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Regular Selectboard Meeting
Large Conference Room – Town Offices
Tuesday, September 26, 2017
Meeting Minutes

Members Present: Susan Shashok, Laura Asermily, Heather Seeley, Farhad Khan and Victor Nuovo. Nick Artim participated via phone, and Brian Carpenter participated by phone beginning at 7:15 p.m.

Staff Present: Town Manager Kathleen Ramsay, Director of Planning and Zoning Jennifer Murray and Director of Public Works Planning Dan Werner. Also present were interested members of the community.

The meeting was televised on MCTV by Jim Corbett.

1. Call to Order

Vice-Chair Susan Shashok called the meeting to order at 7:00 p.m.

2. Approval of Agenda

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

3. Approval of Minutes of September 12, 2017 Regular Selectboard Meeting

Nuovo made the motion to approve the minutes as amended, and Asermily seconded the motion. The minutes were adopted as amended with 6 in favor, 1 absent. **MOTION PASSED.**

Change: Line 254 Remove the word "is".

4. Citizen Comments

[Opportunity to raise or address issues that are not otherwise included on this agenda]

There were no citizen comments.

5. Director of Planning & Zoning Jennifer Murray with a Request for Selectboard Resolution Supporting FY18 Municipal Planning Grant Application

Director of Planning and Zoning Jennifer Murray said she had been to the Infrastructure Committee with the proposed Municipal Planning Grant Application and heard their input, so she was back before the Board for approval to proceed with the application. She reminded the Board that this grant was for funding to hire a consultant to do a streetscape design, through a public participation process, for the area of Seymour Street between Greg's Market and the Congregational Church. This design would show such things as landscaping and traffic calming to give the area more of a neighborhood feel as you approach downtown.

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Asermily moved to approve and sign the Municipal Resolution for Middlebury's 2018 Municipal Planning Grant application. Khan seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

10. Authorize Signature of Easement Deeds to Green Mountain Power Granting Utility Easements across Town Property adjacent to the Battell Block, off Merchants Row, and on Chipman Hill, off Springside Drive (Item taken out of order)

Shashok said they needed to authorize Town Manager Kathleen Ramsay to sign two previously approved utility easement deeds for Green Mountain Power in the Battell Block parking lot and off of Springside Drive. She said the Board had previously approved Section 1061 notifications, and the mandatory 30-day notification periods have expired without public comment, and counsel has prepared the final easement deeds for signature.

Asermily moved to authorize Town Manager Kathleen Ramsay to sign the Easement Deed for an underground line extending from GMP Pole 2B in a northwesterly direction to the lands now or formerly of Battell Block Partners LLC. Khan seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

Asermily moved to authorize Town Manager Kathleen Ramsay to sign the Easement Deed for an overhead line commencing from existing GMP pole 7 in a southeasterly direction approximately 110 feet to conclude at new GMP pole 7-1 located on private drive entered off Springside Drive. Khan seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

6. Discussion of Vermont League of Cities & Town (VLCT) Legislative Policy and Board's Direction to Voting Delegate on Legislative Policy for VLCT's Annual Meeting; Appointment of Voting Delegate for VLCT's Annual Meeting.

Shashok said the Board needed to appoint the Town's Voting Delegate for the VLCT Board's Annual Meeting at Town Fair on October 4th and to consider what directions to give the delegate regarding an official Board stance on any VLCT position in the draft Legislative Policy. She said she'd like to allow for Board discussion before hearing public comments, and then allow time at the end for more Board discussion.

Khan said there was a lot of talk in town about the survey and they are supporting it, so felt the Board should consider their wants before signing off on this.

Seeley said it was a good response to the survey, but these respondents are a very small majority of the population of the town, and the ones in favor of the legalization of marijuana was only somewhere around 5% of the residents. She feels this number has been misstated recently. She thinks the people in favor of legalizing marijuana did a good job of getting people to respond to the survey and maybe the ones against it did not get as many to respond, and she felt that needed to be taken into consideration when weighing the results.

97 Nuovo thought the VLCT position needed clarification. He said VLCT is no longer proposing
98 against legalizing marijuana, but is proposing a conditional acceptance of the legalization of
99 marijuana provided there are proper safeguards for health and safety. He said this was not
100 known at the time of the survey, so he thought it should be made clear what VLCT's position
101 is now.

102
103 Asermily said Seeley had a compelling argument about the numbers responding, but she still
104 felt it was a good response for a survey and if nothing else it has opened up this dialogue,
105 and she was looking forward to hearing the comments.

