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**Regular Selectboard Meeting**  
**Large Conference Room – Town Offices**  
**Tuesday, June 27, 2017**  
**Meeting Minutes**

Members Present: Brian Carpenter, Susan Shashok, Laura Asermily, Farhad Khan, Heather Seeley and Victor Nuovo. Nick Artim was absent.

Staff Present: Town Manager Kathleen Ramsay, Director of Planning and Zoning Jennifer Murray, Director of Public Works Operations Bill Kernan and Director of Public Works Planning Dan Werner, Fire Chief David Shaw, Community Liaison Jim Gish. Also present were representatives from ACTR and members of the community.

The meeting was televised on MCTV by Kurt Broderson.

**1. Call to Order**

The meeting was called to order at 5:30 p.m. by Chair Brian Carpenter.

**2. Approval of Agenda**

Carpenter said there was a need to add an agenda item 6.a. for Letter of Concurrence on the Main Street and Merchants Row Bridge Project. He said there would also be the need for an Executive Session.

Shashok moved to amend the agenda with the addition of item 6.a. Seeley seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

**3. Public Input Meeting on Temporary Relocation of ACTR Transit Hub**

Carpenter said this was an opportunity for the Board and the community to look at the three location options for the ACTR temporary relocation of their transit hub for the period beginning around November of this year and conceivably running through the end of 2020. He said the Board has asked Planning and Zoning Director Jen Murray to look at the options and make a recommendation. He said Murray would give her presentation and then there would be a chance for public input, however a decision would not be made this evening.

Murray began her presentation by defining the “interim” and “temporary” locations of the ACTR hub. She said the interim location on the south end of South Pleasant Street was needed due to the temporary bridges installation, and this will last around 6 months. The temporary location will last through the duration of the railroad bridge project and could become the permanent location if it works out well for all involved. Murray said the Selectboard approved the interim location at their meeting on May 23<sup>rd</sup>, and a working group was formed to review these alternatives, in the public right-of-way, for the

47 Board to partner with ACTR on, so ACTR can move forward with design and permitting.  
48 She said following public input, the working group, consisting of ACTR and Town staff,  
49 will meet again before going to the Infrastructure Committee on July 6<sup>th</sup>, and Board  
50 approval of a site on July 11<sup>th</sup>. She said this hub will need a Work in the Right-of-Way  
51 permit and a zoning permit, and will need to go before the Development Review Board,  
52 with a target completion date of November. Murray said throughout this review, there  
53 will be plenty of opportunity for public input on aspects of the project.

54

55 Murray presented the three alternatives with pros and cons of each, beginning with the  
56 North end of South Pleasant Street.

57

58 North End of South Pleasant St – ranked highest by ACTR and lowest by the Town

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Adam Lougee, Chair of the ACTR Board, along with Operations Manager Bill Cunningham, gave the reasons why this is their preferred location. He said this is a very important site for ACTR, because all busses run through this location and he spoke of the importance of their service to the area. He said that when reviewing these locations, they looked at three primary areas; safety, service and scheduling.

- Safety – ACTR felt this was the safest because South Pleasant Street has less traffic than Seymour or College Streets. This location also gave them the ability to control and isolate the pedestrians getting off the busses.
- Service – ACTR feels this is the closest location to the downtown and that they can perform a service to the town by transporting people into the downtown during construction when parking is limited.
- Scheduling – This location is immediately adjacent to the existing hub and would have the least impact to scheduling. Lougee said by moving the hub across town you can impact the schedule by as much as 10 minutes. He said there are roughly 160 people disembarking and embarking at this location every day.

Cunningham added that ACTR acknowledges there will be snow plowing issues at this location but feels that some of the problems listed for this site will be the same problems at the other locations as well, such as loss of parking and bus overflow.

93 Murray noted that the Town concerns for this location were from others on the working  
94 group, which included Fire Chief Dave Shaw, Police Chief Tom Hanley, Director of  
95 Public Works Operations Bill Kernan and Director of Public Works Planning Dan  
96 Werner.

97  
98 Irene Barna stated that no matter where the ACTR hub is located, the safest thing for  
99 everyone would be to make South Pleasant Street one-way south to avoid people going  
100 the wrong way around the Town Green.

101  
102 Seymour Street - Least favorite of ACTR

103  
104 Murray said the Seymour Street location was looked at extensively in 2014 and 2015  
105 and at one time was the preferred alternative. She said the location has shifted more to  
106 the north now. Pros and cons for this location are;

- 107 • Congested during construction as there will be construction activity adjacent to  
108 and near this area. Construction equipment will exit close to this site.
- 109 • Loss of parking is not as significant
- 110 • Passengers could unload directly onto the sidewalk
- 111 • Lighting similar to South Pleasant Street
- 112 • Bi-directional drop-off is a possibility
- 113 • Less physical investment than South Pleasant St
- 114 • Crosswalk will need to be added
- 115 • Future development of the Greg's Market area and bike-ped improvements could  
116 compliment the transit hub in this location
- 117 • Heavy truck traffic in the area
- 118 • ACTR concerned about exiting Seymour Street onto Main Street

119  
120 Lougee gave ACTR's comments:

- 121 • Safety – Having to turn left onto Main Street by the Emma Willard Monument  
122 causes safety and operational constraints for the busses. There is a lot of traffic  
123 on this street and traffic can back up at the Main Street intersection, and  
124 concerns about Fire Department movement on a fire call. He said the bi-  
125 directional busses cause both safety and scheduling concerns for ACTR.
- 126 • Service – Most customers would rather be closer to downtown.

127  
128 Cunningham said this location is just not workable for ACTR and is the worst for safety  
129 and scheduling. Mary Crogan of ACTR, said the sidewalks on Seymour Street are not  
130 convenient for loading passengers and to use the wheelchair ramp they'd have to do it  
131 in the roadway.

132  
133 There was discussion over the ability to make left-hand turns coming onto Main Street  
134 and how busses that wanted to go north on Route 7 would be able to coming out of  
135 Seymour Street, and the possibility of exiting construction traffic.

