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2
3 **Selectboard Meeting**
4 **Large Conference Room – Town Offices**
5 **Tuesday, October 9, 2018**
6 **Meeting Minutes**
7

8 ****DRAFT****

9 Subject to approval by the Selectboard

10
11 Members Present: Brian Carpenter, Laura Asermily, Victor Nuovo, Nick Artim, Heather
12 Seeley and Farhad Khan. Lindsey Fuentes-George was absent.

13
14 Staff Present: Town Manager Kathleen

15 Others Present: Members of the public.

16
17 The meeting was televised on MCTV by Jim Corbett.

18
19 **1. Call to Order**

20
21 Brian Carpenter called the meeting to order at 7:00 pm.

22
23 Carpenter said the Board held a site visit prior to the regular meeting, to tour Creek
24 Road and see firsthand the erosion problems that have caused the road to be closed to
25 vehicle traffic for over a year. He said the tour was to help facilitate the discussion on
26 the future of this road later in the meeting.

27
28 **2. Approval of Agenda**

29
30 Carpenter said there was a need to add item 15.a. for the approval of the checks
31 Warrant. Asermily moved to approve the agenda as amended, seconded by Nuovo.
32 The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

33
34 **3. Approval of Minutes of September 11, 2018 Selectboard Meeting**

35
36 Seeley made the motion to approve the September 11, 2018 minutes, and Khan
37 seconded the motion. The motion to approve the minutes as presented carried with 6
38 in favor, 1 absent. **MOTION PASSED.**

39
40 **4. Citizen Comments**

41
42 Ilsley Library Director Dana Hart gave the Board an update on the focus groups the
43 Library Trustees have been holding. Hart said they'd held 15 meetings since May and
44 now she will be working with the facilitator to put together a summary on what they've
45 learned and present it to the Trustees and the Selectboard. She said following that, the
46 Trustees would be looking at how to proceed with the Library renovations and whether
47 to go with the plans they already have or to reevaluate those plans based on what was
48 learned in these groups.

49

50 Hart also thanked the Board for approving their license to serve alcohol. She said
51 they'd had a very nice gathering with the Friends of the Library and it helped to build a
52 sense of community.

53

54 **5. Matthew Corrente, The Arcadian, 7 Bakery Lane – Request for Approval of First**
55 **Class Liquor License and Outside Consumption Permit**

56

57 Matthew Corrente was present to request a 1st Class Liquor License and Outdoor
58 Consumption Permit for his new restaurant, The Arcadian, at 7 Bakery Lane. Carpenter
59 noted that Police Chief Hanley and Fire Chief Shaw completed inspections, but since
60 the site is still under construction, they are recommending the Board approve the
61 license and permit, pending re-inspection in November.

62

63 Artim made the motion to approve the request from Corrente LLC for a First Class
64 Liquor License and Outdoor Consumption Permit for The Arcadian restaurant at 7
65 Bakery Lane, pending successful re-inspection in November, and Nuovo seconded the
66 motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

67

68 **6 Holmes Jacobs – Request for the Town of Middlebury to join with the Towns of**
69 **Cornwall and Bridport to advocate for safety improvements to**
70 **Route 125 in the vicinity of Cider Mill Road**

71

72 Carpenter said Holmes Jacobs is requesting the Town of Middlebury join with
73 neighboring towns of Bridport and Cornwall, to sign a joint letter to Transportation
74 Secretary Flynn, regarding safety concerns about the Rt. 125 corridor between
75 Middlebury College and Cider Mill Road. The letter was drafted by Adam Lougee,
76 Director of the Addison County Regional Planning Commission.

77

78 Carpenter said this letter is in response to the recent tragic death that happened on this
79 stretch of highway in September, and other past deaths and near misses that have
80 happened on this stretch of Rt. 125.

81

82 Holmes said besides the safety concerns for vehicles, there are also a lot of bikers and
83 runners on this road as well.

84

85 Khan made the motion to endorse and sign the joint letter to AOT Secretary Joe Flynn
86 regarding the need for safety improvements to Rt. 125. Asermily seconded the motion.
87 The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

88

89 Seeley said since any major reconstruction of this stretch of highway would be quite a
90 ways out on the VTrans schedule, she wondered about possible short-term fixes that
91 we could ask VTrans for, such as a slower speed limit and things to raise awareness of
92 the danger in this area.

