

1 **Special Selectboard Meeting**

2  
3 **Tuesday, December 15, 2020**

4 **Meeting Minutes**

5  
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.**

8  
9 Members Present: Brian Carpenter, Lindsey Fuentes-George, Heather Seeley, Dan  
10 Brown, Farhad Khan and Nick Artim.

11  
12 Staff Present: Town Manager Kathleen Ramsay, Assistant Town Manager Chris  
13 English, Chief of Police Tom Hanley, Director of Public Works Operations Bill Kernan,  
14 Recreation Superintendent Dustin Hunt and Director of Public Works Planning Dan  
15 Werner.

16  
17 Also Present: Laura Asermily, Esther Thomas, Andy Hooper, Howard WidELITZ, Jean  
18 Stone of Addison County Restorative Justice, and Fred Dunnington.

19  
20 The meeting was streamed live on the MCTVVT YouTube channel.

21  
22 **1. Call to Order**

23  
24 The meeting was called to order at 7:00 p.m. by Chair Brian Carpenter.

25  
26 **2. Approval of Agenda**

27  
28 Carpenter said there were some changes to the agenda. Item 12, the discussion on the  
29 Energy Committee's recommendation for setting a goal for CO<sub>2</sub> reductions from Town  
30 operations, is postponed until the January 12, 2021 meeting. He said there is an  
31 addition of Item 17 for a request by BMP for a large purchase order to fund Middlebury  
32 Money prizes for the Great Middlebury Pig-Out Holiday Edition, and Item 18 for a  
33 discussion on the amendments to the lease between the Addison County School District  
34 and the Town for the Recreation Park and renewal for another 25-years. Ramsay said  
35 depending on the time, there might be an Executive Session.

36  
37 Khan moved to approve the agenda, and Fuentes-George seconded the motion.  
38 The agenda was approved as amended with 6 in favor. **MOTION PASSED.**

39  
40 **3. Approval of Minutes of December 8, 2020**

41  
42 Khan moved to approve the minutes of December 8, 2020, and Fuentes-George  
43 seconded the motion. The motion carried with 6 in favor and the minutes were  
44 approved as presented. **MOTION PASSED.**

45

#### 46 **4. Citizen Comments**

47

48 There were no citizen comments.

49

#### 50 **5. Local Emergency Management Director/Chief of Police,** 51 **Update on Pandemic Response**

52

53 Chief Hanley said we have had no stress or loss of services within the department due  
54 to COVID. He said everyone on the staff and their families have remained healthy all  
55 through this, although there were a couple of exposures to officers, they've both tested  
56 negative. He said since the COVID compliance checks a couple of weeks ago there  
57 have been no complaints, so people are following the rules.

58

59 He said the Pfizer vaccine has arrived in Vermont and vaccinations have begun, the  
60 details of which were in his latest bulletin, and he'll be putting out a list of questions &  
61 answers regarding the vaccine that he'd received from Porter Medical Center. He said  
62 Vermont needs 50,000 to 60,000 doses of vaccine just for the health care workers and  
63 the long-term care facilities, and they expect 34,000 before the end of the year, so it will  
64 be January before the first responders and others are able to receive the vaccine.

65

#### 66 **6. Appointment to Fill Vacancy on Selectboard**

67

68 Carpenter said the three candidates nominated at the last meeting are Andy Hooper,  
69 Esther Thomas and Laura Asermily, and opened the floor to deliberations.

70

71 Artim said Nuovo had an incredible amount of knowledge on local government, and  
72 appointing someone now is more difficult because we're in the midst of the Town's  
73 budget process, which will be more difficult this year due to the COVID response. He  
74 said Asermily we know well since she previously served on the Board, while the other  
75 two are new. He said obviously Asermily would be the easy one to appoint, but he has  
76 spoken with the other two candidates and thought about the key characteristics that are  
77 important at this moment, and because he can only vote for one, he doesn't want any of  
78 them to take it as a rejection of their dedication to Middlebury. He went through the  
79 skills he felt were important to serve on the Board, especially during the budget

80 discussion, and said they should have a vision on the issues facing the Town at the  
81 moment.

