

**Selectboard Meeting  
Large Conference Room – Town Offices  
Tuesday, April 24, 2018  
Meeting Minutes**

Members Present: Laura Asermily, Heather Seeley, Lindsey Fuentes-George and Victor Nuovo.

Staff Present: Town Manager Kathleen Ramsay and Director of Public Works Planning Dan Werner. Also present were several members of the public.

The meeting was televised on MCTV by Jim Corbett.

**1. Call to Order**

Acting Chair Laura Asermily called the meeting to order at 7:00 p.m.

**2. Approval of Agenda**

Nuovo made the motion to approve the agenda as presented, and Seeley seconded the motion. The motion carried with 4 in favor, 3 absent. **MOTION PASSED.**

**3. Approval of Minutes of April 10, 2018 Regular Selectboard Meeting  
and April 12, 2018 Special Selectboard Meeting**

Seeley moved to approve the April 10, 2018 minutes as presented, and Fuentes-George seconded the motion. The motion carried with 4 in favor, 3 absent. **MOTION PASSED.**

Seeley moved to approve the April 12, 2018 minutes as presented, and Nuovo seconded the motion. The motion carried with 4 in favor, 3 absent. **MOTION PASSED.**

**4. Citizen Comments**

Middlebury Police Officer Vegar Boe asked the Board if they would consider extending the burn season that is set by Town Ordinance to end the 3<sup>rd</sup> Sunday in April. He said this year the 3<sup>rd</sup> Sunday in April was the sleet/ice storm, so the Police Department has been inundated with calls asking about being able to burn now. He said the way the Ordinance reads they can't issue permits beyond that date, so the Department is asking the burn period be extended through the 1<sup>st</sup> Sunday in May, which is May 6<sup>th</sup>.

Seeley made the motion to extend the Ordinance burn date for 2018 from the 3<sup>rd</sup> Sunday in April to the 1<sup>st</sup> Sunday in May, May 6<sup>th</sup>. Fuentes-George seconded the motion. The motion carried with 4 in favor, 3 absent. **MOTION PASSED.**

46 Nuovo pointed out a burn permit is still needed. Boe said a burn permit can be obtained by  
47 calling the Middlebury Police Dept or the Fire Warden (Fire Chief).

48  
49 Amelia Miller and Amy McNich joined the Board to discuss what they have learned about  
50 banning plastic bag use by retailers. Miller, a sophomore at Middlebury College, looked at  
51 existing policies regarding reducing the use of plastic bags as part of a project for a  
52 Conservation and Environmental Policy class. She said she had found that small towns with  
53 enough public support were effective in reducing the use of plastic bags, and some  
54 communities established a tax on plastic bags that could be used to benefit retailers or the  
55 Town.

56  
57 Amy McNich said she'd been before the Board last October to discuss this with them, and  
58 since then Brattleboro has passed a ban on bags and she is talking to the person who was  
59 involved in that effort to see what she can do to get this passed here as well. McNich said she  
60 had spoken with both Shaws and Hannafords, and feedback from them will help decide what is  
61 the best course of action to take.

62  
63 Nuovo said this would need to be an Ordinance, which could be requested through a citizen's  
64 petition. He thinks the idea has great merit, but there is a process that needs to be followed.  
65 McNich said Brattleboro went through the petition process to get their Ordinance passed.  
66 Asermily urged her to talk with the Better Middlebury Partnership regarding a reusable tote  
67 campaign.

68  
69 Asermily pointed out the Green Up Day bags on display and that they were available at the  
70 Town Offices and Library for Green Up day on May 5<sup>th</sup>.

71  
72 Jake Burnham, Architectural and Engineering Instructor at Hannaford Career Center and Dan  
73 Callahan, the IT Coordinator at Hannaford Career Center joined the Board. Burnham said  
74 even though they would be back before the Board in May, they were there to ask them to  
75 consider contributing to their fund-raising campaign to create a Maker Space in Middlebury at  
76 the Career Center. Burnham gave a Powerpoint presentation with information on Maker  
77 Spaces and the Maker Space Fair they had at the February open house. He said the Fair was  
78 well attended by over 400 people, which he feels is a good indication that people are eager for  
79 a Maker Space to come to Addison County. He said the Maker Space would provide people  
80 with state-of-the-art technological equipment and the space needed to help them develop their  
81 products. Burnham said they are trying to raise \$6,000 which gives them access to an  
82 additional \$25,000-\$100,000 in grants, and they have established a Crowd Rise web page for  
83 people to contribute. He said Addison County Economic Development Corporation (ACEDC)  
84 has pledged \$1,000 to them once they have earned the initial \$5,000, so he is hoping the  
85 Town will also be willing to sponsor their efforts. He said he understands there are some funds  
86 available from an earlier economic development venture of the Town's that weren't fully  
87 utilized.

