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Regular Selectboard Meeting
Large Conference Room – Town Offices
Tuesday, November 19, 2019
Meeting Minutes

Members Present: Brian Carpenter, Heather Seeley, Nick Artim, Farhad Khan, Victor Nuovo and Laura Asermily. Lindsey Fuentes-George was absent.

Staff Present: Town Manager Kathleen Ramsay, Police Chief Tom Hanley, Sargent Jason Covey and Parks and Recreation Superintendent Dustin Hunt

Others Present: State Senators Chris Bray and Ruth Hardy, and State Representatives Amy Sheldon and Robin Scheu, and interested citizens.

The meeting was televised on MCTV by Jim Corbett.

1. Call to Order

Brian Carpenter called the meeting to order at 7:03 p.m.

2. Approval of Agenda

Seeley moved to approve the agenda and Khan seconded the motion. The motion carried with 6 in favor, 1 absent, and the agenda was approved as presented. **MOTION PASSED.**

3. Approval of Minutes of November 12, 2019 Selectboard Meeting

Khan moved to approve the minutes of November 12, 2019, seconded by Artim. The minutes were approved as presented with 6 in favor, 1 absent. **MOTION PASSED**

4. Citizen Comments

There were no citizen comments.

5. Dustin Hunt, Parks and Recreation Department Superintendent, with the Infrastructure Committee's recommendation on the Purchase of a Utility Vehicle for the Parks & Recreation Department

Hunt said he believed the Board had the recommendation from the Infrastructure Committee on the purchase of the utility vehicle, so he was present to answer any questions.

Asermily said she was disappointed that we weren't going with an electric utility vehicle, since that is a future direction we want to be going in. She said Hunt had explained the

47 reason and they had done careful vetting of the electric vehicle, so she asked if there
48 was a chance of delaying the purchase of the vehicle until the technology improves.
49 She said they feel the need to have the vehicle on-board this spring to tend to the
50 playing fields, because they haven't been attended to for awhile. She was glad,
51 however, to hear there will be a new electric charging station at the Recreation Center
52 in the spring, so they're moving in the right direction.

53
54 Seeley moved to award a contract to Broughton's Farm Supply for the purchase of a 4
55 X 4 utility vehicle for use by the Parks & Recreation Department, for a total cost of
56 \$11,968. Nuovo seconded the motion. The motion carried with 6 in favor, 1 absent.
57 **MOTION PASSED.**

58 59 **6. Application from The Caddy Shack, 260 Exchange Street, for a** 60 **First Class Liquor License**

61
62 Carpenter asked Chief Hanley if he'd had a chance to inspect the property yet, and
63 Hanley said he hadn't and was trying to coordinate with Fire Chief Shaw.

64
65 Khan moved to approve the application submitted by The Caddy Shack for a First Class
66 Liquor License for its business located at 260 Exchange Street, pending the applicant
67 completing the application questions and successful completion of the required public
68 safety inspections. Artim seconded the motion. The motion carried with 6 in favor, 1
69 absent. **MOTION PASSED. (Motion amended)**

70
71 Nuovo noted that two of the "yes" and "no" questions on the application weren't
72 answered. Ramsay said they'd follow up with the applicant to be sure the questions are
73 completed. The motion was amended to include the need for the application questions
74 to be answered.

75 76 **7. Meeting with Middlebury's Legislators as a** 77 **Preview to the Upcoming Legislative Session**

78
79 Carpenter welcomed the senators and representatives for joining the Board for an
80 opportunity to discuss what's going on and for the Board to ask some questions.
81 Carpenter asked them to speak on the "hot" topics in the upcoming legislative session.