106
107 Artim said that legalization of marijuana is inevitable at some point. He said personally he
108 doesn't object to any adult who chooses to consume marijuana for personal reasons if they
109 are responsible and their usage doesn't harm the community. He said, however, there will be
110 a certain percentage of individuals who will cross the threshold of civil responsibility, just like
111 those who drink or text while driving, and increase the risk to the community. The potential
112 hazards to Middlebury will increase, and that is what he's concerned about. He said the
113 Board has to look at this issue from many angles – favorable and unfavorable – and
114 understand the risks that legalization will impose on the town. This board and the Town's
115 professional staff must then understand how to best manage the risks, he said, as this is the
116 responsibility that citizens of Middlebury expect.

117
118 Artim went on to say that there are some who have stated legalization won't change use
119 habits because marijuana is already used. He said he strongly disagrees with this, because
120 as he travels to states that have legalized it, it makes it readily available to all of society,
121 including some who would otherwise avoid it. He said he frequently travels to Colorado and
122 Oregon – two states that have legalized recreational marijuana, and there are shops that sell
123 raw product next to gas stations and convenience stores, and bakeries and candy shops that
124 sell laced edibles that look just like their non-laced counterparts and these are located
125 throughout these communities. He hears of the problematic issues people have
126 encountered, such as people who consume edibles without realizing the potency and require
127 emergency care, or the worry about the amount of cash in the stores because you cannot
128 use credit cards at these shops, only cash. He said these are some of the risks that we can
129 expect and we need to know how to manage them. He further said that these are issues
130 that will impact our public safety as well as our planning and zoning professionals. He said
131 he sees this in the VLCT position and at this time he has to agree with it.

132
133 (Brian Carpenter called in at this point.)

134
135 Carpenter said he was wondering about having the VLCT voting delegate encourage VLCT
136 to support the Governor's Commission that is looking into the public safety and health issues
137 around the legalization.

138
139 Shashok said she is pleased that the VLCT position is much closer to one she can accept
140 now than where it was before. The change she might suggest is taking out the word "all"
141 when referring to adequately addressing safety, health, regulatory and budgetary concerns to
142 make it more attainable. She said it had been suggested to her that the survey results be
143 submitted to VLCT and she thought that was a good idea.

144

145 Shashok then asked citizens to come forward with their comments.

146

147 Joanna Coldwell from East Middlebury spoke first. She said she had drafted a statement for
148 VLCT that says: “As the State moves towards the legalization and regulation of cannabis,
149 municipalities should put in place the mechanism for using tax dollars from the sale of
150 cannabis towards ways to create local jobs and for infrastructure improvements”. She
151 believes this makes a statement toward the social good of the legalization. She also was
152 there representing the local chapter of a national group fighting for racial justice. She
153 recommended the Board read the book *Chasing the Scream*, by Johann Harri or watch the 4-
154 part documentary *Americans War on Drugs* on the History Channel, for a history of the war
155 on drugs over several decades. She said statistics show that states that have legalized
156 cannabis have seen a 24% drop in opioid deaths, so urged them to not cause any type of
157 stalling on this vital issue. She also referred to a statement by Lt. Governor Zuckerman on
158 how the legalization of cannabis would be a huge economic development for the State and
159 provide much needed funds for treatment and education of opioid use.

160

161 Seeley said that municipalities do not have the option to use tax dollars at a local level unless
162 deemed so by the legislature, and that is not being proposed at this time. She said
163 supporting the VLCT policy will be a step towards making this happen, so that regardless of
164 how they feel personally about legalization, the Board needs these tools in place so they can
165 look out for the town.

166

167 Betty Nuovo said when she was in the Legislature they talked about the legalization issue at
168 great length and heard day-long testimony on the ways it impacts children. She also wanted
169 them to be aware that even if they pass this bill, there will be rules associated with it on what
170 can and can't be done. She said they don't need to only rely on VLCT, but people can
171 personally appear and speak when the Legislature is acting on this. She cited some statistics
172 and some of the items being looked at in the bill.

173

174 Winslow Coldwell of East Middlebury said he appreciated the openness of the Board to listen
175 to comments in order to make an informed decision and to make clear the VLCT position.
176 However, he feels there are massive amounts of anecdotal and misinformation. He said
177 Nuovo had stated a fact that was wrong, and while he has great respect for her as a former
178 legislator, he is saddened that she was making decisions with incorrect facts. He went on to
179 give some statistics and said people giving anecdotal evidence are misdirecting the
180 discussion. Coldwell said Seeley's numbers of only 5-7% of the population responded to the
181 survey is technically correct, but he feels it was an enormous response to the survey and
182 more than 50% of the nation approves of the legalization of marijuana, so for her to infer that
183 less than 10% is in favor is using anecdote and misdirection to take the focus away from a
184 rational discussion.

