

1 **Regular Selectboard Meeting**

2  
3 **Tuesday, November 10, 2020**

4 **Meeting Minutes**

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6 **NOTE: Due to the need for separation to prevent the spread of COVID-19 virus,**  
7 **the meeting was held remotely via video conferencing with participants.**

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10 Members Present: Brian Carpenter, Lindsey Fuentes-George, Heather Seeley, Dan  
11 Brown, Farhad Khan and Nick Artim. Board member Victor Nuovo resigned from the  
12 Board effective November 6, 2020.

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14 Staff Present: Town Manager Kathleen Ramsay, Assistant Town Manager Chris  
15 English, Chief of Police Tom Hanley, Director of Planning and Zoning Jennifer Murray  
16 and Director of Public Works Planning Dan Werner.

17  
18 Also Present: Lisa Ryan of Rutland Restorative Justice, Karen Duguay and Amey Ryan  
19 of Better Middlebury Partnership (BMP), and interested citizens.

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21 The meeting was streamed live on the MCTVVT YouTube channel.

22  
23 **1. Call to Order**

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25 The meeting was called to order at 7:01 p.m. by Chair Brian Carpenter.

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27 **2. Approval of Agenda**

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29 Khan moved to approve the agenda, and Seeley seconded the motion. The agenda  
30 was approved as presented with 6 in favor. **MOTION PASSED.**

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33 **3. Approval of Minutes of October 27, 2020**

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35 Seeley moved to approve the minutes of October 27, 2020, and Khan seconded the  
36 motion. The motion carried with 6 in favor and the minutes were approved as  
37 presented. **MOTION PASSED.**

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41 **4. Citizen Comments**

42  
43 There were no citizen comments.

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45 **5. Accept Resignation of Selectboard Member Victor Nuovo and**  
46 **discuss process and timeline for appointment of a new Selectboard**  
47 **member to fill the post until the March 2021 Election**  
48

49 Carpenter said everyone on the Board had received a copy of Nuovo's resignation letter  
50 explaining why at this time he was unable to continue serving, so he asked for a motion  
51 to accept his resignation.

52  
53 Artim said whenever he makes a motion it's because he believes it's what's best for  
54 Middlebury, but this evening he'll be making and voting on a motion that he feels isn't  
55 best for the town, but he knows Nuovo well enough to know that he wouldn't make a  
56 decision like this without a lot of thought and consideration. He said Nuovo had a way  
57 of being sure the Board governed by sound logic and not by wild enthusiasm, and that  
58 is something he'd always admired about him. He said Nuovo has been passionate  
59 about good governance and has been a constant voice of reason, and was a steadfast  
60 guide throughout the last three major construction projects in town, and he's been  
61 honored to have called him a colleague and friend, and thanked Nuovo for all he'd done  
62 and wished him well.

63  
64 Artim moved to accept Victor Nuovo's resignation from the Middlebury Selectboard,  
65 effective November 6th. Khan seconded the motion. The motion carried with 6 in favor.  
66 **MOTION PASSED.**

67  
68 Carpenter read a Resolution recognizing Nuovo's service to the Town that will be  
69 signed by the members of the Selectboard.

70  
71 Carpenter said in accordance with 24 VSA § 127-308, the Board needs to authorize  
72 Town Manager Kathleen Ramsay to advertise for individuals interested in seeking  
73 appointment to fill the vacancy created by Victor's resignation until Town Meeting in  
74 March 2021, and based on the notification requirements of §127-308, the following  
75 schedule for the appointment process is suggested:

- 76 • November 10: Selectboard authorizes Kathleen to advertise for candidates.  
77 • November 12: Legal ad appears in the Addison Independent (Thursday edition).  
78 • December 8: Selectboard places names of interested candidates into nomination  
79 during its regular meeting.

- 80 • December 15: Selectboard makes interim appointment to fill the vacancy (the  
81 required 7-day waiting period after nominations are made would expire on  
82 December 15th).
- 83 • January 12: Newly appointed Board member is sworn in. The new member would  
84 participate in three Selectboard meetings before Town Meeting.  
85

86 Carpenter said they had thought about just waiting until Town Meeting until someone  
87 could be elected to fill Nuovo's term, but the Town Charter spells out the process so we  
88 need to follow it. He said it had been discussed that perhaps a former Selectboard  
89 member familiar with how the Board works might serve the remaining few months,  
90 which is a possibility if someone steps forward.