82  
83 Brown said he'd thought long and hard about this and had discussions with others. He  
84 said he agrees with Artim's assessment of the three candidates, but he's looking at it  
85 from the standpoint that there are 5 more meetings until the Town Meeting and that is a  
86 short period of time with a lot of stuff packed into the meetings, including budget and the  
87 discussion on the sale of cannabis to be completed before Town Meeting. He said he  
88 knows how long it takes to get up to speed, and with only five meetings left, he'd like to  
89 put in the person who can carry us through to the Town Meeting and leave it up to the  
90 voters to choose who will be the next Selectboard member.

91  
92 Seeley said this is always a tough decision, and while going with Asermily might be  
93 considered "easy," she does agree with Brown's assessment about the time it takes for  
94 a Board member to get up to speed and with letting the voters make the ultimate  
95 decision at Town Meeting. She said at this time she's in favor of Asermily to get  
96 through until Town Meeting.

97  
98 Khan said the only point he wanted to add was that when he was appointed to the  
99 Board, he had some great mentors to help him get up to speed on the Board, but in light  
100 of the COVID restrictions there isn't that option for face-to-face mentoring. He said for  
101 that reason he's in favor of going with someone with experience.

102  
103 Fuentes-George said she appreciates everyone's thoughts and the thoroughness, and  
104 on a basic level she agrees with Seeley and Brown that this is a very short amount of  
105 time to accomplish a lot in a very difficult year. She said Asermily is familiar with the  
106 budget and is often at Board meetings, so she's very informed. She said there are  
107 people in town who have concerns that the Board doesn't hear about, and social circles  
108 overlap too much, so she sees someone new to the Board who can offer a different  
109 perspective and experience as being beneficial, especially as the discussion on racism  
110 and inclusion continues, and she thinks the Board voting to include that experience  
111 would be a commitment. She said she knows Thomas personally, and as seen in the  
112 email recommendations, people have a wonderful view of her and she brings  
113 thoughtfulness to everything. She said she understands the Board needs to decide on  
114 someone for a very short amount of time, so Asermily would be the wise choice, but she  
115 does want to think long term and it will be up to the voters, but she wants to be sure that  
116 everyone looks at the Board and sees someone they can connect with. She said she's  
117 very impressed that they had 3 exciting candidates.

118

119 Carpenter said we're in a different time than the last few times the Board had to appoint  
120 another member. He said the Board is close to being overwhelmed with the workload,  
121 and as Khan said, it's difficult to do any mentoring at a time like this, so the time to  
122 come up-to-speed will take even longer. He said it would do the Town an injustice to  
123 select Hooper over Thomas because of his experience, because there is tremendous  
124 diversity in having people with different viewpoints, so while he isn't feeling selecting  
125 Asermily an easy path, he thinks it's a wise path. He said if Hooper and Thomas are  
126 interested in running for the position in March, it will give the voters a chance to get to  
127 know them so they can choose the person they want on the Board. He said Hooper  
128 and Thomas are both qualified in different respects, so without having a great deal of  
129 time to get to know them, to choose one over the other would give one of them an  
130 advantage at the Town Meeting election being the incumbent, so he would prefer not to  
131 do that.

132  
133 Seeley moved to appoint Laura Asermily to fill Victor Nuovo's vacated seat on the Board  
134 for the remainder of the term until Town Meeting 2021. Brown seconded the motion.  
135 The motion carried with 5 in favor, 1 opposed (Artim). **MOTION PASSED.**

136  
137 Town Clerk Ann Webster thanked all the people who stepped up and asked to be  
138 considered and thought it was wonderful so many people were interested. She said she  
139 also wanted to remind everyone that this year will be different for anyone running for  
140 town offices, that candidates do not need to obtain signatures on a petition, they just  
141 need to sign a consent form to have their name put on the ballot.