88  
89 Nuovo said this is all informational at this point, so they would need to contact the Town  
90 Manager and get on a Board agenda and come back with a formal request for funds.

Seeley asked if it was appropriate for the Town to put out a notice on Constant Contact regarding people going to the Crowd Rise site to donate towards this project. Nuovo felt procedurally it needed to be discussed at a regular Board meeting and a formal action taken. Asermily said they have a timeline for May 11<sup>th</sup> and these funds they are asking for now are separate from what they are asking the Board for. She asked Burnham what they'd be seeking from the Town, and Burnham said a match of the ACEDC pledge of \$1,000.

Seeley said she would promote this personally if they would send the information to her.

## **5. Appointments to Boards, Committees, Commissions & Official Positions**

Asermily read off the nominees for the positions, all of which were unopposed with the exception of the Addison County Regional Planning Commission (ACRPC) delegates. There was discussion on who to appoint to the ACRPC as a voting delegate and who to have as alternates. Ramsay, who is an alternate now, has indicated she would rotate off this round of appointments, since there were two others who could be appointed. The Board agreed the slate would be Karl Neuse, Ted Davis and Ross Conrad as delegates and Larry Bailey and Ashley Laux as alternates. It was noted that alternates are encouraged to attend the meetings and participate, they just can't vote unless a voting delegate is absent.

The slate of nominees is:

### **Three Year Terms**

#### **Planning Commission**

Chris Robbins

Lucy Schumer

#### **Design Advisory Committee**

Lillian Snow

Chris Zeoli

#### **Development Review Board**

David Hamilton

Kevin Newton

Gary Baker

#### **Downtown Improvement District Committee**

Amey Ryan

Gary Baker

#### **Energy Committee**

Van Barth

Larry Bailey

John Snyder-White

Hannah Hurlburt (1 year only)

138  
139 **One Year Term**  
140

141 Addison County Regional Planning Commission Delegate

142 Ted Davis,  
143 Karl Neuse  
144 Ross Conrad  
145

146 Addison County Regional Planning Commission Alternates

147 Larry Bailey  
148 Ashley Laux  
149

150 Addison County Regional Planning Commission Transportation Advisory Committee Delegate

151 Betty Nuovo  
152

153 Addison County Regional Planning Commission Transportation Advisory Committee Alternate

154 Kathleen Ramsay  
155

156 Fence Viewer

157 Donald Groll, Dean Rheahme, Jeremy Rathbun  
158

159 First Constable

160 Tom Hanley  
161

162 Second Constable

163 Gary Barclay  
164

165 Sports Commission

166 Donald Keeler  
167 Jeremy Rathbun  
168

169 Town Agent

170 Walter Calhoun  
171

172 Town Grand Juror

173 Karl Neuse  
174

175 Town Service Officer

176 Kathleen Ramsay  
177

178 Tree Warden

179 Chris Zeoli  
180

181 Seeley made the motion to appoint the slate of candidates for Board, Committee, Commission  
182 and Official Positions, as amended. Fuentes-George seconded the motion, and the motion  
183 carried with 4 in favor, 3 absent. **MOTION PASSED.**

184  
185 **Infrastructure Committee Chair Heather Seeley & Director of Public Works Planning Dan**  
186 **Werner with updates and recommendations from the Infrastructure Committee Meeting**  
187 **of April 12th**  
188

189 **6.a. Recommendation on Award of Bid for**  
190 **Charles Avenue Reconstruction Project**  
191

192 Dan Werner said 3 bids had been received for this project: Champlain Construction, Parker  
193 Excavating and Engineers Construction. He said the project begins at the entrance to the High  
194 School and goes north almost to Water Street. He said Jamie Simpson of Green Mountain  
195 Engineering reviewed the bids and is recommending the bid go to Champlain Construction in  
196 the amount of \$486,198.30. He said approval of this bid at this meeting would allow them to  
197 have a pre-construction meeting very soon so they can begin work mid-May so most of the  
198 work will be done before school starts in the fall.  
199

