

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49

**Regular Selectboard Meeting**  
**Large Conference Room – Town Offices**  
**Tuesday, January 23, 2018**  
**Meeting Minutes**

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

Staff Present: Town Manager Kathleen Ramsay, Assistant Town Manager Chris English, Director of Public Works Planning Dan Werner, Police Chief Tom Hanley. Also present was Tree Warden Chris Zeoli and several members of the public.

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**

Shashok said there were some changes to the agenda:

- Remove Item 13 – Finance & Maintenance Agreement with VT Railroad for Morse Rd Crossing
- Add 12(e) flow meter for the Wastewater Plant
- Add 6(a) Turning Point request to come to Town Meeting for Health & Human Services funding.

Asermily moved to approve the agenda as amended, and Khan seconded the motion. The agenda was approved as presented with 7 in favor. **MOTION PASSED.**

**3. Approval of Minutes of January 9, 2018 Regular Selectboard Meeting and January 17, 2018 Special Selectboard Meeting**

Nuovo moved to approve the minutes of January 9, 2018 as presented, Khan seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

Khan moved to approve the minutes of January 17, 2018 as presented, Asermily seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

**4. Citizen Comments**

Michael Booska referred to the recent discovery of a deceased man in the Town Green and suggested Middlebury patrol the Green and establish a curfew so everyone is out of the Park by a certain time and no one is left behind.

Mark Mooney asked what progress had been made on negotiations with Middlebury College to contribute to the cost of the new ladder truck purchased by the Fire Department. Asermily said that the College would not be contributing to the cost of the ladder truck. Mooney said he was quite certain the truck specifications were designed with College

50 buildings in mind, so he felt they should contribute towards the cost, as they had towards our  
51 old ladder truck. Shashok said things have changed over the years since that first truck, and  
52 the College has contributed a great deal to the Town for other things. Carpenter agreed and  
53 added that the truck is not just for the College buildings, but is needed for other structures in  
54 Town.

55  
56 Mooney understood the College had contributed a great deal recently, but felt this truck was  
57 a special piece of equipment that cost almost a million dollars, and he felt the Town should be  
58 more assertive in asking for a contribution. He doesn't understand why the College wouldn't  
59 want to pay their share for this expensive equipment and hopes the Board will not accept  
60 their answer and ask them to reconsider their decision to not contribute.

61  
62 Mooney also stated he liked that the Board was looking to "repurpose" the Cross Street  
63 Bridge Funds, and he hoped they continued to look at using these funds towards  
64 infrastructures improvements, without depleting the funds to where there isn't enough for the  
65 original intent of the funds. Shashok said the Board agrees with him and if the item on the  
66 Warning is successful this year, the Infrastructure Committee will be looking at other projects  
67 to fund with this money.

68  
69 David Pistilli said he was not there to critique the Public Works snow removal efforts on the  
70 sidewalks and is grateful for what they do. He said for 3 weeks he had walked from his  
71 house on South Street to the hospital campus and had walked in all kinds of conditions, from  
72 deep snow to slushy to plowed and icy, and at no time was it pleasurable to walk on the  
73 sidewalk. He said it was his choice and he's capable to walk on it, but he's concerned about  
74 people who are not as able to walk on this sidewalk or who have to push a stroller. He said  
75 perhaps Public Works could explore tactics to get to that 1 or 2 inches of snow that the plow  
76 leaves behind, but he also feels the townspeople could get that final snow off themselves if  
77 you can motivate the residents to clear that last bit of snow by themselves. He doesn't want  
78 to see an Ordinance for this since it would be a nightmare to enforce, but he feels we can do  
79 better as a town. He said he isn't sure how this could be implemented, but would be grateful  
80 if the committees that work to make this a better place could consider this. Shashok said the  
81 question about residents clearing the sidewalks in front of their homes had been a survey  
82 question a few years ago and it hadn't gone over well. Asermily said if people want to get out  
83 and help that would be great and that there are buckets of sand around town that can be  
84 used for icy spots they find.

85  
86 **5. Tree Warden Chris Zeoli with his Report and Finding on the Apple Tree in**  
87 **Public Right-of-Way in front of 33 South Street**

88  
89 Zeoli said Public Works had asked him about the removal of the apple tree in front of 33  
90 South Street as it impedes the sidewalk plow. Zeoli held a public hearing on the removal of  
91 the apple tree as required by State Statute, and the residents of 33 South Street had  
92 appeared with documentation from past owners and neighbors that indicated this tree was an  
93 important part of the neighborhood. Zeoli said a Letter of Commitment has been drafted and  
94 we are waiting for a response from the property owners, but it states that the owners of 33  
95 South Street are physically and financially responsible for the damage to the lawn caused by  
96 the sidewalk plow having to go around the tree, and the Town will plant replacement trees on  
97 either side of the apple tree so that in two years the apple tree can be removed. Asermily

98 asked if the replacement trees would be fruit trees, and Zeoli said they wouldn't be as they  
99 are not salt-tolerant.