82
83 Bray said the Single Use Plastic Bag Bill passed and will begin July 1, 2020. He said
84 part of that bill included the creation of a working group to look into the Solid Waste
85 system overall and that work is ongoing. He said another bill that passed was related
86 to PFAS (polyfluoroalkyl substances), and one aspect of that bill was to do statewide
87 testing of municipal water systems, and so far only 3 towns have had PFAST levels that
88 were high enough for concern. He said both the House and Senate will be working on
89 updating Act 250 over the next session. He said they will also be working on "beneficial
90 electrification" as we try to move away from using fossil fuels for things like heating and
91 cooling buildings and making those types of things increasingly clean by shifting them to
92 using electricity. He said it's important that the electricity is "clean" and not generated

93 by fossil fuels. He said the way to get there is working with Efficiency Vermont and
94 pivot them to work not only on electricity, but also thermal and transportation.
95

96 Sheldon said she is the Chair of the House Natural Resources Fish and Wildlife
97 Committee, and Senator Bray is Chair of the Senate Natural Resources committee, so
98 they work together closely on how bills will move through their committees. She said
99 her committee has been very focused on Act 250 and they will be working to update it to
100 include climate change. She said they are looking to support the basic goals of Act 250
101 around densely settled areas surrounded by rural working lands and conserved areas,
102 which will include some work around lifting jurisdiction in downtown areas and
103 neighborhood development areas. She said this would exempt downtown areas from
104 Act 250 provided the municipalities are meeting the State goals around Act 250 already,
105 and she feels Middlebury is doing a great job of.
106

107 Sheldon said her Committee will also be looking at wildlife governance issues, and this
108 had been on their agenda before the unfortunate bear dog incident in Ripton recently.
109 She said they will have a bill that looks at how to modernize wildlife governance to
110 reflect the modern Vermont and people's ethics around wildlife management. She said
111 on the PFAS issue, Middlebury's water did clear that test and the communities that are
112 finding PFAS above the State standard are condominiums and the suspect substance
113 of PFAS is ski wax. She said the House Energy and Technology Committee is working
114 on a bill on a Global Warming Solutions Act that creates a legal mechanism around our
115 accountability and our energy goals, and this will be taken up early in the session.
116

117 Senator Hardy said they are continuing to work on the "Free College" bill and she's
118 hoping the Senate Education Committee will focus on it. She said they'd done a lot of
119 work to see how we could support tuition reduction for students at our community
120 college and hopefully our state colleges. She said she's focusing more on the
121 community colleges, since this is the type of college with the highest percentage of
122 Vermonters, and she knows a lot of people from Middlebury go to CCV. She is also in
123 an off-session study committee called the Forest Carbon Sequestration Working Group.
124 She said Carbon Sequestration is when you have a forest and if you meet certain
125 criteria you can enter the forest into a carbon market and sell shares of carbon credits to
126 buy carbon offsets, and one of the things they're looking into having this apply to
127 municipal forests for potential revenue.
128

129 Hardy said last session they passed a bill to test the water in all Vermont schools for
130 lead, and all Middlebury schools have tested fine. She said this year they'll be working
131 on the Pre-K school system to see how to make it better, and she's also introducing a
132 bill on local food to get more into schools and correctional facilities. She is also on a
133 Wetlands Committee with Amy Sheldon, which is an important topic for Addison County.
134

135 Representative Scheu said she's on the House Ways and Means Committee, and at the
136 end of last year's session the Senate sent the Paid Family and Medical Leave Bill back
137 to them, but they had already adjourned, so those bills will be the first to be looked at
138 this session. She said they will also be working on minimum wage and the taxation and

139 regulation of cannabis, but there are other committees that will need to work on this and
140 she doesn't expect it will make it to the floor in the first month.

141
142 She said they had hosted a Climate Solutions Caucus here in Middlebury on November
143 7th, and it was attended by about 60 people. She said there are at least 80 legislators in
144 the House and Senate that are members of the Climate Solutions Caucus. She said
145 they are working on the Global Warming Solutions Act and many other states have this
146 act, and under this Act they're looking at work force development and jobs that will be
147 needed as we move away from fossil fuels, resiliency in communities and the
148 transportation climate initiative, which is a coalition of 12 states and Washington, DC.
149 The idea is to put a fee on carbon at the highest level, at the wholesalers where it
150 comes in. She said other things they may be looking into is the Renter's Rebate
151 Program and ways to simplify this program.

152
153 Carpenter said the Board had created a list of things that were of interest in the
154 Middlebury community, in hopes that either they can take this up when they return to
155 Montpelier, or we can get some updates once they get back in session.