136

137 Cathy Wood said from a passenger's point of view, this is the worst location. She said if  
138 you have people getting off a bus and there's only one crosswalk, they aren't going to  
139 utilize it and there will be people just crossing the street to find their next bus.

140  
141 College and Academy Street – preferred by ACTR over Seymour Street

142  
143 Murray said that with all the operational problems from the Town staff's perspective,  
144 they had favored Seymour Street over South Pleasant Street. In an effort to keep it  
145 downtown, they looked at the College St/Academy Street location next to the new park,  
146 with adequate parking, an existing bus stop and a location for the bus shelter to go on  
147 the corner of College and Weybridge Street. She listed the pros and cons:

- 148 • Easiest location to design and the move could be done quickly
- 149 • Existing parking that is underutilized
- 150 • Long-term parking available
- 151 • Located near Park and Ride on Mill Street
- 152 • Bike parking available
- 153 • Two of five ACTR routes already circle this bus stop, so has potential to keep  
154 some busses out of the construction area
- 155 • The approach to the stop is highly visible
- 156 • Charging station in Mill Street
- 157 • Existing infrastructure and streetscape already improved
- 158 • Sidewalks are wide
- 159 • No snowplowing issues
- 160 • Regional busses can access easily
- 161 • Academy Street is already one-way
- 162 • Lighting is better than either of the other two locations
- 163 • Stop light at Academy/South Main can be adjusted to prevent bus queuing
- 164 • Food and ice cream available nearby

165  
166 ACTR's concerns:

- 167 • Safety – ACTR has significant safety concerns because of the heavy traffic  
168 (4,000 cars per day) that go up College Street. The  
169 College/Academy/Weybridge Street intersection is already difficult and lining four  
170 buses up along College Street will cause visibility issues for Weybridge Street  
171 traffic.
- 172 • Service – Potentially some service benefits, especially for people going to the  
173 College, but not for those wanting to go to downtown businesses and services.
- 174 • Scheduling – This location impacts their schedule the most and will be the  
175 biggest challenge for ACTR.

176  
177 Lougee said that ACTR has some other alternatives for this area involving Academy  
178 Street and the parking lot that they would be happy to go over, but Murray said they  
179 should wait until the working group could go over them.

180

181 Carpenter suggested that maybe the Seymour Street location should just be eliminated  
182 to save time and discussion, since it isn't preferred by either the Town or ACTR. There  
183 was some discussion and Pam Smith, who lives at 168 South Pleasant Street, said she  
184 would hate for them to eliminate one until fully hearing the impacts on the other two, and  
185 suggested keeping it a distant 3<sup>rd</sup> choice. Carpenter said that was why he'd like to limit  
186 the testimony to the two highest priorities due to the short amount of time, but he  
187 thought Seymour Street might not even be an option due to the fatal flaws and another  
188 option might need to be found should the other two not be chosen.

189  
190 Smith continued with her concerns for the South Pleasant Street location. She said she  
191 lives on the last house on the corner of Cross Street Bridge, and traffic on South  
192 Pleasant Street is already a concern and it gets backed up at the Cross Street  
193 intersection, especially at school time. Visibility is also an issue now with the busses  
194 parked in front of Cole's now she said, and she is concerned about the safety of all the  
195 "child traffic" in the area on their way to school and Ilsley Library. She said South  
196 Pleasant Street is used as an overflow parking area for downtown, so removing so  
197 many parking spaces will be a problem. Carpenter asked if the sight issue would be a  
198 problem if the busses were located on the north end of South Pleasant Street, and she  
199 said this is predominantly a residential area and trying to get out of driveways is already  
200 a challenge, so to have four busses parking anywhere on the street will impact the  
201 ability to get in and out of driveways.

202  
203 Bill Cunningham said that concept drawings show two lanes, one for left and one for  
204 right hand turns. Since the busses only turn right at Cross Street, he thought that might  
205 alleviate some of the problem. There was some discussion on the number of busses  
206 that might queue up at the intersection, and it Cunningham said it was possible that all  
207 four busses could be lined up to turn right at the same time, and it could be as many as  
208 15 times a day.

209  
210 Madeline Field, of 88 South Pleasant Street, next to Town Hall Theater, spoke next.  
211 She said the traffic is already awful by her place, and when traffic is rerouted down  
212 South Pleasant for problems on Court Square, then it's impossible for them to get out of  
213 their driveway. She said parking has become an issue when there was no parking on  
214 Merchants Row, and the tenants in the apartments have no place for their guests and  
215 service workers to park. She is concerned about a big bus stop being across the road  
216 from their apartment complex which has several families living there, and is concerned  
217 about the "sketchy" people that get off these busses. She thinks the College Street  
218 location sounds like a good solution, and really doesn't want it on South Pleasant  
219 because of the safety concerns, the traffic congestion and the fact it will be an eye sore  
220 in this beautiful, mostly residential neighborhood.

221  
222 Bruce Grove, who owns the Inn on the Green with his wife Brenda, said that it was 51'  
223 9" from his front door to the curb, and now he finds out they're going to move the curb  
224 back 2 feet, making it even closer. He said like every quality hospitality establishment,  
225 they do their best to manage the whole guest experience, and locating this bus stop that  
226 close to their business will impair them from doing that. He said the Link bus to

227 Burlington leaves at 6:00 a.m., so there will be diesel engine noise and fumes, along  
228 with backup alarms, so guests will be unable to sit and enjoy being outside when it's  
229 nice. He said none of this works and will really hurt them. He's concerned that the  
230 parking will impact them if their off-street lot can't accommodate all the guests, and the  
231 one-way street will limit guest's ability to locate them. He asked the Board to please  
232 not impair their ability to run their business.

233  
234 Irene Barna spoke as a long-time rider, and had been in favor of the South Pleasant  
235 Street location, but is now thinking that the location near the old Town Offices and that  
236 parking lot makes more sense.

237  
238 Carpenter asked Cunningham if that parking lot off Academy Street is one of their  
239 alternatives they mentioned. Cunningham said that the College Street location was  
240 deemed by ACTR to be less safe than the original Merchants Row site, so they are  
241 considering the parking lot which the working team will look at; however, from an  
242 operational standpoint, South Pleasant is still their preferred location.