142  
143 Webster swore in Asermily as a member of the Selectboard and Asermily joined the  
144 Board for the remainder of the meeting.

145  
146 Asermily said she appreciated the deliberation and she's excited about Hooper and  
147 Thomas, and maybe others, running for the Board, since she is not interested in running  
148 in March. Asermily said she started on committees and attended meetings and anyone  
149 can attend meetings and have a voice, and that's the way it works. Carpenter said  
150 many of the current Board members started on committees and it helps provide an  
151 understanding of the way the Town works.

152  
153  
154  
155  
156  
157

## 7. Health & Human Service Agency Review

158 Carpenter said Jean Stone of Addison Country Restorative Justice Services (ACRJS)  
159 would be joining the Board for the review of their request.

160  
161 Stone said she has been the director of ACRJS for just over a year, and this year  
162 they've served 76 Middlebury residents. She said they have a variety of programs now,  
163 and whereas diversion used to be for youth, it now includes adults who have lost their  
164 driver's license and want to get them back. She said one of the programs that has been  
165 incredibly successful is the Driving with License Suspended (DLS) program where they  
166 work with clients to see how they can regain their license and drive on the roads safely.  
167 The Youth Diversion Program, she said, involves meeting in front of a panel and  
168 learning how their actions may have impacted others in the community and making  
169 some kind of restitution. She said they have just over 100 volunteers in their agencies,  
170 and she gave a summary of the other programs that ACRJS offers to help clients in  
171 various ways and for different offenses.

172  
173 Fuentes-George asked if they tracked the success rate with clients, and Stone said they  
174 do. She said the State's Attorney has the data on the DLS Program and it shows 62%  
175 of the people get their licenses restored, and they know that if they can keep the youth  
176 out of the criminal justice system, the less likely they are to become involved in  
177 additional crimes.

178  
179 Khan asked what other towns were contributing compared to Middlebury. Stone said  
180 Middlebury has the most participating residents, although it was lower than usual this  
181 year for some reason, but the other towns pay the same per capita as Middlebury. She  
182 said they also apply for grants as a source of funding as well.

183  
184 Fuentes-George said when there was a discussion recently about defunding the police,  
185 a big part of that conversation is increasing funding to services that prevent crime in the  
186 first place, and if it works it has to potential of taking the burden off the local police who  
187 are already very stretched. She said she knows we have to talk about the budget, but  
188 as we look about the fuller picture we need to think about our whole community  
189 holistically. Stone said there is talk about how to help the police, since we know how  
190 overworked they are and how hiring new officers is difficult, so they are working on what  
191 they can offer for community intervention with the police.

192  
193 Carpenter asked if the 76 Middlebury residents was lower than normal, and Stone said  
194 usually it ran between 82 to 100, and she knows entering the COVID period youth  
195 referrals were down as well, so she isn't sure if that had something to do with it. She  
196 said once we entered into the pandemic the numbers began to rise.

197

198 Carpenter said his observation when he looks at what the other towns are paying is we  
199 pay a disproportionate per-person amount compared to the number of cases and  
200 wondered what could be done so the other towns are paying their share. He said as a  
201 shire community we seem to be paying twice, since the non-profit agencies don't pay  
202 property taxes. Stone said she understands and they are trying to make it more  
203 equitable, and last year they ran out of time to get signatures for increases from other  
204 communities, so it will be different going forward. Fuentes-George asked about their  
205 other sources of funding, and Stone said they have a contract with the Attorney  
206 General's Office that runs the Diversion Program as well as the pre-trial services, a  
207 contract with Dept. of Corrections for the Re-entry Program and the program to support  
208 the high-risk sex offenders, they have some grants and have fund raising events.