185

186 Jack Watts, who is a former resident of a rural area of Colorado, said that where he lived
187 there was no impact from the legalization of marijuana, and that the statistics you see from
188 Colorado come from the Denver area, so he wants the Board to consider that when
189 evaluating what is happening in other areas. He also thought instead of the Board trying to
190 establish if it was safe or not, they were “obligated” to ask the question would legalization of it
191 be unsafe. He said he would like to use scientific evidence, not anecdotal.

192

193 Nuovo said everything that had been said so far in the meeting had been anecdotal. He finds
194 it strange to think the use of cannabis is a public good. He said for medical purposes it is, but
195 so is fentanyl and morphine. He said it hadn't been mentioned that we've already
196 decriminalized marijuana, so no one goes to jail for having it any more. In respect to
197 legalization being in the "public good", he can't agree with this. He said it takes minds away
198 from reality and is a means of avoiding reality, so can't see how that is in the public good. He
199 said while he agrees it is inevitable it will be legalized, it has to be regulated and the VLCT
200 policy is a conditional acceptance of this.

201
202 Watts referred back to the survey results, but Seeley pointed out those results are anecdotal
203 as well, and he agreed. Seeley says on one hand they are being accused of making
204 anecdotal statements, but yet the proponents refer to the survey results, which are also
205 anecdotal.

206
207 There were some more comments before Shashok concluded the public comment portion,
208 and said she appreciated all the thoughts and all the survey results.

209
210 Shashok said Manager Ramsay had traditionally been the voting representative and the
211 Board agreed they were all comfortable with that, and Ramsay agreed.

212
213 Asermily moved to appoint Town Manager Kathleen Ramsay as the voting delegate for the
214 VLCT Annual Business Meeting on October 4th, 2017. Nuovo seconded the motion. The
215 motion carried with 7 in favor. **MOTION PASSED.**

216
217 The Board then discussed various ways of rewording the VLCT policy statement, but taking
218 the word "all" out appealed to everyone. Carpenter said leaving the word "all" in the
219 statement opens up the possibility of extreme lobbying with no room for a reasonable
220 solution. He said he feels an obligation to be sure the Town's welfare and interests are
221 preserved in any legislation enacted, and feels that removing the "all" strikes a good balance.
222 He said he also thinks the State has addressed the opioid death rate by allowing addicts to
223 use cannabis who would otherwise use opiates, so he feels the VLCT statement is for a
224 different level of use. Carpenter also did not agree with the Lieutenant Governor's statement
225 on the legalization being a boost to the State's economic development, and not a statement
226 to base a decision on. He said you have to vote your conscience and in his mind, that's to
227 insure that the Town and the Town's interests are acknowledged and dealt with before
228 legalization is enacted.

229
230 Asermily suggested removing or relocating the word "only" in the statement, and there was
231 discussion around this option. Shashok pointed out the fewer changes made to the
232 statement, the more likely it would be accepted and adopted by VLCT.

233
234 Shashok read the second statement in the VLCT policy regarding the legalization of
235 marijuana and while Asermily questioned the need for it, there were no objections to it.

236
237 Asermily moved to direct our delegate, Town Manager Kathleen Ramsay, to propose an
238 amendment on the floor of the Annual Meeting of the VLCT stating that: *Marijuana should be*
239 *legalized for recreational purposes only after public safety; public health and local regulatory*

240 *and budgetary concerns are adequately addressed.* Nuovo seconded the motion. The
241 motion carried with 7 in favor. **MOTION PASSED.**

242
243 The Board also agreed to share the survey results with VLCT.

244
245 (Carpenter left the meeting at this point.)

246 247 **7. Citizens Petition on Vermont Gas Easements**

248
249 Shashok said the Board needed to warn a special town meeting to consider a citizens'
250 petition regarding the approval of three easements on Town-owned land requested by
251 Vermont Gas Systems.

252
253 Ramsay said they need to address the venue for the Town Meeting and to decide if it will be
254 a floor vote or by Australian ballot. She said the Policy calls for an Australian ballot vote, but
255 the Board has the power to override the Policy.

256
257 The Board discussed various locations for the meeting and whether the meeting needed to
258 be broadcast live on MCTV or not. Shashok said if they voted by Australian ballot, it would
259 be important to have the meeting broadcast live the night before.

260
261 They discussed the voting method, and Town Clerk Ann Webster said you generally get more
262 people voting with an Australian ballot vote. She also said that if they have a policy in place
263 that calls for an Australian ballot, unless the petitioners request a voice vote she wouldn't
264 recommend overriding the Policy without a good reason.

