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**Regular Selectboard Meeting  
Tuesday, February 14, 2023  
Meeting Minutes**

Members Present: Brian Carpenter, Heather Seeley, Lindsey Fuentes-George, Dan Brown, Isabel Gogarty, Farhad Khan and Andy Hooper.

Staff Present: Town Manager Kathleen Ramsay, Police Chief Tom Hanley and Ilsley Library Director Dana Hart.

Also Present: Members of the Ilsley 100 Project Team and Interested parties.

**1. Call to Order**

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

**2. Approval of Agenda**

Hooper moved to approve the agenda and Seeley seconded the motion. There were no changes or additions, so the motion carried with 7 in favor and the agenda was approved as presented. **MOTION PASSED.**

**3. Approval of Consent Agenda**

Hooper moved to approve the consent agenda and Seeley seconded the motion. Khan recused himself from the approval of the January 24<sup>th</sup> minutes. The motion carried with 6 in favor, 1 recusal. **MOTION PASSED.**

**3a. Approval of Minutes of the January 24, 2023 Regular Selectboard Meeting**

**3b. Acceptance of Selectboard Subcommittee Meeting Minutes**

- Infrastructure Committee - 2.9.2023 - Meeting Minutes

**3c. Approval of Growing Urban Forest 2022 Grant - Timeline Extension**

**3d. Approval of Caring for Canopy 2022 Grant - Timeline Extension**

**3e. Consent Agenda Placeholder**

**3f. Consent Agenda Placeholder**

**3g. Town Manager's Report**

- Update - Date of Town/College Lunch postponed until 3.10.202

48 **4. Citizen Comments**

49  
50 Tony Neri said when he purchased 55 Middle Road North he knew there were some  
51 restrictions, but he didn't realize how big they'd be. He said the building is rented to  
52 Good Point Recycling and they do a lot of business on-line, but before they can open  
53 their doors to the public they need a Certificate of Occupancy, and the Zoning Office  
54 won't issue one until the second access to the property by Route 7 is closed as required  
55 in the Development Review Board (DRB) decision. He said the Public Works  
56 Department has brought in blocks and closed that entrance, and he didn't think they had  
57 the right to do that. He said the DRB said the entrance was a hazard, yet he's spoken  
58 with VTrans and Police Chief Hanley and they said they weren't aware of any hazards.  
59 Neri said this will impact the Dollar Store as well, and Board member Khan who owns  
60 the Dollar Store, said with that exit blocked his customers now have to travel through  
61 Neri's property to get to Middle Road North so they can exit at the traffic light.

62  
63 Carpenter said they understood the issue and would look into it.

64  
65 **5. Agenda Placeholder**

66  
67 **6. Appointment of Representative to Addison County**  
68 **Economic Development Corporation Board**

69  
70 Richard McKerr, applicant for this position, said that this is a good opportunity to work  
71 with small companies with business problems, which is what he has done for 45 years.

72  
73 Khan moved to appoint Richard McKerr as the Town of Middlebury's representative to  
74 the Board of the Directors of the Addison County Economic Development Corporation to  
75 a term of one year that would expire on 12.31.2023. Hooper seconded the motion. The  
76 motion carried with 7 in favor. **MOTION PASSED.**

77  
78 **7. Public Works - Recommendations/Updates from 2.9.2023**  
79 **Infrastructure Committee Meeting**

80  
81 In the absence of Director of Public Works Planning Emmalee Cherington, Infrastructure  
82 Committee Chair Heather Seeley presented the Public Works recommendations.

83  
84 **7a. Approval of Halladay Road Pump Station - Construction Contract Change**  
85 **Order for Purchase of Generator**

86  
87 Seeley said earlier the Infrastructure Committee had recommended the Town purchase  
88 the generator for the pump station to reduce the lead time to acquire one and the Board  
89 approved that, but since then the contractor, Champlain Construction, has found an  
90 alternative generator that meets all the specification and they can get it 16 weeks  
91 sooner. She said there is an increase in cost, and since the original approval was for a  
92 "not to exceed" amount, the Board needs to reapprove this item.

