

1 **Special Selectboard Meeting**
2 **Monday, February 27, 2023**
3 **Meeting Minutes**
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6 Members Present: Brian Carpenter, Heather Seeley, Lindsey Fuentes-George, Dan Brown,
7 Isabel Gogarty, Andy Hooper and Farhad Khan.
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9 Staff Present: Town Manager Kathleen Ramsay, Assistant Town Manager David Sophrin, Town
10 Clerk Ann Webster, Police Chief Tom Hanley, Wastewater Superintendent Bob Wells and Library
11 Director Dana Hart.
12

13 Also Present: Local legislators and Interested parties.
14

15 **1. Call to Order**
16

17 The meeting was called to order at 7:00 p.m. by Chair Carpenter.
18

19 **2. Approval of Agenda**
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21 Khan moved to approve the agenda and Seeley seconded the motion.
22

23 Carpenter said Item 9 would be moved up on the agenda so Bob Wells could leave for another
24 meeting.
25

26 The motion carried with 7 in favor and the agenda was approved with one change. **MOTION**
27 **PASSED.**
28

29 **3. Approval of Consent Agenda**
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31 Hooper moved to approve the Consent Agenda, and Seeley seconded the motion.
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33 **3a. Approval of Minutes of the February 14, 2023 Regular Selectboard Meeting**
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35 **3b. Acceptance of Selectboard Subcommittee Meeting Minutes**

- 36 • Energy Committee - Meeting Minutes - 2.15.2023
37

38 **3c. Approval of Renewal Applications for 1st, 2nd, and 3rd Class Liquor Licenses Permits,**
39 **Outside Consumption Permits, and Entertainment Permits (if any)**

40 The Selectboard is being presented with 12 annual applications for liquor license permits
41 in Town. All but one of the applicants are seeking renewals of their existing license. Part of the
42 process for approval will also include the successful completion of required public safety
43 inspections.
44

45 **3d. Letter of Support for Otter Creek Child Care Center's Application for the State**
46 **Community Recovery & Revitalization Grant Program**

47 Otter Creek Child Care is preparing an application to the State through a Community
48 Recovery and Revitalization Program grant and is seeking the support of the Middlebury
49 Selectboard. The funding, if received, would allow Otter Creek to expand the availability of early
50 childhood education and childcare services in Middlebury and the surrounding communities
51 through an expanded site on Weybridge Street in town.

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3e. Consent Agenda Placeholder

3f. Consent Agenda Placeholder

3g. Town Manager’s Report

- Tree Clearing for Chipman Hill Water Storage Project (DeBisschop Excavating - \$30,500). The Town’s Infrastructure Committee recommended on 2.9.2023 that the Selectboard approve the revised estimate for the DeBisschop agreement.
- Town of Middlebury Town Clerk Position - Job Description/Advertisement
- Correspondence from VELCO regarding change in location of temporary access road for construction of Quarry Road substation improvements
- Final Estimated Town of Middlebury Municipal Tax Rate for FY24
- Current Correspondence - Received 2.10.23 - 2.23.2023

The motion to approve the Consent Agenda carried with 7 in favor. **MOTION PASSED.**

4. Citizen Comments

There were no citizen comments.

5. Crooked Ladle Catering, LLC - Application for First-Class Restaurant/Bar Liquor License

Carpenter said that the Crooked Ladle Catering LLC is seeking a First-Class Restaurant/Bar License from the State of Vermont’s Department of Liquor and Lottery, Division of Liquor Control. The proposed location of this business is 51 Main Street in Middlebury, and the proposed business operations plan for the site shall consist of a collaboration between Crooked Ladle Catering and Everything Nice. He said Crooked Ladle Catering will manage a commercial kitchen on-site, preparing for their off-site events as well as expanding to offer on-site dine-in service three night a week, with to-go meals available throughout the week.

Jennifer Urban of Crooked Ladle Catering said they would have a soft opening and described their plans for their schedule the next few months and said the Police Chief and Fire Chief had already done their inspections and had signed off on the permit.

Seeley moved to approve the first-class restaurant/bar liquor license application for Crooked Ladle Catering, LLC, pending completion and passage of the scheduled inspection to be conducted by the Town of Middlebury at this location. Hooper seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

9. Awarding Contract Re: Cleaning Sewer & Storm Lines (Item taken out of order)

Wells said every year we do two weeks of cleaning lines, and he typically reaches out to a number of vacuum cleaning services and this year he contacted 4 companies: VTUMS, Manosh, Wind River and P&P. Wells said he’s conferred with Highway Superintendent Matt Cram and with staff, and they’re recommending going with VTUMS. He said VTUMS had started out with just one truck a few years ago, but now have two trucks, and we have used them in the past for small projects.