265
266 After further discussion the Board agreed that the 1st choice for the location of the meeting is
267 Mary Hogan cafeteria, and the 2nd choice is Middlebury Town Offices.

268
269 *Asermily moved to warn a special town meeting for Monday, November 6th, at 7:00 p.m. to*
270 *consider the citizens' petition regarding three requested Vermont Gas Systems easements*
271 *on Town-owned land, followed by Australian ballot voting on Tuesday, November 7th. Nuovo*
272 *seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.***

273 274 **8. Jordan Benjamin, CFO, Aqua ViTea, Regarding Aqua ViTea's** 275 **Application for Tax Stabilization**

276
277 Jordan Benjamin joined the Board to present his proposal for municipal tax relief for Aqua
278 ViTea, LLC, under the Town's Tax Stabilization Policy. He said they had looked at the
279 Town's Tax Stabilization Policy and the Board's authority to grant stabilization for property
280 taxes to existing businesses. He said he believes their request meets a majority if not all the
281 five criteria needed to qualify.

282
283 Shashok said she had not seen a tax stabilization request since she'd been on the Board, so
284 she wasn't sure how to evaluate it. She had thought AquaVitea was going to apply for a
285 Revolving Loan Fund, but she understands this didn't happen. Benjamin said they had been
286 going to apply, but then there were several reasons why they never followed through with
287 applying, although they are still interested.

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Shashok said at this time the Board was not prepared to evaluate this application since they are in a transitional phase of economic development.

Shashok said that this request calculates out to a break of \$92,400 in taxes over the five year period. Seeley asked if there are any other businesses that currently have stabilization in place, and what is the history behind this policy. Ramsay said there were a couple of businesses in the 90's that had stabilization on machinery and equipment when they wanted to purchase a new piece of equipment, but none now. Seeley said her concern was who would be left paying for the loss of these tax dollars and felt it was unfair to ask taxpayers to make up the difference.

Nuovo said he could understand stabilization if there was a specific need to fund a specific thing, but otherwise it defeats the purpose of having a business in town to help raise revenues. He thinks their company benefits the town, but the property tax is where the bulk of our revenue comes from, and even though we want them to grow, it would set a precedent that would be hard to work against.

Shashok said the Board was lacking the process right now to respond to this request and asked Benjamin if he could wait until their meeting on October 10th to allow time for them to review the process necessary to review the request.

Benjamin said he understood the need for process, and that Seeley and Nuovo had valid concerns, and he could give specifics as to how this money would be used, but he said the Board needed to decide what incentives they want to use to increase businesses in town, and in this case jobs, and ultimately the tax base.

Seeley asked if they would consider modifying their request to go year by year, or by graduating the tax relief over the 5 years. She said it's a balancing act, and while she'd like to support them, at the same time she's thinking of all the projects and things that need to be done. She said if they wanted good employees, then the Town needed to provide good services for them. Benjamin said for budgetary reasons it would be hard to go year by year or to phase in the tax relief.

Artim said he needed to think about this some more. He said he appreciates Aqua Vitea and he thinks they fit well into the business community, but he has to think about the fairness to the other taxpayers. He said our costs for the Town services will continue to go up, so what if other companies come forward with a similar request.

Benjamin wanted to be sure he knew what they decided on for a process so he could be prepared to provide the answers they have. Shashok said Ramsay would be the contact for all information.

336 **9. Authorize Signature of Letter of Collaboration with**
337 **Vermont Urban & Community Forestry Program for Town Forest Recreation**
338 **Planning Community Assistance Program.**
339

340 Shashok said the Board needed to authorize Town Manager Kathleen Ramsay to sign a
341 Letter of Collaboration in regard to the Town's participation in the Town Forest Recreation
342 Planning Community Assistance Program. Ramsay said the Board had approved this
343 application to develop a forest action plan back at their May 23, 2017 meeting, and there is
344 no money involved, only staff and volunteer time.
345

346 Khan made the motion to authorize Town Manager Kathleen Ramsay to sign a Letter of
347 Collaboration in regard to the Town's participation in the Town Forest Recreation Planning
348 Community Assistance Program. Seeley seconded the motion. The motion carried with 6 in
349 favor, 1 absent. **MOTION PASSED.**
350

351 **11. Report on and recommendations from the**
352 **Infrastructure Meeting of September 14, 2017**
353

354 **11.a. Recommendation from Infrastructure Committee on**
355 **Water & Wastewater Budgets & Rates**
356