243  
244 Maggie Supernault, one of the ACTR bus drivers, first asked the two South Pleasant  
245 Street residents to make eye contact with the bus drivers when trying to exit their  
246 driveway, because ACTR drivers will stop and let them out. Both residents said the  
247 problem isn't with the bus drivers, but the other cars trying to go around the buses.  
248 Supernault said the current interim location on the south end of South Pleasant Street  
249 makes it very difficult to lower the elevator for the handicapped riders, and the thought  
250 of the jersey barriers planned for the north end of South Pleasant Street gives her  
251 chills. She said from a driver's point of view, the major drawback to the locations  
252 presented is room to lower the bus elevator, which needs 8 to 10 feet. She likes the  
253 idea of using the Academy Street parking lot.

254  
255 Ian Ross, now a resident of Cornwall but a former Middlebury resident and ACTR bus  
256 rider, said he had reviewed all the plans on-line and felt the College Street/Academy  
257 Street location was the best and allowed easiest access to all the downtown amenities  
258 other than the Post Office.

259  
260 Elizabeth Stabler, a resident of Eastview who used to work in the transit field, urged  
261 them to look at fixing the "fatal flaws" on Seymour Street to make it work. She felt it was  
262 wider and if designed so all busses were on one side, there would be no safety  
263 concerns of riders crossing the street. She felt College Street was too narrow, had too  
264 much traffic and was not as close to downtown as Seymour Street. Cunningham said  
265 having busses on only one side would not work for their scheduling at all, and Carpenter  
266 felt that saying Seymour Street was closer to downtown than the College Street location  
267 depended on how you defined the downtown area. Irene Barna said she would not feel  
268 safe at night transferring busses on Seymour Street.

269  
270 Carpenter said he would be interested in the traffic counts for all three streets.  
271 Madeline Field asked that they please be sure the traffic counts were from a busy time  
272 of day, and preferably when school is in session, to give an accurate picture. Pam

273 Smith said that there are several Counseling Service clients that live on South Pleasant  
274 Street that have CSAC staff visiting them throughout the day, and she knows that the  
275 loss of parking there has been a challenge. Field said she has elderly neighbors and  
276 they sometimes have the ambulance there on a monthly basis, and they've had the fire  
277 department there before as well.

278  
279 Seeley asked if there would be another presentation, because if so, she would like to  
280 see ACTR's pros and cons included side-by-side with the staff's. Carpenter said he  
281 would provide a matrix format to be used. Carpenter said he wasn't sure if a decision  
282 would be made at the next meeting since there were still some outstanding questions  
283 and at least one more option to look at. Nuovo requested that they also consider  
284 Quality of Life when reviewing the locations. Shashok said she would like to see the  
285 matrix show how much extra time is added to the bus schedules by location.

286  
287 Farhad Khan asked for the Police and Fire Chief's opinions on the locations. Police  
288 Chief Hanley said the north end of South Pleasant Street is not a good idea, and if there  
289 is ever an event in the area of Court Square, then the bus schedule and service will be  
290 nonexistent because emergency services will take over this space as a staging area.  
291 Fire Chief David Shaw said that the plans for the north end of South Pleasant Street  
292 show a travel lane of 10' 5", and their new ladder truck width measures 10' 6", so this is  
293 a real pinch-point for fire apparatus. He also feels the placement of the jersey barriers  
294 will create a life-safety issues as they would not be able to reach the Inn on the Green  
295 with a ladder truck should they need to do a 2<sup>nd</sup> story rescue. Shaw also said that they  
296 used to have firemen parking on the street and racing to the station for a fire call, and a  
297 couple had been hit crossing the street, so he feels this will also happen if the busses  
298 are on Seymour Street and riders need to cross the road to catch a bus, as it's a heavily  
299 travelled street and does back up.

300  
301 (The Board took a short break and resumed at 7:15 p.m.)

#### 302 303 **4. Approval of Selectboard Minutes of June 13, 2017**

304  
305 Asermily moved to approve the minutes of June 13, 2017 as presented, seconded by  
306 Khan. The motion carried with 5 in favor, 1 abstention (Nuovo) and 1 absent. **MOTION**  
307 **PASSED.**

#### 308 309 **5. Citizen Comments**

310  
311 None

#### 312 313 **6. Appointment to Addison County Regional Planning Commission's** 314 **Transportation Advisory Committee**

315  
316 Asermily moved to appoint Betty Nuovo to a one-year term as Middlebury's  
317 **representative** to the Addison County Regional Planning Commission's Transportation

318 Advisory Committee. Khan seconded the motion. The motion carried with 5 in favor, 1  
319 abstention (Nuovo) and 1 absent. **MOTION PASSED.**

320  
321 Shashok moved to appoint Town Manager Kathleen to a one-year term as Middlebury's  
322 **alternate** to the Addison County Regional Planning Commission's Transportation  
323 Advisory Committee. Nuovo seconded the motion. The motion carried with 6 in favor, 1  
324 absent. **MOTION PASSED.**

325  
326 **6.a. Letter of Concurrence on the Main Street and Merchants Row Bridge Project**

327  
328 Jim Gish, Community Liaison, gave the Board a quick rundown on what they were being  
329 asked for in this letter. He said that part of Phase I of the project includes a new  
330 drainage system for the rail corridor that involves an outflow pipe in the Town's  
331 easement for Riverfront Park, and also installation of a catch basin on railroad land that  
332 directly adjoins Triangle Park. He said during these installations, a portion of these  
333 parks will need to be temporarily closed to the public. The letter of Concurrence is  
334 required because recreation areas are one of the resources protected under 4(f) of the  
335 1966 Department of Transportation Act. He said this letter is asking for the Board to  
336 concur with their determination that the temporary closing of these two areas will have a  
337 minimal impact on the public's ability to use these two parks, and for the Town to concur  
338 with the de minimis recommendation to the Federal Highway Agency. He said VTrans  
339 is also requesting a permanent easement from the Town to maintain the outfall pipe and  
340 the drainage facilities around Triangle Park. He said even though the Town does not  
341 own Riverfront Park, VTrans feels that since they have the easement they are the ones  
342 to have jurisdiction over the public park use. He said Town Attorney Benj Putnam has  
343 reviewed the letter and signed off on it. Carpenter said this is an updated version of the  
344 letter the Board signed on May 23<sup>rd</sup>. Gish said the major change from the first letter is  
345 VTrans has decided not to leave the more permanent maintenance roadway to the  
346 overflow pipe, and will restore it to what it was before construction.