100

101 Asermily moved to authorize Town Manager Kathleen Ramsay to sign the agreement  
102 between the Town and William R. Nash and Deborah M. Evans regarding the status and  
103 maintenance of the apple tree in the Town's right-of-way adjacent to 33 South Street,  
104 pending their signature. Khan seconded the motion. The motion carried with 7 in favor.

105 **MOTION PASSED.**

106

107

108 **6. Chief of Police Tom Hanley with the Results and his**  
109 **Recommendation for the Award of the Bid for Two Cruisers.**

110

111

112

113 Chief Hanley said that the department had found a great advantage to having an SUV in the  
114 fleet. He said the recommendation for the new SUV, with a slightly higher cost than a sedan,  
115 is because the SUV they have now is in its last year. He said the other new car is an  
116 unmarked administrative car that he drives, so is a lower cost than a fully outfitted cruiser, so  
117 the savings will help offset the higher cost of the SUV. He said all the bids met the  
118 specifications and the only one that bid on the SUV was G. Stone Motors.

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

Asermily asked about the fuel efficiency and reducing the carbon footprint, and Hanley said the fuel systems are much more efficient than the older vehicles. Asermily said the Health and Public Safety Committee had discussed anti-idling devices, but Hanley pointed out there are problems with these devices and most have been removed from the market.

Artim made the motion to award contracts for the purchase of a 2018 Ford Interceptor Utility SUV to G. Stone Motors, Inc. for \$31,834 and a 2018 Dodge Charger sedan to Foster Motors, Inc. for \$23,510. Nuovo seconded the motion. The motion carried with 7 in favor.

**MOTION PASSED.**

**6.(a) Turning Point Center**

Since there was no one present from Turning Point Center to make their request to the Board, the Board moved on to the next agenda item.

**7. Susan Shashok with an update on the work of the Broadband Group.**

Shashok said that she, along with Bryan Alexander and Chris English had been meeting with David Donahue at the College to discuss broadband development for the Town and access to everyone. Shashok said they were looking at how to leverage the College's assets and interests and see what we can do in a different way. She said they met with Vice President of Finance David Provost, and Networking Advisor Howie McCausland from the College also joined the group.

Shashok said the College is not interested in being an ISP provider, but are interested in being a "thought" partner, which means they're willing to help the Town determine needs and also help with their purchasing and negotiating power in attracting a company to come here. She said she, English and Alexander had prepared a draft survey that can be used in the

145 future, but the College wants the Town to decide for itself what we want and then the College  
146 will help as a thought partner.

147  
148 Shashok is asking the Board to consider further exploration of broadband as a project at their  
149 retreat and decide if it is important, and if they feel it is, the Town will probably need to hire  
150 someone to review the draft survey and help make the decision going forward. She doesn't  
151 feel the staff alone will be able to handle this.

152  
153 Alexander said that the survey questions ask people about their broadband experience,  
154 where they get it and the speed, as well as the extent of broadband deployment in  
155 Middlebury. He said this is a statewide problem in Vermont and the Legislature doesn't seem  
156 interested in pursuing the problem, so he urged the Board to reach out and try to get some  
157 action and support from the Legislature. He also added that Middlebury College was very  
158 forthcoming and informative, and a pleasure to work with.

159  
160 Artim asked if the failure was due to population density, and Alexander said yes, that mostly  
161 it's the geographic density, Vermont's terrain and the fact that Vermonters have just come to  
162 except the slower broadband connections and have stopped demanding it, but it is a political  
163 decision as well.

164  
165 There was an extensive discussion around the need for expanded broadband for economic  
166 development locally and statewide. Shashok said it sounded like there was some agreement  
167 in having this discussed at the retreat, and she said if they go back to the College, the  
168 College would like a Selectboard representative in the group.

169  
170 **8. Consider Letter of Support for MALT Grant Application to the**  
171 **VT Dept. of Forest Parks and Recreation for**  
172 **Trail Around Middlebury (TAM) Trail and Signage Improvements.**  
173

174 Ramsay said MALT Executive Director Jamie Montague is asking the Board to sign a Letter  
175 of Support as a required element of a grant application she is planning to submit to the VT  
176 Department of Forests, Parks and Recreation to seek funding for improved signage at TAM  
177 kiosks and improvements to key sections of the trail. She said Montague is also requesting  
178 the Board's approval of a letter required by the grant program that offers MALT formal  
179 permission to access portions of the TAM that cross Town property in Wright Park to upgrade  
180 signage and make trail improvements.