93

94 Nuovo suggested adding a line that says “immediate remedial actions should be taken
95 to make it safer and to alert drivers they need to be on their guard.”

96

97 Khan amended his motion to add this suggested wording into the letter to VTrans, and
98 Asermily seconded the amendment. The motion carried with 6 in favor, 1 absent.

99 **MOTION PASSED.**

100
101
102 **7. Request for Change Order to Contract with Northeast Archaeology Center (NE**
103 **ARC) for One Additional Day of Fieldwork on**
104 **Middlebury River Flood Resiliency Project**

105
106 Carpenter said this request is to approve a change order, totaling \$1,599, to the
107 contract with NE ARC for the Phase I Archaeological Survey for the Middlebury River
108 Flood Resiliency Project, for one additional day of field work necessary to survey an
109 area that had not previously been a part of the project.

110
111 Seeley made the motion to approve the change order for the Phase I Archaeological
112 Survey for the Middlebury River Flood Resiliency Project for a total cost of \$1,599. Artim
113 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

114
115
116 **8. Judy Olinick – Request for Naming the Park in Printers Alley “Lazarus Park”**

117
118 Judy Olinick joined the Board with what she described as an “informal” request at this
119 time, suggesting naming the planned park at 20 Main Street “Lazarus Park” after the
120 family whose store was originally on the site. She said she had posted something on
121 Front Porch Forum and reached out to others by e-mail and had received an
122 overwhelmingly enthusiastic response from everyone. She said Scott Needham had
123 circulated a more formal petition and had obtained approximately 100 names in support
124 of the idea, but she’s sure more names could be obtained if needed.

125
126 Nuovo said Stan Lazarus was not only well liked and owner of the store, but was also a
127 benefactor to many families as well as a prominent figure in State government. He said
128 there is a tendency to forget the past and he thinks this is a part of the past that is worth
129 remembering. Olinick said the entire Lazarus family was part of the enterprise and
130 contributed to the community.

131
132 There was some discussion over whether to add anything else to the name of the Park
133 such as “community park”.

134
135 Seeley moved to accept the citizens’ petition in support of naming the park to be
136 constructed at the end of the Bridge & Rail Project on the site of the former Lazarus
137 Department Store property “Lazarus Park.” Khan seconded the motion. The motion
138 carried with 6 in favor, 1 absent. **MOTION PASSED.**

139
140 Seeley further moved to warn a Public Hearing for 7:30 p.m. on Tuesday, November 13,
141 2018 to take community testimony on the petition. Khan seconded the motion.

142
143 After a brief discussion, the date was changed and Seeley restated her motion.

145 Seeley moved to warn a public hearing for 7:30 p.m. on Tuesday, November 27, 2018
146 to take community testimony on the petition. Khan seconded the motion. The motion
147 carried with 6 in favor, 1 absent. **MOTION PASSED.**

148
149

150 **9. Request for Consent to Withdrawal of General Partner**
151 **(Smith Housing Limited Partnership)**

152

153 Rewa Worthington, Director of Asset Management, of Housing Vermont joined the
154 Board. She explained that HOPE (Helping Overcome Poverty's Effects) is interested in
155 withdrawing from the housing partnership to focus on other areas of need, and give all
156 their interest to Housing Vermont until such time as HOPE's interest will be reassigned
157 to Addison County Community Trust (ACCT). Since the Town is a mortgage holder for
158 the some of these properties, their authorization is required to allow HOPE to withdraw.
159 Worthington said ACCT has been managing all of HOPE's properties anyway, so
160 nothing will change other than on paper.

161

162 Asermily moved to authorize Town Manager Kathleen Ramsay to sign the Consent to
163 Withdrawal of General Partner, allowing Bristol Affordable Housing, Inc. to withdraw
164 from the Smith Housing Limited Partnership. Nuovo seconded the motion. The motion
165 carried with 6 in favor, 1 absent. **MOTION PASSED.**

166

167 **10. Review of Creek Road Site Visit & Discussion of Next Steps.**

168

169 Carpenter said the Board had received the copy of Town Attorney Benj Putnams' list of
170 options the Board has for reclassifying Creek Road and asked for Board opinions.

