

40 Dave Silberman wanted to make the Board aware that Act 164 regulating cannabis has
41 gone into law. He said Section 863 of the Act states that prior to a cannabis retailer
42 opening in any municipality, that municipality must approve the opening of any cannabis
43 retailers in general and it must be via a ballot vote at the annual Town Meeting or at a
44 special Town Meeting. He also requested the Board consider adding that item to the
45 2021 Town Meeting ballot and to get it out of the way quickly and to do it at the annual
46 meeting rather than having to hold a special Town Meeting. Carpenter asked the date
47 this law will become effective. Silberman said different sections of the Law become
48 effective at different times, but retailers will be allowed to open by May of 2022 if an
49 existing medical dispensary wanted to convert to adult cannabis sales, but for others the
50 date will be October of 2022. He said there also is a provision of municipal authority
51 through the Planning and Zoning Office.

52
53 South Street resident David Pistilli spoke about the speeding on South Street and the
54 recent tragic accident where a dog was hit and killed by a speeding motorist. He said
55 there is a long history of speeding on this street, and he wanted to thank the Town
56 Manager Ramsay for her quick action and Chief Tom Hanley for posting officers to
57 enforce the speed limit. He said he also knew Chief Hanley planned to budget for a
58 feedback sign for motorists to alert them of their speed, and he said a sign really
59 needed to be on both sides of the road, and thinks that's an appropriate response as
60 they tend to regulate the speeding. He said in the short term perhaps highlighting the
61 crosswalks with additional painting would alert drivers they are entering a pedestrian/pet
62 area.

63
64 Heather Viens, also a South Street resident, relayed an incident of a car speeding
65 through the crosswalk while her daughter was attempting to cross the street. She said
66 there are so many families and pets in this area and she thinks drivers have become
67 desensitized to the fact they're traveling through a neighborhood. She agreed with
68 Pistilli about perhaps painting the crosswalks a different color to make them stand out
69 and make drivers more aware of them. She said she also feels the speed awareness
70 signs do slow drivers down and appreciates the prompt response by the Police
71 Department to have officers enforcing the speed limit on South Street, but she knows
72 they can't be there every day. She requested that the Board do something for this
73 neighborhood.

74
75 Chief Hanley said this is consistent problem around town where the road is designed for
76 much higher speeds than the posted speed limits, such as East Main Street which is
77 designed for 50 mph hour traffic, yet the speed limit is 35. He said South Street is
78 probably designed for traffic going 35 or 40 mph, and the speed limit is 25. He said the
79 officers can't be on all these streets at all times to enforce the speed limits, and if these

80 roads are designed for higher speeds, then you're going to have speeding problems.
81 He said speed studies show that these speed reminder signs do work, but they are
82 about \$7,000 to install.

83
84 Ramsay said the Infrastructure Committee briefly discussed trying a temporary bump-
85 out demonstration project, similar to those done in other Vermont communities, but with
86 winter approaching it might have to wait for the spring. Hanley said RT 125 going
87 through Middlebury College campus is a good example of how bump-outs can really
88 work to reduce speeds.

89
90 Carpenter said the Hospital and College were made aware of the speeding problem on
91 South Street and they realize their employees contribute to this problem and were going
92 to remind all their staff of the need to follow the speed limit. He said the Infrastructure
93 Committee would be looking into this, and Ramsay said Chief Hanley would be
94 budgeting for the signs. Pistilli said there really needs to be two signs, and if it costs
95 \$14,000 for these signs, it's worth it if it saves lives. He also mentioned there is also a
96 bit of road rage involved with these drivers as well, and he's been subject to negative
97 feedback from drivers.

98
99 Fred Dunnington apologized to the Board for his Front Porch Forum posting regarding
100 the discussion of a possible river walk on the site of the temporary construction road.
101 He said he regretted saying that he thought Town officials didn't care to push back on
102 the engineers saying it couldn't happen. Carpenter said he appreciated the apology
103 and this is a very complex issue and it will be discussed at another time.

104
105 **5. Local Emergency Management Director/Chief of Police,**
106 **Update on Pandemic Response**

107
108 Chief Hanley said the College is not reporting any new COVID cases and the 2 student
109 and 2 staff cases have recovered. He said to date they've done about 8,500 tests and
110 continue to do them. He said there are 9 aggregate cases in Middlebury since March
111 and we're in good shape, but cases are rising in the region, so people traveling to our
112 state will need to quarantine. He said we need to reinforce with everyone that we need
113 to stay cautious and wear our masks.