181  
182 Asermily made a motion to sign a Selectboard Letter of Support for MALT's proposed grant  
183 application with the VT Dept. of Forests, Parks and Recreation to fund signage and trail  
184 improvements on the Trail Around Middlebury (TAM). Khan seconded the motion. The  
185 motion carried with 7 in favor. **MOTION PASSED.**

186  
187 Asermily also moved to sign a Selectboard letter authorizing MALT to access Town land in  
188 Wright Park, as necessary, to maintain and upgrade signage and trail conditions. Khan  
189 seconded the motion. **MOTION PASSED.**

190  
191 **9. Authorize Application to the State of Vermont for a Vermont Community**  
192 **Development Program (VCDP) Planning Grant for \$30,000 for planning, design and**

193 **legal services associated with the potential construction of a community septic**  
194 **system to serve Lindale Mobile Home Park.**  
195

196 Seeley moved to adopt the Resolution for VCDP Grant Application Authority and Nuovo  
197 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**  
198

199 Seeley also moved to approve the commitment of Town matching funds of up to \$7,500 to be  
200 drawn from the VCDP Revolving Loan/Grant Fund. Nuovo seconded the motion. The motion  
201 carried with 7 in favor. **MOTION PASSED.**  
202

203 **10. Finalize FY19 Budget Proposal for Town Meeting.**  
204

205 Town Manager Ramsay said at the Board's last meeting on January 9<sup>th</sup> the Library had  
206 indicated they were withdrawing their request for \$12,500 for an assistant for the Library  
207 Director, and the documents before the Board reflect that change. She said one item added  
208 was an analysis of the Fund Balance and what she had proposed applying to the budget. As  
209 of June 30<sup>th</sup>, 2017 we had \$544,009 in the Unrestricted Fund balance. We have applied  
210 \$150,000 of that to the FY18 budget and prepaid expenses that will be paid in this year and  
211 the budget presented shows \$150,000 applied to the FY19 budget, leaving a net allocation of  
212 \$191,550. She said Victoria DeWind had suggested finding \$28,239 so that you could  
213 present a level tax rate to the voters. Kathleen noted that these additional funds could be  
214 taken from the fund balance, but to do so would lower the reserve fund. Shashok said the  
215 reserve fund is going the wrong way, and would personally like to see less money taken from  
216 the reserve fund for the budget. Asermily wondered if there was anywhere else those funds  
217 could come from, but Shashok said she was fine with having only a \$28,239 increase in the  
218 budget. Ramsay said she had calculated that a \$.004 increase in the tax rate will raise the  
219 taxes for an average house by \$9.25.  
220

221 Artim said Ramsay and the staff had done a great job with the budget and he was fine  
222 leaving it where it is. Carpenter agreed with Artim and said he was thinking of pointing out at  
223 Town Meeting what a good job they'd done for the past 3 years at keeping the budgets where  
224 they are with minimal increases.  
225

226 Artim moved to approve the FY19 General Fund Budget for the 2018 Town Meeting Warning  
227 and presentation to the voters on March 5th. Asermily seconded the motion. The motion  
228 carried with 7 in favor. **MOTION PASSED.**  
229  
230  
231  
232  
233  
234

235 **11. Finalize Warning for Town Meeting.**  
236  
237

238 Ramsay went over the changes to the Warning from the draft they'd seen previously and said  
239 that Town Attorney Putnam had reviewed it. Asermily said she felt badly that the Turning

240 Point didn't have time to get their request for funds in and questions the Town Policy for  
241 funding social services.

242

243 Artim moved to finalize the Warning for the Town of Middlebury 2018 Annual Town Meeting.  
244 Khan seconded the motion. The motion carried 7 in favor. **MOTION PASSED.**

245

246 **12. Infrastructure Committee Chair Susan Shashok & Director of Public Works**  
247 **Planning Dan Werner with a Report on and Recommendations from the**  
248 **Infrastructure Committee Meeting of January 11, 2018.**

249

250 Susan reported the Infrastructure Committee had discussed the proposed conveyance of  
251 Printer's Alley from the National Bank of Middlebury to the Town and the Public Works staff  
252 recommends the Town own the land, but it be maintained by Marble Works. She said it was  
253 determined this is a strategic piece of land for the Town and Marble Works, and the protocol  
254 around involving a 3<sup>rd</sup> party into the conveyance was being explored.