94 Hooper moved to authorize the proposed change order for the previously approved  
95 contract with Champlain Construction Inc., increasing the total project contract cost for  
96 \$710,291.75 to \$743,291.75, to allow for the purchase of the aforementioned generator  
97 at the Halladay Road Pump Station. Fuentes-George seconded the motion. The motion  
98 carried with 7 in favor. **MOTION PASSED.**  
99

100 **7b. Approval of Halladay Road Pump Station - Amendment to Engineering**  
101 **Agreement for Construction Phase Services**  
102

103 Seeley said this request is to approve the Engineering Agreement with Otter Creek  
104 Engineering for the construction phase of the Halladay Road Pump Station project.  
105

106 Khan moved to authorize an amendment to the previously approved contract with Otter  
107 Creek Engineering, increasing the contracted amount by \$35,000, to a total of \$56,000,  
108 to also provide construction-phase services to the Town for the Halladay Road Pump  
109 Station project. Fuentes-George seconded the motion. The motion carried with 7 in  
110 favor. **MOTION PASSED.**  
111

112  
113 **7c. Approval of Roger's Road Pump Station Rehabilitation Project –**  
114 **Engineering Agreement**  
115

116 Seeley said this pump station was constructed in the 1970s and is in need of upgrades.  
117 This engineering agreement is for the design phase of the project.  
118

119 Hooper moved to award a contract to Otter Creek Engineering, for the necessary  
120 engineering preparation work related to likely future improvements to the Roger's Road  
121 Pump Station, for \$30,000. Khan seconded the motion. The motion carried with 7 in  
122 favor. **MOTION PASSED.**  
123

124 **7d. Approval of Foote Street Water Line Replacement – Engineering Agreement**  
125

126 Seeley said this engineering agreement with Otter Creek Engineering is for the final  
127 phase of a 3-phase project to replace the Foote Street water line as well as preparation  
128 for the necessary permits.  
129

130 Fuentes-George moved to award a contract to Otter Creek Engineering for the  
131 necessary engineering preparation work for the completion of the Foote Street Water  
132 Main Replacement project for \$10,000. Seeley seconded the motion. **MOTION**  
133 **PASSED.**  
134

135 Seeley said right now they are working on getting engineering contracts so we'll have  
136 shovel ready projects ready to take advantage of funding opportunities. She said  
137 Cherington is also proposing to do the less traveled roads in town with a shim and  
138 overlay in stead of reclaiming the surface to try and get caught up on our paving

139 schedule. She said while it may not seem cost-effective since you don't get as long  
140 from a shim and overlay, it would buy those roads a few more years.

141

## 142 8. Ilsley 100 Project Team - Recommendations/Next Steps

143

144 Joe McVeigh of the Ilsley 100 Project Team said they had three requests from the  
145 Board this evening: to approve the Team's recommendation to move forward with  
146 renovation and expansion on the current site; to approve a contract with the fund-raising  
147 Consultant Christine Graham; and, to approve the proposed process for the Request for  
148 Qualifications (RFQ) and Request for Proposals (RFP).

149

150 McVeigh said the Team had been working on this project for almost a year, and they  
151 were charged by the Selectboard to come up with a recommendation. He said they've  
152 worked diligently and methodically and have received lots of feedback from the public.

153

154 He said at the last Project Team meeting the members were polled to see which of the  
155 four options they were in favor of, and they all agreed on Option B to renovate and  
156 expand on the current site. He is asking the Selectboard to agree with them and  
157 approve their recommendation.

158

159 McVeigh said to move ahead with this project we'll need to figure out how to pay for it,  
160 so part of this request would be to fund a capital campaign, so they would like to  
161 contract with fund-raising consultant Christine Graham to do a fund-raising feasibility  
162 study. He said we have had a contract with her previously.

163

164 He said they would also like to move ahead with the RFQ process. He said the RFQ  
165 was developed by Judith Harris, Library Director Dana Hart, Nick Artim and himself, and  
166 the idea is to reach out to regional architectural firms and the Project Team would  
167 review the submissions and narrow the firms down to 3 or 4. He said they would then  
168 ask those 3 or 4 to submit conceptual design sketches for a design competition and  
169 then based on their submissions we would narrow it down to one firm to submit an RFP.

170

171 Seeley moved to approve the Ilsley 100 Project Team's recommendation to proceed  
172 with Option B: Renovate and Expand in the current location. Brown seconded the  
173 motion. The motion carried with 7 in favor. **MOTION PASSED.**

174

175 Carpenter asked how much money remained in the budget for this project, and Hart  
176 replied there was about \$24,000 for this fiscal year. Carpenter was concerned they  
177 were requesting funds from next year's budget that hadn't been approved yet. Hart said  
178 Graham's work wouldn't really begin until September or October, so we'd be well into  
179 the next fiscal year by that time and there is money in the Capital Budget for this.

180

181 Carpenter suggested holding off on the approval until closer to the time of the work.  
182 Hart said that would be fine, because there was still enough funds in the budget to do  
183 what we need to do this spring, and she will let Graham know the approval has been  
184 delayed.

184

185 Carpenter thought the RFQ process was a good idea to get some conceptual sketches  
186 for the public to comment on.