347  
348 Ross Conrad asked if it could be written in that if the pipe is ever abandoned, the State  
349 needs to remove it. Carpenter assured him this is a very large drainage pipe and would  
350 not be abandoned.

351  
352 Shashok moved that the Board approve and sign the Section 4(f) Letter of Concurrence  
353 for the Main Street and Merchants Row Bridge Project, dated June 27, 2017 and  
354 replaces and retracts the letter approved on May 23, 2017. Nuovo seconded the  
355 motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

356  
357 Gish said the next phase of the project will begin on July 20<sup>th</sup>, immediately after the  
358 Lions Club auction on the 19<sup>th</sup>.

359  
360 **7. Director of Planning & Zoning Jennifer Murray**

361  
362 **7.a. Application to Vermont Sales Tax Reallocation Program**



364  
365 Murray said this is a “fun” opportunity that comes up each year for construction projects  
366 that happen in the Designated Downtown. She said this application isn’t a grant, but a  
367 competitive program against other downtown construction projects. Murray explained  
368 that the project chosen has all the all the excess sales tax over \$200,000 paid on  
369 construction materials for the project reallocated back to the town to construct a  
370 municipal project that benefits both the town and the developer. Murray said that this  
371 application is for the Food Co-op project currently under construction, and it could  
372 generate around \$55,000. She said she had met with the Food Co-op Director Glenn  
373 Lower, as well as the architect for the project, Ashar Nelson from VIA, and they had  
374 come up with several ideas, such as improving the existing crosswalk with some type of  
375 treatment, maybe some benches and landscaping in the Town right-of-way on the  
376 Shaw’s side of the street, and a covered structure of some type, for bikes in events, in  
377 the area outside the Co-op that currently has picnic tables and seating. Murray thought  
378 there was around \$2 million in state funds available for the program, but it is divided up  
379 between this program and the tax credit program for downtowns.

380  
381 Seeley asked about the structure on the Co-op land if this is supposed to be town  
382 infrastructure. Murray said it’s not necessarily infrastructure, and it can be on municipal-  
383 owned or private land. Shashok was concerned about the staff time and if this project  
384 would fit into that, and Murray assured her she could take this project on. Asermily  
385 thought it was exciting, and a covered bike area could be used as a model and it would  
386 enhance the whole widely used area.

387  
388 Asermily moved to authorize the submission of a Town of Middlebury/Middlebury  
389 Natural Foods Co-Op joint application to the Vermont Sales Tax Reallocation Program.  
390 Seeley seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION**  
391 **PASSED.**

392  
393 Shashok moved to approve the Selectboard letter of support for the application. Seeley  
394 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

### 395 396 **7.b. Proposal for Creating a Conservation Commission**

397  
398 Murray said that she had worked with Conservation Commissions while working in  
399 Williston and Jericho, and since she’d been here she had missed having that group to  
400 do things like natural resource inventories and to do the work gathering the data the  
401 Planning Commission needs to do work on their regulations. She said the Planning  
402 Commission had just finished work on the Town Plan update, and that while updating  
403 them, they had identified opportunities to create regulations to protect natural resources,  
404 but you can’t protect them if you don’t know where they are. She said there are  
405 inventories and mapping work that needs to be done, and she’d like to know where the  
406 wildlife crossings are and to plan where trails could go. Murray said there are 3-5 years  
407 of backlogged work she’d like to get this group working on. She said this would be a  
408 working group, and she’d like it to remain small with 5 members, who would come in  
409 and work on specific tasks, and there is money in the Planning Budget to get started

410 and to pay for a consultant to do some mapping of rural pools and wetlands to get the  
411 Town Plan maps up-to-date. Murray said over the last year-and-a-half she's been doing  
412 some recruiting, and has 5 people who were interested in being on this commission.  
413 State Statute says the members need to be town residents, and several of the ones  
414 interested are professors at the College who are also residents, so she thought it was  
415 interesting to bring in different perspectives.

416  
417 Seeley was concerned about the number of committees the Town has already and the  
418 volunteer hours. Asermily thought if there was already interest by people wanting to  
419 serve, why not have another committee? Murray said she is an environmental scientist  
420 and that's what she did before planning, but she doesn't have the time to do all this  
421 work, so it would be nice to have this group to help get this work done twice as fast.  
422 Nuovo said he was in favor of this commission, but maybe in a year or so look at  
423 reorganizing some of these committees. Murray said there are four committees defined  
424 by State Statute, and that's the Planning Commission, the Development Review Board,  
425 Design Advisory Committee and the Conservation Commission, and Statute specifies  
426 what they are and what work they do, and they have to stay within those rules.

427  
428 Shashok moved to approve the creation of a Middlebury Conservation Commission and  
429 authorize staff to begin advertising for interested candidates. Khan seconded the  
430 motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

431

## 432 **8. Vermont Bike & Pedestrian Grant Program.**

433

### 434 **8.a. Application for a Small-Scale Grant for the MALT RR Crossing near the** 435 **Boathouse Bridge**

436

437 Town Manager Ramsay said this item was a follow up to the Board's June 13th  
438 discussion regarding funding options for installing safety gates at the MALT railroad  
439 crossing to the west of the Boat House Bridge. She said this is a proposal to submit a  
440 Bike-Ped program application for a State Funded Small-Scale Construction Project  
441 grant, which will fund up to 50% of eligible construction costs for a project, with the  
442 applicant providing the remaining 50%. The total estimated cost for installation of the  
443 gates is \$38,000, which would create a roughly \$19,000 local match commitment that  
444 would be potentially shared by the Town, Middlebury College, MALT and VAST.