114
115
116
117

118 **6. Public Hearing on the Close-out of the Vermont Community Development**
119 **Planning Grant for the completion of a Septic System Feasibility Analysis for the**
120 **Lindale Mobile Home Park**

121

122 Carpenter officially opened the Public Hearing for comments at 7:27 p.m.

123

124 Isaac Wagner of Wagner Development Partners said the Community Development
125 Grant was applied for on behalf of the Addison County Community Trust (ACCT) back
126 in 2018 to prepare a feasibility study at Lindale Mobile Home Park that is experiencing
127 pretty challenging situation with the septic systems that are failing at a pretty high rate.
128 He said they have poor soils with very little opportunity to replace the systems or to
129 connect to the Town system, so they had to look into the options. He said with the
130 feasibility report complete, the plan is to place a large community septic system on the
131 property with leach fields on abutting property that is yet to be purchased. He said the
132 ground work is done and they've completed what they set out to do with the Planning
133 Grant, so they now need to go through the process to close the grant out, and this
134 public hearing is part of that process. He said also wanted the Board to know that
135 ACCT really appreciated the Selectboard's participation and local match for this grant
136 and thanked Ramsay for her assistance in managing the grant process.

137

138 There were no questions from the public or the Board, so Carpenter closed the hearing
139 at 7:33 p.m.

140

141 **7. IDEAL Middlebury, Educational Presentation about Systemic Racism**

142

143 Joanna Colwell introduced herself, Janae Due and Matthew Delia-Lobo from IDEAL
144 Middlebury. She said IDEAL stands for Invest, Divest, Educate, Abolish, Liberate. She
145 said they are a group of Addison County residents working to reduce systemic harm by
146 creating new policies and structures and accountability measures for the Town of
147 Middlebury.

148

149 Colwell went through the history of the role police have played in the criminalization of
150 minorities, dating back to when Indigenous People were driven off their land by white
151 sheriff's so white settlers could have the land. She said the criminalization of minorities
152 has been used as a vehicle to strip African Americans of their liberties and described
153 how the standards are different for them. She said while a White man has a 1 in 17
154 chance of being imprisoned; a Black man has a 1 in 3 chance, thus contributing to why
155 40% of all U.S. prisoners are African Americans.

156

157 Due described racism in Vermont and New England throughout the years, beginning
158 with Vermont being the first state to abolish slavery, but only to those over 21 years of
159 age. She said from 1890 to 1930 the U.S. Black population increased 60%, and while
160 between 1915 and 1930 more than a million Blacks moved from the South to the North,
161 the Black population in New England and Vermont actually decreased. She said deed
162 covenants in New England were used to prevent Black people from owning property.
163 She described Sundown Towns that prohibited Blacks from being on the streets after
164 dark and said that research shows there are still seven possible Sundown Towns
165 existing in Vermont today. She described acts of aggression towards Black people in
166 Vermont, and said she herself had a verbal encounter with a White man in Middlebury,
167 and these aggressive encounters usually end with the arrest of the Black person or
168 possible violence. She said Black Lives Matter signs have been stolen and racist graffiti
169 was found in Middlebury, and she said all of this is a threat to people of color within the
170 community.

171
172 Delia-Lobo said Vermont has the highest rate of Black incarcerations of all 50 states,
173 with 1 in 14 prisoners being Black (a rate 10.5 times higher than that for Whites), and
174 this does not include Vermont residents in Federal prisons or jails out-of-state, and this
175 rate indicates systemic racism in Vermont law enforcement. He said when it comes to
176 traffic stops, Blacks and Hispanics are 2.5 to 4.6% more likely to be searched by
177 Vermont law enforcement officers, even though they are 30 to 50% less likely to be
178 found with contraband than White drivers. He said this data was taken from a 2017
179 UVM study entitled "Racial/Ethnic Disparities in Traffic Stops: Analysis of Vermont State
180 Police Data 2010-2015". He said this is the most comprehensive information on traffic
181 stops in Addison County, Middlebury and Vermont that is available at this time, and
182 shows compelling evidence that Black and Brown individuals in Addison County
183 experience unfair policing compared to White residents. He said the statistics show that
184 people of color are 1.5% times more likely to be stopped in Middlebury than Whites, and
185 slightly less than 1.5% people of color are stopped in Addison County by the Addison
186 County Sherriff's Department, which shows a disparity in policing at a local level. He
187 said the data indicates that these rates are not attributed to just one or two officers, but
188 is more widespread within the departments.

