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Regular Selectboard Meeting
Large Conference Room – Town offices
Tuesday, May 28, 2019
Meeting Minutes

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

Staff Present: Town Manager Kathleen Ramsay and Fire Chief David Shaw.

Also present were interested community members.

The meeting was televised on MCTV by Jim Corbett.

1. Call to Order

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

2. Approval of Agenda

Seeley made the motion to approve the agenda and Asermily seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

3. Approval of Minutes of May 14, 2019 Selectboard Meeting

Fuentes-George made the motion to approve the minutes, and Asermily seconded the motion.

Seeley said that Line 151 said she had been surprised at the \$54,000 at the request for Bundle, but she was actually playing devil's advocate for the entire budget and wondered if they had prioritized items. Ramsay said she would work with Beth Dow on the wording for the minutes.

The minutes of May 14, 2019 were approved with proposed changes with 6 in favor, 1 absent. **MOTION PASSED**

4. Citizen Comment

Irene Barna said she had provided the Board with photos of a structure that can be placed on either end of the Pulp Mill Bridge to prevent oversized vehicles from causing damage to the historic covered bridge. She said during the downtown shutdown in 2020, we will need that bridge and we can't risk having it severely damaged as other covered bridges around the State have been in the last month. She asked the Board to please consider putting this structure up on either end of the bridge. Carpenter thanked her and said they'd take it into consideration prior to the closure of the downtown bridges.

47
48 Gary Baker asked about the status of the burned-out Blue Spruce Motel that has not
49 been cleaned up since the fire two years ago. Ramsay said the owner of the motel had
50 been in touch with Director of Planning and Zoning Jen Murray and he has done some
51 hazardous material abatement. She said she understands several people are
52 interested in purchasing it, so that would move things along quicker. Baker asked if
53 there was a drop-dead date, and she said there wasn't. Ramsay said that Murray had
54 been working with the owner to help speed things along. Carpenter said cleaning up
55 the site is not something the Town wants to take on.

56
57 **5. Applications for Liquor Licenses, Outside Consumption Permits and**
58 **Entertainment Permits**

59
60 **5.c. Application of Otter Creek Brewing for an Amendment to their Outside**
61 **Consumption Permit**
62 **(Item taken out of order)**
63

64 Kevin Brown, representing Otter Creek Brewing, said they had obtained an amendment
65 to their Conditional Use Permit to extend the closing time of their outside hours from
66 7:00 p.m. to 10:00 p.m. for certain special events. He said their Outside Consumption
67 Permit currently reads 11:00 a.m. to 7:00 p.m. so now needs to amend their permit to
68 reflect this change as well. He said they estimate 10 to 15 special events per year.

69
70 Seeley made the motion to approve an amendment to the Outside Consumption Permit
71 for Otter Creek Brewing, expanding consumption hours during special events and
72 parties to 11:00 a.m. to 10:00 p.m. Fuentes-George seconded the motion. The motion
73 carried with 6 in favor, 1 absent. **MOTION PASSED.**

74
75 **5.a. Application of Middlebury College for a First Class License for The Grille at**
76 **14 Old Chapel Road**
77

78 Carpenter said this First Class application is to serve beer and wine only, and the area
79 of the permit is described as The Grille and the adjoining Wilson Hall on the second
80 floor of the McCullough Student Center, as well as the Crossroads Café on the first
81 floor. He said Chief Hanley and Chief Shaw have inspected the area and approved the
82 permit.

83
84 Seeley moved to approve Middlebury College's application for a 2019 First Class Liquor
85 License for The Grille at the McCullough Student Center. Khan seconded the motion.
86 The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

87
88 **5.b. Consider Application of Middlebury College for a Temporary Outside**
89 **Consumption Permit for the Terrace at Atwater Dining Hall During Reunion**
90 **Weekend**
91

92 Carpenter said this application is for Friday, June 7th, during Reunion Weekend at the
93 College, and consumption is limited to the Atwater Commons Dining terrace, and would

94 be defined by “natural and fenced barriers,” and will include checkpoints, where needed.
95 He said up to 200 people are expected for the event, which would run from 5:30 p.m. to
96 1:00 a.m. on Friday, June 7th.