209  
210 Carpenter thanked Stone for helping them understand the program, and they'll do the  
211 best to provide the additional support for them.

212

213 **8. Bill Kernan, Director of Public Works Operations,**  
214 **Budget Request for Public Works**

215

216 Kernan said he's continuing to consolidate some things and to absorb some line items  
217 to shrink the budget, so they'd see some changes on the spreadsheet but it was more  
218 about moving things around. He said he'd also looked out for several years to see the  
219 trending expenses to try to minimize fluctuations by looking at long-term expenses.

220

221 He said the only increases they'd see would be in wages, which is just the annual cost  
222 of living increases and the benefits package, and the other increase would be because  
223 they filled a position that had been vacant for awhile.

224

225 Ramsay said one of the major drivers is the Equipment Fund. Kernan said every year  
226 he tries to look at the master equipment schedule and see where we are and what the  
227 condition of the equipment is, so this year they were able to balance things out and give  
228 us some savings. He said the overall budget is actually about 3.5% less than last year.

229

230 Kernan said he'd basically moved some items around, so it may raise some questions  
231 on why there are some increases in some areas, but it's because they've come from  
232 somewhere else. He said he's trying to balance out the equipment expenses.

233

234 He praised the crew and said they've been using less chloride on the dirt roads than in  
235 the past, and have done more patching of the paved roads. Brown asked what types of  
236 services we contracted for on the dirt roads, and Kernan said that was for the chloride  
237 purchase.

238  
239 Asermily thanked him for being so careful with the budget, and said she knew he was  
240 careful with salt, so she's optimistic with the salt use, but realizes it depends on the  
241 conditions. She said this is an opportunity for him to say something to the public on the  
242 winter maintenance of roads and sidewalks. Kernan said if there's more ice than snow  
243 in a season, then you're going to use more salt. He said they do the best they can, but  
244 they do have equipment failures occasionally, and the recent issue caused more salt  
245 than needed to be released. Asermily asked if it could be staffing issues, and Kernan  
246 said different people have had to be used, so there is a bit of a learning curve.

247  
248 Artim said there was more patching last year and asked if there was something that  
249 could be done to prevent the need to patch. Kernan said paving some roads has been  
250 delayed, which has caused the need to do more patching than in past years.

251  
252 Seeley said we delayed keeping up with our regular road repaving schedule and  
253 Werner has been trying to evaluate projects so we do storm drains and water that  
254 needs to be done at the sometime to avoid the need to dig the road up again, and that  
255 may have delayed some projects longer than in the past. She said more money is  
256 being set aside, so hopefully we can get caught up in paving.

257  
258 Judy Wiger-Grohs asked about the cost-of-living increase used for employee wages,  
259 and Ramsay said it was 2%.

260  
261 **9. Dustin Hunt, Parks & Recreation Supervisor,**  
262 **Budget Request for Parks & Recreation**

263  
264 Hunt began by thanking the Town administration and the Board for their continued  
265 support of the department and the Recreation Center. While they've been closed for  
266 about 8 months, he said the facility has helped fight the pandemic in various ways,  
267 starting in September with applying for and becoming a regional childcare hub, which  
268 allowed them to provide childcare for essential workers and to setup remote learning  
269 camps for students when they were only in school two days a week. He said they've  
270 also hosted several Red Cross blood drives, after-school and in-service childcare, they  
271 were the voting location for the Presidential Election, a distribution site for PPE for the  
272 southern part of the state, and right now they are the COVID-19 pop-up testing site for  
273 Middlebury, with 75-100 tests per day. He said later this week they will partner with the  
274 local school district to package 400 meal kits to give to local school kids to take home  
275 for the holiday break. He said he wanted to acknowledge these activities and recognize  
276 how the Recreation Center has adapted to meet the needs of the community and how  
277 it's something we can all be proud of.