189
190 Delia-Lobo displayed a graph showing the Middlebury Police Budget compared to the
191 total amount budgeted to health and social services from 2010 to 2021 and he said the
192 amount budgeted for police compared to the agencies makes you wonder if money from
193 the Police budget could be better used by these agencies, which could better deal with
194 some of the cases currently being handled by the Police. He said this is the same
195 proportionately in the U.S. and not specific to just Middlebury.

196

197 Due suggested several resources to the Board and asked them to commit themselves
198 to learning about racism in the community and to consider reducing the Middlebury
199 Police Department budget in order to better support social services. She said there are
200 racist and non-racist decisions, and continuing to fund the Police Department is a racist
201 decision. With that, she opened it to questions from the Board.

202
203 Fuentes-George thanked IDEAL Middlebury for the incredible amount of work that went
204 into this presentation, and looked forward to reviewing the information more closely.

205
206 Artim said he also appreciated the information and thought it was food for thought;
207 however, he said he did not think funding the police was a racist endeavor. He said
208 they're the ones that respond when there is an accident or there is a search and rescue,
209 and they respond when there are mental health difficulties and we can't eliminate them
210 because they are critical to keeping us all safe. He said if there are more detailed
211 specific issues, then those can be addressed. He said Chief Hanley has been aware of
212 these issues for years and said he has sat on interview boards for officers, and these
213 are things they look specifically for things that would bring in a bias and threaten the
214 safety and wellbeing of our community, so if there are specific issues, those are the
215 ones he wants to know about to put an end to them.

216
217 Due responded to Artim's statement and said safety is relative and subjective based on
218 the community member, and as a white man in this community she has no doubt he
219 feels safe, but for Black, Brown or persons of color, the police presence is not one of
220 safety, it actually causes stress and fear. She said while he may know the officers and
221 Chief Hanley, that does not negate the fact that policing is racist so asked him to follow
222 up the remaining recommended information to expand his thoughts and understand
223 where they are coming from when we say racism is imbedded in the police and
224 continued funding of the police is a racist act. Artim said he'd follow through with the
225 information provided, but he grew up with hardships in a working-class immigrant family
226 who was not a privileged class, so understands the struggle, but police serve many,
227 many functions for many people and we need to look at this objectively. Due said the
228 goal is to reallocate funding from the police and put it in the hands of those who can
229 take away some of the police duties that they are involved in, such as dealing with
230 mental health and substance abuse issues.

231
232 Nuovo said when looking at systemic racism you need to look at how we have our entire
233 system organized and it's steeped in White society and it's something we should be
234 ashamed of, but the feeling of shame is not enough to drive it out. He said in some
235 sense you can have social services that are just as racist as police services, so it seems
236 to him it's a deeper problem so to focus on just one group and say take away some of

237 their money and give it to someone else, he thinks is too simplistic. He said he is
238 grateful for the presentation this evening and he thinks it's a good start. Due agreed
239 there is racism in other organizations, but those organizations are not weaponized with
240 guns, tazers, canines and a police force that can cause physical and psychological
241 harm.

242
243 Resident Emily Joselson also thanked IDEAL Middlebury for the presentation and
244 encouraged the Board and everyone to listen with an open mind and an open heart
245 rather than allowing some of our fears and defensiveness to cause us to respond
246 quickly in a dismissive way. She said it has become clear how uneducated we've all
247 been growing up understanding the depth of systemic racism in our country and we all
248 are all in the journey to understand what we don't know. She encouraged everyone to
249 take a deep breath and don't react quickly to reject suggestions and take the time to
250 learn.

251
252 Resident Judy Wiger-Grohs echoed the thoughts presented by Joselson and she asked
253 how many on the Board had read "How to be Less Stupid About Race" and Carpenter
254 asked a more fair question would be how many had read anything about race and not a
255 specific book. Wiger-Grohs said she is looking for what the Board is doing to stop
256 systemic racism in Middlebury.