156
157 Vagrancy and its impact on the community and local law enforcement

158
159 Artim said he's been hearing about this for the 10 years he's been on the Board and
160 even before that on the Public Safety Committee, and it was recently brought forward in
161 great detail by Chief Hanley and Sargent Covey on what they've been encountering.
162 He said there are three segments of the population that have some challenges. He said
163 it's been understood that it's the homeless population, but that isn't the segment that's
164 causing difficulties. He said they are the ones who, through unfortunate circumstances,
165 have become homeless, but want to get back on their feet and be productive members
166 of the community. He said the second group is the one that suffers from various mental
167 health and substance abusers, and this group has been very challenging and violent at
168 times, and take our officers away from the community for extended periods of time. He
169 said then there is the third group of transient people who travel around the country
170 causing trouble, and these also take a great deal of our police officers' time and take
171 them away from Middlebury if they have to transport them to Burlington, so we don't
172 have an on-duty police officer available if needed or we call in and off-duty officer. He
173 said this is a burden and it isn't something we can deal with on the local level, it needs
174 to be done on the State level with the agencies that have been established to help these
175 people and sometimes they just aren't successful.

176
177 Chief Hanley said the problem has been growing over the last few years, and we're like
178 the kid with their finger in the dike and we aren't fixing anything. He said we have
179 woefully under-resourced mental health system. He said 10 years ago he was on a
180 task force that prepared an Inebriant Report and sent it to the legislature and none of
181 the recommendations from that report have ever been implemented. He said there is
182 no facility in our area to deal with these people, so it takes an officer away from our
183 community for hours at a time to transport them out of the county. He said its killing us
184 overtime-wise and staffing-wise. Then there are the constant day-to-day problems the

185 department has to deal with, the stabbings, fights and drunkenness. He said when
186 we're spending 6 hours with someone at Porter Hospital because there is no counselor
187 to take care of them, that's a problem, and it's getting worse. He said there are other
188 problems in town that they can't get to, like speeding, because of the time involved with
189 this problem. He said in a few years the jail system won't be accepting inebriates, so
190 he's not sure what they'll do with them then, because the law requires them to take an
191 inebriate into protective custody. He said these are social impacts that are having an
192 effect on the community and a big impact on the Police Department.

193
194 Artim said a couple of weeks ago our police officers were sent to help the State Police
195 with an incident at the hospital, and while in route they received an alarm of an infant
196 who had stopped breathing and the ambulance was on another call, so the officers
197 responded to help the child and was able to get the child breathing again, and if they'd
198 been out of town transporting someone the outcome may have been different. He said
199 it would be very hard as a Board member or as the Town Manager to receive a call from
200 a citizen saying that they'd called for emergency services and no one came. He said
201 this is something that needs to be looked at closely to help our agencies that are doing
202 the best they can and our citizens to receive the help they all expect to get without over-
203 stressing our police officers.

204
205 Bray asked what had changed over the last 10-years; is it the population or is it
206 resources that used to be in place but aren't now. Hanley said we've always dealt with
207 the homeless issue, and if it was cold we'd bring them to the station to warm up or they
208 had an arrangement with HOPE to take them to the Blue Spruce Motel, and it was
209 manageable and most were from the area. He said now they're migrating here from
210 other areas and they're coming in droves. Hanley said there are some here from
211 Washington State, Ohio, East St. Louis, New York, Massachusetts, and in the past year
212 and a half it's become a lot more serious. He said when they were just from the area,
213 you knew them or their family and the situation and you could work with them to resolve
214 issues. He said this is a chronic situation and now these people are coming here
215 because of the services available in Vermont, and they tell us that.

216
217 Hanley said Addison County is the only one without a screener, and the police can't
218 take them anywhere unless they're medically screened. He said sometimes they can
219 be left with a responsible adult, but the problem with the transient population is there are
220 no responsible adults to leave them with, so they have to be taken to jail or the Grace
221 House, but they need to be screened first. He said it takes two people to transport them
222 because they need to be monitored during transport.