91

92 Brown asked if he was correct, in March we would be electing two Board members for 3  
93 year terms, and then one Board member for 1 year to complete Nuovo's term, and  
94 Carpenter said that was correct.  
95

96 Artim moved to authorize Town Manager Kathleen Ramsay to advertise for individuals  
97 interested in seeking appointment to the Selectboard until Town Meeting in March 2021,  
98 and Khan seconded the motion.  
99

100 Town resident and former Selectboard member Laura Asermily said she appreciated  
101 Artim's comments on Nuovo, and she's excited about the possibility of expanding  
102 diversity on the Board. She wanted to also say that anyone interested in running in the  
103 March election needs to go to the Town Clerk to get the paperwork to declare their  
104 intent to run, but they no longer need to obtain signatures on a petition.  
105

106 Resident Judy Wiger-Grohs had missed the Citizens Comments, so just wanted to  
107 thank Town Clerk Ann Webster and all the staff in the Clerk's Office, as well as all the  
108 people involved in working at the polls during the November 3rd election.  
109

110 Carpenter called for the vote on Artim's motion to advertise for individuals interested in  
111 being appointed to the Board until March 2021. The motion carried with 6 in favor.

112 **MOTION PASSED.**  
113

114 Seeley said if there was anyone interested in applying to be on the Board and had  
115 questions, she'd be happy to answer any, and Carpenter said any interested candidates  
116 should feel free to contact anyone on the Board.  
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**6. Local Emergency Management Director/Chief of Police,  
Update on Pandemic Response**

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Hanley said he wanted to echo the Board’s comments on Nuovo. He said he was the voice of reason amidst all the noise, and as the philosopher he always made you think before acting and he has always appreciated that.

Hanley said as far as COVID, we’re still in good shape here in Middlebury but things elsewhere are getting worse and the daily forecast is going from single digit cases in a day to double digits. He said the vaccination plan is in place for when a vaccine is developed, with health care workers getting the vaccine first.

He said starting this coming Monday the State will be doing compliance checks to lodging establishments, bars and restaurants to be sure rules are being followed. He wanted to underscore that we have not had a problem with compliance here in Middlebury, but the police are prepared to go back and begin compliance checks on local businesses to keep things under control. Hanley said he will be sending out more bulletins since there is new news every day for people to be aware of.

He said ACCD’s Travel Map is longer being updated since anyone traveling outside of Vermont has to quarantine for 14 days when returning from non-essential travel, and out-of-state travelers coming into Vermont for non-essential travel have to quarantine as well. He said they can do a quarantine of 7 days with a test at the end of 7 days.

**7. Lisa Ryan, Program Manager of the Rutland County Community Justice Center  
at BROCC Community Action and/or Tabitha Moore, director of the Rutland Area  
chapter of NAACP with a progress report on their race relations work with the  
Middlebury Police Department**

Lisa Ryan said she was unsure if Tabitha Moore would be able to join them or not, but she was able to speak with her earlier and get some of her remarks about the process, and she also spoke with Ramsay and Chief Hanley to discuss the path going forward and the needs of the Selectboard. She said Ramsay and Hanley had also shared documents the Board has received so far and the presentation done by IDEAL Middlebury.

Ryan gave the Board a brief history on her background, saying she’s a Rutland native who attended Temple University in Philadelphia and she’s been Director of the Rutland County Community Justice Center for around 3 years, working mostly with offenders

160 and using restorative justice procedures to get them back into the community, as well as  
161 work with victims.

162  
163 Ryan said the Board was familiar with the incident that happened in Middlebury this past  
164 summer where an individual was targeted at a park in Middlebury. She said Moore  
165 works with a lot of Vermont police departments, so had reached out to her to see if  
166 she'd work with her and the Middlebury Police Department involving all participants in  
167 what happened. She described the process they used in their session, which included  
168 the victim and the police officers. She said ideally they would have included the young  
169 people who had called the police with the initial complaint, but their parents weren't  
170 comfortable with their participation. Ryan said they had a "restorative circle" where they  
171 talked about what happened, who was affected, who was harmed, and what needs to  
172 be done to repair that harm and to have a conversation that is equitable and restores  
173 equality in the room. She said from her point of view, it was very positive and she felt  
174 good with the results at the end of the 3-hour session.

175  
176 She said that she and Moore have received the documents and know the work the  
177 Board has done already, and they've looked at how they can complement and dive  
178 deeper into that work, so they'd like to come up with a scope of services and present a  
179 proposal to the Board on how to meet these needs. She said they realize the Board  
180 may also want to reach out to others to provide these services, but they believe they've  
181 already done some groundbreaking work with the Middlebury Police and the individual  
182 in the incident, so they'd love to continue to engage and to meet all the needs of the  
183 Board and the community.