257
258 Wiger-Grohs also expressed her concern about speeding cars on School House Hill
259 Road.

260
261 Brown said it was an outstanding presentation and he's very moved by it, and the only
262 reason he's silent is because he has no idea what to say other than he's going to
263 commit to learning more and trying to understand.

264
265 Fuentes-George said she thinks the Board is at the point in the process where things
266 are going to start getting uncomfortable, and that's a good thing, and some of that
267 discomfort will come from all their different backgrounds and not understanding when
268 someone says funding the police department is perpetuating racism, which, from her
269 own experience makes no sense because she has a very specific personal experience,
270 but from her husband's experience it makes a lot of sense. She said her husband has
271 lived in the country half the amount of time she has, and has had two or three times the
272 number of interactions with the police that she has, and every time it was because he
273 just looked suspicious or somebody thought he was suspicious. She said from his
274 perspective, saying that this is perpetuating racism makes sense. She said the
275 important thing is our understanding isn't going to be perfect and it will be
276 uncomfortable, but she's going to continue to read and learn. She said from a mental

277 health standpoint, she had a personal experience with a family member, and her only
278 option was to call the police and while it turned out okay, she had no other option than
279 to call the police.

280
281 Colwell thanked them all for listening with open minds and hearts, and seconded Wiger-
282 Grohs recommendation on the book “How to be Less Stupid About Race”. She said
283 defunding the police does not mean to take away the police, it’s about how can we
284 make our communities whole and how do we have vibrant communities where people
285 have what they need where people have a choice without having to call the police. She
286 said it’s about where do we put our resources where everyone can thrive.

287
288 Artim said as an engineer, the first thing you do to solve a problem is to understand it,
289 so when asked what we’re doing about it, the Board is learning about it. He said most
290 social service funding is done by the State, so wondered if this should be directed to the
291 legislators.

292
293 Seeley asked Colwell and the others from IDEAL Middlebury to put together a short list
294 of books they’d recommend the Board read.

295
296 Resident Chris Robbins said about 15 years ago she was living in an apartment in
297 Middlebury and there was a couple that lived above her that were always fighting and
298 when she called Women Safe, she was told to call the police, and she thought that was
299 a drastic step to take so she didn’t call. She said one thing the Board should read is the
300 report of the Justice Department in 2015 when they investigated the situation is
301 Ferguson, Missouri, and they found it wasn’t just how much the police budget was, but
302 the source of it. She said departments that got their funds from fines and fees behaved
303 badly and solved fewer crimes and arrested more people for smaller offenses. Ramsay
304 said several years ago our police department phased out the small amount of traffic
305 fines we received, which was about \$20,000 at its peak, and last year they phased out
306 \$10,000 of parking fines. She said their other revenue is primarily from property taxes.

307
308 Carpenter thanked IDEAL Middlebury members for their presentation and said he thinks
309 a period of contemplation is in order and the Board has committed to educate
310 themselves and this was the first step.

311
312 Ramsay said she had reached out to the Peace and Justice Center of Vermont, which
313 was one of the agencies or facilitators that IDEAL Middlebury had provided as a
314 resource, and they’re having some promising discussion about setting up a facilitated
315 Board retreat to dive more deeply into systemic racism’s impact on our community. She
316 also added that the Board would like to know more about strategies and policy tools

317 used in other municipalities to address systemic racism. She said it takes a lot of time
318 to pull something together to facilitate the discussion, so she'll keep working with them,
319 but isn't sure how realistic it is to be ready for a Board retreat by the end of October or
320 the first of November as the Board had been thinking. Carpenter said he'd also reached
321 out to the College and they have a reading list for their senior leadership group and
322 they're more than happy to share it, along with podcasts they can share. He said
323 perhaps they could get together with the College to see if there isn't something that
324 could be done together. Seeley also recommended a podcast called "Nice White
325 Parents." Carpenter asked the Board to commit to do some reading or listen to
326 podcasts to get exposed to various discussions.

327
328 There was discussion on the retreat and facilitator. Artim said he'd like to focus on what
329 things they can actually accomplish as a Board, and take the time to get it right. Nuovo
330 said it would be hard to do this with a facilitator on Zoom and should try to do it in
331 person.