102
103 Hooper moved to approve the proposed contract for the Department of Public Works with
104 VTMUS for \$20,000 to carry out necessary annual sewer and storm lines. Seeley seconded the
105 motion. The motion carried with 7 in favor. **MOTION PASSED.**

106
107 **6. Updates from State Legislators & Discussion of Legislation and State Programs of**
108 **Interest to the Town**

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110 Representatives Amy Sheldon, Robin Scheu and Jubilee McGill

111
112 Sheldon, Chair of the Natural Resources and Energy Committee, said they just passed a bill on
113 household hazardous waste that will deal with how solid waste management districts charge for
114 the disposal of hazardous waste, and they are hoping to move a bill they passed last year on
115 updates to the bottle bill. She said they are also working on a bill regarding conserving 30% of
116 lands by 2030, and they are looking to receive the Housing Bill and the Affordable Heat Act from
117 the Senate

118
119 Scheu said she is Vice-Chair of the House Appropriations Committee and they are working with
120 the Senate to finalize the budget adjust bill for the current budget. Regarding the Common
121 :Level of Appraisal (CLA), she said she'd checked with the Chair of the Ways and Means
122 Committee today, and even though Middlebury has fallen below the 85% level triggering the
123 need for a reappraisal, she indicated to Scheu that no one would be making Middlebury
124 reappraise anytime soon, and since this is a state wide problem with the CLA values, it is not
125 something we need to worry about at this point. She said one bill that will impact our Town
126 Clerk is the Elections Bill, specifically around the minimum number of write-ins for a candidate to
127 win.

128
129 Scheu said the bill regarding project-based Tax Increment Finance (TIF) Districts is in the
130 Senate and the feeling is that the original TIF program was really complicated, and they feel the
131 project based, so-called "mini" TIFs may be more manageable.

132
133 McGill said this is her first year on the House Human Services Committee and they've been
134 working on updating the adult protective services bill, and they're also beginning work on the
135 problem of the high number of overdose deaths in the State, so they're looking at a multi-part
136 bill that will combine recovery residences. She said they're also working on wrap-around
137 services for the homeless to help relieve local emergency services, and they're waiting for the
138 Childcare Bill to come to them from the Senate.

139
140 Carpenter asked Scheu to speak favorably about the project based TIFs proposal since it is the
141 single best way for the Town of Middlebury to get the library expansion it needs since the
142 estimates for the project would put a burden on the taxpayers, even if it was bonded over a
143 longer period of time. He doesn't think our schools are under duress considering the shrinking
144 number of students going into our schools, so he doesn't buy the argument that this would rob
145 money from the schools. He said he believes the legislators owe it to towns to let them do this
146 at the community level so it's not a tax burden on the greater community.

147
148 Carpenter said they're pleased on the reappraisal issue and realize the large number of
149 communities who have hit the level that requires a reappraisal, but it would be good to codify
150 that in some sort of a bill or formal guidance so someone doesn't decide at some point to
151 penalize towns who do not reappraise.

152
153 Carpenter said another area we're struggling with is with public safety dispatching and they'd
154 like them to be aware that communities are struggling with this. Scheu said this was discussed
155 last year in the Appropriations Committee and they put together a working group to find a way to
156 fund this on an equitable basis, and at the end they didn't come up with anything, but they
157 realize this is a critical issue.

158
159 Carpenter said to McGill that anything to help get us "over the hump" with the Middlebury
160 College child care project would be appreciated. He said he also worries about all the requests
161 for congressionally directed funding, particularly the latest for Ilsley Library's expansion, since
162 the Selectboard's top priorities are childcare, and housing and he's concerned with all the
163 requests they won't know what our number one priority is. Scheu said it's important the Board's
164 letter states their priorities.

165
166 Gogarty asked if there were any other bills that young families and youth should be aware of
167 that might impact them. McGill said Universal School Meals just passed out of the Agriculture
168 Committee, so it has strong support. She said her committee is asking for additional funding for
169 the Childcare Assistance Program for after school and summer programs, and they plan on
170 raising the income qualifications so more people will benefit from the program. Scheu said the
171 Paid Medical Leave Bill is currently in the Ways and Means Committee. Sheldon said her
172 Committee's focus is on the environment and energy, and they hear from young people every
173 day with concerns about the environment and their future.