357 Director of Public Works Planning Dan Werner joined the Board for this portion of the
358 meeting.
359

360 **Approve FY18 Water Budget**

361 Werner said the proposed FY18 Water Budget was \$1,233,346, including capital expenses of
362 \$235,310.
363

364 Werner said some of the highlights were the inflationary increases in personnel expenses of
365 \$6,385, the addition of the first interest payment of \$13,000 on the final drawdown of \$1M in
366 water fund borrowing authorized by voters in 2010, and an increase in the water system
367 infrastructure capital expenses by \$23,310, from \$212,000 to \$235,310.
368

369 Shashok added that the Board had approved the Infrastructure Committee's request to seek
370 planning advance loan funding for engineering for water system improvements on Exchange
371 Street and Route 7 South at their last meeting.
372

373 Seeley made the motion to approve the proposed FY18 Water Fund budget of \$1,233,346, as
374 recommended by the Infrastructure Committee. Khan seconded the motion. The motion
375 carried with 6 in favor, 1 absent. **MOTION PASSED.**
376

377 **Approve FY18 Wastewater Operating Budget.**
378

379 Werner said the proposed FY18 Wastewater Budget was \$2,537,900, including capital
380 expenses of \$348,059. He said the Infrastructure Committee had voted to recommend the
381 adoption of the budget at their September 13^{4th} meeting.
382

383 Werner said the increases in wages and benefits were offset by decreases in the cost of
384 operating supplies for the treatment plant and biosolids handling and the cost of service
385 contracts for biosolids handling.

386

387 He also said the capital budget line item of \$348,059 includes funding for: the wastewater
388 department's share of the Chipman Park-South Street Project, which is underway now;
389 engineering for the sanitary sewer evaluation study and combined sewer overflow (CSO)
390 effort; some funding for the preliminary planning for the 20-year upgrade of the wastewater
391 treatment facility; and the wastewater department's share of engineering and construction for
392 the Charles Avenue upgrade next summer; and engineering for Pump Station Upgrades for
393 Pump Station #9 (Weybridge St) and Pump Station #13 (Halpin).

394

395 Seeley moved to approve the FY18 Wastewater Budget of \$2,537,900, as recommended by
396 the Infrastructure Committee. Nuovo seconded the motion. The motion carried with 6 in
397 favor, 1 absent. **MOTION PASSED.**

398

399 Asermily said she had seen a huge spike in the Wastewater Plant's electric bill, and
400 wondered if there was something wrong with some of the equipment. Khan said the recent
401 bill was \$31,547, the month before that it was \$19,875 and months previously it was half of
402 that, so there is a huge spike. Werner said he would look into it and let them know.

403

404 **Approve FY18 Water & Wastewater Rates.**

405

406 **Water Rate – In-Town**

407

408 Shashok said to raise the additional revenue needed to balance the FY18 water budget, the
409 Infrastructure Committee recommended eliminating the 3,000 gallons of usage included in
410 the base rate, while maintaining the FY17 base charge of \$35.52 per quarter and the FY 17
411 usage charge of \$3.04 per 1,000 gallons.

412

413 Khan asked what this increase would be, and Seeley said based on an average residential
414 usage of 10,800 gallons, with a base of 3,000 sewer, it would be about \$9 per quarter.

415

416 Shashok said these water and wastewater increases would cover this year's budget, but the
417 Infrastructure Committee would be meeting in November to discuss their philosophy on how
418 to set rates over the next couple of years to cover increasing costs.

419

420 Seeley made the motion to approve the FY18 water base charge of \$35.52 per quarter (with
421 no water usage included in the base charge) and usage rate of \$3.04 per 1,000 gallons,
422 effective at the start of the fourth billing quarter of 2017. Nuovo seconded the motion. The
423 motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

424

425 **Water Rate – Out-of-Town**

426

427 Shashok said that although the Infrastructure Committee did not address the issue of out-of-
428 town rates for customers in New Haven and Weybridge at its meeting, the proposed rates are
429 consistent with the Committee's recommendation to maintain the existing water base charge
430 and usage rates, while eliminating the 3,000 gallons included in the base charge, staff

431 recommends that the Board set the water base rate at \$40.52 per quarter (with no water
432 usage included in the base charge) and the water usage rate at \$3.85 per 1,000 gallons.
433

434 Seeley moved to approve the FY18 water base charge of \$40.52 per quarter (with no water
435 usage included in the base charge) and usage rate of \$3.85 per 1,000 gallons for out-of-town
436 customers, effective at the start of the fourth billing quarter of 2017. Asermily seconded the
437 motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**
438

439 **Wastewater Rates**

440 **Sewer Rates – In-Town**

441
442
443 Shashok said the Infrastructure Committee recommended maintaining wastewater rates at
444 the same level as in FY17, a base charge of \$39.60 per quarter (including 3,000 gallons of
445 usage), and a usage rate of \$7.78 per 1,000 gallons above the 3,000 gallons included in the
446 base charge.
447