332

333 **9. Dan Werner, Director of Public Works Planning, with updates and**
334 **recommendations from the Infrastructure Committee Meeting of October 8, 2020**

335

336 **9.a. Update on anticipated Change Order required for paving component of the**
337 **Police Department Re-Use and Water Main Projects**

338

339 Werner said there were three projects going on at the Police Department: the
340 installation of the water line, the decommissioning of the old tanks, and the building
341 reuse project. He said the contractor for the trench patching and paving for these 3
342 separate projects suggested that, instead of doing the trench patching, it would be
343 easier to remove all the pavement and repave the area. Werner said this would involve
344 a deduct of \$18,180 from the contract with VMS, who is doing the reuse project, and a
345 credit of \$16,090 to Parker Enterprises, who is doing the decommissioning and water
346 line project. He said then there would be an addition of \$109,460 to the Parker contract
347 for removal of the existing pavement and repaving, so you're getting about 5x the
348 paving replaced, for 3x the original cost for the planned trench patching and paving.

349

350 Werner said Seeley had asked about paving the impound lot at the same time, since
351 this area has needed to be paved for years but due to funding problems it remains
352 unpaved. He said to combine the paving of that area with this project would be an
353 additional \$23,108.20. He said the net change would be \$98,297 to eliminate the trench
354 paving, remove the existing pavement and repave the area indicated and the impound
355 lot, and funding would be split between the reuse project and the decommissioning and
356 water main project, which is paid for from the Sewer Fund, because it's their water

357 main. Seeley said she thought Chief Hanley had been budgeting about \$25,000 each
358 year to pave that impound lot, so it's within that scope. She asked about funding for
359 that part of the project, since she doubts Chief Hanley has that money in his budget and
360 she wondered if the reuse project could cover it. Werner said it could probably absorb
361 the \$23,000, but thought it could be split between the projects, because the
362 decommissioning fund has somewhere around \$190,000 remaining, so it would be up to
363 the Board what to use those funds for. Werner said he'd need to Boards approval to
364 proceed and paving will be done next week, and he'll bring the physical paperwork to
365 the Board later to accept.

366
367 Artim asked about the life expectancy of the existing pavement if we didn't do it.
368 Werner said they'd have to do some paving this fall anyway, so you'd have patches
369 over patches, and it will never be cheaper than doing right now. Ramsay said based on
370 what Werner's said, there should be room within the existing capital funds to cover it.

371
372 Fuentes-George asked if doing the impound lot would mean some other aspect of this
373 project or some other project not getting done. Werner said there is nothing on the
374 radar that those decommissioning funds need to be used for, unless for future
375 Wastewater Treatment Plant work, so there isn't anything short-term those funds are
376 needed for.

377
378 Seeley moved to proceed with changes to the asphalt paving at the Middlebury Police
379 Department Re-Use Project to include: a "deduct" of \$18,180 from the contract with
380 VMS; a credit of \$16,090.45 to the contract with Parker Enterprises as a reduction in
381 trench paving; an additional \$109,460 to Parker Enterprises for pavement removal and
382 paving the larger areas, and \$23,108.20 for preparation and paving of the impound lot.
383 Khan seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

384

385 **9.b. Recommendation on purchase of new pressure washer for**
386 **DPW to replace the 20-year-old unit currently in use**

387

388 Werner said the existing pressure washer used for washing equipment was bought in
389 either 2001 or 2002 and is no longer working properly. He said Director of Public Works
390 Operations Bill Kernan reached out to three dealers for prices; MaineOXY (\$4,106.10),
391 Power Wash Sales (\$4,595) and Power Eagle Pressure Washer Co. (\$5,390). Werner
392 said Seeley had asked in the Infrastructure Committee meeting how the gallons per
393 minute (GPM) compared to our existing washer and they are all above the pressure of
394 our current washer. He said the lowest price was from MaineOXY/Lynox Cleaning
395 Systems so we are requesting the Board approve the purchase from MaineOXY.

396

397 Seeley moved to award a contract to MarineOXY for the purchase of a new pressure
398 washer and 100-ft. of hose, at a total cost of \$4,106.10. Lindsey-Fuentes George
399 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

400
401 Carpenter asked how it was decided who we got prices from, since Broughton Farm
402 Supply would have been able to provide a quote as well and they're a local company.
403 Werner said he wasn't sure how it was decided, but that was a good point. Carpenter
404 said for future purchases we should give the local vendors the chance to submit prices.