223
224 Scheu asked who can be a screener and why don't we have one. Hanley said we had
225 one through the early 90's and they were funded by the State through the Counseling
226 Service and then the funding was withdrawn. He said they do a basic medical
227 screening, blood pressure, pulse, quick exam and ask them questions to see if they
228 needed to be taken to jail or to be hospitalized. He said the screener worked for the
229 Counseling Service and they were on-call and would come to the Police Department to
230 do the screening and determine where they needed to go. Sheldon asked if other

231 communities were having the same problems, and Tom said they were, but they all had
232 screeners, and that's needed to streamline the inebriate problem. He said mental
233 health patients are taken to Porter Hospital and housed in a small room for up to 2
234 weeks until there's a bed available somewhere in the state, and sometimes police
235 officers sit 6 to 8 hours with them. He said most of the homeless people around town
236 are known by the officers, and they're individual people with individual problems and
237 you can't just throw a blanket over it to fix it, but you need to find out what each
238 individual needs.

239
240 Hardy said she finds it hard to believe that people are coming here for the services,
241 when they hear all the time there aren't enough mental health services or housing
242 services, and there must be other communities having the same problem. Hanley said
243 Burlington and Rutland have issues and Asermily said it was worse here because we're
244 the shire town for the county. Hardy asked for data on the numbers and how many
245 times these transports and inebriation issues happen, and Hanley said they could
246 provide that.

247
248 Hardy asked the Board what action they were taking, and Carpenter said they'd talked
249 about this recently and felt that this was something the State should take action on
250 since this wasn't just a Middlebury problem. Nuovo said this issue was the one that
251 prompted the legislators to be invited to the meeting, because the Town does not have
252 the resources to deal with these constant social problems and they aren't unique to
253 Middlebury, so the State really needs to pass legislation and provide resources to the
254 municipalities. Hardy said she realized that and was only trying to get clarification on
255 some of the things Hanley had said.

256
257 Scheu said mental health is a big problem and it has been for years, so money has
258 been put into the Capital Budget to increase the numbers of beds and the Brattleboro
259 Retreat is adding a whole wing and Central Vermont Hospital is looking to expand, but
260 they still have to go through the regulatory and construction process, so they're still a
261 couple of years away.

262
263 Carpenter said the meeting needed to move on, but he thought we owed the legislators
264 some quantification and would do that before meeting again, and in quantifying it we
265 could provide the amount of time the officers are away from town and the progressive
266 steps to get to a solution, such as the screener, so we could have our officers not be
267 away for the community for long periods of time. Scheu wondered if that might be a
268 county position that all the communities could contribute to the cost and the person
269 could be housed at the sheriff's office. Hardy said she is really surprised we're the only
270 county without a screener and what is the reason for that, so maybe if more research
271 could be done on that topic they can see if they can help. Carpenter said we're told that
272 the State Local Option Tax fund has a surplus now and maybe some of that could be
273 returned to towns to help with some of these social service agencies and the homeless
274 situation, and Scheu said she'd check into that.

275

276 Randy Kritkauskysaid he owns the apartment building next to the Charter House on
277 North Pleasant Street, and they live 10 miles south of Middlebury, and they see the
278 same problems mentioned by Chief Hanley in both locations. He said he’s suggesting
279 the Selectboard establish a task force to investigate all the dimensions of this problem,
280 because he doesn’t believe we know them all yet. He said he thinks if this task force is
281 comprised of police, caregivers, and the homeless, you could get an Addison County
282 approach for short-term actions to help now, but also medium-range and long-range
283 solutions as well. He said his sister in Phoenix, who is a social worker, said that they
284 are seeing these people leave the metropolitan areas for rural areas because of “nice
285 people” and marijuana laws. He said we need to understand what that magnet is that
286 attracts these people and what are they coming for, what are their needs, are we
287 meeting their needs, and can we afford to meet their needs with the resources we have.
288 He said he’d love to be on a task force like this.

289
290 Carpenter told the legislators the intent was to discuss the subject with them and not
291 lecture them, and he appreciated them listening to the problem and we will do some
292 further investigation. He thought now that we were talking about it we’d be able to make
293 some progress on the problem.