171

172 Artim said it's continuing to deteriorate and the river's doing what rivers do, and it's
173 going to continue to deteriorate so we need to decide if we spend our limited funds on
174 this or do we reclassify. He said personally he can't see the benefit of putting a lot of
175 money into it.

176

177 The Board talked about what it would mean to reclassify the portion between the gates
178 as a Class IV road, but Seeley said that doesn't address what happens to the northern
179 portion of the road that needs a lot of repairs as well.

180

181 Asermily said people are enjoying it as a recreational trail, so would like to see it kept as
182 such with limited use by farm equipment. Seeley asked who would be maintaining this
183 recreation trail if the road is reclassified, because the river is still going to continue to
184 cause damage to it, and she would strongly oppose spending Town money to maintain
185 a walking/biking trail if we won't spend it to repair it for vehicle traffic. She said this
186 shifts the burden of maintaining the Class IV road on the property owners who use it to
187 access their property, and she has a problem with that.

188

189 Seeley said she is in favor of shifting the road over in the areas where the it is sloughing
190 off, and she said we haven't even tried the bank stabilization described by Landslide,
191 Inc recommended and has used in other places. She said she isn't interested in making
192 it a trail or bike path, and still having to put Town money into it.

193
194 Carpenter said we could still keep it open as a Class IV road and still keep it plowed.
195 He said without State funds, perhaps we could shift the road without meeting any
196 standards and keep it open. Seeley questioned the ability to do this if Town staff thinks
197 the road is unsafe as it is in its current condition. She said if the property owners are
198 going to have to maintain it, then they should own it. Asermily then suggested perhaps
199 Middlebury Area Land Trust (MALT) could help to maintain it as a trail.

200
201 Nuovo said he thought spending a lot of money on this road was throwing good money
202 after bad, and he doesn't see the prudence in it. He also thinks the use of it for walking,
203 biking and agricultural use, but doesn't think the Town should spend money to keep it
204 open to traffic, especially since the problem won't go away even if it's repaired now. He
205 was in favor of reclassifying it to a Class IV and maintain the ROW.

206
207 Artim said he doesn't feel they have enough information yet, but he can't support the
208 \$1.3 to \$1.5 million on this road. After continued discussion it was agreed the Board
209 wasn't ready to make a decision.

210
211 Ramsay has a list of questions to ask Staff regarding more details on the classification
212 of roads and the maintenance required, as well as the costs, to help the Board with their
213 decision.

214
215 Seeley said as far as she knows, none of the landowners have been contacted to see if
216 they'd be willing to give the ROW to have to road moved onto their land, and that would
217 be good to know.

218 219 **11. Routine Purchases**

220 221 **11.a Award Contract for Winter Sand**

222
223 Carpenter said Public Works Operations Director Bill Kernan's recommendation is to
224 award a contract to J.P. Carrara & Sons to provide winter sand to the Town for the
225 2018-19 season at a quoted price of \$9.75 per ton. Kernan reported that of five vendors
226 solicited for bids for the Town's winter sand contract, only J. P. Carrara responded.
227 Kernan noted that a testing sample taken from Carrara's stockpile by Vermont Testing &
228 Consulting met the Town's specifications and Carrara's current price quote is \$9.75 per
229 ton is \$.50 higher per ton than their 2017-18 quote of \$9.25 per ton.

230
231 Khan made the motion to award a contract to J.P. Carrara & Sons to provide winter
232 sand to the Town for the 2018-19 season at a quoted price of \$9.75 per ton. Asermily
233 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

234
235 Seeley questioned how this would impact the budget and what adjustments would need
236 to be made.

237
238
239
240

241 **11.b Approve Maintenance Agreement for Wastewater**
242 **Pumping Station Emergency Generators**
243

244 Artim made a motion to approve a one-year preventive maintenance agreement with
245 Powers Guaranteed Generators for annual maintenance of five wastewater pump
246 station emergency generators under the Sole Source Purchases exception to the
247 Purchasing Policy, for a total cost of \$3,595. Khan seconded the motion. The motion
248 carried with 6 in favor, 1 absent. **MOTION PASSED.**

249
250 **12. Approve Purchase Order for Asphalt Hot Box**
251

252 Seeley made the motion to award a contract to HP Fairfield for the purchase of an
253 asphalt hot box, for a total cost of \$24,480. Khan seconded the motion. The motion
254 carried with 6 in favor, 1 absent. **MOTION PASSED.**