405
406 **10. Approval of Finance & Maintenance Agreement for 2021 VTrans Class I paving**
407 **project on Rt. 30 and Rt. 125**
408

409 Werner said every time there is a Class I paving project in our town, VTrans requires
410 that the Town sign a blanket Finance and Maintenance Agreement that defines the
411 project and confirms the Town wants this done, that the paving benefits the Town and
412 discusses allocation of funds. He said this project is funded by the Federal Highway
413 Administration and VTrans, so there is no cost to the Town for this project. He said the
414 reason they want this signed soon is because they're in the final contract process and
415 they hope to award the contract this winter.

416
417 Carpenter asked Werner if the Town would be able to complete our Water Project prior
418 to the paving, and Werner said that was the plan and he would be meeting with Robert
419 Clark from Otter Creek Engineering on Friday to work on getting this out to bid soon.
420 He said the sooner we can get the bids out, the better the bidding will be. Carpenter
421 asked if this also included paving Route 7, since he didn't see it mentioned, and Werner
422 confirmed it was included within the agreement.

423
424 Seeley moved to authorize Town Manager Kathleen Ramsay to sign the Finance &
425 Maintenance Agreement for the Class I paving project on Rt. 30, Rt. 125 and Court
426 Street (Rt. 7) scheduled for 2021. Nuovo seconded the motion. The motion carried
427 with 7 in favor. **MOTION PASSED.**

428
429 **11. Police Chief Tom Hanley with two Purchase Order**
430 **requests for fitting out the department's new cruiser**
431

432 Chief Hanley said Public Works used to install the equipment in new cruisers, but now
433 with all the electronics, you need someone certified to install it, and last year Yipes
434 Stripes got the bid. He said rather than purchase the equipment ourselves at retail
435 prices, Yipes Stripes was able to purchase it for us at wholesale, so it saved us some
436 money.

437

438 He said there are two CO's before the Board for approval, one for purchasing the
439 equipment and striping and the other for the installation. The new Ford Explorer Hybrid
440 has a slightly different body type, which required the purchase of new equipment, as
441 well as a new light bar and radio.

442

443 Khan moved to award a contract to Yipes Auto & Graphics for the fit up of the police
444 department's new Ford Explorer at a total cost of \$12,423.46. Artim seconded the
445 motion. The motion carried with 7 in favor. **MOTION PASSED.**

446

447 Carpenter noted that the PO for the radio was below the \$3,000 threshold so could be
448 approved by the Town Manager.

449

450 **12. Approval of Purchase Order for Aero-Motive Ring Assemblies for the**
451 **Wastewater Treatment Facility's RDP Biosolids Processing Unit**

452

453 Ramsay said there is a request to purchase 4 Aero-Motive Slip Ring Assemblies for
454 the Wastewater Treatment Facility under the Sole Source Purchases provision of the
455 Town Purchasing Policy, at a total cost of \$6,290.36, as outlined in Bob Well's memo
456 to the Board.

457

458 Artim moved to award a contract to Brake Products Inc. for the purchase of 4 Aero-
459 Motive Slip Ring Assemblies for the Wastewater Treatment Facility under the Sole
460 Source Purchases provision of the Purchasing Policy, at a total cost of \$6,290.36.
461 Nuovo seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

462

463 **13. Discussion of the Vermont Agency of Transportation's Act 250 Application**
464 **for Tree Clearing at the Middlebury Airport and the Town's participation in the**
465 **Act 250 Process**

466

467 Carpenter said there was information on the Act 250 Process in the packet for the
468 Vermont Agency of Transportation permit to clear trees at the end of the runway. He
469 said the Board agreed to discuss this at this meeting and to decide if the Board wanted
470 to comment on this application, as the Planning Commission, Conservation Commission
471 and Tree Committee have. He said the members of these panels don't see the need
472 clear cut and there are other options to accomplish their goals and they have asked the
473 Board to support their comments.

474

475 Artim said the one question is do their options comply with the FAA requirements for
476 flight path safety, since this is why they're applying in the first place. He said he knows

477 in the past VTrans has let those trees get taller than they should have and it did create a
478 safety hazards in the past, so we need to make sure that doesn't happen, but if there is
479 a better way than clear cutting, that would be great.