184  
185 Chief Hanley said we want everyone in this town to have confidence in the Town  
186 government and in all the services, whether police or public works, and to not be fearful  
187 and understand we're all working towards the same end of a just and fair system of  
188 government in this town. He said we're kind of stumbling around now, but speaking for  
189 the Board and himself, everyone is committed to moving forward and it's nice to have  
190 someone to guide us through this.

191  
192 Brown said this was an interesting process and he knows Hanley will embrace and  
193 move forward with this, and as Chief said, this is a real learning process for the Board.  
194 Artim said we can't change the historic narrative that's happened before, but he finds  
195 himself looking forward to what's next and how do we avoid this going forward.

196  
197 Hanley said when they worked with Ryan and Moore everyone came away from that  
198 meeting feeling positive and everyone was able to walk away with more respect for  
199 each other. He said it was awkward for some at first, but Ryan was good at leading

200 them through the process, and the police want to pursue this so would like to do it with  
201 the Town rather than doing it on their own.

202  
203 Ryan said you don't see this happen a lot where the end result is not punitive. She said  
204 you're seldom able to sit with police officers and community members and have an  
205 honest and deep conversation about how everyone felt and how vulnerable they felt,  
206 especially in today's climate, so she's so grateful for Chief Hanley's willingness to go  
207 outside of the norm and try to really understand these restorative practice in how we  
208 deal with conflict and how to deal with it when we all have different views.

209  
210 Hanley said part of the problem had been the officers didn't understand the angst, since  
211 they'd just been responding to a call, but now they understand it through the victim's  
212 eyes, so now when engaging with an individual, they're able to look at it through their  
213 eyes. Ryan said the victim was also able to understand how police protocol and training  
214 came into play and now he understands their side better as well.

215  
216 Carpenter said he's anxious to see the proposal on a process for the Board to look at,  
217 and Ryan said she thought they'd have that ready within the next couple of weeks.

218  
219 **8. Consideration of Adoption of the 2020 Middlebury Downtown Master Plan**  
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221 Director of Planning and Zoning Jennifer Murray joined the Board for continued  
222 discussion of the 2020 Downtown Master Plan, and said they only had the Economic  
223 Development Initiative (EDI) section to go through, since they'd been able to review all  
224 the other sections at the last Board meeting. She said they'd met with the Next Bridge  
225 Partners and John Dale, and they talked through their project proposed a few years ago  
226 for development of the lower parking area below the Town Offices and Library. She said  
227 they explored 4 different scenarios as to how that property could be developed and she  
228 went over the different scenarios and the pros and cons of each one. She said it's clear  
229 that in order for something to happen on this parcel, it would take more of a contribution  
230 from the Town than just the land. She said the conversation confirmed suspicions that  
231 this is a very complex parcel to develop on and a public/private partnership is complex  
232 as well, so she feels they learned a lot and they ended up with a list of Site Design  
233 Principles that will serve us well in the future.

234  
235 Artim said it isn't a matter of "if" we develop that area, but "when" we develop it. He said  
236 that site is too valuable to be just a parking lot and the potential is huge, so it will be a  
237 vital part of the town core. He thanked her for her hard work and said now we have to  
238 make the Master Plan happen as our downtown is dependent on it.

239

240 Murray said she didn't want to end on the note that the EDI project was the reason this  
241 Master Plan was done, and she emphasized that there were over 130  
242 recommendations made in this plan, most having nothing to do with the EDI site, so she  
243 didn't want everyone to lose track of those projects as well.

244  
245 Seeley said she's impressed with the final product and thanked Murray and the  
246 Planning Commission. She said she was interested in the green spaces and water  
247 filtering, and could see us trying to work those in with other infrastructure projects going  
248 on, and while money is always an object that stands in the way, she'd like to try to  
249 implement some of these in the Frog Hollow Area.

250  
251 Fuentes-George said how impressed she was with the outcome of the work on the  
252 Town Plan, and it has exceeded her expectations and she's excited there are a variety  
253 of projects that can be worked into other projects and it gives a framework to think about  
254 the town in a way we haven't before.

255  
256 Khan said there isn't much he can add to what the others had already said. He said in  
257 the last presentation Murray stated only 6% of Middlebury's population lived in the  
258 downtown, and he wondered how that compared to other places. Murray said she'd  
259 have to see if there was any data that compared other downtown populations in  
260 communities similar to ours.

261  
262 Artim said as we begin to get some of these anchor projects done, it will draw in others  
263 and we'll see an exponential growth so the next decade in town will be a fascinating  
264 place. Brown said it's a fun document and he's looking forward to see what we do with  
265 this Master Plan going forward.

