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**Regular Selectboard Meeting**  
**Large Conference Room – Town offices**  
**Tuesday, June 11, 2019**  
**Meeting Minutes**

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

Staff Present: Town Manager Kathleen Ramsay

Also present were Pete DeGraff, Tree Warden Chris Zeoli, Tree Committee members Leslie Kameny and Judy Wiger-Grohs and 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**

Nuovo 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 28, 2019 Selectboard Meeting**

Nuovo made the motion to approve the minutes, and Khan seconded the motion. The minutes of May 28, 2019 were approved as presented with 5 in favor, 1 abstention (Artim) and 1 absent. **MOTION PASSED**

**4. Citizen Comment**

Representing the Middlebury Tree Committee, Judy Wiger-Grohs, Leslie Kameny and Chris Zeoli, on behalf their Committee and the Arbor Day Foundation, presented the Board with Tree City USA signs for the north and south entrances to town, two flags and a plaque, declaring Middlebury as the 8<sup>th</sup> Town in Vermont to be recognized with the Tree City USA designation.

Carpenter thanked them, accepted the awards and said the Town Manager would review the best sites to display the signs and flags.

Wiger-Grohs also wanted to inform the Board that the presence of the Emerald Ash Borer (EAB) had been confirmed in Bristol, and both the County Forester and a representative from the State Department of Forests, Parks and Recreation are fairly certain that it is in Middlebury as well. She said we already have a management plan in place and a budget, so now the Board needs to decide what to do next, with the Tree

47 Committee's guidance and advice. Zeoli said the citizens and businesses in Town need  
48 to be made aware that EAB is in Addison County and within 5-15 years, it will kill every  
49 Ash tree, which will have a huge impact on the town. Kameny said if we are going to  
50 treat healthy trees to prevent the spread, this is the season to do it and it should be  
51 started now.

52  
53 Carpenter asked about the treatments. Zeoli said they can be treated by injections or a  
54 systemic soil treatment, however he said the soil treatment is not as safe or effective as  
55 the injection. He said there is an organic version, but it isn't quite as effective, and each  
56 tree has to be treated every other year and the cost is about \$180 for an 18" diameter  
57 tree. Zeoli said they have an inventory of the Ash trees in the Town right-of-way areas,  
58 but nothing outside the village area and nothing on private land.

59  
60 Carpenter asked if there was an area in town where there were groupings of Ash trees  
61 that we might remove and replace with another species. Zeoli said some Ash trees  
62 have already been removed because they were unhealthy, not infected with the EAB,  
63 but needed to be removed. Wiger-Grohs said the larger groupings of Ash trees were in  
64 front of the UPS Store on Court St, the former Suburban Propane on Route 7 South and  
65 Ploof Automotive on School House Hill Road. She said there is also a large grouping in  
66 front of G. Stone Motors, but these are on G. Stone's property so they should be notified  
67 about the presence of EAB. She said there are some areas of town where it is hard to  
68 determine where the right-of-way is so it makes it difficult to determine who owns the  
69 trees.

70  
71 Seeley suggested the Tree Committee identify the trees they feel were worth saving  
72 and should be treated, the cost involved and a timeline for when this should happen,  
73 and bring it to the Infrastructure Committee. Wiger-Grohs said once a tree is treated,  
74 everything that feeds from that tree will die, not just the Emerald Ash Borer, so there is  
75 some hesitation on treating trees.

76  
77 There were more questions and discussion on treatment options and public outreach.  
78 Zeoli said they don't want to cause a knee-jerk reaction where we cut every Ash tree,  
79 but ultimately that may be necessary.

80  
81 Princess Montpelier addressed the Board regarding several concerns she had about  
82 her interactions with various Town representatives following the fire at the apartment  
83 complex on Court Street where she resides. Carpenter said they'd pass these  
84 comments on.

## 85 86 **5. Creek Road Presentation Follow-up**

87  
88 Carpenter said following Peter DeGraff's presentation at the last meeting, the Board had  
89 discussed holding a public meeting that would include a brief history on the condition of  
90 Creek Road and a summary of the Pathways Report, followed by questions and  
91 answers. He said Seeley had come up with another idea which she would present to  
92 the Board.