480
481 Planning and Zoning Director Jennifer Murray said there is an existing Maintenance
482 Plan for this area on the north side of Munson Road, outside the fenced-in limits of the
483 airport. She said this plan is for maintaining the avigation easement to make sure the
484 trees don't grow too tall per the easement, and to clear-cut the trees instead of
485 selectively harvesting them would be a modification to that plan. She said they think the
486 trees have been selectively harvested in the past, and no trees were to be cut there at
487 all, so at the pre-hearing conference they said it would actually constitute a violation of
488 the existing Act 250 permit if trees have been removed. She said a site visit has been
489 scheduled for October 22nd. Artim asked if this is something the FAA is mandating, or
490 is this going beyond the mandate, and Murray responded this was beyond the mandate.
491 She said the mandate states they need to comply with the avigation easement that
492 controls the height of the trees and they weren't to clear-cut that area, but because
493 there is Federal money available for clear cutting now, and because it's more
494 convenient, they want to modify the maintenance plan to make it more convenient for
495 them.

496
497 Khan moved to sign the Selectboard letter to District #9 Environmental Commission
498 Chair Fred Baser requesting reconsideration of the plan outlined in VTrans' Act 250
499 Application to clear-cut trees in the avigation easement at the north end of the runway at
500 Middlebury State Airport. Artim seconded the motion.

501
502 Fuentes-George asked if we did allow them to clear-cut this area, would we be setting
503 some sort of precedent going forward. Murray said we have no authority over this
504 project, so all we can do is give comments that will help the Act 250 District Commission
505 make a decision on whether to approve the application or approve it with conditions,
506 based on their Act 250 Criterion, and the three criterion under consideration now are #8
507 Aesthetic Impacts, #8a Wildlife, and #10 Conformance with Middlebury Town Plan.

508
509 With no further questions, Carpenter called for the vote. The motion carried with 7 in
510 favor. **MOTION PASSED.**

511
512 **15. Approval of Check Warrants**

513
514 Khan said by the authority of the Selectboard granted on April 28, 2020, I have
515 reviewed and approved total expenditures of \$2,838,397.69 consisting of \$2,627,738.64
516 for accounts payable, and \$210,659.05 for payroll, for the period September 23, 2020

517 through October 13, 2020, and I move the Board's approval of payment of these
518 expenditures. Nuovo seconded the motion. The motion carried with 7 in favor.
519 **MOTION PASSED.**

520

521

16. Town Manager's Report

522

523 Ramsay said the first two items of her report had been covered already with the
524 discussion on the speeding on South Street and the river walk.

525

526 She said she wanted to let the Board know the notes from the Sept 17th Addison County
527 Covid 19 Recovery Forum are available and are definitely worth looking at.

528

529 She said she wanted to thank Jennifer Murray for her work on the bike rack shelter and
530 the information kiosk that were constructed with a Better Connections Quick Build
531 Program Grant. She said temporarily the kiosk is in Cannon Park and the bike rack
532 shelter is down by the Cross Street Bridge.

533

534

17. Board Member Concerns

535

536 Seeley said if we install two driver feedback signs on South Street, what about the other
537 streets that residents are complaining about speeders. She asked what feedback might
538 they expect if South Street gets two signs and no others are installed anywhere else in
539 town with speeding issues. She said she wonders if there are any grants available for
540 these types of units. She also said she wonders if you add an officer to the force to just
541 do traffic violations, and what would that cost in comparison to these driver feedback
542 signs. Brown said the more of these signs that are installed, then the less people pay
543 attention to them.

544

545 Carpenter asked if Ramsay could get a list of streets that have speeding issues from
546 Chief Hanley. Ramsay said Addison County Regional Planning did a traffic study a few
547 years back on traffic calming measures that municipalities can do, so she will look at
548 that again and see if there is any useful information.

549

550 Artim said he wondered where we are on the Downtown Master Plan. Ramsay said
551 we're on track for having a full presentation on October 27th.

552

553 Fuentes-George said since Chief Hanley said roads are designed for higher traffic
554 speeds, so should we be proactive when we're doing road work.

555

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559

20. Adjourn

560

561 Fuentes-George moved to adjourn the meeting and Seeley seconded the motion. The
562 meeting adjourned at 9:30 p.m.

563

564 The next regular meeting of the Middlebury Selectboard will be Tuesday, October 27,
565 2021.

566

567 Respectfully submitted,

568 Beth Dow