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Regular Selectboard Meeting
Large Conference Room – Town Offices
Tuesday, September 12, 2017
Meeting Minutes

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

Staff Present: Town Manager Kathleen Ramsay, Director of Planning and Zoning Jennifer Murray and Fire Chief David Shaw, Assistant Chief Pat Shaw, and firefighters Leroy Graham and Jeff Carpenter. Also present were interested members of the community.

The meeting was televised on MCTV by Jim Corbett.

1. Call to Order

Chair Brian Carpenter called the meeting to order at 7:00 p.m.

2. Approval of Agenda

Shashok made the motion to approve the agenda, and Nuovo seconded the motion. The agenda was adopted as presented with 6 in favor, 1 absent. **MOTION PASSED.**

3. Approval of Minutes of August 22, 2017 Regular Selectboard Meeting

Shashok moved to approve the minutes of August 22, 2017, seconded by Nuovo. The minutes were approved with the following changes, with 6 in favor, 1 absent. **MOTION PASSED.**

Line 6 – Remove Donna Donahue

Line 7 – Fahad should be Farhad

4. Citizen Comments

Amy McAninch spoke to the Board about the possibility of banning plastic bags in town. She handed out to the Board a letter she had seen in a recent publication from a former Vermonter who had moved to Massachusetts. This woman said 55 Massachusetts communities have banned plastic bags and she was challenging Vermont towns to do so as well. McAninch thought this would be a wonderful thing for Middlebury to do and to be a model for other Vermont towns, so she was looking for direction from the Board on what she could do to help this happen.

Asermily said the Addison County Solid Waste District would be a good resource as well. She showed a tote bag from Charlestown, RI, that the town had promoted people

47 to use instead of plastic in an effort to reduce plastic bags, and it branded the Town as
48 well, so that might be an option.

49
50 Nuovo said there is a process for petitioning for an ordinance, and he would feel more
51 comfortable if this was discussed at the March Town Meeting. Shashok suggested she
52 find some businesses to support the idea as well. Carpenter said they could help
53 provide her with the information she needs for the process, but it isn't something the
54 Board could initiate. Artim suggested she talk with Shaw's and Hannaford's and see
55 how these companies react to it.

56
57 **5. Fire Chief David Shaw – Recommendation on Bid Award for Radio Equipment**
58 **Purchase through Assistance to Firefighters Grant**

59
60 Chief David Shaw introduced the Grants Committee, Leroy Graham, Pat Shaw and Jeff
61 Carpenter. Chief Shaw said the committee had put in 100 hours applying for and
62 receiving this grant, and are before the Board looking for approval for two purchase
63 orders, one to Motorola Solutions for \$200,880 and one to Radio North for \$26,313. He
64 said Motorola Solutions would provide the bulk of the equipment, and Radio North
65 would provide the remaining equipment, the accessories and complete installation.
66 Chief Shaw said they are also asking that the 5% matching funds of \$10,961 come from
67 the Fire Department FY19 Capital Budget under radios.

68
69 Shashok asked why this request was not matching the information that had been
70 provided to the Board in their meeting packet, which indicated Radio North was the sole
71 vendor. Pat Shaw said that since this is a FEMA grant, the agency can specify where
72 the equipment is purchased, and since these are Tier III radios they are sold directly by
73 Motorola Solutions out of Chicago, Illinois.

74
75 Shashok said it was a little unusual to approve spending money from the FY19 Capital
76 Fund which hasn't been approved yet, but she is okay with it in this circumstance.
77 Ramsay said it wouldn't be allowing them to use money that hadn't been approved, but
78 letting them deficit spend in this year's radio line item. Artim said this was a very well
79 thought out effort on the Fire Department's part.

80
81 Artim made a motion to award a contract to Motorola Solutions for \$200,880.69 and to
82 Radio North Group, Inc. for \$26,313 for the purchase of radio equipment and two mobile
83 repeaters for the Fire Department, for a total cost of \$227,193.69 including shipping,
84 installation and programming. Seeley seconded the motion. The motion carried with 6
85 in favor, 1 absent. **MOTION PASSED.**

86
87 Artim also made the motion to support Chief Shaw's request to reallocate \$10,961 in
88 approved funds from the FY19 capital budget to cover the Town's 5% share
89 requirement under the terms of the FEMA Assistance to Firefighter's Grant. Asermily
90 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

91

92 Seeley asked about the life of this radio equipment, and Chief Shaw said they are
93 projecting the life would be around 15 years.