93  
94 Seeley said she had met with DeGraff and while they respectfully disagree on some  
95 things, they do agree that we are not ready for a public presentation, because we don't  
96 have all of the answers yet. She said at this point the Board has not chosen which way  
97 to go on this, so they had talked about what DeGraff could do going forward to help the  
98 Board make a decision. She said they'd talked about forming a small working group  
99 that DeGraff would facilitate, to look at the questions that came up at the presentation,  
100 as well as some others that they talked about in their meeting, and to formulate a  
101 recommendation to the Board. Seeley said she'd asked DeGraff if he could make a  
102 recommendation to the Board at this time, and he said he couldn't, but would be willing  
103 to work with a group to come to a recommendation.

104  
105 DeGraff said there were some outstanding questions from the presentation regarding  
106 implications to the landowners that would keep coming up, and he didn't feel  
107 comfortable going into a public meeting without talking to the landowners to see what  
108 the problems are and to have potential solutions to them.

109  
110 Seeley said she is asking the Board to allow her and DeGraff to work over the next two  
111 weeks on the size of this committee, the committee's charge, the timeline and some  
112 potential candidates for the Board to consider at their June 25<sup>th</sup> meeting. Khan asked  
113 for clarification that this group would be bringing a recommendation for the Board to  
114 bring to the public, and Seeley said he was correct. She said the Board would then be  
115 in the position to provide the history of the work, the questions and answers that have  
116 come up and been answered, and be able to say this is what we want to do going  
117 forward and why. She said this would mean postponing the public meeting they'd  
118 discussed holding on July 9<sup>th</sup>.

119  
120 Asermily supported the idea and asked who they saw being in this working group, and  
121 Carpenter said this had just come up this morning and they wanted to see if the Board  
122 was in agreement first. He said he would ask Seeley, DeGraff and Town Manager  
123 Ramsay to work on coming up with suggestions for some people to serve in this group,  
124 but no more than five, representing different groups. DeGraff said the first thing is to  
125 define the outstanding questions that need to be answered and next would be to decide  
126 what it is the Board needs to make an informed decision. He said they would work to  
127 address those issues, come to a consensus to bring to the Board, and once their  
128 decision has been made, hold a public meeting to describe the process and answer any  
129 questions that come up at that meeting. He said following that meeting they could move  
130 towards getting more detailed cost estimates for a bond vote, and then move into  
131 design and construction. He thought that could be done in a fairly timely manner.

132  
133 Seeley recognized that she has a personal interest in this subject, but feels she can set  
134 those aside to work with DeGraff and this group to come up with what makes the most  
135 sense for community. Artim said he trusted that she could do that, but feels the others  
136 should have a high degree of neutrality with no stake in the decision and who could look  
137 at it objectively. Artim asked if this group would be authorized to talk to the various  
138 landowners, and Seeley said someone needed to and we need to know how they feel

139 about this before proceeding. She said there had been a working group earlier in this  
140 project that worked with Pathways, and their recommendation went to the Infrastructure  
141 Committee, and then was sent to the Board for approval, but the funding for it was not  
142 feasible. She said this is going back and doing some of this again with DeGraff's  
143 assistance. Seeley again stated if she got to a point where she felt she couldn't make  
144 an objective decision, she would remove herself from the process.

145  
146 Carpenter said it appears the Board is in agreement on this is the way to go, and asked  
147 that Seeley and DeGraff come back to the Board on the 25<sup>th</sup> finalize the charge and the  
148 composition of the group, and he wanted it no larger than 5 members, including Seeley.

149  
150 **6. Authorize Letter of Intent for FY2020 Municipal Roads Grants-In-Aid Program**  
151 **for funding to implement Best Management Practices in compliance with the**  
152 **Department of Environmental Conservation Municipal Roads General Permit**  
153

154 Ramsay said this was a rather straight forward program and we already have the  
155 money budgeted for the matching funds, and it helps leverage more funds for  
156 improvements we have to do anyway. She said we are eligible for \$17,300 from the  
157 Vermont Department of Conservation for stormwater improvements to our gravel roads,  
158 and our matching funds are \$4,325.

159  
160 Asermily moved to sign the Letter of Intent to participate in the FY20 Municipal Roads  
161 Grants-in-Aid Program. Khan seconded the motion. The motion carried with 6 in favor,  
162 1 absent. **MOTION PASSED.**

163  
164 **7. Review Agenda for June 17, 2019 Selectboard Workshop/Retreat**  
165

166 Ramsay said the Board would meet on June 17<sup>th</sup>, at which time it will continue to  
167 discuss Capital Improvement spending and Local Option Taxes. They will also touch on  
168 Selectboard committee charges and tasks.