97
98 Seeley made the motion to approve Middlebury College’s application for a temporary
99 Outside Consumption Permit for the terrace at Atwater Dining Hall for Friday, June 7th
100 during Reunion Weekend. Khan seconded the motion. The motion carried with 6 in
101 favor, 1 absent. **MOTION PASSED.**

102
103 **5.d. Consider Applications of American Flatbread for an Entertainment Permit and**
104 **Two Outside Consumption Permits**

105
106 Carpenter said the Entertainment Permit application is for occasional live music,
107 Tuesday through Thursday from 2:00 p.m. to 10:00 p.m., and Fridays and Saturdays
108 from 2:00 p.m. to 11:00 p.m. or midnight; however if approved, the music would
109 sometimes be outside in the area approved for outside consumption. He said the two
110 temporary Outside Consumption Permits are for the June 23rd annual Foodaroo event
111 from 4:00 to 9:00 p.m. and for consecutive Thursdays between July 11th and August
112 29th, also from 4:00 to 9:00 p.m., and Police Chief Hanley has no concerns about the
113 permit.

114
115 Seeley moved to approve American Flatbread’s Entertainment Permit Application and
116 two temporary Outside Consumption Permit applications, as presented. Nuovo
117 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION**
118 **CARRIED.**

119
120 **6. Fire Chief David Shaw with a Request to Purchase Firefighting Turnout Gear**

121
122 Fire Chief David Shaw joined the Board and said he is requesting approval for the
123 purchase of 7 sets of turnout gear, consisting of coats, pants and 2 sets of fire boots.
124 He said this plan falls in line with the current program to keep their gear current with the
125 National Fire Protection Association (NFPA) standard for gear not to exceed 10 years of
126 service.

127
128 Asermily made the motion to approve the request from Chief Shaw to purchase turnout
129 gear from Bergeron Protective Clothing at a total cost of \$14,593.92, under the Sole
130 Source Purchases provision of the Town Purchasing Policy. Nuovo seconded the
131 motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

132
133 Seeley asked where they stood in their progress of updating equipment, and Shaw said
134 next year would be the final year of upgrades.

135
136
137
138
139

140 **7. Creek Road Project Manager Peter DeGraff, PE, Presentation of**
141 **Findings Regarding Options for Creek Road**
142

143 Peter DeGraff joined the Board to go over his findings on the options for Creek Road.
144 He said Creek Road is 2.6 miles from Court Street to Three Mile Bridge Road and the
145 paved section on the north is in good condition. He said it turns to gravel beyond the
146 State Garage and from there it only serves the Bingham and Perrin residences, and
147 farm fields owned by the Nop and Goodrich farms. He said the gravel portion has had
148 significant damage over the years from Otter Creek and it has been particularly
149 problematic in the past 20 years or so. He said major repairs have been made by the
150 Town in 2008, 2012 and 2015, and in 2015 the Town closed that section of the road to
151 just south of the Perrin residence. He said around 2016 the Town and Addison Country
152 Regional Planning (ACRPC) hired Pathway Consultants to do a comprehensive study of
153 the area to find out what the problem was and potential solutions. DeGraff said
154 Pathway did a fairly comprehensive study of that area and came up with quite a few
155 alternatives on how to repair the road and stabilize the embankment; however it was
156 difficult to compare the different options and to make decision on how to move forward.
157 He said he was brought in to bring it all down to a more concise level to assist the Board
158 in making a decision and to present a cost analysis on a present-worth basis. He said
159 this isn't just what the capital costs would be, but also what the long-term maintenance
160 and repairs would be.