448 Asermily asked why the difference in increase from water. Ramsay said the Wastewater did
449 not need any additional revenue, so since the Infrastructure Committee would be looking at
450 their philosophy in the near future, they didn't want to change the rates that much.
451

452 Khan made the motion to retain the same wastewater rates as in FY17, with the base charge
453 of \$39.60 per quarter, with 3,000 gallons/quarter included in the base charge, and the usage
454 rate remaining at \$7.78 per 1,000 gallons the 3,000 gallons included in the base charge,
455 effective at the start of the fourth billing quarter for 2017. Nuovo seconded the motion. The
456 motion carried with 6 in favor, 1 absent. **MOTION PASSED.**
457

458 **Sewer Rates – Out-of-Town**

459
460 Shashok said the Infrastructure Committee did not address this, but applied it the same as in-
461 town rates with a base charge of \$39.60 (including 3,000 gallons of usage), and a usage rate
462 of \$7.78 per 1,000 gallons above the 3,000 gallons included in the base charge, the same
463 charge for in-town connections.
464

465 Khan made the motion to retain the same wastewater rates as in FY17 for out-of-town users,
466 with the base charge of \$39.60/quarter, with 3,000 gallons/quarter included in the base
467 charge, and the usage rate remaining at \$7.78 per 1,000 gallons, effective at the start of the
468 fourth billing quarter for 2017. Asermily seconded the motion. The motion carried with 6 in
469 favor, 1 absent. **MOTION PASSED.**
470

471 **Septage Disposal Rate**

472
473 Werner said that the Infrastructure Committee had asked Wastewater Superintendent Robert
474 Wells to review the Town's charges for the disposal of septage, which have not been
475 increased since 2005. Based on Well's rate analysis, the Infrastructure Committee
476 recommends increasing the per-gallon rate for septage disposal from \$.09 to \$.11 per gallon
477 and the rate for Field Days septage from \$.03 to \$.04 per gallon. This increase will boost

478 wastewater revenue by an estimated \$15,000, which is reflected in the FY18 wastewater
479 budget proposal just adopted.

480

481 *Seeley made the motion to increase the septage disposal rate from \$.09 to \$.11 per gallon*
482 *and the Field Days disposal rate from \$.03 to \$.04 per gallon, effective January 1, 2018.*

483 *Nuovo seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION***
484 ***PASSED.***

485

486 **11.b. Bid Award for Winter Sand**

487

488 Werner said Director of Operations Bill Kernan had received two bids from local suppliers,
489 and had each sample tested.

490

491 J.P. Carrara and Sons bid was \$9.25 per ton and tested at 96.2%, which is a calculated
492 actual cost of \$9.62 per ton.

493

494 Champlain Construction, Inc. submitted a bid for \$12.75 per ton and tested at 98.7%, which is
495 a calculated actual cost of \$12.92 per ton.

496

497 Werner said they provided the actual cost to reflect the cost of the sand after it is mixed, but
498 what the Board is approving tonight is the quoted price. He said Kernan is recommending
499 awarding the bid to J.P. Carrara and Sons for \$9.25 per ton, which is the same price we paid
500 to them last season.

501

502 Khan made the motion to award the contract for winter sand for the 2017-18 season to J.P.
503 Carrara, at a quoted price of \$9.25 per ton. Seeley seconded the motion. The motion carried
504 with 6 in favor, 1 absent. **MOTION PASSED.**

505

506 **11.c. Paving of Mill Street Parking Lot**

507

508 Werner said he had originally requested a quote from D&F in August for paving a portion of
509 the Mill Street lot and that came in at \$14,760, but after determining that sufficient funds
510 remained from the Town's original \$53,000 grant award to pave the entire lot, he asked the
511 contractor for a supplemental quote for paving the entire parking lot. The combined quotes
512 from D&F comprise Dan's approval request of \$27,090, leaving a grant balance of \$3,390.

513

514 Seeley asked if there was a timeline on when these funds needed to be used, and was D&F
515 going to have the time to do the paving this season. Ramsay said the funds need to be
516 spent by December 31st of this year, and Werner said they do have time to pave the lot this
517 year.

518

519 Asermily moved to award a contract for paving the Mill Street parking lot to D&F Excavating &
520 Paving for a total cost of \$27,090. Khan seconded the motion. The motion carried with 6 in
521 favor, 1 absent. **MOTION PASSED.**

522

523 Seeley asked if they could talk about the remaining funds and how to use them in an
524 Infrastructure Committee meeting. Ramsay said they were going to use it for new signs and
525 they needed to paint the lines in the lot.