255

256 Shashok also reported on the Water Planning Loan status and said Werner is working with  
257 the engineers on a schedule to have a bond vote in November. She said while this is a tight  
258 schedule, Werner feels it's achievable. She said this schedule won't be just for staff and the  
259 Infrastructure Committee, but will be something everyone can follow, including the Board and  
260 Exchange Street businesses.

261

262 **12.a. Award Engineering Agreement for Charles Avenue**

263

264 Werner said this agreement is with Green Mountain Engineering and the work includes work  
265 on sewer lines, stormwater and some water line work, as well as recycling the road surface  
266 and a new sidewalk to replace the asphalt one there now. He said the work starts at the stop  
267 sign by the high school driveway and then goes north to the bottom of the curve by the  
268 Champlain Unitarian Universalist Church.

269

270 Seeley made the motion to award an engineering services contract to Green Mountain  
271 Engineering (GME), Inc. for planned improvements to water, sewer and sidewalk  
272 infrastructure on Charles Avenue, at a total cost of \$69,950. Nuovo seconded the motion.  
273 The motion carried with 7 in favor. **MOTION PASSED.**

274

275 Seeley pointed out that this project also includes street lighting.

276

277 **12.b. Authorize Negotiation of Agreement for Wastewater Treatment Plant Evaluation**

278

279 Werner said this is for an Agreement for Wastewater Treatment Plant Evaluation and the  
280 Committee that reviewed the applicants was most comfortable with Tata & Howard's  
281 qualifications. This was reviewed with the Infrastructure Committee and they are  
282 recommending the Board authorize the Town Manager negotiating a contract with them.

283

284 Seeley moved to support the Infrastructure Committee's recommendation to authorize Town  
285 Manager Kathleen Ramsay to negotiate a contract with Tata & Howard for the Wastewater  
286 Treatment Plant Evaluation Project. Khan seconded the motion. The motion carried with 7 in  
287 favor. **MOTION PASSED.**



288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335

**12.c. Award Engineering Contract for Shard Villa Bank Stabilization and Road Improvement Project**

Werner said this project is on Shard Villa Road starting where the road comes off Three Mile Bridge Road and proceeding south around 2,700 feet. He said the bank there is eroding and is approaching the shoulder of the road, and following the work on the riverbank, the road will be recycled and repaved. He said proposals were received from DuBois & King, Green Mountain Engineering and Pathways Consulting. He said following review of them at the Infrastructure Committee meeting, the one they are recommending to the Board is DuBois & King for \$45,169. He said it was felt they most accurately and economically submitted the best proposal, containing numerous examples of bank stabilization that the Committee felt comfortable with, and they've had adequate experience to hopefully do this the best way.

Seeley made the motion to approve the Infrastructure Committee's recommendation to award an engineering services contract to DuBois and King for the Shard Villa Road Improvements Project, for a total cost of \$45,169. Nuovo seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

**12.d. Authorize Next Phase of Consultant Work on Department of Public Works Building and Storage Planning Project (from December 15 Infrastructure Committee Meeting)**

Werner said that Judy Harris, of Harris and Harris, submitted a plan for us to follow when looking at storage at the old Wastewater building, as well as the needs at the Public Works site. She is recommending looking at these two together, since the storage plans may change based on what happens at Public Works. He said Harris is proposing \$5,000 for each project for a total of \$10,000, and there are Capital Funds set aside for this, so he is looking for approval to proceed with these projects.

Seeley made the motion to approve the Infrastructure Committee's recommendation to proceed with planning projects for 1) a new PD storage facility and decommissioning the control building at the old Wastewater Treatment Plant, and 2) a new storage facility at DPW, at an estimate cost of \$5,000 per project. Nuovo seconded the motion.

Asermily asked if this project was looking at just storage at Public Works or the entire site, and Werner said it was the entire site and buildings. Shashok wanted to make sure what the Infrastructure Committee voted on was actually what is included in this proposal. Werner read the motion from the December 15<sup>th</sup> meeting and Seeley amended the first motion to match.

Seeley amended the motion to say 2) site plan development for a new Public Works site. Nuovo seconded the amendment. The motion carried with 7 in favor. **Motion passed.**

**12.e. Flow Meter for Wastewater Plant**

Werner said flow meters are installed in sewer mains in various locations where we think there may be infiltration and they are matched with the rain gauge and the Wastewater Plant.