445

446 Asermily moved to authorize the submission of a 2017 Bicycle-Pedestrian Program  
447 small scale grant application to seek funding for the installation of safety gates at the  
448 MALT railroad crossing. Shashok seconded the motion. The motion carried with 6 in  
449 favor, 1 absent. **MOTION PASSED.**

450 Asermily also moved to commit the Town to a share of the required 50% local match,  
451 amount to be determined upon further discussion with Middlebury College, MALT and  
452 VAST. Shashok seconded the motion. The motion carried with 6 in favor, 1 absent.  
453 **MOTION PASSED.**

454

455 Seeley noted that 50% of the \$38,000 needed for the project is \$19,000 and if divided 4-  
456 ways, each portion would be \$4,750.

457

458 **8.b. Application for Extension of the Sidewalk on the east side of Court Street**  
459 **from Creek Road to Middle Road**

460

461 Ramsay said the representatives from the State Local Motion Program came to town  
462 last week and looked at various pedestrian crossings and ways to make them safer and  
463 had brought this project forward for consideration. She said she realized the Board had  
464 been working hard to get funding for the Exchange Street Sidewalk Project, but we had  
465 not been successful the last 3 rounds, so it may be that the State wants to see some  
466 kind of progress on the project before the Town submits for additional funds. She said  
467 we are making progress with that and construction is on Phase I is set to begin next  
468 year.

469

470 Ramsay said Shashok had been concerned this section of sidewalk had not come  
471 before the Infrastructure Committee, but Town Planner Murray will bring it to the  
472 Committee on the July 6<sup>th</sup>; however, they need to keep in mind the deadline for grant  
473 submission is July 14<sup>th</sup>.

474

475 Murray said that Local Motion had been providing technical assistance to the Town,  
476 providing free engineering work over the summer. She said Middlebury was added to  
477 the schedule at the last minute, and they were in town on June 21<sup>st</sup> and 22<sup>nd</sup> to look at  
478 various dangerous intersections. Creek Road had recently risen to the top of the list  
479 for dangerous intersections she said, and when looking at the area it was thought that if  
480 there was a sidewalk that connected the Court Street sidewalk with the sidewalk at  
481 Middle Road, it would redirect the bike/pedestrian traffic to cross at the safer Middle  
482 Road intersection. She pointed out that it wasn't just pedestrians, but school children  
483 heading to the Middle School, and because of all the housing, schools and activities in  
484 that area, she felt this would make this a strong grant application.

485

486 Shashok said she thinks it's a great project, but she's concerned that it has to fit into the  
487 master list of projects for budgeting, so we know we have the money for it if the grant is  
488 approved. She said she's still having guilt over orphaning the Exchange Street project  
489 from the Capital Improvements Budget, so she wants to be sure she doesn't have to do  
490 that to any more projects.

491

492 Seeley said she has been waiting for a list of sidewalk priorities from Public Works, and  
493 she doesn't want to take on any more, however this one was identified as needed in the  
494 Town Plan, so she's not sure where she'd place it on the priority list. She said if money  
495 was no object, she'd have no problem with this, but the Capital Improvement budget  
496 already is trying to catch up with sidewalk maintenance by adding \$5,000 each year and  
497 we still aren't able to catch up, so where is this \$20,000 matching amount coming from.

498

499 Shashok said in order to do this project, something on the priority list would have to  
500 move down and that's hard to do. Seeley and Shashok both wished that the

501 Infrastructure Committee had been notified as soon as this grant was known of and to  
502 work with them to see where this money would come from.

503  
504 There was additional discussion over the timeline of the project and the potential to  
505 phase in the Town's funding portion over several years. Shashok said she was okay  
506 applying for it, since the Town didn't have to accept it, and as long as these grants  
507 come to the Infrastructure Committee first in the future.

508  
509 Shashok moved to authorize the submission of a 2017 Bicycle-Pedestrian Program  
510 grant application to seek funding for a project to design and construct 900-ft. of sidewalk  
511 on Court Street between Creek Road and Middle Road and commit the Town to the  
512 required 20% local match on total cost. The motion was seconded by Seeley. The  
513 motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

514  
515 Shashok further moved to approve the Selectboard letter of support for the project.  
516 Khan seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION**  
517 **PASSED.**

518

## 519 **9. Infrastructure Committee Meeting of June 22, 2017**

520

### 521 **9.a. Creek Road Erosion Stability Study Report**

522

523 Shashok reported on the June 22<sup>nd</sup> Infrastructure Committee when they reviewed the  
524 Creek Road Erosion Stability Study Report. She said in the spring of 2015, the Board  
525 closed Creek Road due to significant road erosion along the banks of Otter Creek.  
526 Gates were installed to allow access for farmers, and the Board asked the Committee to  
527 look at what to do to reopen the road without relying on the traditional expensive repairs  
528 done in the past. The Town hired Pathways Consulting and they put together the Creek  
529 Road Erosion Stability Study to look at the nature of flooding and bank erosion along  
530 the Otter Creek, explore strategies for stabilizing the banks, investigate lower cost  
531 alternatives for reopening the road and provide alternative designs with cost estimates.

532

533 Shashok said they looked at the top 3 options, since #4 was implementing the minimum  
534 of maintenance as we've been doing. She said the #1 option was to shift the road  
535 8,320 feet to the east within or near the existing right-of-way, and restore the 25'  
536 riparian buffer between Creek Road and Otter Creek. This was the option that was  
537 sustainable in the future and would solve the problems in a different way and restore the  
538 buffer to prevent the need to keep fixing the road with the rocks.

539

540 Shashok said the Committee met with members of the community and there is a lot of  
541 interest in reopening the road, while everyone was conscious of the cost. She said  
542 unfortunately, there appears to be no inexpensive way to fix this road and keep it open.  
543 She said in the end, after much debate, their recommendation is to fix the section of  
544 Creek Road that needs to be fixed to open it as soon as possible and as soon as we  
545 can afford it, by the method outlined in the Study, so we can evaluate how this method  
546 holds up while we are in the process of exploring phasing the work over the course of

547 possibly many years. Shashok said we do want to reopen the road and she thought it  
548 would be interesting to take on one phase to see if it would work.