294
295 Health Insurance Premiums

296
297 Carpenter said one thing the State is not making progress on, or the Nation, is health
298 insurance and it’s starting to really double-down at the municipal level as the contracted
299 health insurance for our employees sees high double-digit increases each year. He
300 said it would be really nice if the State could look into something, like pooling all the
301 communities, but we aren’t making any progress. Hardy asked if Middlebury was in the
302 VLCT insurance pool, and Ramsay said since we are a small employer with 50
303 employees, we’re in the Health Exchange. She said we had been with one of the
304 Association Plans that was not allowed to continue at the Federal level, so now we’re
305 back in the Health Exchange and seeing a 16% increase in health insurance premiums.

306
307 Scheu said there’s been a lot of cost-shifting going on and the recipient of the increased
308 costs are the private insurance carriers. She said the Federal government has not
309 increased the Medicare or Medicaid rate and the State has not increased the amount it
310 would take from the general fund to apply to Medicaid, so the only place the money can
311 come from is the private carrier. She said she feels the pain personally and it is a
312 situation they are all aware of. Carpenter said it’s going to start crushing the taxpayers
313 and small businesses in the State as well. He said when a good portion of the
314 municipal budget is going towards health care, it takes funds away from other
315 infrastructure projects that could be done and it’s going to have an impact. Bray asked
316 what the percentage of health care costs is in the budget, and Ramsay said our total
317 general fund budget is around \$11 million and health care costs are around \$800,000.

318
319 Hardy said after she received Ramsay’s e-mail regarding the increase in health
320 insurance costs, she talked to her associates on the health insurance committee. She
321 said one thing created a few years ago was the Accountable Care Organization in the

322 hopes of reducing health care costs, but so far that hasn't happened. She said the
323 health insurance committee will be looking into what can be done differently to this
324 organization to help with costs. She said everyone is watching to see how the state-
325 wide negotiations on teacher health care costs go as well, and said she will keep an eye
326 on what is happening and keep the Board informed.

327

328 Route 7/Exchange Street Roundabout

329

330 Carpenter said the next item they wanted to discuss was the status of the Route
331 7/Exchange Street roundabout. He said we'd like to see some progress made on this
332 and get the committees involved in this to prioritize the project and at least get it on the
333 5-year plan. Bray said he'd been nudging them for years, and the last he knew they'd
334 done the engineering study. He said he'd checked again with Senator Mazza just
335 before the end of the last session, and Mazza said the railway project is taking a "lot of
336 oxygen out of the room", so VTrans isn't putting the resources and time into the
337 roundabout at Exchange Street, so he expressed again the seriousness of the safety in
338 that area. He said he'd be happy to speak to him again about this, and Carpenter said it
339 would be appreciated. Carpenter said any new businesses looking to construct on
340 Exchange Street that require an Act 250 permit are now being assessed a fee that will
341 go towards the improvements at the RT 7/Exchange Street intersection, yet there is no
342 idea when this project will happen. Bray thought when VTrans committed to an
343 engineering study it put the project on the 5-year plan, and Carpenter said the last time
344 he asked it was not on the plan. Artim said when he and Rep. Sheldon had talked to
345 VTrans about this a few years ago, they had thought there would not be any more
346 growth allowed on Exchange Street under Act 250 until this improvement happened, but
347 because the project was in the pipeline an exception was made, but now we don't know
348 where we are in that pipeline.

349

350 School Corridor Safety

351

352 Hardy said the item on the safety in the RT 7 school corridor is more personally visible
353 to her as she has kids, and she knows there was a study done when she was on the
354 school board, and wondered if there had any movement since then. Seeley asked if
355 she meant the Charles Street/Monroe Street intersection, and Hardy said yes. Asermily
356 said what they wanted to discuss was the safety of the whole corridor and what design
357 changes could be made when it gets repaved in 2021, so the planning would need to
358 happen now. Hardy said she would look into it as she had a little more experience with
359 this area. Seeley just cautioned that we are already over the 10-year paving schedule
360 for Court Street due to the rail project, and the condition of the pavement is beyond
361 what the Town can do to repair, so we can't delay it any further. She said the paving
362 has already been delayed from the spring of 2021 to the fall of 2021, so she doesn't
363 want to do anything to push it beyond that time. Asermily thought it could be done on
364 schedule with just some striping improvements.