94
95 **6. VLCT Legislative Policy – Results of Survey on Legalization of Marijuana**

96
97 Laura Asermily gave a brief overview of the survey results on the legalization of
98 marijuana. The majority of Middlebury respondents supported legalizing marijuana and
99 felt the Town should direct Vermont League of Cities and Towns (VLCT) to not oppose
100 the legalization. She said the majority also felt that the Town should have a local tax to
101 cover the additional costs for public safety and enforcement efforts, as well as
102 supporting the Town regulating the siting of marijuana businesses. She felt this was
103 pretty clear where people stand on the issue, and should inform the Board on how to
104 direct VLCT. She said compared to other surveys they'd done, this was a very high
105 response, and questioned if results might have been different if they'd done a mail
106 survey, but it made her think about how surveys are designed, timed and communicated
107 to residents.

108
109 Carpenter wondered about the statistical accuracy of a survey of this kind. Seeley felt
110 the response was good, and she looks at the demographics of a survey and this one
111 looked like the range of ages responding was fairly good.

112
113 Carpenter said they would have to make a decision by the September 26th meeting on
114 how to direct Town Manager Ramsay to vote on the VLCT policy regarding marijuana at
115 their October meeting. Asermily said that VLCT position stated they would support
116 legalization of marijuana if the Legislature approved the additional funding options for
117 enforcement and regulations. Seeley said she wasn't sure she was opposed to what
118 VLCT was proposing, and felt they were really looking out for the interest of the towns.
119 She isn't sure all the pieces are in place to make it happen the way it should.

120
121 Carpenter read from the newest language in the VLCT policy, which said that marijuana
122 for recreational purposes should not be legalized until all public safety concerns are
123 addressed. Shashok said regardless of how people feel about the legislation, the
124 Board's job is to look out for Middlebury, and she felt the League did a good job of
125 looking out for municipalities.

126
127 Seeley felt if the Board supported the League's agenda it wasn't going against the
128 survey results. The Board further discussed the issue regarding the VLCT stand and
129 the survey results. Shashok asked to see what the League considers to be the safety
130 concerns, so Ramsay will ask them for the list.

131
132 Ross Conrad asked the Board to consider coming out in support of Universal Health
133 Care such as they have in Scandinavian countries where all drugs are legal. He said
134 they have less drug addiction than the U.S. because Universal Health Care treats drug
135 addiction as a health issue. Nuovo said that the Board's job is to watch out for our local
136 public good, not the larger issues, and felt it would be a mistake to politicize the Board
137 procedures.

138
139 Carpenter said at the September 26th meeting the Board would need to appoint the
140 representative to the VLCT meeting and decide on the Board's position on the VLCT
141 policy.

142
143 **7. Director of Planning & Zoning Jennifer Murray**

144
145 **7.b. Informal presentation of the draft revisions to the Town Plan and review of**
146 **the timeline and process for adoption of the revised Town Plan.**

147
148 Jennifer Murray said she wanted to give a brief presentation on the Town Plan updates
149 before the Selectboard has their public hearings on the changes. She said the Planning
150 Commission had their hearing on September 7, 2017, and it went well. She said Town
151 Plans are required to be updated every 5 years (although it is currently proposed in
152 Legislature to expand to 8 years), and our Town Plan will expire on December 11th of
153 this year if the updates are not adopted prior to that date. She said the Selectboard has
154 two public hearings at their level, which are proposed to be scheduled for the 2nd
155 meeting in October and the 2nd meeting in November.

156
157 Murray said this was not a full-rewrite of the Plan, but an update of the information and
158 they reorganized and added to the goals and recommendations. She said they tried to
159 streamline the Town Plan and were able to reduce it by about 25%.

160
161 Asermily thanked Murray and the Planning Commission for their work on the Town
162 Plan, but she did have a question on the Health and Wellness section, and had it been
163 absorbed in another section. She thought the 2012 version covered some areas that
164 were important, such as the need for transitional housing for addicts and safe houses,
165 as well as information on the Counseling Service of Addison County, which is a
166 significant institution in town. Asermily wondered about the Finance section and why
167 that section disappeared, since there had been some useful charts and information.
168 She also pointed out Middlebury Volunteer Ambulance (MVAA) is now Middlebury
169 Regional Emergency Services (MREMS). Asermily also wondered why there wasn't
170 something on broadband and communications.