549  
550 Seeley said it was really clear from public comments that they want the road back open.  
551 Carpenter asked how many people were present at the meeting, and Seeley and  
552 Shashok were unsure of the exact number, but there were 2 property owners and  
553 maybe 10 people. Shashok said she'd given this road a lot of thought over the last 2  
554 years and has been torn about what to do, since it's a lot of money for a road that  
555 doesn't have many residents on it, but it's also a road that's close to town that is used  
556 and enjoyed by bikers and runners and she's afraid if it's closed we would lose that.  
557 She said initially she had thought they should just keep it as a bike/pedestrian route to  
558 East Middlebury, but she doesn't feel she can bring forward that recommendation. She  
559 does feel they should spend the money to keep it open for the residents, farmers,  
560 fishermen and residents who want to use it as a connection.

561  
562 There was discussion around the possibility of downgrading the road classification,  
563 rights-of-way and the fact the new State Municipal Roads General Permit Program will  
564 require us to fix any hydrologically connected roads where there is erosion; however,  
565 grant money will be available to help fix these areas.

566  
567 Seeley said even though this road doesn't have a lot of residents, it does have a lot of  
568 agricultural property the farmers need to get to. She felt if we could repair North Branch  
569 Road, that doesn't have a lot of residents and is used mostly by people from Ripton, we  
570 shouldn't treat this road any differently. She said it's a Town road and it's the Town's  
571 responsibility to repair and maintain it and get it open. Carpenter felt the Town had  
572 tried in the past and what if we spend \$1.2 million now only to have to do the same thing  
573 in 10 years as the river shifts, and do we really need that as a two-lane road. He said  
574 it's functioning very well as a farm road the way it is now. Seeley said she disagrees  
575 with the engineers, and she would like the Selectboard to take a site visit and see where  
576 she believes the Town has made "good money repairs" and where we haven't, and see  
577 the difference. She would like to repair a portion of the road to see how the method as  
578 designed holds up, before moving ahead with the entire \$1.2 million repair.

579  
580 Ramsay read the motion approved by the Infrastructure Committee that said "to  
581 recommend to the Selectboard to fix the section of Creek Road that needs to be fixed to  
582 open it as soon as possible, and as soon as we can afford it, by the method outlined in  
583 the Study so we can evaluate how this method holds up while we are in the process of  
584 phasing, and exploring grant funding to do the remainder of work recommended in  
585 Design #1." Fiske seconded the motion. It was approved unanimously. She said the  
586 Infrastructure Committee is now looking for the Board to charge them with exploring  
587 grant funding.

588  
589 Asermily moved to look at what the cost to reopen the road would be by making a  
590 relatively small repair, while exploring the option of phasing the project and what grant  
591 opportunities were available to help with cost. Shashok seconded the motion. The  
592 motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

593  
594 Shashok commented that the Board will need to look at where this project fits in to the  
595 list of priorities agreed to at the Board retreat, and will things on that list need to be  
596 shifted around.

### 597 **9.b. Engineering Proposal on Pump Stations #3 & #9 Force Main**

598  
599  
600 Dan Werner said this was a quote from Aldrich and Elliot, who is also doing a lot of the  
601 Combined Sewer Overflow (CSO) work for the Town. He said Pump Station #3 and  
602 Pump Station #9, both on Weybridge Street, pump towards each other to a T right  
603 around Jayne Court, where it then goes to a Sag Pipe that goes under Otter Creek to  
604 the main pump station on the east side of Creek. He said this proposal is to look at the  
605 hydraulics these two pump stations have to see if we can make them function more  
606 efficiently, because in heavy rain events they are both pumping at the same time and  
607 can't get through the Sag Pipe, so Pump Station #9 overflows. This work is to design a  
608 better functioning junction of those two force mains.

609  
610 Shashok moved to award the contract to Aldrich & Elliott for engineering services to  
611 design improvements for the Pump Station #3 and Pump Station #9 force mains, for a  
612 lump sum cost of \$9,800. Asermily seconded the motion. The motion carried with 6 in  
613 favor, 1 absent. **MOTION PASSED.**

### 614 **9.c. Municipal Roads Grants-In-Aid Pilot Project Funding**

615  
616  
617 Werner said the first step in the process of this Grants-In-Aid Pilot Project Funding is for  
618 the Town to sign a Letter of Intent saying we want to participate in the Program.  
619 Werner explained that anytime there is a road around a storm sewer structure, drainage  
620 basin, or creek, or other similar area, the Department of Environmental Conservation  
621 (DEC) has identified these as areas the Town will need to inventory and come up with a  
622 best-management practice to deal with that situation. Werner said the DEC has  
623 identified 35 to 45 miles of hydrologically connected roads in Middlebury, and they have  
624 a \$12,500 grant through the Addison County Regional Planning Commission for us to  
625 come up with some solutions. The Town would need to contribute \$2,500, which could  
626 be in-kind or simply by the highway crew regarding ditches or installing stone check  
627 dams. He said this is a way for the Town to get initiated into this Program, which we'll  
628 see more of in the next year to 18 months.