200 Seeley made the motion to award the construction contract for the Charles Avenue  
201 Improvements Project to low-bidder Champlain Construction Company Inc., for a total cost of  
202 \$486,198.30. Fuentes-George seconded the motion. The motion carried with 4 in favor, 3  
203 absent. **MOTION PASSED.**  
204

205 Asermily asked about road closures, and Werner said there would most likely be some as they  
206 had to dig across the road, but it wouldn't be for days at a time. Asermily said patience would  
207 be tested, since May and June are very busy months at the high school. Werner said all  
208 residents on the street will be notified.  
209

210 **6.b. Recommendation on Shard Villa Road & Creek Road soil borings**  
211

212 Werner said one project they are hoping to accomplish this summer is stabilization of a 210-  
213 foot section of the Middlebury River bank just south of Shard Villa Road and Three Mile Bridge  
214 Road intersection. He said he had reached out to three drilling companies, but only received a  
215 proposal from Cascade Drilling and Technical Services of Montpelier.  
216

217 He said they'd also like to do soil borings on Creek Road, adjacent to the VTrans maintenance  
218 garage, where line cracking in the road indicates that the road has begun to slough off toward  
219 Otter Creek, and the borings will provide insight into what is happening beneath the road  
220 surface.  
221

222 Werner said he's looking for the Board to approve this bid for the two areas of soil borings for a  
223 total cost of \$11,725.00. He said Jon Ashley of Dubois & King evaluated the Cascade bid and  
224 determined that it is consistent with similar proposals that the company has seen.  
225

226 Seeley made the motion to award the contract for Shard Villa Road/Creek Road soil borings to  
227 Cascade Drilling and Technical Services for a total cost of \$11,725.00. Fuentes-George  
228 seconded the motion. The motion carried with 4 in favor, 3 absent. **MOTION PASSED.**  
229

230 **6.c. Request for Letter to State Agency of Transportation Regarding Urgent Need for**  
231 **Repair of Pavement on Route 30/Main Street and**  
232 **selected locations on Court Street**  
233

234 Werner said Public Works Operations Director Bill Kernan has been communicating with  
235 VTrans about the area of roadway on South Main Street where the road surface is  
236 delaminating. He said this was discussed at the Infrastructure Committee meeting and it was  
237 thought perhaps the Selectboard could sign a letter requesting VTrans to do something about  
238 this problem, since it was beyond what the Town Highway Department could take on. Werner  
239 said a letter had been prepared and they are requesting the Board sign the letter asking  
240 VTrans to do something about this.

241  
242 Asermily said she had been interested in Kernan's description of the technicalities of road  
243 surfaces and all that can go wrong. Werner said this area is on the Memorial Day Parade  
244 route and, though he doubts the State will do anything before Memorial Day something may  
245 need to be done temporarily before then since it is a hazard in its present condition.  
246

247 Nuovo made the motion to approve the letter to VTrans requesting immediate action to repair  
248 the deteriorating sections of Rt. 30 and Rt. 7. Seeley seconded the motion. The motion carried  
249 with 4 in favor, 3 absent. **MOTION PASSED.**  
250

251 Seeley said Kernan thought the repairs were beyond our capabilities and the equipment we  
252 have, and Werner said that's correct. Seeley asked for this to be put on the next Infrastructure  
253 Committee meeting agenda.  
254

255 **7. \*FY18 Year-to-Date Budget Reports.**  
256

257 Town Manager Kathleen Ramsay reported that an overage is anticipated in the Highway  
258 Winter Maintenance budget, but will be offset by savings from staff vacancies in the Police and  
259 Recreation Departments, as well as a brief vacancy in the Library staff. Ramsay also reported  
260 that the East Middlebury Library journal entries are made at the end of the year.  
261

262 **8. Approval of Check Warrants**  
263

264 Fuentes-George made the motion to approve total expenditures in the amount of \$319,405.13,  
265 consisting of \$228,381.52 for accounts payable, and \$91,023.61 for payroll, for the period April  
266 11, 2018 through April 24, 2018. Nuovo seconded the motion. The motion carried with 4 in  
267 favor, 3 absent. **MOTION PASSED.**  
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271  
272 **9. Town Manager's Report**  
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274 **9.a. groSolar MOU.** Ramsay said in the Board packets is an e-mail from Lincoln Lande of  
275 groSolar, providing additional information about groSolar's proposed 4.99-MW facility and

battery storage project and the draft MOU with the Town of Middlebury. She said she's anticipating they will be considering the MOU at the next Board meeting.

