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3 **Selectboard Meeting**  
4 **Large Conference Room – Town Offices**  
5 **Tuesday, April 10, 2018**  
6 **Meeting Minutes**  
7

8 Members Present: Brian Carpenter, Nick Artim, Laura Asermily, Heather Seeley, Lindsey  
9 Fuentes-George, Victor Nuovo and Farhad Khan.

10  
11 Staff Present: Town Manager Kathleen Ramsay, Director of Public Works Planning Dan  
12 Werner and Town Clerk Ann Webster. Also present were several members of the public.

13  
14 The meeting was televised on MCTV by Jim Corbett.

15  
16 **1. Call to Order**  
17

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

19  
20 **2. Approval of Agenda**  
21

22 Asermily made the motion to approve the agenda, and Seeley seconded the motion.  
23 Carpenter said Item 8, The Vermont Gas easement, is not ready so will be moved to another  
24 meeting and the South Ridge Solar Project would be moved back until 8:00. He said there  
25 would also be an Executive Session this evening. The motion carried with 7 in favor.

26 **MOTION PASSED.**  
27

28 **3. Approval of Minutes of March 27, 2018 Regular Selectboard Meeting**  
29

30 Khan moved to approve the minutes with the following changes, and Asermily seconded the  
31 motion.  
32

33 Asermily recommended the following changes to clarify the discussion regarding the  
34 Economic Health Committee.

35 Line 424 – Remove “so far”

36 Line 422 – Change “step” to “stepping”  
37

38 The motion carried with 6 in favor, 1 abstention (Nuovo). **MOTION PASSED.**  
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47 **4. Citizen Comments**  
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49 Debbie Tracht said she is concerned about the survival of Carol's Hungry Mind during the  
50 bridge construction project. She said this is an important community hub for many people  
51 and her heart breaks a little every time she hears someone say they may not survive through  
52 the project. She knows a lot is being done for businesses downtown, but would like to see a  
53 little more be done to help Carol's. Carpenter said that the Board shares her concern for not  
54 just Carol's, but all the businesses. He said he believes the plan for marketing, events and  
55 parking enforcement will help over the next couple of years, but the critical time would be the  
56 10-week shutdown in 2020. He said the best thing we can do is to shop at our downtown  
57 businesses.

58

59 **5. 2018 Liquor License, Outside Consumption and Entertainment Permit Approvals**

60

61 Town Clerk Ann Webster said she believes this renewal for a Second Class Liquor License  
62 for Down Home Deli Market will be the final license renewal application for 2018, and also  
63 most of the inspections on the other license applicants have been completed.

64

65 Seeley made the motion to approve a Second Class Liquor License renewal application for  
66 Down Home Deli Market in East Middlebury, pending the successful completion of Public  
67 Safety inspections. Nuovo seconded the motion. The motion carried with 7 in favor.

68

68 **MOTION PASSED.**

69

70

71 **6. Chris Mattrick, District Ranger, Green Mountain National Forest Service, with a**  
72 **request for Town approval for the acquisition of a parcel of land off**  
73 **Dragon Road and updates on status of Middlebury GMNF office conveyance and**  
74 **services provided in Middlebury**

75

76 District Ranger Chris Mattrick said he was before the Board to request Town approval to  
77 transfer a 25-acre parcel of land off Dragon Brook Road, currently owned by The  
78 Conservation Fund, to become part of the Green Mountain National Forest. He said he had  
79 done a tax analysis on what the Town would be losing in taxes from the parcel and what the  
80 Town would be gaining from the Forest Service in Payment in Lieu of Taxes, and the net gain  
81 for the Town would be around a \$1.00.

82

83 Asermily moved to approve the transfer of the 25-acre Dragon Brook parcel from The  
84 Conservation Fund to become part of Green Mountain National Forest. Khan seconded the  
85 motion. The motion carried with 7 in favor. **MOTION PASSED.**

86

87 Mattrick thanked the Town for working with property owners to install a gate at the entrance  
88 to the Partridge Road. He said this gate protects not only private land owners, but Federal  
89 land as well.