255
256 **13. Ross Conrad, Chair, Energy Committee – Request for Approval of Revised**
257 **Middlebury Renewable Energy Policy Proposal**
258

259 Energy Committee Chair Ross Conrad joined the Board to review the revised draft of
260 the Committee’s Renewable Energy Policy, prepared with guidance from Board
261 member Victor Nuovo. Conrad said a report has just been released that says the world
262 has about 12 years to reduce the fossil fuels and carbon emissions or the result will be
263 catastrophic, so while this isn’t enough for the Town to be doing, it’s a start.

264
265 Artim said while he feels this is an honorable cause; he thinks this will be difficult for our
266 department heads who are already looking for energy efficient solutions. He said the
267 policy wants long-term life cycles, which he doesn’t know a vendor could even provide,
268 and he thinks just a basic statement saying we will look to reduce fossil fuels on
269 purchase of equipment and let the people in charge of purchasing Town equipment
270 make these decisions. He said he wasn’t in support of it at the moment. Artim
271 suggested having the people buying our equipment beta-test it to see if vendors could
272 even provide the information this policy is requiring.

273
274 Conrad said the policy had been run by department heads, and argued the policy calls
275 for either long-term life cycle analysis or an estimate of operation and maintenance
276 costs which a vendor should be able to come up with. Artim disagreed with him, as a lot
277 of these renewable energy technologies don’t have long-term estimates and suggested
278 this just be tried out and not an actual policy. Seeley suggested having a test period for
279 the policy, similar to the Personnel Policy.

280
281 Nuovo said it was hard to argue with the goal of the policy, but he thinks by using this as
282 a guideline then staff would be obliged to consider it and after a period of time they
283 could report how it had worked. He felt we needed to be moving in this direction and
284 something like this policy needs to be in the works to accelerate us towards the goal.
285 Artim said it’s an important criteria item, but it’s only one of many. Conrad feels calling
286 it a “guideline” means it could be ignored and feels a policy would be more likely to be
287 considered when making purchases. Asermily agreed a policy is what is needed and
288 thinks this one has been well vetted and thinks we should try it. Seeley said the

289 Infrastructure Committee did vote to support the approval of the policy. She said to try it
290 with a review and adjust accordingly.

291
292 Carpenter thought the 15% above cost in Item #4 was kind of a random number and he
293 would be more comfortable if it just said something about “preference would be given
294 even if it was more expensive”. He’s comfortable with other aspects of the policy, but
295 not the random numbers. Seeley said up-front costs for renewable energy equipment is
296 more expensive, so there needs to be some kind of guideline.

297
298 Nuovo said the real question is are we willing to spend more so we can move away
299 from fossil fuels, and any number would be arbitrary. He suggested leaving in Sections
300 1-3 and eliminate Section 4. He said we need to move in this direction, but we have to
301 do it in a way the Town is able to afford. Artim said let the staff who purchase the
302 equipment and vehicles do their due diligence when preparing a recommendation to the
303 Board. He said if the renewable energy product is reliable and allows the department to
304 do the job they need it to do, then he’ll consider supporting the extra money to purchase
305 it.

306
307 Artim moved to approve the Energy Committee’s Policy as a guideline, with Sections 1,
308 2 and 3 and eliminating Section 4, with a mandatory review in one year. Nuovo
309 seconded the motion.

310
311 Carpenter asked if he meant a policy or a guideline, and Artim said either way.
312 Asermily said she wouldn’t support it as a guideline, and Seeley said if the Board was
313 reviewing it in a year she was okay with it as a policy.

314
315 Artim amended his motion to approve the Energy Committee’s Policy, with Sections 1, 2
316 and 3 and eliminating Section 4, with a mandatory review in one year. Nuovo seconded
317 the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

318
319 **14. Report on Town/College Lunch of September 17, 2018**

320
321 Carpenter gave a quick review on the September 17th Town/College lunch. He said the
322 College offered any help they could provide with the public process of the Printer’s
323 Alley/Triangle Park discussion, and while it was appreciated, the Town is already into
324 the process already. He said the Economic Health Committee and their charge was
325 discussed and President Patten suggested inviting retail developers to a forum to
326 discuss attracting retail to Middlebury. Ramsay thought the upcoming departure of
327 David Donahue from the College may have derailed that, but said she believed the
328 Better Middlebury Partnership (BMP) was talking about a retail summit for some time in
329 January, so it might be included in their event.