266  
267 Carpenter said Murray worked hard for 3 years to convince the Board we needed this  
268 Master Plan, so he's glad she found a way to fund it and the Board is all very pleased  
269 with the Plan. He said it gives us some vision of what we can be, and now we have to  
270 begin to put these items into action to take us in that direction. He said we're all seeing  
271 the status quo isn't working in the current environment so we need to see which pieces  
272 to implement to get some action and restore the lifeblood to the downtown. He thanked  
273 all the townspeople that provided input in the process. Murray said she hopes this Plan  
274 will help everyone move in the same direction when planning the downtown.

275  
276 Artim moved to adopt the Town of Middlebury Downtown Master Plan, and Khan  
277 seconded the motion. The motion carried with 6 in favor. **MOTION PASSED.**

278

**9. Karen Duguay & Amey Ryan of the Better Middlebury Partnership with an overview of BMP's FY22 Budget Request**

Duguay began by saying they were here to ask for a funding increase for next year, realizing that the timing is less than optimal. She as a Board the BMP had an in-depth conversation on this and the fact that they have a lot of work to do and there are a lot of needs to meet, so they are requesting an increase of \$5,000 next year, from \$25,000 to \$30,000. She said this is the first increase they've ever asked for since the beginning of this funding structure. She went over the work done by the BMP, including events and promotions, and she said they serve as a local leader in the community and they serve as the business liaison and resource for a number of entities, including the State of Vermont, as was seen in this past year with the bridge replacement projects. She said they promote Middlebury through their website and ongoing Neighbor's Together marketing efforts. She said they facilitate opportunities for community engagement and investment, and she feels strongly that apathy is what kills a town and community, so the more engaged they are with the businesses and community, that's when you see towns thrive.

Duguay cited the Block Party as an example of one of these efforts, and ran through all the things that happen in the background to put one of these events. She mentioned the organizations contributing to the event as well as the hundreds of volunteers involved. She said each one of those individuals were making an investment to our community and is why she feels BMP is important to the town.

Next Duguay cited statistics and said in 2019 they had over 4,200 hours donated by over 750 volunteers, and over 8,000 people attended BMP events last year. She said in 2019, \$28,080 of Middlebury Money was redeemed and \$39,125 was purchased. She said the impact is showing far beyond the downtown area, and they estimate \$75,000 has been invested locally.

She said their funding goal is for \$100,000, which includes staff salary (no benefits), programming and events, marketing and overhead and other miscellaneous expenses. She said the additional funding will be through fundraising events and an appeal letter to surrounding towns. She said she feels the case can be made that having a strong a thriving shire town benefits surrounding towns as well. Amey Ryan said their thoughts are to focus on the towns that funnel into the MUHS school district.

Duguay went over their long- and short-term goals and said the BMP is looking for ways to adapt to the pandemic, such as this year's Halloween event that went from being trick or treating up and down Main Street, to a drive-thru trick or treat event with 20 spots



319 throughout town that ended up giving away 26,000 pieces of candy to kids from all over,  
320 not just Middlebury. They estimate about 650 kids came through for candy.

321  
322 Duguay said they want to continue to promote Middlebury to a larger audience and to  
323 find opportunities to build a better relationship between Middlebury College students  
324 and the community. She said they are also looking at what the downtown looks like  
325 post the downtown bridge replacement project, and they are a big proponent of the new  
326 Downtown Master Plan.

327  
328 Artim spoke about the BMP's efforts during the COVID issues downtown, and how they  
329 can help with the COVID recovery mode we hope to enter soon, and he asked for a  
330 brief summary of what they did. Duguay said the Agency of Commerce rallied all the  
331 downtown groups around the State and they had a weekly meeting for an opportunity to  
332 share resources and best practices and what could be shared with their communities.  
333 She said they got a better understanding about the Federal funding they could share  
334 with businesses, and she found she was often the first call from businesses looking for  
335 help to navigate and contact the right people. She said there were at least 4 or 5  
336 surveys they distributed, and Middlebury College used them for communications to the  
337 businesses. She said there was a lot of extra things they've been asked to take on this  
338 year, on top of the regular BMP activities. Artim said he's glad they had an opportunity  
339 to explain that, since he wonders who would have done this if BMP hadn't done it.

340  
341 Brown said since Ryan and Duguay teamed up a couple of years ago the BMP has  
342 become extremely productive and helpful to the downtown. Ryan said she appreciates  
343 the Board's time, and she wants to acknowledge that Duguay has worked tirelessly and  
344 has gone above and beyond for this organization since she was hired around 8 years  
345 ago. She said while they realize the timing for an increase in funding now seems out of  
346 place, they hope the Board's support will give Duguay the recognition she deserves  
347 and has earned, as well as the funds needed for BMP to do their work beyond  
348 fundraising events.