90

91 Mattrick also reported that the Middlebury Forest Service office is vacant now and will be  
92 conveyed eventually, but they are waiting for funding from the Washington office before they  
93 can convey it in either a private sale or by auction. He said they will keep the Town informed  
94 of how they proceed and what the process will be, as he knew the Town had been looking at  
95 the property.

96

97 Mattrick said the only other thing to report is the Forest Service has streamlined their  
98 environmental analysis process, so this would be helpful for the Town to know if we ever  
99 entered into an agreement or project with the Forest Service.

100  
101 Asermily asked if the Forest Service had a presence in Middlebury any more. Mattrick said  
102 they will have personnel at the Chamber of Commerce office, but right now they work here by  
103 appointment only. He said they also have some sister agencies in the Farm Service  
104 Agencies on Exchange Street, so they may have some offices there.

105  
106 Town Manager Ramsay told Mattrick that the Infrastructure Committee had heard a report  
107 that the Forest Service property and buildings on RT 7 South would not be a good fit for the  
108 Town Public Works facility, but if there was a price reduction it might be worth revisiting. He  
109 said he would let the Town know when they reached that point.

110  
111 Artim said if there was any way the Town could help the Forest Service keep a presence in  
112 Town to let Ramsay know, since he felt it was important they have an obvious presence here,  
113 and Mattrick agreed.

114

## 115 **7. Nominations to Appointed Boards, Committees, Commissions & Official Positions**

116

117 Carpenter said Nancy Malcolm has given notice that she will not be seeking reappointment to  
118 the Planning Commission due to her time commitments to Neighbors Together. He said the  
119 Board tradition has been to nominate everyone who is interested and then appoint at the next  
120 meeting, and if there is more than one person interested in a position, it would be determined  
121 at that time who was appointed.

122

123 Lucy Schumer said she was interested in being appointed to the Planning Commission. She  
124 has lived here since 1984 and served 15 years on the Mary Hogan School Board and 12  
125 years on the MUHS/MUMS School Board. She said while on the School Boards there were  
126 some voices that were louder than others, but you have to think of everyone, and she will  
127 bring this with her to the Planning Commission.

128

129 Asermily wanted to recognize Nancy Malcolm and her long service on the Planning  
130 Commission, and she felt it was good to have both experienced and new members on a  
131 Board. She said she is looking for that same balance on other boards as they make these  
132 appointments.

133

134 Carpenter reviewed the nominations for Development Review Board (DRB) and Design  
135 Advisory Committee. He said Scott Foster is not seeking reappointment to the DRB, so the  
136 current alternate to the Board, Gary Baker, is seeking to become a full board member.

137

138 Carpenter said there were 5 people interested in the 3 available seats on the Addison County  
139 Regional Planning Commission. Ross Conrad, who is currently an alternate and is seeking  
140 appointment as a full member, said the Board has the option to appoint an alternate for each  
141 of the 3 seats on the Commission. Currently there are two alternates, Conrad and Town  
142 Manager Ramsay. Asermily said Conrad is familiar with the Regional Plan so it would be  
143 good to have some continuity, and Conrad said he has been working on the Regional Energy  
144 Committee and has found it to be very helpful in his work on the Town Energy Committee.

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Larry Bailey said he was new to Town and is looking forward to becoming involved in the community, so has applied for the Addison County Regional Planning Commission and the Energy Committee.

Ashley Laux said she has lived in Middlebury full-time since June 2011, and was a student here before. She works at the College in the Office of Community Engagement and she enjoys working with students and getting them involved in the community. She has read the Regional Plan and thinks this is a good time to become involved in the implementation now that they are in the middle of the 5-year duration of the current Plan. She said she is a renter in town and a mother of young children, so she thinks it's important to have voices of young families on these boards.

Carpenter went over the remaining nominees for the various boards and committees.

Asermily said the two candidates interested in the Economic Health Committee were also here if they would like to introduce themselves. Stacey Rainey said she had lived in Weybridge since 2012 and recently opened Community Barn Ventures with Mary Cullinane to help companies in the community, but to also invest in the community so that others who move here can find housing and jobs that make it possible to live here. She said while she realizes the Board isn't sure what the mission of the Economic Health Committee will be, she and Cullinane are very interested in serving on the committee. Mary Cullinane said she is new to the area, but after years of teaching and working in publishing, she has opened this business with Rainey and feels that she is home. She said they are committed to being involved and being part of the solution.