161
162 He said for consistency he used a lot of the same base cost numbers that Pathway
163 used in their analysis. He said he reviewed the quantities and unit costs they used and
164 felt they were reasonable as a starting point; however, he did find some significant
165 differences that he added to his cost analysis. He said there is a culvert south of where
166 the road is closed that is in poor condition that needs to be replaced with a box culvert if
167 the road is to reopen. He said another thing he has added at the request of Public
168 Works is some guardrails along the Creek in certain areas for safety.

169
170 DeGraff said one other significant difference he noted was in the cost per lineal foot for
171 bank stabilization. He said Pathway had used \$150/LF, but since the Pathway's report
172 was completed, the Town engineered for repairs of similar bank stabilization along
173 Shard Villa Road, and that price came in at \$480/LF, which makes a dramatic difference
174 in the stabilization costs. He said for annual maintenance costs to keep the road open
175 going forward, he's using \$12,000/mile/year as a standard figure used by Public Works
176 in their budgeting process and is based on a 10-year term with a 3% rate of return.

177
178 He said there are initial up-front improvements that need to be made in all the scenarios
179 prior to the road being reopened. He said one other variant in the Pathway analysis
180 was they estimated 700 to 800 feet of road bank that had to be repaired, but since that
181 report, that number has increased to 1,300 feet of additional damage. He said he had
182 to make assumptions on how quickly the road will deteriorate in the future and how
183 much more over the 10-year analysis period will need to be repaired. He said he
184 assumed that anything within 25' of the stream embankment now would need repairs
185 over the next 10 years. He said based on historical data of what has happened to the

186 road in the past 20 years, he feels this is a fairly good assumption, and is consistent
187 with Pathway's study.

188
189 DeGraff said Pathway provided many different options, but from his perspective there
190 are only 3 options, with variations on one of them.

191
192 Alternative A) Do whatever is necessary to open the road back up, with two options:

193
194 A1 - Address all stream bank issues within 25' of the roadway for the entire
195 length of the road, so everything is an up-front capital cost; or

196
197 A2 - Repair the 1,300 feet of roadway that needs to be repaired, install the box-
198 culvert mentioned earlier and phase the rest of the repairs out over a 10-year
199 period on an as-needed basis. He said with this approach you really need to
200 take the Town's long-term costs into consideration.

201
202 Alternative B) Keep the road closed to the extent it is now and make repairs from the
203 end of the pavement to the Perrin's house. He said nothing would need to be done
204 now, but over the next 10 years the Town would repair the areas impacted.

205
206 Alternative C) Close the road just south of the Bingham's driveway and construct a new
207 driveway to Perrin's from South Ridge, and abandon the section of Creek Road in
208 between, which is the area in the worst condition.

209
210 He said he did a cost analysis of the four alternatives and the cost shown includes the
211 continued maintenance cost at a present-worth value:

212
213 Alternate A1 – \$4.9 million
214 Alternate A2 – \$4.6 million
215 Alternate B – \$2.8 million
216 Alternate C – \$671,000 (includes annual maintenance to the driveway)

217
218 Khan asked if there was a big difference in the work being done in the \$150/LF estimate
219 and the \$480/LF quote. DeGraff said Pathway's didn't have final designs, but when
220 reviewing the Shard Villa designs they are similar to what Pathway's was
221 recommending. He said he was unsure if Pathway used an actual construction
222 experience cost or an engineering estimate for the basis of the \$150/LF estimate.

223 DeGraff said for reference the Shard Villa bids came in from a low of \$424/LF to a high
224 of \$883/LF. He said he eliminate the higher bid and averaged the others to arrive at the
225 \$480/LF. He said the repairs made to Creek Rd in 2015 cost about \$411/LF, although it
226 was a slightly different situation and shouldn't be looked at exclusively.

227
228 Asermily asked if the road would be opened to public pedestrian use in all options, and
229 DeGraff said yes, but his analysis was strictly intended to look at the roadway. He said
230 whatever happens to the balance of Creek Road would be a different discussion about
231 what happens in the future. Nuovo asked if he had an estimate of what it would cost to

232 keep it open for foot traffic, and DeGraff said there is a relatively sound road base so it
233 could be used on a regular basis safely, but it really depends on how much the river
234 erodes the road bed. He said to upgrade it to a bike path to VTrans standards would
235 involve a cost, but that was not in his scope of work at this time.