**9.b. Rail Platform Alternatives Analysis.** Ramsay said with funding from Addison County Regional Planning Commission (ACRPC), the Town of Middlebury issued a Request for Proposals (RFP) seeking engineering consultant services to complete a study to evaluate alternatives for locating a new passenger rail platform in downtown Middlebury. She said three engineering firms responded to the RFP and VHB was selected to complete the study. Ramsay reported that the project is being managed by Jennifer Murray, Director of Planning & Zoning and administered by ACRPC with oversight from the Middlebury Planning Commission, which will serve as the steering committee. She said details of the timeline for the project are currently being developed and it is currently anticipated that the first of three public meetings to solicit input will be held in June, with the final report to be presented to the Selectboard for approval in October.

**9.c. Seymour Street/Pulp Mill Bridge Sidewalk Project.** Ramsay said the Vermont Agency of Transportation-funded Seymour Street/Pulp Mill Bridge Project has cleared all right-of-way and permitting requirements for the project and the advertisement for bids for construction of the project will be released soon. She said this is a joint project of the Town of Middlebury and the Town of Weybridge, and is administered by the Addison County Regional Planning Commission.

**9.d. Vermont Gas issued Work in the Right-of-Way Permit for East Middlebury.** Ramsay said the Town has issued a Work in the Right-of-Way Permit for the installation of natural gas distribution lines on Cone Drive, Newton Drive, Wilmar Street, Church Street, Kings Row, Dutton Lane, Maple Court, Schoolhouse Hill Road and Piper Road. She said East Main Street, Ossie Road and Case Street are State roads requiring State work permits.

**9.e. Letter from Vermont Transportation Board Seeking Input on Rules Affecting Towns.** Ramsay said the Transportation Board is reviewing rules that pertain to the approval of permit applications for private aviation facilities, including rules that govern private helipads, seaplane landing sites, and private airstrips, and public input may be submitted in writing by July 1, 2018.

**9.f. Crowd-Funding for Grant Match for The Makery at the Hannaford Career Center.** She said this had already been covered earlier in the meeting.

**9.g. Ladder Truck for Sale.** Ramsay said sealed bids on the Town's 1993 Pierce Ladder Truck are due Friday, May 11, 2018 and Fire Chief David Shaw is standing by to field inquiries about, and set-up appointments for viewing, the truck for serious potential bidders. She said complete information and vehicle specifications are available on the Town's website.

**9.h. Town Office Building Receives Two Awards from the Vermont Green Building Network.** She said on March 29, 2018, the Middlebury Town Offices received Vermont Green



Building Network's Net Zero Award and Greenest Building Award for Commercial Buildings in 2017.

**9.i. Middlebury Area Land Trust (MALT) receives grant award for kiosk and trail improvements for Trail Around Middlebury (TAM).** Ramsay said the Vermont Department of Forests, Parks and Recreation announced the award of \$18,880 to MALT for upgrades to kiosk signage at 15 trailheads for the TAM and trail improvements at 6 designated locations along the TAM.

## **10. Board Member Concerns**

Seeley said while we didn't win Hockeyville, the Sports Center still received \$10,000 towards their improvements and thanked everyone who participated.

Seeley said that there are still some vacancies on some of the Town boards, so if anyone is interested they should submit their name.

Asermily said she's been thinking about the bridges and what will be happening around Triangle Park and that some parking will be taken up due to the construction vehicles. She urged people to use busses and bicycles to get around. She said there will be a Walk in Our Shoes on May 7<sup>th</sup> at 2:00 p.m. so people can see the difficulty people with mobility issues have trying to navigate from the Town Office to the Post Office.

Asermily also mentioned the Middlebury Maple Run on May 6<sup>th</sup> and the Kelly Boe Memorial Bike Ride on May 9<sup>th</sup>.

## **11. Executive Session - None**

## **13. Adjourn**

The meeting adjourned at 7:56 p.m. upon motion by Nuovo, seconded by Seeley.

The next meeting of the Middlebury Selectboard will be Tuesday, May 8, 2018 in the Town Offices at 77 Main Street.

Respectfully submitted,  
Beth Dow