169  
170 **8. Approval of Check Warrants**  
171

172 Artim moved to approve total expenditures in the amount of \$298,528.52 consisting of  
173 \$172,998.67 for accounts payable, and \$125,529 for payroll for the period May 29, 2019  
174 through June 11, 2009. Seeley seconded the motion. The motion carried with 7 in  
175 favor, 1 absent. **MOTION PASSED.**

176  
177 **9. Manager's Report**

178 Ramsay said the Board has a rough timeline for the Downtown Master Plan RFP and  
179 contract to develop a master plan for downtown, ending up in 2020 with the final report  
180 and plan.

181  
182 Ramsay said in response to questions from the Board and others, the Town website  
183 page on the reappraisal has been updated with helpful information. She said people  
184 are understandably concerned about how these higher values will impact their tax bills,

185 but just because the value went up the tax bill won't. She said while the same amount  
186 of money will be raised, it will just be split up differently, and another factor is the school  
187 tax, which is impacted by the Common Level of Appraisal (CLA), which should be at  
188 100%, but that is determined by the State when they review the reappraisal numbers.

189  
190 How the tax rate is determined was discussed, and how the taxes for an average  
191 property owner in town should stay the same or go down, but that won't be known until  
192 the final numbers are in.

193

## 194 **10. Board Member Concerns**

195

196 Nuovo mentioned Anais Mitchell, a native of Addison County and Middlebury College  
197 graduate, who recently won a Tony Award. He suggested maybe the Board would do a  
198 tribute to her. Asermily said just his mentioning it at the meeting was a tribute to her.

199

200 Seeley asked about a letter in their correspondence regarding a Recreation Grant and  
201 was there any opportunity to take advantage of that. Ramsay said she was working  
202 with the Sports Center to see if there was a way for them to take advantage of this grant  
203 to help reduce the amount they need to borrow to complete their facility.

204

205 Seeley also gave kudos to the Middlebury Fire Department on the recent apartment  
206 house fire at 74 Court Street, and to Laura Asermily for her picture on the front page of  
207 the Independent.

208

209 Asermily said the work she's doing on transportation is all for people to be able to  
210 access downtown without a car during the downtown bridges project. She said she got  
211 the Ebikes as a pilot program and people can choose regular bikes or cargo bikes, and  
212 they are all booked for the month of June. She said the bus is always another option  
213 and urged people to ride the bus on Dump the Pump Day. She said ACTR also has the  
214 dial-a-ride program as well. She feels ACTR is doing a lot on a very tight budget.

215

## 216 **11. Executive Session**

217

218 Seeley said in accordance with Vermont's Open Meeting Law requirements, she move  
219 that the Board find that premature general knowledge of the consideration of contract  
220 negotiations would clearly place the Selectboard at a substantial disadvantage, because  
221 the Select Board risks disclosing its negotiating strategy if it discusses the contract  
222 negotiations in public. Khan seconded the motion. The motion carried with 6 in favor, 1  
223 absent. **MOTION PASSED.**

224

225 Seeley further move that the Board enter into Executive Session to discuss contract  
226 negotiations and, under the provisions of Title 1, Section 313(a)(1) of the Vermont  
227 Statutes. Khan seconded the motion. The motion carried with 6 in favor, 1 absent.  
228 **MOTION PASSED.**

229

230 The Board entered into Executive Session at 8:08 P.M.

231  
232 The Board exited Executive Session at 8:24 p.m. upon motion by Khan, seconded by  
233 Nuovo.

234  
235 **12. Action on Matters Discussed in Executive Session**

236  
237 Carpenter said that the Board was pleased to reach its first Collective Bargaining  
238 Agreement with New England Police Benevolent Association Local 423, representing  
239 Middlebury Police Department dispatchers, police officers and sergeants. The three-  
240 year agreement (July 1, 2018 – June 30, 2021), he said, meets the Town’s goal of  
241 balancing fiscal constraints with its ability to attract and retain well-qualified, community-  
242 minded police officers.

243  
244 Carpenter noted that the agreement provides a 2% cost of living adjustment in each  
245 year of the contract and adds three steps to the wage scale, creating a wage grid  
246 competitive with Vermont municipal police departments of similar size and scope.

247  
248 **13. Adjournment**

249  
250 The meeting adjourned at 8:25 p.m. upon motion by Artim, seconded by Nuovo.

251  
252  
253 The next regular meeting of the Middlebury Selectboard is Tuesday, June 25, 2019 at  
254 7:00 p.m. in the Town Offices at 77 Main Street.

255  
256 Respectfully submitted,  
257 Beth Dow

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