Fred Kenney, Director of Addison County Economic Development Corp (ACEDC), expressed his desire for ACEDC's participation on this committee. He said he had worked for the State in economic development prior to his new position at ACEDC, and he looks forward to working on this committee and bringing some new ideas that he doesn't think the Town is offering now.

Asermily made the motion to enter into nomination the names of all individuals who have expressed interest in appointment to a Town board, commission, committee or office. Seeley seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

The slate of nominees:

### Three-Year Terms

Planning Commission (2)

Chris Robbins, Lucy Schumer

Design Advisory Committee (2)

Lillian Snow, Chris Zeoli

Development Review Board (3)

David Hamilton, Kevin Newton, Gary Baker

Downtown Improvement District Committee (2)

193 Amey Ryan, Gary Baker  
194 Energy Committee (Up to 9)  
195 Van Barth, Larry Bailey, John Snyder-White, Hannah Hurlburt (1 year only)  
196

197 **One-Year Term**

198  
199 Addison County Regional Planning Commission Delegate (3)  
200 Ted Davis, Karl Neuse, Ross Conrad, Larry Bailey & Ashley Laux  
201 Addison County Regional Planning Commission Alternate (2)  
202 Kathleen Ramsay, Ashley Laux  
203 Addison County Regional Planning Commission Transportation Advisory Committee (1)  
204 None  
205 Fence Viewer (3)  
206 Donald Groll, Dean Rheume, Jeremy Rathbun  
207 First Constable (1)  
208 Tom Hanley  
209 Second Constable (1)  
210 Gary Barclay  
211 Sports Commission (3)  
212 Donald Keeler, Jeremy Rathbun  
213 Town Agent (1)  
214 Walter Calhoun  
215 Town Grand Juror (1)  
216 Karl Neuse  
217 Town Service Officer (1)  
218 Kathleen Ramsay  
219 Tree Warden (1)  
220 Chris Zeoli  
221

222 **8. Karen Kotecki, Vermont Gas, Request for an Easement for Installation of a Gas**  
223 **Distribution Line on Pinewood Road and Jackson Lane**  
224 (Postponed until a future meeting.)  
225

226 **9. Dan Werner, Director of Public Works Planning, Request for Approval of the Town's**  
227 **Annual Financial Plan for Town Highways & Certification of Compliance for Town Road**  
228 **& Bridge Standards and Network Inventory**  
229

230 Dan Werner went over the process for determining the Annual Financial Plan for Town  
231 Highways submitted to VTrans each year for reimbursement for maintenance of our Class 1,  
232 2 and 3 highways. He said towns are required to spend at least \$300/mile, and the Town of  
233 Middlebury spends roughly \$35,000/mile.  
234

235 Seeley made the motion *to sign the Town of Middlebury Annual Financial Plan for Town*  
236 *Highways as presented. Nuovo seconded the motion. The motion carried with 7 in favor.*  
237 **MOTION PASSED.**  
238

239 Werner said he's also asking the Board to adopt the Vermont Agency of Transportation  
240 (VTrans) Town Road & Bridge Standards. Following these standards provides a number of

241 benefits to the Town, including increased reimbursement for projects funded under the  
242 State's Town Highway Structures and Class 2 Roadway grant programs and higher  
243 reimbursement for the state share of FEMA approved projects. He said these require annual  
244 certification by the Board.

245  
246 Seeley made the motion to sign the Certification of Compliance for Town Road and Bridge  
247 Standards and Network Inventory. Nuovo seconded the motion. The motion carried with 7 in  
248 favor. **MOTION PASSED.**

249  
250 **10. Request from Middle Road Ventures, LLC, for Letter of Support for its proposed**  
251 **500kW South Ridge Solar II Project, including endorsement of the facility as a**  
252 **Category III Preferred Solar Site Designation per the Vermont Public Utility**  
253 **Commission's Rule 5.100**

254  
255 Charlie Kireker, of Middle Road Ventures, LLC, gave a brief history of the development that  
256 consists of 60 residential lots, 30 of which are now occupied or will be soon. He said Phase II  
257 of the ACT 250 permit was approval for 3 solar sites that are located out of sight of the  
258 residences and next to conserved farmland. Kireker said he is requesting the Board declare  
259 these sites as a "preferred solar site" to meet new provisions put in place last year by the  
260 State and the Public Utility Commission.