349  
350 Seeley said a huge thank you Dugay for organizing the Halloween event and the  
351 businesses that supported and participated in the event, making it special for the  
352 community.

353  
354 Fuentes-George said at the end of the day the work BMP does is crucial to our Town at  
355 this juncture of time, and she can't imagine maneuvering through COVID and the  
356 downtown project without BMP. Khan said at the beginning of the pandemic the BMP  
357 Experience Middlebury website was crucial for businesses to announce their hours and  
358 who was closed and who wasn't.

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Duguay thanked the Board for all the Town’s support, regardless of how the funding request goes.

**10. Dan Werner, DPW Planning Director, Request for Change Order for PD Building Re-Use Project for Masonry Infill and Cleaning**

Werner said this Change Order Request is for the Police Department reuse project to remove the calcium deposit white stain on the front of the brick and for re-pointing and filling in holes in the brick where light fixtures and other fixtures used to be. He said there are some deducts to the project as well, such as for power washing the building and the need to reseal the building. He said this change order is for re-pointing the mortar and for removing the stain for a total of \$9,931, which leaves a little more than \$81,000 remaining in the budget.

Fuentes-George asked if the calcium deposits harmed the brick or is it just cosmetic. Werner said it’s really just ugly and since they’ve done all this other work to the façade, its well worth it to remove it.

Seeley moved to approve Change Order #18020 for the PD Building Re-Use Project, for a total cost of \$9,931. Fuentes-George seconded the motion. The motion carried with 6 in favor. **MOTION PASSED.**

**11. Adoption of 2020 Proclamation promoting Small Business Saturday in Middlebury**

Ramsay said the Board has before them a Small Business Saturday Proclamation for their signature. She said this annual event encourages residents in communities across the nation to support small businesses – which represent 99.9% of all firms with paid employees in the U.S. – on Small Business Saturday and throughout the year.

**12. Approval of Check Warrants**

Brown said by the authority of the Selectboard granted on April 28, 2020, he had reviewed and approved total expenditures of \$5,311,613.05 consisting of \$5,207,233.73 for accounts payable, and \$104,379.32 for payroll, for the period October 28, 2020 through November 10, 2020, and he moved for the Board’s approval of payment of these expenditures. Khan seconded the motion. The motion carried with 6 in favor. **MOTION PASSED.**

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**13. Town Manager’s Report**

Ramsay noted that the Warrant amounts were larger than normal because of the school payment that is \$4.5 million as well as the payments to social service agencies, which pivots off the first tax payment, which is due by the end of the day on November 16<sup>th</sup>.

Ramsay said as a follow up from the last meeting, she reported that working from the legal memos previously provided by Town Counsel and VLCT and additional online research, the Policy Review Committee met on September 30<sup>th</sup> to take up the Board’s request to consider possible enhancements to the Board’s “Policy Prohibiting Writings & Markings on Public Property.” She said given the consistent emphasis found in these sources on “content neutrality,” the lack of distinction made under the law for the medium used to create graffiti (permanent vs non-permanent) and the potential legal liability public entities face for perceived “viewpoint discrimination,” the Committee was unable to articulate new language to support or enhance the current policy. She said the Committee members, in fact, agreed to recommend that the Selectboard revise the policy to prohibit “all writings and markings on public property.”

She said while recognizing that there may be interest in creating a formal structure and process to evaluate and approve requests for creating art on Town property, the Committee felt such an effort was beyond its charge, and if the Board would like to discuss the Policy Review Committee’s recommendation further, she can schedule time on a future agenda.

**14. Board Member Concerns**

Brown said he’d miss Nuovo, and Khan agreed he’d miss Nuovo as well and wished him well, and that he had been a positive role model for the entire Board.

Seeley thanked Ann Webster and her office for the work on the election, and she said how much she’d miss Nuovo.

Artim echoed his thanks to Nuovo and how he will be missed. Fuentes-George said she would miss Nuovo as well and his knowledge of the law and she hoped the Board will continue to hear from him.

Carpenter said he’d miss Nuovo’s presence on the Board and he was a great influence.

**15. Adjourn**

440 The meeting adjourned at 8:57 p.m. upon motion by Fuentes-George, seconded by  
441 Seeley.

442

443 The next meeting of the Middlebury Selectboard will be Tuesday, November 17, 2020 at  
444 7:00 p.m.

445

446 Respectfully submitted,

447 Beth Dow

448