330
331 Carpenter briefly touched on some of the other items discussed, such as the Downtown
332 Master Plan, use of Local Option Tax funds and transportation issues.

333
334
335
336

337 **15. FY19 Year-to-Date Budget Report**

338
339 Ramsay said Seeley had asked earlier in the meeting about what impact the increase in
340 the winter sand bid would have on the budget, and it calculates out to around \$1,500
341 over what is budgeted. She said other than that, everything else is on track at this
342 point.

343
344 **15.a. Approval of Check Warrants**

345
346 Seeley moved to approve total expenditures in the amount of \$341,756.82, consisting of
347 \$250,751.51 for accounts payable, and \$91,185.31 for payroll, for the period September
348 26, 2018 through October 9, 2018. Nuovo seconded the motion. The motion carried
349 with 6 in favor, 1 absent. **MOTION PASSED.**

350
351 **16. Town Manager's Report**

352
353 **16.a. Update on Forest Ridge Drive.**

354
355 Ramsay reported that the Board's August 28th letter to VTrans Rail and Aviation
356 Program Director Dan Delabruerre seeking \$1,200 in funding to plant 40 Sumac and
357 evergreen trees on the embankment on Forest Ridge Drive was well received. She said
358 the trees have been ordered and should be planted before the end of October.

359
360 **17. Board Member Concerns**

361
362 Artim asked about the status of where we are in the Exchange St/Route 7 roundabout
363 project. Carpenter said he'd been talking to Adam Lougee, Director of Addison County
364 Regional Planning Commission, about this and the Exchange Street sidewalk, and he's
365 supposed to get back to him with an update on where it is at the State level. He said in
366 regard to the sidewalk, Lougee only has a couple more landowners to discuss
367 easements with and Carpenter will help organize those meeting so they can get done
368 and move forward. He said starting construction in the spring is contingent on getting
369 the easements.

370
371 Khan asked if something could be done at the Exchange Street/Route 7 intersection,
372 such as putting up signage about the dangerous intersection or lowering the speed limit.
373 Carpenter said one thing he did learn was any future development on Exchange Street
374 that is subject to Act 250 has to pay a fee into the cost of the roundabout, and once the
375 first fee is paid, the State has 7 years to have the construction done. He said his
376 company is in the process of constructing a new building, so if he has to pay that fee,
377 that 7 year clock will start.

378
379 There was some more discussion on the possibility of the State reducing the speed limit
380 and how they've resisted doing this in the past for other areas in town.

381
382 Nuovo asked how we were progressing with the sound system for the conference room.
383 Ramsay said she's requesting \$10,000 in the Capital Budget for a new sound system,
384 but that wouldn't be until FY20.

385
386 Asermily said anything she had to add was already in the Board packet and she was
387 impressed by all the work being done by other committees and groups.

388
389 **18. Executive Session – Anticipated – Contracts**
390

391 Asermily said in accordance with Vermont’s Open Meeting Law requirements, she
392 moved that the Board find that premature general knowledge of the consideration of
393 contracts would clearly place the Selectboard at a substantial disadvantage, because
394 the Select Board risks disclosing its negotiating strategy if it discusses the contracts in
395 public. Nuovo seconded the motion. The motion carried with 6 in favor, 1 absent.
396 **MOTION PASSED.**

397
398 Asermily further moved that the Board enter into Executive Session to discuss contracts
399 and, under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes. Seeley
400 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

401
402 The Board entered into executive session at 8:52 p.m.

403
404 **19. Action on Matters Discussed in Executive Session**
405

406 The Board came out of Executive Session at 9:17 p.m. upon motion by Seeley,
407 seconded by Asermily, with no further action.

408
409 **20. Adjourn**
410

411 The meeting adjourned at 9:18 p.m. upon motion by Asermily, seconded by Seeley.

412
413 The next meeting of the Selectboard will be Tuesday, October 23, 2018 at 7:00 p.m. in
414 the Town Offices at 77 Main Street.

415
416 Respectfully submitted,
417 Beth Dow
418