261  
262 Kireker said this project was endorsed by the Planning Commission and there has not been  
263 any opposition to it, plus they are working with resident Mike Kiernan in developing this as a  
264 pollinator-friendly site to nurture bees. He said they've been active in not only producing  
265 solar, but also working with agriculture.

266  
267 Asermily said she understood the State was looking to encourage more preferred sites, and  
268 asked Kireker to explain a little bit more about it in relation to this project. Kireker said that  
269 since creating this Category 3 designation, the State has not yet spelled out exactly what the  
270 benefits or gains will be for the landowner who tries to obtain that status. He said it is  
271 perceived to be a plus before going to the Public Service Board for your Certificate of Public  
272 Good, but in their case they had to install a second road because under the rules at that time  
273 the State wanted each solar project to have separate infrastructures. He said if the Town  
274 approves this as a preferred site, they are hoping to make the case that if the State wants to  
275 encourage more renewable energy, then they need to let more than one 500 WK project  
276 needs to be served by the same road. If you want people to reach the State's renewable  
277 energy goal, why make it hard for people to do it?

278  
279 Asermily asked Kireker if there was room for more solar at this site, and he said there was  
280 room to fit in some more, but they don't have any plans for it at this time.

281  
282 Khan asked who was responsible for these panels at the end of their useful life, and Kireker  
283 said the useful life is said to be 20 years, but they could go on to produce longer than that,  
284 but ultimately they are the responsibility of the landowner.

285  
286 Ross Conrad pointed out one of the reasons the Board was being asked to approve this as a  
287 preferred site was because the Town didn't have an updated Energy Plan that spells out

288 where the preferred sites are. He said once the Planning Commission has the time to update  
289 the Plan, the Selectboard won't have to make these decisions.

290  
291 Carpenter said the Board would need to refer the draft Letter of Support to the Planning  
292 Commission for its consideration and a recommendation prior to final approval, and given it is  
293 a sizable project, he is recommending a public hearing on May 8<sup>th</sup>.

294  
295 Khan made the motion to refer the draft Letter of Support for the proposed South Ridge net-  
296 metering solar project to the Planning Commission for further discussion and a  
297 recommendation to the Selectboard. Nuovo seconded the motion. The motion carried with 7  
298 in favor. **MOTION PASSED.**

299  
300 Asermily asked how the Energy Committee fit into this decision, and Carpenter said if the  
301 Planning Commission had a question they could go to the Energy Committee.

302  
303 Khan also moved to warn a public hearing to take testimony on the proposed South Ridge  
304 net-metering solar project for Tuesday, May 8<sup>th</sup>. Artim seconded the motion. The motion  
305 carried with 7 in favor. **MOTION PASSED.**

#### 306 307 **11. Request for Road Name Change from Armory Lane to Amory Lane**

308  
309 Carpenter said there was a request to rename the private road Armory Lane, in the  
310 Residences at Otter Creek complex, to Amory Lane to clear up an earlier mistake. Town  
311 Clerk Webster asked that the name change request be submitted to her office to be recorded  
312 in the land records since there is a survey on file that shows the road as Armory Lane.

313  
314 Khan moved to approve renaming the private road Armory Lane, in the Residences at Otter  
315 Creek complex, to Amory Lane. Seeley seconded the motion. The motion carried with 7 in  
316 favor. **MOTION PASSED.**

#### 317 318 319 **12. FY18 Year-to-Date Budget Reports**

320  
321 Town Manager Kathleen Ramsay said that in the General Fund we are tracking pretty much  
322 on budget with a few overages and a few underages. She said as in January, Public Works  
323 is anticipating an overage of \$36,000 on their budget, however she is hoping that projected  
324 under-expenditures in both the Police Department and the Library will balance this out.