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12. John Freidin with a report from the Ilsley Library Trustees' Public Forum on Building Needs

John Freidin joined the Board to give them a report on the public meeting the Library Trustees held on September 13th. He summarized what the Trustees and Building Committee had reported at the meeting, such as a history of the library structure, the increase in circulation since the last addition in 1988, and the shortcomings of the aging structure and equipment.

He then summarized architect Tom Bachman's report and the responses from the audience. He said Buchman said the building as proposed will meet all the needs of the Trustees and Building Committee and that the floor plan and location of areas within the building have not been finalized. He said it is designed for maximum flexibility to accommodate the future changes in services and it can be made Net Zero fairly easily.

He said the many of the audience comments offered support and thought the Library needs are clear and the plans look good. He said it was clear they felt the Library is not only for Middlebury, but for adults and children from surrounding towns as well, and felt the Library should seek input and support from around the area. They also suggested getting a national foundation to underwrite the building by building an ultimate library-of-the-future.

Freiden said that both the Library Building Committee and Trustees have enthusiastically endorsed the goals and vision proposed in the architects report of August 22, 2017, and their aim is to break ground by 2023 or 2024 to honor the 100th anniversary of the original building. He said they are now looking for the Selectboard's support as well so either they go forward with this project together or this project will have to wait. He said they hope the Selectboard acts soon, as the Library Trustees are in the process of recruiting a new Library Director and the skills needed by that Director will be different if the project goes forward than if it doesn't.

He said the new Director will need to be able to plan and lead a public education and fund raising campaign, soliciting for very large private gifts. This person will also need to negotiate with all aspects of the construction project, work with staff on how to cope with major change, and help the public deal with inconveniences and program relocation.

He said if the Selectboard is not willing to move ahead at this time, then the Trustees will hire a new Director with only the usual skills for such a position. He said to take this route would mean the Library would continue to be an inadequate and unsafe space for children, with failing heating and cooling systems and elevator that are expensive to maintain, yet all the while the need for services will increase. He felt a new and improved Library would encourage new growth in the Town, so he hopes he would support them in their efforts.

Shashok asked about the status of the fund raising study. Freidin said they had talked to a consultant about a fundraising feasibility study, but there was some feeling it might not be a

573 good time to do this and maybe there needed to be more town-wide education on the need
574 for this project before asking for generous gifts.

575

576 Catherine Nichols, Chair of the Board of Trustees, said they hoped to have a new Director in
577 place sooner rather than later, so they could be part of the public awareness campaign.

578

579 Shashok said as a Selectboard member, the feasibility study plays a key role in how she'll
580 voice her support. Freidin said he wasn't looking for a financial commitment, but they need
581 to know if what the Selectboard sees as needs are the same as the Trustees and Building
582 Committee, and they need this support before starting the fundraising feasibility study.

583 Shashok said the Board sent two members to serve on the Building Committee, so she
584 thought that was showing support on moving forward with the project, so she was unsure
585 what they were looking for. Freidin said he's looking for a clear, straight-forward statement
586 of support for the goals of this project from the elected leaders of this Town and their
587 willingness to help raise the money. He said this has to be done together and it needs the
588 elected leaders to play a leadership role.

589

590 Nuovo says a town without a library is really not much of a town, and seeing the mixture of
591 age groups together in the library warms his heart. He thinks the plan outlined so far is
592 excellent and one of the things that is pointed out continuously is the safety of the children.
593 He thinks surrounding towns need to take a part in this as well as Middlebury. Nuovo said he
594 doesn't see how this project will be done without some sort of bond. Nuovo said he'd be glad
595 to offer a motion that the Board is in support of the Library addition.

596

597 Shashok is not sure the Board is willing to commit to raising private funds, however she could
598 see maybe sending a representative to serve on a committee. Seeley thinks the Trustees
599 are looking for support from the Board so they can hire the Director they need, because she
600 doesn't have a problem with them pursuing a director with those skills, and Asermily agreed.
601 Freidin said that would be nice, but not enough. He said their support needs to "have teeth"
602 so the people of the town know that their elected leaders really want to do this.

603

604 Catherine Nichols said they are not going to break ground until 2023, so this will be a long
605 process and they do not expect the Board to go out and raise funds, but she does want them
606 to "not roll their eyes" when someone asks them how they feel about the project. Freidin
607 said since the Library services citizens from other neighboring towns as well, our Selectboard
608 should approach these other Selectboards about contributing, not the Library.