365

366

367 Route 125 West of Town Safety

368
369 On the safety of Route 125 west of Middlebury College, Carpenter said the Town had
370 sent a letter to VTrans and they have committed to some striping changes. Ramsay
371 said VTrans was doing some investigation on low-cost improvements to the area, and
372 one thing discussed was a rumble strip down the middle. Carpenter said we thought
373 that would be implemented fairly soon, but we haven't seen it yet, so if there was any
374 way the legislators could help would be appreciated. Bray said there was a tour with
375 VTrans of the area a while ago and the road was in rough shape, so VTrans did some
376 temporary paving, but he remembers them saying they would need to go completely
377 down to the base to rebuild the road and they weren't able to schedule the rebuild.
378 Carpenter said that was correct, but there were short-term things that were agreed to
379 and he wanted to make sure they didn't forget them.

380
381 Climate

382
383 Asermily said there is a proposal for a very large solar project in town and there was a
384 discussion going on about the location of it, and she thinks it goes back to the types of
385 projects that can be permitted now that are either really big or rooftop. She said she
386 wasn't sure there was anything they could do about it, but wanted to let them know of
387 the dilemma. Bray said they passed Act 177 a few years ago that gave municipalities
388 control if they had an energy element approved by their regional planning commission
389 (RPC), it gave them deference rather than due-consideration in Public Utility
390 Commission (PUC) hearings. Asermily said we don't have an Enhanced Energy Plan,
391 but our Energy Committee is looking into this and is making sure the developer has
392 done their due diligence in looking at all the potential sites, since this is such a valuable
393 visual shed. There was further discussion on the Encore project and Sheldon urged the
394 Town to create an Energy Plan to get the substantial deference from the PUC. She
395 said Green Mountain Power is struggling with these big projects coming online, so
396 they've put the brakes on somewhat and asked PUC to slow things down. She said all
397 levels are grappling with the issues, since we know we need this, but these large
398 projects are quite costly to the average consumer. She urged the Town to be more pro-
399 active before a development is proposed. Bray said the Addison County Regional
400 Planning Commission has a certified plan, so they are qualified to give expert advice
401 and there were state funds awarded to VLCT to go out and train municipalities to create
402 energy plans. Ramsay said Leicester just adopted an Enhanced Energy Plan
403 developed in cooperation with the RPC, so there is a local template.

404
405 Seeley asked Hardy about the carbon credits, and asked why wouldn't we keep our own
406 carbon credits as opposed to selling them. Hardy said the study committee is looking at
407 a lot of different options, and so far the only state that's been able to do it is California.
408 She said right now Vermont doesn't have a carbon counting system, so if we do pass
409 legislation Seeley's question would be answered, that we don't want to sell them out of
410 state, we'd want to count them for ourselves. She said until we get to that point this is a
411 potential revenue source and a way to maintain forest land if done properly, but whether
412 or not a municipal forest would qualify is still in question.

413

414 Bray said last year the Government Operations committee discussed having 10 pilot
415 towns with the flexibility to manage their own affairs without a Charter change, but that
416 ran aground. He said it would be helpful if the Board would go on the record and ask to
417 have this move forward. Carpenter said the Board was in favor of it and we would enjoy
418 being a pilot town. Bray said he'd talk to the Chair, but there is great reluctance to let
419 towns manage their own Charter changes, but he'll bring it forward again.

420

421 Carpenter thanked them for all they did and for coming to discuss these matters with the
422 Board.

423

424 **8. Completion of Project Prioritization Worksheet and Final Decision on Douglas** 425 **Lazarus' Exterior Historical Display Panels Project**

426

427 Carpenter said Lazarus wasn't present, but the Board had heard from him twice
428 already, and now that they know what he's proposing and how it fits into the Town's
429 priorities, his observation is the project wouldn't be a priority for this year, so suggested
430 the Board talk about an Arts Committee. He said he thinks we've tried to grow our arts
431 in town, and while we aren't willing to dedicate the resources to the proposed project at
432 the Town level since this is on private property, but perhaps we can support the idea of
433 the project and pass on to Lazarus that since it's on private property that it should be
434 done independent from Town government. He said for the Town to take a position to
435 support this project with resources of both financial and staff time on a project that
436 hasn't gone through the process or the committee, or involving the public in the way it
437 would look and who the artist is, sets a serious precedent. He said if this is something
438 he can raise the funds for and get the permission of the private property owners, then I
439 don't see why we'd be against it.

