

**TOWN OF MIDDLEBURY**  
**Policy Review Committee**  
Meeting Minutes – April 12, 2019

**In attendance:** Gary Baker, Donna Donahue, Victor Nuovo, Beth Dow (staff) and Chris English (staff)  
Also Present: Amy McAninch, Marita Schine and Amelia Miller

- 1. Call to Order.** Chris called the meeting to order at 8:00 a.m.
- 2. Approve March 29, 2019 Meeting Minutes.** Gary made a motion to approve the March 29th meeting minutes, seconded by Donna. Approved unanimously.
- 3. Discuss Selectboard Feedback from April 9th Meeting Regarding Guidebook / Personnel Policy Amendments and Plastic Bag Ordinance.** Chris reported that the Selectboard responded favorably to the draft Employee Guidebook and had voted to approve the amendments to the Personnel Policy, as recommended by the Committee. He noted that, during his review of the Personnel Policy Victor had flagged an error that appears in Section 13: Alcohol and Drug Abuse on page 5. The first full paragraph on that page includes a sentence that reads:

If an employee is legally taking prescription drugs that affect the employee's ability to safely perform any of the essential functions of his or her job, his or her supervisor or the **[Town Manager/Selectboard]** will determine whether or not the employee should continue to perform his or her functions until concerns regarding safety can be addressed.

Victor had pointed out that the Selectboard would have no role in that situation and that the responsibility really falls to the supervisor and Town Manager. Chris responded that this was an oversight on the Committee's part and that the phrase in question was boilerplate language that had been incorporated from VLCT's 2018 policy update but had not been updated to reflect Town practices. He said he would make sure this was corrected before the Guidebook is distributed to employees.

Chris also said he realized, as he was preparing for the Selectboard meeting, that the Committee had failed to update the Quick Guide to Municipal Services in Section 2 of the Guidebook to include topics of interest to staff, such as retirement and health insurance information. He and Beth volunteered to brainstorm on appropriate topic areas to include in the Quick Guide and bring a recommendation to the Committee at its next meeting

**Plastic Bag Ordinance**

Victor briefly summarized the Selectboard's discussion regarding the Committee's recommendation that the Board delay drafting an ordinance until the final disposition of S.113 and related bills moving through the legislature is known. The Board ultimately agreed that it would be prudent to wait to

work on the local ordinance, lest it need to be amended later because it conflicts in some way with that eventually gets signed into law. The Board also pointed out that Middlebury may want to enact an ordinance that is more restrictive in some respects but we won't know how until we understand what is in the statute. Victor said he felt that there is a lot of support for state legislation regulating single-use plastic bags and polystyrene containers and that waiting until the end of the session would not be detrimental.

Chris said that he and Beth had been discussing their concerns regarding the Committee's involvement in the development of the ordinance, and they wanted to propose, for discussion, that the Committee recommend to the Selectboard that it consider appointing an ad hoc committee to develop a first draft of the document, which would then be handed off to the Policy Review Committee for review as to form and content. He said the motivation for this proposal was twofold: 1) the Policy Review Committee is a subcommittee of the Selectboard charged with reviewing the Town's book of policies (some of which are 30 or 40 years old) and making recommendations about which policies require updating and which are obsolete. Writing a new ordinance would take the Committee's focus off this important work potentially for many months; and 2) Committee members are not subject matter experts on the environmental and economic issues associated with single-use plastic bags and, given the Committee's normal meeting schedule, would need several meetings to come up to speed before undertaking the ordinance. Chris noted that there is a core group of individuals in the community who have spent more than a year educating themselves on the science and looking at other local ordinances regulating single-use plastic bags. He said it would make sense to harness their knowledge and passion for the subject and ask them to work on a first draft of the ordinance.

Victor said could support the idea, but such an ad hoc committee would need to be small in size to be most effective. He said that the Selectboard is obliged to respond to the voice of the people and that the ordinance must be very clear as to its purpose: to drive a fundamental change in people's shopping habits in support of the ultimate goal of removing harmful substances and pollutants from the environment.

Donna said she agreed with these arguments, especially given the scope of the project and the amount of work to be done, and suggested that it would be important to include on the ad hoc committee representatives from the various constituencies that would be impacted by the ordinance, including merchants and low-income individuals.

Beth said she thought it would be important to include not just the large food business like Shaw's and Hannaford in the development of the ordinance, since they have already been dealing with this issue in other jurisdictions outside Vermont and have been planning for the eventual elimination of plastic bags. She said the bigger impact could be to small food establishments, like delis.

The Committee asked for input from the community members present. Amelia Miller said she thought a small ad hoc committee was a good idea and she supported the inclusion of other voices who need to be represented in the discussion. Marita Schine said she felt that attention needs to be paid to ensuring that the language in the ordinance is positive, to avoid using the word "ban" for

example, to emphasize that the ordinance is for the good of us all. She said that public education will be an essential part of this process if it's going to be successful.

After some further discussion, the Committee agree unanimously to make the recommendation to the Selectboard at its April 23rd meeting that it consider appointing a small ad hoc committee to develop a draft of the ordinance regulating single-use plastic bags, which will then be delivered to the Policy Review Committee for further review.

**Next Steps.** The Committee will meet again on Friday, April 26, at 8:00 a.m. Topics for this meeting will include discussion of the Board's response to the Committee's recommendation, a review of the cleanup items identified by the Committee for the Personnel Policy, and a review of VLCT's model Drug & Alcohol Policy for CMV Operators.

The meeting adjourned at 9:00 a.m.

Submitted by:

Chris English  
Assistant Town Manager