609

610 Nuovo said the Library is a municipal institution and the Board should recognize that,
611 however the difficulty they're having is formulating the proper motion, so they need more
612 time.

613

614 Freidin wanted the Board to take their time and for them to pay attention to the bullet items on
615 the last page of the report he handed out and take the time to prepare their statement.

616

617 **13. FY18 Year-to-Date Budget Report**

618

619 Town Manager Kathleen Ramsay said the Budget Report is in their packets and she'll answer
620 any questions they have, but at the time of the report we were only 2 months into the new

621 budget year so she is not seeing any trends at this point. She said the summer maintenance
622 costs are higher than last year, because they've been doing a lot of work on the roads.

623

624 **14. Overview of FY19 Budget Preparation Schedule.**

625

626 Ramsay said the department heads will have their budgets submitted to her by the end of
627 October, and she will have them to the Board mid-November for them to work in December
628 and January.

629

630

630 **15. Approval of Check Warrants**

631

632 Khan reported that the checks were in order other than the higher than normal GMP bill for
633 the Wastewater Plant that was mentioned earlier.

634

635 Khan made the motion to approve total expenditures in the amount of \$2,312,267.57,
636 consisting of \$2,223,415.56 for accounts payable, and \$88,852.01 for payroll, for the period
637 September 13, 2017 through September 26, 2017. Seeley seconded the motion. The motion
638 carried with 6 in favor, 1 absent. **MOTION PASSED.**

639

640

640 **16. Town Manager's Report**

641

642 **16.a. Update on ACTR Transit Hub Relocation.**

643

644 Ramsay said the outline for the permitting process for the ACTR Transit Hub relocation was
645 in their packet. She said it was not anticipated it would be back before the Selectboard, but
646 would go to Public Works for a Work in the Right-of-Way Permit and to the Zoning
647 Administrator for any necessary Land Use Permits. Asermily asked about the final location
648 for the shelter. Ramsay said she would include a copy of the final plans in their packet when
649 it was available.

650

651

652 **17. Board Member Concerns**

653

654 Nuovo – None.

655

656 Khan – he was unfamiliar with the tax stabilization process, so wondered what the criteria
657 was to qualify for this. Shashok said she was unsure and had looked at the Policy but did not
658 see the five criteria Benjamin had mentioned. Ramsay said their proposal mentioned
659 purchase of new equipment, so they may need to take a closer look at those expenses.
660 Khan wondered what made one business qualify over another one and Shashok said that's
661 where it gets "fuzzy" and they need to have a process. Seeley said she'd like to do
662 something to support them, but not by putting it on the backs of individual taxpayers.
663 Shashok said she liked the Revolving Loan Fund and would like to go back to that idea.

664

665 Asermily said she saw in the Recreation Report that there are continued complaints about the
666 gym being hot, so wondered if they were saying we need to do something or change
667 scheduling because this is the nature of a gym. Khan said at the last meeting this was

668 discussed and they said that it is very uncommon for a gymnasium to have an air
669 conditioning system.

670

671 Asermily said Mary Hogan School is entered into the Way To Go community challenge in an
672 effort to reduce car use getting children to school. She said there is also an International
673 Walk and Roll to School event coming up next week on October 4th.

674

675 Seeley – None.

676

677 Artim – The U.S. Forest Ranger station will close here in Middlebury very soon and will be a
678 loss to the community. He said we need to communicate with the Forest Service about
679 maintaining a ranger presence in Town and find out how we can keep a ranger here to
680 continue to have the benefit they are to recreation. Ramsay will follow up.

681

682 **18. Executive Session – If Needed**

683

684 In accordance with Vermont's Open Meeting Law, the following two motions are in order prior
685 to entering into Executive Session:

686

687 Asermily moved that in accordance with Vermont's Open Meeting Law requirements, I move
688 that the Board find that premature general knowledge of the consideration of contract
689 negotiations would clearly place the Selectboard at a substantial disadvantage, because the
690 Select Board risks disclosing its litigation strategy if it discusses the contracts in public.

691 Seeley seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION**
692 **PASSED.**

693

694 Asermily further moved that the Board enter into Executive Session to discuss contracts,
695 negotiations, under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes. Khan
696 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

697

698 The Board entered into Executive Session at 9:45 p.m. Nick Artim did not participate in the
699 Executive Session.

700

701 The Board came out of Executive Session without further action, and the meeting adjourned
702 at 10:00 p.m. upon motion by Seeley, Seconded by Asermily.

703

704 The next meeting of the Middlebury Selectboard is Tuesday, October 10, 2017 in the Town
705 Offices at 77 Main Street.

706

707 Respectfully submitted,
708 Beth Dow

709

710