336 They measure infiltration in the sanitary sewer to determine where it is coming in and what  
337 areas we need to fix. He said this is part of the CSO project to identify those areas to  
338 eliminate overflows at various pump stations.  
339

340 Werner said both of the meters we have now have failed due to age and the rough  
341 environment they're in. He said they had looked at renting meters for the 8-week rainy  
342 period, but this was not cost effective, so are looking to purchase two new ISCO meters for a  
343 cost of \$10,463.  
344

345 Seeley made the motion to purchase two new ISCO flow meters, not to exceed \$10,500,  
346 based on Wastewater Superintendent Bob Well's recommendation. Khan seconded the  
347 motion. The motion carried with 7 in favor. **MOTION PASSED.**  
348

### 349 **13. Set Date for Annual Selectboard Strategic Planning Retreat.**

350  
351 There was discussion on schedules and dates that would work with both the Board and with  
352 Consultant Paula Cope who would be attending the meeting. It was decided Ramsay would  
353 check with Cope to see if she could do either Thursday, March 15<sup>th</sup> or Thursday, April 12<sup>th</sup>.  
354

### 355 **15. Approval of Check Warrants**

356  
357 Khan said he had reviewed the checks and they were all in order. Khan moved to approve  
358 total expenditures in the amount of \$544,093.63 consisting of \$437,205.76 for accounts  
359 payable, and \$106,887.87 for payroll, for the period January 10, 2018 through January 23,  
360 2018. Seeley seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**  
361

### 362 **16. Town Manager's Report**

363  
364 Ramsay said the Addison County Regional Planning Commission is holding a public hearing  
365 on its Regional Plan on Wednesday, February 14<sup>th</sup>, at 7:00 p.m. at the Regional Planning  
366 offices. She said the full Plan is available on their website.  
367

368 Ramsay said the Board had asked for an update on the status of the rail platform RFP and  
369 timeline, Planning & Zoning Director Jennifer Murray reports that we are using a  
370 Transportation Advisory Grant from Addison County Regional Planning Commission  
371 (ACRPC) to perform an alternatives analysis, and ACRPC is heading up the procurement  
372 and project Administration. She said Murray will be the project lead and the Planning  
373 Commission will be the steering committee. She said Murray is working with ACRPC now on  
374 the RFP and procurement will happen in January-March, with public input, analysis, report  
375 and final selection in March-June.  
376

377 Asermily said she thought the deadline for having a location was March, and Ramsay said  
378 she had reached out to VTrans to let them know the timeline to see if this would work.  
379

### 380 **17. Board Member Concerns**

381  
382 Artim said he had attended the House and Senate Joint Transportation Sub-Committee last  
383 Thursday with Ramsay, Jim Gish and Brian Carpenter on the Bridge Project, and both Gish



384 and Carpenter had given an outstanding presentation on the Town's issue and the legislators  
385 heard and understood the criticality and importance of the project.  
386

387 Artim said he'd had the opportunity to see the new ladder truck and thinks the Fire  
388 Department did an outstanding job deciding and choosing the right truck for the community.  
389 Seeley suggested a meet & greet for the Board to see the new ladder truck.  
390

391 Nuovo wanted to commend and thank the legislators for their support of the Railroad Project.  
392

393 Carpenter was wondering if the roundabout on the Route 7 end of Exchange Street was still  
394 the #1 priority on the Transportation Plan for our region. Ramsay said she thinks that review  
395 is coming up and she'll attend the meeting and report back.  
396

397 Carpenter said he was working on an Editorial for the Addison Independent to state where we  
398 are on the Bridge Project and clear up some issues and misunderstandings, and will make  
399 sure the Board sees it before it's published.  
400

401 Khan wanted to express his sadness for the man who died in the park recently.  
402

403 Asermily said at the last Public Health and Safety meeting they discussed this, and the police  
404 try to pay attention to this, but there was a lot going on that weekend. She also wanted to  
405 mention that the Winter Parking Ban is not just for on-street parking, but for municipal parking  
406 lots as well.  
407

408 Asermily also mentioned that she had done a first draft of a survey for Town Meeting that was  
409 in the Board packet for them to look at.  
410

411 Asermily said that John Schneider-White was recognized recently in the Addison  
412 Independent as a realtor who analyzes "green" buildings and efficiency, so she  
413 recommended that the Energy Committee reach out to him.  
414

415 Asermily said she hopes people are becoming interested in serving on boards and  
416 committees and there's a vacancy on the Parks and Recreation Committee at the moment.  
417

418 The meeting adjourned at 8:48 p.m. upon motion by Khan, seconded by Seeley and  
419 unanimously approved.  
420

421 The next regular meeting of the Middlebury Selectboard will be Tuesday, February 13, 2018  
422 at the Town Offices at 77 Main Street.  
423

424 Respectfully submitted,  
425 Beth Dow  
426