187  
188 Khan moved to authorize the Ilsley 100 Project Team to proceed with the proposed  
189 RFQ process and to expend an amount not to exceed \$20,000. Hooper seconded the  
190 motion. The motion carried with 7 in favor. **MOTION PASSED.**

191  
192 McVeigh asked at what point the Team needed to return to the Board for the next round  
193 of authorizations. Carpenter said if the RFQ process has 8 responses and the Team  
194 chooses 3 or 4, then at that point they'd come back to the Board with the firms chosen  
195 and get approval for the \$5,000 stipends for the competition. He said this would make it  
196 a more visible public record.

197  
198 Khan asked them to speak on the relocation and moving costs. McVeigh said we don't  
199 know, but the library will need to move out of the current building. Hart said there area  
200 a lot of variables, so it's hard to calculate what those costs would be, but they have a  
201 somewhat educated guess that \$500,000 would be a reasonable middle of the road  
202 range for rent. She said that doesn't include moving costs, but one quote she received  
203 was \$13,000 to move them out and then back in, plus store part of the collection that  
204 wouldn't move with them.

205  
206 Gogarty said she appreciates their community engagement so far and wondered at  
207 what point they'd go back to the public. McVeigh said at this point they aren't sure, and  
208 they aren't sure how the design competition will play out, but they hope to continue to  
209 be open and transparent. He said it's important to note these designs will be "concepts"  
210 only and not the final design, and he also wanted them to be aware the estimates  
211 provided by Henry Erickson are not going to be the final numbers.

212  
213 **9. Stonecrop Meadows (i.e. Seminary Street Ext. Housing Initiative) - Request for**  
214 **Town Letter of Support to State for CDBG and CRRP Applications'**

215  
216 Ramsay said Stonecrop Meadows, the proposed housing development off Seminary  
217 Street Extension, has asked the Board for a letter of support for their pre-application to  
218 the Vermont Community Development Block Grant Program and several other state  
219 programs available for workforce housing. She said the VCDBG program is one the  
220 municipality will need to apply for, so the Board will be holding a public hearing on the  
221 application at the end of March.

222  
223 Seeley moved to authorize the Town Manager to draft and submit a letter of support to  
224 the State, on behalf of the Town of Middlebury Selectboard, supporting the Summit  
225 CDBG and CRRP applications for the proposed Stonecrop Meadows housing project.  
226 Fuentes-George seconded the motion. The motion carried with 7 in favor. **MOTION**  
227 **PASSED.**

228  
229  
230

231 **10. Middlebury Police Dept. & Dispatch Pilot Project with**  
232 **Addison County Sheriff's Office**  
233

234 Chief Hanley told the Board that two weeks ago the new Addison County Sheriff Mike  
235 Elmore reached out to the Middlebury Police Department (MPD) because they are  
236 having an issue with their current dispatch agency, the Rutland County Sheriff's Office,  
237 and they've asked if MPD could dispatch for them. Hanley said they could do a trial  
238 period of 3-months and they did an initial Memorandum of Understanding (MOU) for the  
239 trial period. He said they did a radio test from all points in the county and our signal on  
240 Chipman Hill is strong enough to receive them all and we share the same frequency.  
241 He said the MPD is not answering phones for the Sheriff's Department, they are simply  
242 a radio link primarily for traffic stops. He said so far it hasn't been a problem and at the  
243 end of the 3 months we could do a more detailed MOU and we will collect a fee for the  
244 service and they can establish a perpetual Capital Improvements fund for radio  
245 equipment upgrades.

246  
247 Hooper asked Hanley if we should look into becoming a dispatch center since we have  
248 county wide coverage. Hanley said yes, but there is a huge cost in additional  
249 personnel, a lot of engineering needed and they would need to modify the police station  
250 to accommodate it. He said there is a lot of interest in us doing that, but as we stand  
251 now, we couldn't possibly do it.

252  
253 Carpenter asked if they could obtain grants to upgrade the facilities if there was enough  
254 demand to pay for the additional staff. Hanley said Bristol, Vergennes and Brandon  
255 have mentioned it, and fees for their service might cover personnel costs. He said he  
256 has talked to Jen Morris in the Department of Public Safety about funds and also  
257 Addison County Senator Ruth Hardy who is revisiting this with her committee to see  
258 what that might look like. He said for now the State isn't going to rush into creating 11  
259 dispatch centers, but will do 2 test centers in the state and see how that goes. He said  
260 we'd really need someone who knew what they were doing to do a feasibility study.

261  
262 Hooper moved to approve the 3 month memorandum of understanding between the  
263 Town of Middlebury's Police Department and the Addison County Sheriff's Office that  
264 will have the Middlebury Police Department provide dispatch services for the Sheriff's  
265 Office. Seeley seconded the motion. The motion carried with 7 in favor. **MOTION**  
266 **PASSED.**

267  
268 **11. Memorandum of Understanding - Counseling Service of Addison County**  
269 **Regarding Allocation of the National Opioid Settlement Funds**  
270

271 Hanley said we have already given a sizeable amount of the National Opioid Settlement  
272 funds to The Turning Point Center and he's recommending giving the rest to Counseling  
273 Service of Addison County (CSAC) who has a formal substance use program and they  
274 would welcome the funds. He said while they do have to document what it's spent on,  
275 so long as it's used for opioid remediation no annual report is necessary. He said



276 CSAC would receive \$13,943.32 and Turning Point Center would get the balance minus  
277 the \$9,000 they've already received.