174
175 Hooper asked their opinion on the Act 250 carve-out for residential housing near town centers
176 and would it be going through this session. Sheldon and Scheu said that is in the Housing Bill,
177 and Sheldon said it seems reasonable, but these districts weren't created with the lens of a land
178 use planning in mind, and more for tax incentives, so they have asked the Agency of Commerce
179 and Community Development to do a study to see how to bring them more into alignment with a
180 land use lens, so they'll have to see how it fits in with the package.

181
182 Carpenter thanked the representative for their time to bring them up to date, and Sheldon said it
183 was good to hear the Town's priorities.

184
185 **7. Ilsley Library - Request for Support for Submission of**
186 **Pre-Application for Accessibility Modification Grant**
187

188 Hart said they have spent the last year exploring possible grants for the library expansion
189 project, and now they're beginning the application process. She said the one this evening is the
190 Vermont Community Development Program Accessibility Modification Grant for \$100,000
191 towards a new elevator for the project. She said this is a long grant process and we wouldn't
192 actually be submitting a grant application until March of 2024, but because there is an
193 environmental review that needs to happen while plans are being developed, they're
194 encouraging we begin the application process this summer, so she needs to submit a pre-
195 application form that she'd like to get submitted before she goes on maternity leave in April.

196
197 Carpenter asked if we needed to pay for an environmental study or would the State staff do it.
198 Hart said she believes the State staff will help us. She said of all the grant applications this is
199 the one we might need a grant writer to help us with the application, but she isn't sure yet. She
200 said we aren't locked into this by submitting the pre-application.
201

202 Khan moved to approve Ilsley Library’s pre-application to the Vermont Community Development
203 Program for an Accessibility Modification Grant. Gogarty seconded the motion. The motion
204 carried with 7 in favor. **MOTION PASSED.**

205
206 **7a. Letter of Support - Library Application for Congressionally Directed Spending**
207

208 Hart said once again we are applying for congressionally directed spending from Senator
209 Sanders. She said they opened the application last Wednesday and it is due March 10th, so she
210 is in the process of pulling together letters of support and is requesting the Selectboard support
211 this application.

212
213 Khan moved to approve the draft letter of support for the Ilsley Library application for funding to
214 U.S. Senator Sanders to support the future renovation and expansion of the library. Gogarty
215 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

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217 **8. Application for Public Assemblage Permit - Midd Pride Parade & Festival**
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219 Fuentes-George said Middlebury Teen Center received a grant to help increase the size of their
220 Midd Pride event from last year and they are proposing shutting down Main Street from Mill
221 Street to Merchant’s Row for this event. Chief Shaw has requested that a lane be left open for
222 emergency vehicles, and Fuentes-George said they will be able to accommodate that.

223
224 Gogarty moved to approve the application from the Teen Center, allowing for a parade to occur
225 on June 25th, 2023, from 12pm-6pm, along Main Street and at the Town Green. Hooper
226 seconded the motion. The motion carried with 6 in favor, 1 abstention (Fuentes-George).
227 **MOTION PASSED.**

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229 **10. Draft Town Policy - Permitting of Sidewalk Dining/Beverage Services**
230

231 Chief Hanley said this began back during COVID when restaurants wanted to serve outdoors
232 and we didn’t have any rules regarding that, but we made it happen. He said last year Little
233 Seed coffee roasters asked to put tables outside, and again there were no guidelines or policy
234 in place, so it was sent to the Public Safety Committee to draft some standards. He conferred
235 with Fire Chief Shaw, and while they’re looking at this from mostly a safety standpoint, they’ve
236 brought the draft policy from last year, with help from Planning and Zoning, for approval. He
237 said the main thing is that 5 feet of sidewalk clearance be maintained and that there is always a
238 minimum of 44” for egress in doorways. He said we also need to make sure where there is
239 parallel parking that there is a sufficient buffer, so we don’t have an instance where someone
240 accidentally hits the gas instead of the break and cause injuries. He said most of these
241 applications will be on Merchants Row where there is a wider sidewalk, but there are some
242 areas in the downtown where outside seating would not be permitted due to the narrowness of
243 the sidewalk.