629  
630 Asermily moved to approve the Town of Middlebury's participation in the Municipal  
631 Roads Grants-in-Aid Pilot Project and to sign the Letter of Intent. The motion was  
632 seconded by Seeley. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

### 633 **10. Vermont Gas Systems Request for Easement for Distribution Lines – Mill** 634 **Street & Bakery Lane – Follow-up on Discussion of June 13, 2017**

635  
636

637 Tom Murray and Karen Kotecki from Vermont Gas joined the Board. Murray said that  
638 Vermont Gas had 400 customers in Middlebury that they were working with to provide  
639 service, and they had efficiency team in town doing energy audits for customers.  
640

641 At the June 13, 2017 meeting, the Board had asked Kopecki about compensation to the  
642 Town for the easements Vermont Gas was seeking on Town property. Murray said that  
643 in the past there has been no compensation paid to communities, since the company is  
644 offering a service to the residents. He said it's general practice that utilities not be  
645 charged, because communities want these services (such as broadband) expanded to  
646 their residents, and they see Vermont Gas as one of those added services that people  
647 want. Murray also wondered if there was a precedent set that the other utilities paid  
648 compensation to be located on Town property. He said Vermont Gas will be paying a  
649 little over \$200,000 a year in property taxes beginning next year, so they will be  
650 contributing a significant amount to the community and they are happy to do so as a  
651 business entity in the community.  
652

653 Asermily asked Ramsay if the Town had received compensation from the other utilities  
654 on the property, and Ramsay said we had not. Asermily said she is personally  
655 opposed to natural gas in general, but is trying to look at it as we stand currently in the  
656 project. She said she was also the one who had asked about the calculation of property  
657 taxes. Murray said it's taxed on the infrastructure, which by the time the distribution  
658 network is complete will be approximately \$8 million dollars, and this amount will  
659 depreciate over time to a set level where it remains. Asermily said she is still struggling  
660 with this, even though there is a precedent for no compensation from utilities, because  
661 of the damage to the climate. Asermily went on to describe her thoughts and  
662 philosophy on natural gas and her many concerns. Murray understood her concerns,  
663 and went on to state Vermont Gas's safety record and commitment to serve a quality  
664 product, and they feel they are the cleanest fossil fuel.  
665

666 Asermily asked about the recent news that a portion of the pipeline in New Haven had  
667 not been installed at the proper depth. Murray said that was in a wetlands area and it  
668 was installed below the federally required 3' depth, but not as low as the VELCO-  
669 requested 4' depth due to the wetness of the soil. He said they filed a Non-Substantial  
670 Change and it has been signed off on by all permitting parties.  
671

672 Shashok said she had her questions answered and especially now that Vermont Gas  
673 would remove the line. Carpenter clarified Vermont Gas had agreed to relocating the  
674 line to another easement area, at their expense, if the Town needed the land for another  
675 use. Kopecki said this is not typical, but Vermont Gas agreed to it in lieu of  
676 compensation to the Town. Ross Conrad asked if the line was abandoned by Vermont  
677 Gas, would the easement be relinquished back to the Town, and Kopecki responded it  
678 would be relinquished.  
679

680 Shashok moved to authorize Town Manager Kathleen Ramsay to work with counsel to  
681 finalize Vermont Gas easement deeds for Bakery Lane and Mill Street, based on the

682 Board's input. Nuovo seconded the motion. The motion carried with 5 in favor, 1  
683 abstention (Asermily), 1 absent. **MOTION PASSED.**

684  
685 Shashok further moved to authorize Town Manager Kathleen Ramsay to work with  
686 counsel to prepare a Notice for Conveyance of Real Estate in accordance with 24  
687 V.S.A. § 1061, for publication only upon the satisfactory resolution of any concerns  
688 noted by the Selectboard in its discussion. The motion was seconded by Nuovo. The  
689 motion carried with 5 in favor, 1 abstention (Asermily), 1 absent. **MOTION PASSED**

690  
691 **11. Code of Ethics for Administration of Federal Emergency Management**  
692 **Agency/Department of Public Safety Grants**

693  
694 Ramsay explained that this is required as part of the grant agreement for the East  
695 Middlebury Flood Resiliency Project grant.

696  
697 Shashok moved to sign the Code of Ethics for Administration of FEMA and Vermont  
698 Department of Public Safety Grants. Khan seconded the motion. The motion carried  
699 with 6 in favor, 1 absent. **MOTION PASSED.**

700  
701 **12. Approve Loan Documents for Vehicle & Equipment Purchase Authorized at**  
702 **Town Meeting**

703  
704 Ramsay said Town Treasurer Jackie Sullivan is seeking Board approval to borrow funds  
705 for the purchase of vehicles and equipment approved by the voters at Town Meeting in  
706 2015 and 2016, and Sullivan worked with the National Bank of Middlebury to prepare  
707 these documents

708  
709 1) Seeley moved that the Board authorize the Town of Middlebury to borrow  
710 \$23,780 from National Bank of Middlebury to fund the purchase of a 2017 Dodge  
711 Charger Cruiser, as approved by the voters at Town Meeting on February 29, 2016.  
712 Nuovo seconded the motion. The motion carried 6 in favor, 1 absent. **MOTION**  
713 **PASSED.**

714  
715 2) Seeley moved that the Board authorize the Town of Middlebury to borrow  
716 \$15,000 from National Bank of Middlebury to fund the purchase of a 2016 Dodge  
717 Charger Cruiser, as approved by the voters at Town Meeting on March 2, 2015. Nuovo  
718 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

719  
720 3) Seeley moved that the Board authorize the Town of Middlebury to borrow  
721 \$14,080 from National Bank of Middlebury to fund the purchase of a 2016 Ford C-Max  
722 Hybrid, as approved by the voters at Town Meeting on February 29, 2016. Nuovo  
723 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

724  
725  
726 4) Seeley moved that the Board authorize the Town of Middlebury to borrow



727 \$30,612 from National Bank of Middlebury to fund the purchase of a 2017 Dodge  
728 Pickup 1500, as approved by the voters at Town Meeting on February 29, 2016. Nuovo  
729 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**  
730

731 5) Seeley moved that the Board authorize the Town of Middlebury to borrow  
732 \$6,650 from National Bank of Middlebury to fund the purchase of a 2017 B Wise Trailer,  
733 as approved by the voters at Town Meeting on February 29, 2016. Nuovo seconded the  
734 motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**  
735

736 6) Seeley moved that the Board authorize the Town of Middlebury to borrow  
737 \$17,160 from National Bank of Middlebury to fund the purchase of a 2016 Graco Line  
738 Painter, as approved by the voters at Town Meeting on February 29, 2016. Nuovo  
739 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**  
740