278  
279 Fuentes-George moved to authorize the memorandum of understanding between the  
280 Town of Middlebury and Counseling Service of Addison County which will transfer  
281 \$13,943.32 in National Opioid Settlement funds, provided to the Town, to CSAC. Khan  
282 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

283  
284 **12. Considering Draft Letter of Support to Middlebury's State Legislative**  
285 **Delegation - Project-Based Tax Increment Financing - District Legislation**  
286

287 Ramsay said the Board had received in their packet a form letter prepared by the  
288 Vermont League of Cities and Towns (VLCT) to go to legislators on the issue of project  
289 based Tax Increment Financing (TIF). She said the project we envision includes  
290 transportation, water, wastewater, and stormwater infrastructure programs, and  
291 Brownfield site remediation if needed for the Bakery Lane parking lot parcel to prepare  
292 the site for mixed use development including housing, businesses and the library  
293 expansion. She said tax increment financing would enable the community to take on  
294 debt for a portion of the project and repay that debt using a portion of increased taxes  
295 as a result of the project.

296  
297 Carpenter said these letters will go to our legislators to argue for modifying the current  
298 TIF legislation to smaller, more manageable TIF districts for towns like Middlebury, and  
299 he thought this was something they should consider. He said the legislators are getting  
300 closer to this, but VLCT is really giving a big push to get it to happen. He said this is not  
301 a commitment, we're just saying we do have a project that would benefit from a plan like  
302 this.

303  
304 Seeley moved to authorize the Town Manager to draft a letter of support, on behalf of  
305 the Town of Middlebury Selectboard, to the Town's State Legislative Delegation  
306 supporting the proposed state legislation for Project-Based Increment Financing.  
307 Hooper seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

308  
309 **14. Approval of Check Warrants**  
310

311 Hooper moved to approve total expenditures in the amount of \$849,718.88 consisting of  
312 \$613,822.67 for accounts payable, and \$235,896.21 for payroll, for the period January  
313 25, 2023 through February 14, 2023. Seeley seconded the motion. The motion carried  
314 with 7 in favor. **MOTION PASSED.**

315  
316 Back to Citizen Comments  
317

318 Citizen Judy Wiger-Grohs said her perspective is wholly environmental, while the  
319 Board's perspective is wholly economic, but at some point those two must meet. She  
320 said economics won't work without the environment.  
321

322 She spoke of her desire to plant a pollinator garden on the north side of Munson Road  
323 that had been cleared by VTrans for the airport, and while she's contacted VTrans she  
324 has not heard back and would appreciate help in facilitating that. She also spoke of her  
325 love for bats and their importance to the environment, and if they propose anything on  
326 the north end of the airport to endanger the bats she will fight it vehemently. She  
327 realizes the airport discussions have been contentious, but she doesn't want the Board  
328 to give up because there is too much at stake.

329

330

## 15. Board Member Concerns

331

332 Brown said he thought the Ilsley Team did a good job sitting down with each  
333 Selectboard member so they had an understanding of the project.

334

335 Khan asked Board members to stop by his store to see the Middle Road entrance that  
336 was blocked off by Public Works and he doesn't feel its being considerate of small  
337 businesses. Ramsay said the entrance was blocked off by Public Works at the request  
338 of Tony Neri so he could meet the conditions of his zoning permit. The Board agreed  
339 they needed more information.

340

341 Seeley remarked how impressed she was with the photos of the front of the library with  
342 the access change. She wondered if they considered selling bookshelves as a fund  
343 raiser.

344

345 Seeley also said how impressed she was with Emmalee Cherington and she's happy to  
346 have her on our team.

347

348 Fuentes-George said she had been contacted by someone with interest in constructing  
349 a public restroom. She said it sounds like the Rotary would be interested in doing the  
350 work and facilitating it, but this would not include maintenance.

351

352 Carpenter said he had met with McVeigh and Ken Perine about funding and he didn't  
353 see anything about what they'd discussed in the packet. He likes the process, but it  
354 needs to be very methodical because we're talking about a lot of money and he didn't  
355 want us to get ahead of ourselves.

356

357

## 16. Adjournment

358

359 The next meeting will be Monday, February 27, 2023 at Ilsley Library meeting room.

360

361 The meeting adjourned at 8:28 upon motion by Khan, seconded by Seeley.

362

363 Respectfully submitted,  
364 Beth Dow

365

366