236
237 Carpenter asked if there was an inflation factor in the \$480/LF estimate in the
238 maintenance costs over the next 10 years. DeGraff said the 3% rate of return is added
239 to cover inflation, but that could be bumped up some to take into consideration the
240 capital expense.

241
242 Seeley asked if he had simply taken the total cost of the Shard Villa project and divided
243 it by the lineal feet involved to arrive at his cost/LF, he said he had taken the bank
244 stabilization portion of the contract. Seeley thought the Shard Villa project would be a
245 much higher cost project than Creek Road so disagreed with using that number as an
246 estimate when looking at Creek Road. She said the work done in 2012 was similar to
247 the work that had been done on Creek Road previously and the Road Foreman at the
248 time scheduled work to be done every year. She said based on the cost from 2012, if
249 you divide the 1,300 of road frontage by 7 years, it would mean repairing 105 feet/year
250 at just under \$200,000, and this includes adding a 10% inflation each year. She thinks
251 the Markowski project in 2015 also doesn't compare to work done on the road in the
252 past that held up fine.

253
254 DeGraff said he'd be happy to look at the 2012 numbers and see if they're more
255 applicable in this analysis. He said to give an idea of how unit cost impacts the values,
256 for comparison purposes he also did the same analysis using \$150/LF:

- 257
258 Alternative A1 – \$2.1 million
259 Alternative A2 – \$2 million
260 Alternative B – \$1.1 million
261 Alternative C – \$425,000

262
263 Seeley said the Pathway report's recommendation for bank stabilization was
264 significantly different from what she felt needed to be done there for less money. She
265 asked if he used the Pathway recommendation for stabilization using Pathway's
266 recommended design. DeGraff said the \$480/LF was based on the engineering design
267 for the Shard Villa project, which is probably more comparable to what Pathway
268 proposed in their report.

269
270 Seeley said Pathway had designed the access to Perrin's as a public road, yet DeGraff
271 had called it a "driveway". DeGraff said Pathway had proposed a public road to connect
272 to Three Mile Bridge Road, but he didn't see the need for that, so proposed a private
273 driveway to Perrin's for cost reasons. Seeley was unsure if the Town could build a
274 private driveway with Town funds, so wasn't sure it was an option. DeGraff said he felt
275 the Town could construct it to accommodate a private owner who is losing access to a
276 public road. Seeley said if the road is closed every property owner is losing access to

277 their property, so the Town should provide access for all of them whether there was a
278 residence there or not.

279
280 *[NOTE: The audio quality of the recording during the public comments was poor,*
281 *making it difficult, or impossible, to understand much of what was being said.]*

282
283 Dean Rheume asked if there was going to be a public hearing on this, since he knew
284 there were other people who wanted to address this topic who weren't at this meeting.
285 Carpenter said he thought that would be the next step.

286
287 Rheume said the Town had a grant in 2015 to replace the box culvert, but Director of
288 Operations Dan Werner convinced the Infrastructure Committee to use it elsewhere.
289 He said the Vermont Department of Environment Conservation's Municipal General
290 Road Permit requires municipalities to improve roads that are hydrologically connected.
291 Carpenter said that would be looked into.

292
293 Susan Shashok, former Chair of the Infrastructure Committee and Selectboard, said
294 she understood what a difficult decision this is and when she had been on the Board
295 she had struggled with providing access for everyone. She said the first two
296 alternatives would do that, whereas the other two alternatives only give access for two
297 houses.

298
299 Hank Nop wondered how we would pay for it. Carpenter said some of these options
300 would require a bond vote, so it would not just be a Selectboard decision.

301
302 Ramsay said the Board's June 25th meeting would give enough time to warn a public
303 hearing if it was alright with the Board. It was discussed that there might be a need for
304 a larger venue to accommodate everyone.