171
172 Shashok liked the matrix and said she had worked on the preparation of the 2012 Plan,
173 so she had read the updates with interest. She wanted to be sure that the goals in the
174 Transportation section matched the goals of the Public Works staff as well.

175
176 Asermily said she had one other thing under Transportation section, but she said there
177 will be a wider range of electric vehicles in the future, so where will they park and
178 charge, and it could be mentioned with bike parking that provides shelter and security.

179
180 Seeley asked what the procedure was if they had questions about the Plan. Should
181 they be submitted to Murray before the Selectboard public hearing or should they wait
182 until the hearing. Murray said they can send questions to her before hand, but any
183 changes they'd like made to the Plan would be made at the hearing. She went over the

184 schedule and how any changes will be incorporated as they advance through the
185 hearings.

186
187 Murray said most people at the Planning Commission public hearing were there for
188 Zoning Ordinance amendments, and the Planning Commission had been trying to run
189 them on a parallel schedule, but have since changed that. She said the Town Plan will
190 be moving ahead while they do more work on the Zoning Ordinance.

191
192 Artim said he liked the direction this Town Plan took as a performance-based document
193 instead of prescriptive, and let the Zoning Ordinance be the prescriptive document.
194 Murray said that the Plan is a guidance document and the zoning is the regulations.

195
196 Shashok moved to Authorize Town Manager Kathleen Ramsay to warn a public hearing
197 to discuss proposed updates to the Middlebury Town Plan for Tuesday, October 24th, in
198 accordance with 24 VSA § 4385. Nuovo seconded the motion. The motion carried with
199 6 in favor, 1 absent. **MOTION PASSED.**

200 201 **7.b. Presentation of Concept for FY18 Municipal Planning Grant Application**

202
203 Murray said there is another round of Municipal Planning Grants this fall, and these
204 grants provide funds for studies of planning projects that otherwise would be hard to
205 fund. She said due to just completing the Town Plan, the timing is off this year for the
206 Planning Commission to do a pure planning project, but she feels with the recent
207 completion of the VIVID Midd Bike-Pedestrian Pop-up Demonstration project, that
208 Seymour Street from Greg's Market to the Congregational Church would be a good
209 location for a streetscape design project. She said this project would also marry nicely
210 with Downtown Planning Grant money to help implement the project.

211
212 The Board discussed the idea of studying the Seymour Street area and how changing
213 the streetscape might improve things. Seeley asked about matching funds for the
214 Downtown grant, because she was concerned about being able to afford the project
215 after it was designed, considering there are so many other larger projects that need to
216 be done. Murray said she could apply for a study for something else if they suggested
217 an area they wanted studied. Murray said if they aren't going to do a Downtown
218 Master Plan, she was trying to think of something else in this area to guide VTrans
219 when they come in to do restoration work after the bridge project. Artim said he trusted
220 Murray's judgment on which project would be best to study. Seeley said she wasn't
221 opposed to the study; she just didn't want to have everyone get excited and then not be
222 able to afford it. Murray will calculate what the matching funds might be for the
223 Transportation Grant to implement a plan before the Infrastructure Committee meeting
224 on Thursday.

225 226 227 **8. Laura Asermily – Report on VIVID Midd Bike & Ped Pop-Up Demonstration** 228 **Project.**

229

230 Board member Laura Asermily gave a brief summary on the results of the VIVID Midd
231 Bike & Pedestrian Pop-Up Demonstration Project survey. The project was a
232 collaborative effort of the Town of Middlebury, Local Motion, Better Middlebury
233 Partnership, Middlebury Safe Routes, and Addison County Regional Planning
234 Commission, and ran from August 21st to September 8th. The demonstration areas
235 were on Seymour Street, between Gregg's Market and Main Street; Maple Street,
236 entering the Marbleworks; and the intersection of Merchant's Row and Main Street.

237
238 She said the opinions on the projects were mixed and some liked the opportunities for
239 pedestrians and some found them confusing and distracting. But she felt it showed how
240 some small changes that don't cost a lot of money could make an impact.

241
242 Jennifer said they wanted to create a brand for the project so came up with VIVID Midd,
243 and they hoped to use it for other downtown projects.

244
245 The Board shared their opinions on the various demonstrations and how they felt they
246 were a useful tool that could be used for studying future projects to see if they would
247 work.

248 249 **9. Approval of Check Warrants**

250
251 Asermily said that this was a large check warrant as we were paying the School their
252 taxes, all the Social Service commitments, some benefits and the electric bills. She
253 said it was all in order, and said the Treasurer and her assistant do amazing work.

