
503 associated with the realignment of the Court-Charles-Monroe intersection and authorize  
504 Town Clerk Ann Webster's signature. Seeley seconded the motion. The motion carried  
505 with 7 in favor. **MOTION PASSED.**

506

507

508

### 13. Accept Resignation of Town Treasurer

509 Carpenter said on Monday, July 5, 2022, Town Treasurer Jackie Sullivan asked Town  
510 Manager Kathleen Ramsay to tender her resignation as Middlebury's elected Town  
511 Treasurer to the Middlebury Selectboard, effective upon appointment of a successor, so  
512 the Board is being requested to officially accept Jackie's resignation.

513 He said 24 VSA § 127, (d) describes the prescribed process for appointing an interim  
514 Treasurer to fill the position until Town Meeting in 2023, and a Notice of Vacancy will be  
515 published in the Addison independent on Thursday, July 14, 2022. He said applications  
516 are due by Monday, July 25, 2022, and nominations will be made by the Selectboard on  
517 Tuesday, July 26, 2022, and appointments will be made on Tuesday, August 9, 2022

518

519 Carpenter said they thanked Sullivan for her many years serving as Treasurer and sent  
520 their prayers and thoughts her way.

521

522 Seeley moved to accept the resignation of Town Treasurer Jackie Sullivan effective  
523 upon appointment of successor. Khan seconded the motion. The motion carried with 7  
524 in favor. **MOTION PASSED.**

525

526 Hooper asked if the Town had considered going with a non-elected Treasurer, and  
527 Carpenter said we have looked into it and feel it should be an appointed position and  
528 that it will be taken to the voters for a Charter Change.

529

530

### 14. Approval of Check Warrants

531

532 Thomas moved to approve total expenditures in the amount of \$1,007,942.23, consisting  
533 of \$8,854,170.47 for accounts payable, and \$123,771.76 for payroll, for the period June  
534 29, 2022 through July 12, 2022. Khan seconded the motion. The motion carried with 7  
535 in favor. **MOTION PASSED.**

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537

538

### 15. Board Member Concerns

539 Seeley said how she's enjoyed the Where's Waldo program being hosted by the  
540 Vermont Book Store to promote business in the shops downtown. She also agreed with  
541 something Hooper had said earlier about how beautiful the hanging baskets are  
542 downtown.

543

544 Khan said his two sisters were visiting and they went to Lazarus Park and the labyrinth,  
545 and they also had remarked about how beautiful the hanging plants were.

546

547 Thomas thanked Jen Murray for all her work and for her presentation earlier in the  
548 meeting. She also wanted to give kudos to the Middlebury Recreation Department's  
549 Kamp Kookamunga. Seeley said we are lucky to have such a great resource and also  
550 gave kudos to Parks and Recreation Superintendent Dustin Hunt and Program Director  
551 Scott Bourne.

552  
553 Hooper remarked on the fountains that are running all the time in Europe and thinks this  
554 is something lost in America. He also spoke of the efficiency of their road workers and  
555 the quality of the bike and scooter lanes and how much they're used.

## 556 **16. Adjournment**

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558  
559 The meeting adjourned at 9:55 p.m. upon motion by Fuentes-George, seconded by  
560 Hooper.

561  
562 The next meeting of the Middlebury Selectboard will be Tuesday, July 26, 2022 in the  
563 Town Offices.

564  
565 Respectfully submitted,  
566 Beth Dow

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