305
306 Mark Perrin said at the rate the road was deteriorating, he was afraid of losing access to
307 his residence.

308
309 DeGraff said he'd go over the numbers that Seeley had mentioned, and also compare
310 the Shard Villa project design with the Pathway report, since there are dramatic
311 differences between the two costs. Carpenter said he knows costs have gone up
312 significantly in recent years, so he thinks we would be disappointed and surprised at
313 what we'd get for bids. He said we still had a long way to go, but appreciates the work
314 DeGraff has done so far.

315
316 **8. Update on Recently Passed Legislation Regarding Single-Use Products and**
317 **Discussion of Status of Ad Hoc Plastic Bag Ordinance Committee**

318
319 Nuovo said the State Legislature had passed a Bill that the Governor would sign or
320 allow to become law, banning single-use plastic carryout bags along with other
321 products. He said this Bill would also preempt any ordinance a town might have.
322 Nuovo said the Board charged this Committee to draft an ordinance and now the State

323 has preempted this task, so he wonders what the Board would like this Committee to do
324 now. He said if the Committee is to meet, what would the Board want them to address.
325

326 Asermily said she thinks the Committee should meet to review the bill and see if they
327 want to strengthen it or to educate the public, but Nuovo said they couldn't strengthen
328 the State law. Amy McAninch suggested waiting to see if the Governor signed it, but
329 likes the idea of meeting anyways. Nuovo said committees appointed by the Board
330 don't create their own charge; it is the task of the Board. Carpenter agreed with Nuovo
331 and said he didn't want to set a standard where the Board establishes a committee and
332 gives it a charge, and then when the need for that charge is accomplished through
333 some other means, allow them to find something else to do. He said the Board has an
334 obligation to say we're satisfied by what the State has done and he doesn't think trying
335 to enlarge on what the State has done is what the voters wanted the Board to do. He
336 said maybe we could charge the Committee with public education and to assist
337 businesses in implementing the new law, but it is up to the Board whether to create a
338 new charge or to disband the Committee.
339

340 Khan said the Committee could meet on their own and do an education mission for
341 store owners and the public, and this could be done outside of Town government.
342

343 Victoria DeWind said there seemed to be some uncertainty if the Bill would be signed
344 into law by the Governor, and even if it was, the Town could expand on the State Bill.
345 Nuovo said he believed the State law would preempt anything the towns did, but said
346 they should wait to see if it is signed into law or not.
347

348 Carpenter asked if the Board was okay with waiting until Governor Scott signs the Bill or
349 wait until July 1 when it goes into law. Carpenter said the State law goes beyond what
350 we had envisioned for the Town ordinance, so he would be against adding more into
351 that until we see how the initials steps go. Asermily said she understands what he's
352 saying, but there is nothing to keep this group from doing their work now to prepare the
353 community for this eventual law and she felt it could be done outside the purview of the
354 Selectboard.
355

356 Fuentes-George disagreed and saw no reason why this group, that has already been
357 appointed, couldn't meet, and if the Bill isn't passed they would have already begun
358 work on an ordinance, and if it does pass, you have a dedicated group of people who
359 will be educated on the law, who understands it, and can go forth and communicate it to
360 the rest of the town in an official capacity. She felt there was no harm in it and these
361 people had already volunteered to serve on this Committee. Fuentes-George said she
362 also didn't agree that the Committee couldn't change their charge, since the Economic
363 Health Committee came back to the Board with a request to change their charge.
364

365 Nuovo said didn't want the Committee to meet without a specific charge, and right now
366 it doesn't look like the charge they'd been given is possible. Fuentes-George said again
367 there was no harm in letting them meet. Carpenter said it wasn't whether or not it was
368 harmful; it was about wasting people's time. He said if their charge has already been

369 accomplished, there is no purpose for them meet. He said if a group of like-minded
370 people want to get together to discuss it, that is what coffee shops are for, and it doesn't
371 need to be an official public meeting. He said he's personally in favor of just
372 suspending the Committee until such time as we know the status of the bill that has
373 been passed, and he thinks this Committee is well suited to be our lead education group
374 that can come forth with ideas and outreach, but that is not what we charged that
375 Committee with, so would disagree that it's appropriate for a Committee to meet without
376 a charge.