440

441 Asermily said something to be careful of would be the balance of the individuals he's
442 painting, since they're supposed to be historical figures, and you don't want it to come
443 back on the Town that someone wasn't included, so she thinks he's given us the
444 opportunity to respond. Khan said if the Town did get involved, he can't see how the
445 people in the paintings could be decided without having a public process, but if it's a
446 private project they can do whoever they want. Asermily said but if he is successful and
447 someone asks about how the people were chosen, it can be sensitive and we're being
448 given an opportunity to monitor this for balance.

449

450 Nuovo said Lazarus had a partially good idea, but doesn't think he thought it through.
451 He thinks Middlebury needs to celebrate the past more, such as Emma Willard and very
452 significant and iconic moments in history, but he suspects that Fuentes-George is
453 talking about an Arts in Public Places committee, but he thinks this might be a function
454 of the Planning Commission. He said there have been many great moments in history
455 to be proud of, but it would have to be done carefully. Khan said there might be some
456 people that don't want to see anything and don't want to see these huge panels on the
457 walls, and that's why we don't have billboards. He said if it's a Town project then we're
458 responsible for it, and Carpenter said it isn't a Town project. He said the Board scored
459 the project and the score doesn't warrant it being a Town project. He said the question

460 is do we want to take any action on it. Khan said Lazarus is a good artist and he
461 doesn't mind doing a letter of support. Asermily said the Board has already supported
462 him at a couple of meetings, so isn't sure a letter is needed so just let him know we've
463 done this vetting and thank him.

464
465 Carpenter said this should be discussed further at the next Board retreat is to determine
466 if it's a priority to form an Arts Committee to seek to promote a growth of art displays.

467
468 Artim said he was pleased that it gave the Board the opportunity to go through the
469 process of prioritizing and ranking this project. Ramsay said next time she'd like to
470 have other priorities side-by-side to compare them. Carpenter said it's the first time
471 we've formally done this and the Board should have started prioritizing projects
472 immediately after establishing this system.

473

474 **14. Approval of Check Warrants**

475

476 Asermily said she had reviewed the expenditure and they're in good order, so she
477 moved to approve total expenditures in the amount of \$202,825.18 for the period
478 November 13, 2019 through November 19, 2019. Artim seconded the motion. The
479 motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

480

481 **15. Town Manager's Report**

482

483 Ramsay said a draft Town/College Lunch Agenda for Friday, December 13th was in the
484 Board packet and she wasn't sure if they had anything they wanted to add, but they
485 would have one more meeting on December 10th before the luncheon. She said the
486 College has the draft and has not submitted any comments. She said she didn't know if
487 the Board wanted to select a 3rd member now, or wait until seeing the agenda when it's
488 complete. There was some discussion on the 3rd member, but Carpenter wanted to see
489 what the College might add to the agenda before selecting the 3rd member.

490

491 Artim suggested the College review the Downtown Master Plan PowerPoint or MCTV
492 coverage of the final presentation, as that might raise some questions from them.
493 Asermily she isn't sure the Board wants to discuss vagrancy with them, since they're
494 dealing with it on campus too. Khan pointed out we need to be careful how we address
495 the homeless, since vagrancy is demeaning. Artim said Chief Hanley made a very clear
496 delineation between the groups, and vagrants are more the transient population, not the
497 homeless who are productive people who are just down on their luck.

498

499 Seeley suggested rearranging the items on the agenda and move the Energy 2028
500 further up on the agenda, and move some of the less urgent items lower on the agenda.
501 Seeley said she would like to hear the College's thoughts on Creek Road and anything
502 they might want to add to that conversation, but it wasn't a priority now.