325  
326 She said the Equipment Fund has had about \$40,000 more in expenses year-to-date than  
327 last year due to maintenance on equipment, but there is enough in the fund balance to  
328 absorb this should it be over what was budgeted. She reported the Water and Sewer funds  
329 are tracking as anticipated, despite having more water breaks than last year.

#### 330 331 332 333 **13. Approval of Check Warrants**

336 Fuentes-George made a motion to approve total expenditures in the amount of \$329,859.70,  
337 consisting of \$234,713.82 for accounts payable, and \$95,145.88 for payroll, for the period  
338 March 28, 2018 through April 10, 2018. Seeley seconded the motion. The motion carried  
339 with 7 in favor. **MOTION PASSED.**

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#### 14. \*Town Manager's Report

**14.a. Petition from New England Police Benevolent Association.** Ramsay informed the Board the Town has been notified that the Police Department employees would like to form their own union and separate from the other employees. This will be a new union and a new contract will be negotiated with them if approved by the State Labor Relations Board.

**14.b Memorial Sports Center Finalist for Kraft Hockeyville Annual Award.** Ramsay said Middlebury's Memorial Sports Center (MSC) is one of four national finalists to receive the annual Kraft Hockeyville Award. The Grand Prize of \$150,000 would be a significant contribution toward MSC's fundraising campaign to finish off the 2nd floor of the Sports Center. Community members can help by voting online for the MSC during the voting window beginning on April 13th and closing at 11:00 a.m. on April 14th. The finalist will be announced during a nationally televised NHL game on NBC on Saturday, April 14th. She said ways are being worked on to encourage voting.

#### 15. Board Member Concerns

Asermily said there would be a composting workshop at Ilsley Library, and reminded everyone that as of July 1<sup>st</sup> 2020 it will be illegal to put food scraps in with the trash. She went on to explain several composting options available.

Khan said the Board has asked him to reach out to MCTV regarding the sound system at the Recreation Center gym, and they have referred him to Chris English who has been working on improving the sound system at the Town Offices. He said following the auction of the Connor Homes building on Route 7, he had reached out to Fred Kenney at ACEDC and he wants to reach out and offer help to the new owners of the building, who he understands wants to develop it for more retail.

Artim said he'd an opportunity to drive a rental car recently that identifies "fog lines" on the road and notifies the driver if they are wandering over this line. He wondered what the liability is for towns and states to keep these lines painted and clearly defined so they are detectable by these cars with this feature.

Seeley wanted to encourage people to vote for the Hockeyville competition beginning this Friday and Saturday. She also wanted to thank everyone who submitted their name for boards and commissions.

Carpenter said he will be out of town beginning on the 13<sup>th</sup> and back on April 24<sup>th</sup>.

#### 16. Executive Session – Contract Negotiation – Anticipated



384 Seeley said in accordance with Vermont's Open Meeting Law requirements, she moved that  
385 the Board find that premature general knowledge of the consideration of two pending contract  
386 negotiations would clearly place the Selectboard at a substantial disadvantage, because the  
387 Select Board risks disclosing its litigation strategy if it discusses the two pending contract  
388 negotiations in public. Nuovo seconded the motion. The motion carried with 7 in favor.

389 **MOTION PASSED.**

390  
391 Seeley further moved that the Board enter into Executive Session to discuss two pending  
392 contract negotiations, under the provisions of Title 1, Section 313(a)(1) of the Vermont  
393 Statutes. Nuovo seconded the motion. The motion carried with 7 in favor. **MOTION**  
394 **PASSED.**

395  
396 The Board entered into Executive Session at 8:35 p.m.

### 397 **17. Action on Matters Discussed in Executive Session**

399  
400 The Board exited Executive Session at 9:34 p.m. upon motion by Asermily, seconded by  
401 Khan, with no further action and the meeting adjourned.

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403  
404 The next meeting of the Middlebury Selectboard will be at 7:00 p.m. on Tuesday, April 24,  
405 2018 in the Town Offices at 77 Main Street.

406  
407 Respectfully submitted,  
408 Beth Dow