377
378 There was further discussion on whether this Committee should meet and whether the
379 charge should be changed or wait until it is determined if the Bill was to become law.

380
381 Seeley said she would encourage the members of the Committee to meet privately and
382 decide whether they'd like to stay on the Committee and what their charge might be and
383 then in 3 weeks or so we'll know whether the Bill becomes Law. Nuovo said that is
384 changing the charge, so the Board needs to modify the charge in order for them to do
385 this. Seeley said she thinks they can meet and determine if they want to continue on
386 the Committee if the Bill becomes Law, since they will not be working on an ordinance if
387 that happens, and then they can come back with a recommendation that the Board can
388 accept or not. Seeley said maybe they could just e-mail the Town Manager and let her
389 know if they're still interested in serving on the Committee and if so, did they have
390 suggestions on whether the Committee should continue. She thinks it would be good to
391 have input from these Committee members.

392
393 Carpenter said while he wasn't sure he had the authority as Chair of the Board, he
394 would like to suspend the Committee for 3 weeks and would like to hear from the
395 Committee members if they are interested in serving on the Committee if the charge is
396 changed to functional outreach and education and they should contact Nuovo as Chair
397 of the Committee.

398
399 **9. Grant Agreement for Downtown Transportation Fund Grant for**
400 **Parking Lot, Sidewalk & Other Amenities associated with**
401 **Passenger Rail Platform on Middle Seymour Street**
402

403 Ramsay said the Town has been successful in its grant application for \$100,000 for the
404 passenger rail platform and amenities associates with the platform on Middle Seymour
405 Street, and she is requesting the Board to authorize her to sign the grant agreement.

406
407 Seeley made the motion to authorize Town Manager Kathleen Ramsay to sign the grant
408 agreement for the Downtown Transportation Fund grant for the construction of the
409 parking lot and related amenities for the passenger rail platform to be constructed on
410 Middle Seymour Street. Nuovo seconded the motion. The motion passed with 6 in
411 favor, 1 absent. **MOTION PASSED.**

412
413
414

415 **10. Grant Application for Walter Cerf Community Fund for**
416 **Signage, Workshops & Art Materials to Support the Display of “Gravity”, the**
417 **Public Art Sculpture on the Town Offices Plaza**
418

419 Ramsay said she would like the Board to authorize submission of a grant application for
420 funds to support expenses associated with hosting “Gravity”, the elephant sculpture in
421 front of the Town Offices. She said these funds would be used for workshops and
422 meetings with the artist, along with some signage for the display. She said the grant
423 application is for up to \$5,000, and there are no matching funds required, so the only
424 Town expense would be the Manager’s time spent on the promotion.
425

426 Seeley made the motion to endorse the Town’s grant application to the Walter Cerf
427 Community Fund for up to \$5,000 for events/workshops and other expenses associated
428 with the public display of Gravity. Nuovo seconded the motion. The motion carried with
429 6 in favor, 1 absent. **MOTION PASSED.**
430

431 **11. Approval of Check Warrants**
432

433 Asermily said she had reviewed the payables and she moved to approve total
434 expenditures in the amount of \$754,758.09, consisting of \$657,196.08 for accounts
435 payable, and \$97,562.01 for payroll, for the period May 15, 2019 through May 28, 2019.
436 Nuovo seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION**
437 **PASSED.**
438

439 **12. Town Manager’s Report**
440

441 Ramsay said Vermont Gas will be requesting an easement for the Goodrich Renewable
442 Natural Gas Project across the Seeley Farm land that is subject to a Vermont Housing
443 and Conservation Board (VHCB), Middlebury Area Land Trust (MALT) and Town of
444 Middlebury conservation easement. She said MALT would be considering this request
445 at their upcoming meeting on June 18th and if they grant it, the Selectboard will receive
446 it at their June 25th meeting.
447