503

504 Ramsay said we had received a letter from Neighbors Together for businesses to give
505 Middlebury Money as a gift to support the downtown and local economy.

506
507 Ramsay pointed out the new sound system was installed and the personal listening
508 devices.

509 **16. Board Member Concerns**

510
511
512 Khan said the sound system was great, and soon we will have a live YouTube feed from
513 MCTV. He said when Senator Hardy asked Chief Hanley about why we had this
514 problem with vagrants, he thought Chief was very clear. He said without a screener,
515 think how many officer hours are wasted and how much we can save and direct the
516 resources where we need to and we should take note of that. He said he doesn't know
517 why funding was discontinued, but he would like to see how to "kick start" it. Seeley
518 said we really need a county facility for detox so officers aren't away from town for hours
519 and hours.

520
521 Nuovo said a concerned citizen spoke to him about the new sidewalk along Pulp Mill
522 Bridge Road and Seymour Street, and how the Middlebury portion of the sidewalk was
523 plowed and the Weybridge part wasn't. Nuovo said this person thought Middlebury was
524 going to plow the entire sidewalk. Ramsay said we're working with Weybridge on this
525 and we'd asked Weybridge to secure a private contractor to do the plowing on their
526 portion of sidewalk so we could focus on Middlebury sidewalks, but we helped them out
527 this time and will continue to do so until a resolution can be reached this year. Khan
528 said he saw the discussion on Front Porch Forum said Middlebury had a contract to
529 plow it, and Ramsay said there is no agreement in place.

530
531 Seeley said the BMP is looking for donations to support Very Merry Middlebury and if
532 there is anything private individuals can do to support that effort, she'd ask them to do
533 that. Ramsay said BMP is funded with \$25,000 from the General Fund and \$10,000
534 from the DIDC for the marketing position, and \$5,000 for support of the BMP in general,
535 so that is where the majority of their money comes from. She said they're also getting
536 some funds for marketing from the VTrans grant. Ramsay said BMP was going to be
537 one of the focuses of the budget review for agencies, since there hasn't been a review
538 on them for several years.

539
540 Seeley also informed the Board that the Creek Road Task Force had a breakthrough in
541 their work at their last meeting and she hopes to have a recommendation to the
542 Infrastructure Committee by January and the task force will be meeting again on
543 December 5th.

544
545 Asermily said she's been encouraged by the attendance at the recent Board meetings
546 and it's wonderful to have that participation. She said there is a weatherization
547 workshop on November 20th hosted by the Middlebury Energy Committee.

548
549 Artim said it had been a good meeting and appreciated that all senators and
550 representatives were able to attend and he knows they heard them and hopes it will
551 lead to some action on this difficult issue. He said this is really a county-wide issue and

552 maybe we would want to communicate with Bristol and Vergennes, and there was a
553 suggestion on a town task force, but maybe it should be looked at as a countywide task
554 force.

555

556

17. Executive Session – Personnel & Contracts

557

558 Seeley said that in accordance with Vermont’s Open Meeting Law requirements, she
559 moved that the Board find that premature general knowledge of the consideration of
560 consideration of a Personnel Matter and Contracts would clearly place the Selectboard
561 at a substantial disadvantage, because the Select Board risks disclosing its litigation
562 strategy if it discusses the Personnel Matter and Contracts in public. Artim seconded
563 the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

564

565 Seeley further moved that the Board enter into Executive Session to discuss the
566 Personnel Matter and Contracts under the provisions of Title 1, Section 313(a)(1) of the
567 Vermont Statutes. Artim seconded the motion. The motion carried with 6 in favor, 1
568 absent. **MOTION PASSED.**

569

570 The Board entered Executive Session at 9:07 p.m.

571

18. Action on Matters Discussed in Executive Session and Adjournment

572

573 The Board exited Executive Session at 9:15 p.m. and adjourned with no further action.

574

575 The next meeting of the Middlebury Selectboard will be Tuesday, December 10, 2019 in
576 the Town Offices at 77 Main Street.

577

578 Respectfully submitted,

579 Beth Dow

580

581

582

583