244
245 Carpenter asked Ramsay if she had reviewed this, and she said she had, and Assistant Town
246 Manager David Sophrin had as well. Carpenter asked Khan if he saw any problem from a
247 business standpoint, and Khan said he didn’t see any and thought it was a good idea. Hooper
248 said he was glad to see there were no requirements for barriers around areas serving alcohol,
249 but Seeley said that was a requirement tied to the State Liquor License.

250

251 Resident Laura Asermily said she wanted to be sure there was adequate bike parking. She said
252 at the Walk Bike Summit last year it was mentioned the importance to have enough space for
253 two people to walk side-by-side on the sidewalk. Carpenter asked where the bike racks were
254 downtown. Ramsay said there was one on the Merchants Row bridge/tunnel, but Asermily said
255 that one needed to be moved to Triangle Park, and she has spoken to Parks and Recreation
256 about that, and there are more bicycle loops needed downtown, especially with more and more
257 e-bikes.

258
259 Khan moved to approve the draft document as the Town of Middlebury's new policy on use of
260 Town Sidewalks for Restaurant Food and Beverage Service. Hooper seconded the motion.
261 The motion carried with 7 in favor. **MOTION PASSED.**

262 **11. Preparing for Town Meeting - March 6, 2023**

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265 Carpenter said Ramsay has put together a list for the Board so everyone would have a
266 speaking role at Town Meeting and asked if there were any questions regarding their assigned
267 topic, but there were none.

268
269 Ramsay described the slide show and informed them on where they could find more information
270 on the projects. They also reviewed the Town Meeting Opinion Poll put together each year by
271 Laura Asermily.

272 **12. Town/College Quarterly Meeting Agenda**

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275 Carpenter said the Town/College lunch will be coming up on March 10th, and besides himself
276 and Ramsay, Fuentes-George and Hooper would be attending.

277 **13. Annual Selectboard Retreat (Scheduling & Topics)**

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280 Carpenter said this had been tentatively scheduled for March 21st but the Act 250 comments on
281 the Middlebury Airport have to be in by March 24th, and VTrans has committed to giving the
282 Selectboard a briefing on the findings of the review and what their recommendations are, and
283 what they've done to take into account the comments already made. He said if we want to have
284 this briefed prior to the close of comments on the 24th, then that would need to happen on the
285 21st. He said he is proposing to have meetings on March 14th, 21st and 28th, and have the
286 retreat on the 28th. They discussed topics for the retreat, and Ramsay said she had
287 brainstormed some ideas and put together a list of some possible topics for discussion, such as
288 short-term rental housing, off-campus housing and a possible whitepaper on the Middlebury
289 Airport.

290
291 Hooper said there was a disturbing article in the New York Times about migrant children
292 workers, including a 14 year old boy in Middlebury who injured themselves on a farm while
293 working a 12-hour day and trying to go to school as well, so he'd like to discuss this
294 underground workforce and what the Town's responsibility is. Ramsay will prepare the list of
295 topics and send it out so the Board so they can look at it. Carpenter said this is a time for the
296 Board to establish their priorities and discuss the other items that might be taken up down-the-
297 road.

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14. Approval of Check Warrants

Hooper said he had reviewed the check warrants, and he moved to approve total expenditures in the amount of \$358,028.59, consisting of \$247,505.53 for accounts payable, and \$110,523.06 for payroll, for the period February 14, 2023 through February 27, 2023. Seeley seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

15. Board Member Concerns

Hooper said he mentioned the farming accident with the 14-year old and that was his main concern, and he has reached out to the writer to see if it was in fact Middlebury, Vermont.

Gogarty said she took the Amtrak train to Penn Station and recommends it highly.

Seeley said she mentioned this to Chief Shaw after their tour of the Fire Station but would like to say publicly how impressed she is by the organization and cleanliness of the Fire Station and kudos to the Chief and the rest of the members on their great work.

Brown seconded what Seeley said about the Fire Station.

Carpenter said he’s spoken with someone who had been on Amtrak and their trip did not go as smoothly as Gogarty’s as their train his a truck and they had to be bused back to take another train.

16. Adjournment

The meeting adjourned at 8:15 p.m. upon motion by Fuentes-George, seconded by Hooper.

The next regular meeting of the Middlebury Selectboard will be March 14, 2023 at the Town Offices.

Respectfully submitted,
Beth Dow