448 Ramsay said Director of Operations Bill Kernan’s update on broken pavement loops for
449 traffic signals is included in the Board’s packet. She said Kernan is currently soliciting
450 quotes on the cost of replacing the broken loops with Radar Presence Detectors (RPD)
451 at the Academy Street, Mary Hogan South and Elm Street Intersections. She said they
452 are currently looking to see if there is money available in other capital funds to cover
453 this.
454

455 Ramsay said 2019 is the 50th anniversary of the generous donation of the D.M.Means
456 Memorial Woods to the Town of Middlebury, and the Means Woods Trustees are
457 seeking information, memories and stories about D.M. Means from anyone in the
458 community who knew him as we look to mark this milestone occasion. She said if the
459 descendants, friends, colleagues and neighbors of D.M. Means could please get in

460 touch, we'd love to hear from you! You can message the Means Woods Trustees care
461 of Cindy Hill.

462
463 Ramsay said MCTV has put together a fun time-lapse video of Eben Markoswki and his
464 team assembling Gravity on the Town Offices plaza on April 13th, and we'll plan to share
465 the video with the community in the days ahead on the Town of Middlebury website and
466 through various social media channels.

467

468 **13. Board Member Concerns**

469

470 Asemily said she had been impressed by Chief Hanley's words at the Memorial Day
471 commemoration about honoring the lives of those lost, and wanted to thank him for his
472 well-spoken remarks.

473

474 Asemily also wanted the Board to know that Mary Hogan School had won the Way to
475 Go School Challenge and became eligible for the All Earth Solar Power Flower, so
476 they'll be getting a solar project. She said there will be a public ceremony on June 5th
477 that she would be attending for Mary Hogan to be recognized as a leader and winner of
478 the challenge. She said there will be a display of electric buses and other green
479 transportation vehicles at the event. She said the solar project might become a
480 discussion between the School and the Town, since the size of the project might be
481 more beneficial for a building like the Warming Hut/Teen Center.

482

483 Seeley was recently on the Federal Motor Carriers website and saw they have a new
484 "Our Road, Our Safety" program that has some great info-graphics on sharing the road
485 with trucks. She said its good information for passenger cars, motorcycles and bicycles.

486

487 Fuentes-George said now that she is used to the new format for the agenda notes, she
488 really liked it, so wanted to thank Chris English for doing that.

489

490 Khan said it's good to be home and thanked everyone for their kind words and the
491 cards. He said all the support they received was appreciated and it makes them feel
492 they belong in the community and that this really is their home.

493

494 **14. Executive Session**

495

496 Seeley said that in accordance with Vermont's Open Meeting Law requirements, she
497 moved that the Board find that premature general knowledge of the consideration of
498 contracts and pending litigation would clearly place the Selectboard at a substantial
499 disadvantage, because the Select Board risks disclosing its litigation strategy if it
500 discusses the contracts and pending litigation in public. Khan seconded the motion.
501 The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

502

503 Seeley further moved that the Board enter into Executive Session to discuss contracts
504 and pending litigation and, under the provisions of Title 1, Section 313(a)(1) of the

505 Vermont Statutes. Khan seconded the motion. The motion carried with 6 in favor, 1
506 absent. **MOTION PASSED.**

507
508 The Board entered into Executive Session at 8:51 p.m.

509
510 **15. Adjournment**

511
512 The Board exited Executive Session and adjourned at 9:55 p.m. with no further action
513 upon motion by Asermily, seconded by Fuentes-George.

514
515 The next regular meeting of the Middlebury Selectboard will be on Tuesday, June 11,
516 2019 at 7:00 p.m. in the Town Offices at 77 Main Street.

517
518 Respectfully submitted,
519 Beth Dow

520