254
255 Asermily moved to approve total expenditures in the amount of \$4,692,908.83
256 consisting of \$4,589,959.79 for accounts payable, and \$102,949.04 for payroll, for the
257 period August 23, 2017 through September 12, 2017. Seeley seconded the motion.
258 The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

259 260 **10. Town Manager's Report**

261 262 **10.a. Upcoming Meetings of Interest.**

263
264 Town Manager Ramsay reported that on September 13th, the Library Board of Trustees
265 would be hosting a public information meeting in the Community Room at the library to
266 review the findings of the recently-completed Ilsley Library Feasibility Study and to
267 discuss early fundraising plans.

268
269 She said the Middlebury Climate Economy Initiative Kick-Off Event would be on
270 September 18th at 2:30 p.m. This event will feature community discussion forums on
271 topics such as Renewable Energy Generation; Housing; Local Food, Agriculture &
272 Health and Infrastructure. Sessions will take place at the Town Offices, St. Stephens
273 Episcopal Church and Ilsley Library, followed by a community dinner at Middlebury
274 Union Middle School.

275

276 **10.b. Upcoming Road Construction Projects:**
277 **Halpin Rd. and Chipman Park South / South St.**
278

279 Ramsay informed the Board that in their packets were copies of notification letters
280 delivered to impacted residents regarding the following construction projects:
281

282 She said the Halpin Road culvert replacement project began September 5th and will
283 require the entire roadway to be closed to traffic from September 11 – 29. Residents
284 have been provided with instructions for navigating the area during the road closure
285 period.
286

287 She said the infrastructure improvements on Chipman Park South and South Street
288 began on Monday, September 11th, and will include the installation of a new water main
289 across South St. at Chipman Park West; new sections of storm sewer along the west
290 side of South Street and the north side of Chipman Park South; and a new section of
291 sanitary sewer along the west side of South Street and down Chipman Park South.
292 Work is expected to be completed before Thanksgiving.
293

294 She said she had also send the Board a request for an Easement Encroachment
295 Agreement from Meadow Glen Solar in connection with the installation of a new solar
296 array off Meadow Glen Drive at the south end of the South Ridge Development. The
297 request is to install a driveway over an easement area the Town has for the town sewer
298 line. She had run this by-Town Attorney Benj Putnam, and he said the Town is not
299 being asked to give up any easement rights or convey any interest in the property, it is
300 just being asked to confirm that these improvements can coexist with the Town's
301 existing sewer easement, and he doesn't think it requires a VSA 1061 proceeding.
302 Since Putnam doesn't feel this needs Board approval, Ramsay said she is notifying
303 them that she is signing off on this Agreement. Public Works and Wastewater have
304 both reviewed this driveway over the sewer line and are okay with it.
305

306 **11. Board Member Concerns**
307

308 Shashok said she was excited that South Street work was starting.
309

310 Artim congratulated the Congregational Church on a wonderful project. He attended the
311 open house and thought it was a well thought out design and that it would become an
312 iconic building in town.
313

314 Seeley wanted to mention again the Climate Economy Initiative that would be on
315 Monday, the 18th.
316

317 Asermily said ACTR is having their Jamboree in celebration of their 25th anniversary on
318 Saturday the 16th at the Middlebury Recreation Park.
319

320 **12. Executive Session – Anticipated – Contract Negotiations**
321

322 In accordance with Vermont's Open Meeting Law requirements, Shashok made the
323 motion that the Board find that premature general knowledge of the consideration of
324 pending contract negotiations would clearly place the Selectboard at a substantial
325 disadvantage, because the Select Board risks disclosing its litigation strategy if it
326 discusses the pending contract negotiations in public. Seeley seconded the motion.
327 The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

328
329 Shashok further moved that the Board enter into Executive Session to discuss **pending**
330 contract negotiations, under the provisions of Title 1, Section 313(a)(1) of the Vermont
331 Statutes. Seeley seconded the motion. The motion carried with 6 in favor, 1 absent.
332 **MOTION PASSED.**

333
334 The Board entered Executive Session at 8:50 p.m.

335
336 **13. Action on Matters Discussed in Executive Session**

337 **14. Adjourn**

338
339 The Board exited Executive Session and adjourned at 9:13 p.m. with no further action.

340
341 The next meeting of the Middlebury Selectboard is Tuesday, September 26, 2017 in the
342 Town Offices at 77 Main Street.

343
344 Respectfully Submitted,
345 Beth Dow

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349