### 741 **13. Extension of Agri-Mark Agreement**

742  
743 Ramsay said the Sewer Usage Agreement with Agri-Mark expires June 30, 2017, and  
744 as discussed at an earlier meeting in Executive Session, we are working on  
745 negotiations with Agri-Mark to have a new agreement in place by October 1, 2017. This  
746 request is to authorize Ramsay to sign an amendment to extend the Agreement to  
747 October 1<sup>st</sup>.  
748

749 Asermily moved to authorize Town Manager Kathleen Ramsay to sign the Seventh  
750 Amendment to the Agri-Mark Sewer Usage Agreement. Seeley seconded the motion.  
751 The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**  
752

### 753 **14. FY17 Year-to-Date Budget Report**

754  
755 Ramsay reported that the budget is on target, and the General Fund is looking good  
756 with the Police Department coming in slightly under budget and the Highway  
757 Department is on-target with their budget thanks to a manageable winter.  
758

759 Ramsay said there is a surplus in the Cross Street Bridge Funds as expected, and she  
760 has contacted Aaron Guyette, the engineer of the Cross Street Bridge, to work on a  
761 maintenance plan for the Bridge. This plan will be submitted to the Infrastructure  
762 Committee as the first step in getting public input, and to get an idea of what we can  
763 expect going forward for a surplus, and what we might want to do with this surplus. She  
764 said this will be coming up in August.  
765

766 Asermily asked about the Water Revenues, and Ramsay said there is one more billing  
767 and there may some adjustments made to past bills that were estimated.  
768  
769  
770  
771

### 772 **15. Set FY18 Tax Rate**

773  
774 Ramsay said on March 6, 2017, voters approved the General Fund operating budget of  
775 \$10,321,456 for FY18, with \$7,106,034 to be raised by taxes. Additionally, at the polls  
776 on March 7<sup>th</sup>, voters approved several special articles: Article 6, increase Selectboard  
777 stipends, \$7,400; Article 7: Police K-9, \$30,610; Article 9: Addison County Restorative  
778 Justice Services, \$2,500; and Article 10, Addison County River Watch Collaborative,  
779 \$1,200, plus the \$40,000 for Veterans. She said this brings us to a projected tax rate  
780 for FY18 of \$.9822, an increase of under \$.005 cents over FY17's tax rate of \$.9780.  
781 Ramsay said it had been anticipated the tax rate would go down a fraction of a cent, but  
782 with the addition of some of the Articles it went up some.

783  
784 Khan made the motion to set the municipal tax rate for the 2018 fiscal year at \$.9822  
785 per \$100 of assessed value. Shashok seconded the motion. The motion carried with 6  
786 in favor, 1 absent. **MOTION PASSED.**

### 787 788 **16. Approval of Check Warrants**

789  
790 Asermily said she had reviewed the checks and they were in good order. Asermily  
791 moved to approve total expenditures in the amount of \$337,395.15 consisting of  
792 \$227,477.68 for accounts payable, and \$109,917.47 for payroll, for the period June 14,  
793 2017 through June 27, 2017. Khan seconded the motion. The motion carried with 6 in  
794 favor, 1 absent. **MOTION PASSED.**

### 795 796 **17. Town Manager's Report**

797  
798 The Manager had nothing to report.

### 799 800 **18. Board Member Concerns**

801  
802 Nuovo said he felt something should be done about the hearing level in the Conference  
803 Room. The person in the back of the room at this meeting had problems hearing, and  
804 he has problems hearing as well. Ramsay said this has been the complaint of a few  
805 people, and today Assistant Town Manager Chris English had met with Kurt Broderson  
806 of MCTV regarding the sound. She said there is an issue of a sound system working  
807 with the MCTV broadcast mics and possible feedback.

808  
809 Khan welcomed the Language School students in town. He said he had also heard  
810 from a person who had a hard time hearing what Ramsay and others on that side of the  
811 table were saying. Ramsay said she had heard this as well, so she had placed the  
812 microphone directly in front of her for this meeting.

813  
814 Asermily found it hard to understand how the MCTV sound equipment wouldn't work  
815 with a sound system, and Shashok said there is interference between systems, so it  
816 would require a special system that worked together. Nuovo said people should be able  
817 to hear everything at these meetings and it doesn't make sense to not hear each other  
818 when you're sharing points of view. Asermily said even the people at home were

819 having a hard time hearing the meeting on MCTV as well, so maybe the Board should  
820 sit up and speak into the mics. Carpenter thought it was made worse this evening  
821 because of the size of the audience.

822  
823 Asermily wanted to apologize for the Court Street sidewalk project bypassing the  
824 Infrastructure process. Also, she had heard today about a sidewalk repair that was  
825 needed in front of the Post Office.

826  
827 Carpenter wanted to thank the listening audience for all their patience with the projects  
828 going on. He said Jim Gish had worked hard to get out a daily update and he  
829 encouraged anyone listening who wasn't on the list-serve and wanted to know what was  
830 going on, so sign up for these updates.

831

### 832 **19. Executive Session – Anticipated – Legal Matters**

833

834 Shashok moved that in accordance with Vermont's Open Meeting Law requirements, I  
835 move that the Board find that premature general knowledge of the consideration of a  
836 legal matter would clearly place the Selectboard at a substantial disadvantage, because  
837 the Select Board risks disclosing its litigation strategy if it discusses the legal matter in  
838 public. Khan seconded the motion. The motion carried with 6 in favor, 1 absent.  
839 **MOTION PASSED.**

840

841 Shashok further moved that the Board enter into Executive Session to discuss a legal  
842 matter under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes.  
843 Seeley seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION**  
844 **PASSED.**

845

846 The Board entered Executive Session at 9:10 p.m.

847

### 848 **20. Action on Matters Discussed in Executive Session**

849

850

### 851 **21. Adjourn**

852

853 The Board exited Executive Session and adjourned the meeting at 9:17 p.m. with no  
854 further action.

855

856 The next meeting of the Middlebury Selectboard will be Tuesday, July 11, 2017 in the  
857 Town Offices at 77 Main Street.

858

859 Respectfully submitted,

860 Beth Dow

861

862

863