278  
279 He said the budget projection for FY22 is contingent on being able to return to regular  
280 programming and facility rentals in the summer of 2021. He said the budget is a 4.6%  
281 decrease from FY21 and the major drivers are a reduction in administrative costs and  
282 programming costs. He said there is also a reduction in the overall maintenance costs  
283 and Parks maintenance costs. He said there was an increase in wages, some of which  
284 is due to an increase in the minimum wage for 1<sup>st</sup>-year summer staff at the Recreation  
285 Park.

286  
287 Khan asked if the reductions in expenditures were due to COVID, and Hunt said it  
288 wasn't, it was just tightening up some programs where they could. Khan asked how  
289 COVID would impact revenues and expenditures. Hunt said it greatly decreased  
290 revenues, which would also impact the need for maintenance. There was discussion  
291 on the possibility of a surge in the need for recreation services at the end of the  
292 pandemic.

293  
294 Fuentes-George asked about the scholarship program and whether we are able to meet  
295 the needs of the families who need assistance with fees. Hunt said they've never not  
296 granted a scholarship in some form, even if it was by installment payments for a fee.  
297 Fuentes-George asked if residents wanted to contribute to the scholarship fund, how  
298 would they do that, and Hunt said they could simply email him. He said people also  
299 have the option to volunteer to coach or assist in a program, and their child would  
300 automatically be able to participate at no charge.

301  
302 Asermily said it's impressive the way the building has been used and wondered if there  
303 was any income from these uses, and Hunt said not at this point since there aren't a lot  
304 of our resources being used for these events.

305  
306 **10. Board Discussion of FY22 Budget Proposal & Set Date for Public Hearing on**  
307 **FY22 Budget Proposal – January 12, 2021**  
308

309 Carpenter said the Town Charter requires the Town to hold a Public Hearing on the  
310 proposed budget not less than 40 days from the Town's annual meeting. He said they'd  
311 discussed having the hearing at the January 12<sup>th</sup> meeting, giving the Board the meeting  
312 on January 26<sup>th</sup> to do any tweaks to the budget as a result of the hearing and prior to  
313 publishing the Warning.

314  
315 Seeley moved to warn a public hearing to take testimony on the draft FY22 General  
316 Fund Budget during the Selectboard's Regular Meeting Tuesday, January 12, 2021.  
317 Artim seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

318

319 Carpenter said there was a need for discussion on how to conduct the Town Meeting.  
320 He said Town Clerk Ann Webster had confirmed with the Secretary of State's Office that  
321 there is no provision in the Statutes for holding a Town Meeting virtually and no such  
322 action has been considered. He said we heard that this discussion is going to be taken  
323 up as soon as the new Legislature gets underway in January, and it looks like there will  
324 be options for Town Meeting, such as postponement, but he didn't feel that was an  
325 option for us, but perhaps a Zoom type meeting.

326

327 Town Clerk Webster said it isn't possible to hold a Town Meeting virtually. She said you  
328 can hold a virtual public information meeting, but in that case every vote has to go on  
329 the Australian ballot. She said with COVID on the rise, she can't see how we could  
330 have an in-person meeting. Carpenter said he believed that the virtual meeting option  
331 would be one of the first approved when the Legislature returns in January. Town  
332 Moderator Susan Shashok and Webster both said that the Board should be approving  
333 voting all items on the ballot now, and not wait. Carpenter said he believed if they did  
334 that the vote would sunset on December 31<sup>st</sup>, and both Webster and Shashok, said that  
335 is not the case for Australian ballots. Webster you need to decide to vote by Australian  
336 ballot before approving the Warning, and the sooner they can do it the better, because it  
337 does impact a lot of her preparations. Ramsay asked if they saw any reason to wait.  
338 Shashok said as much as she'd love to see democracy in action with voting on the floor,  
339 she didn't see any reason to wait on deciding to vote by Australian ballot. Webster said  
340 this one year we have the authority to do Town Meeting this way, but next year we'll  
341 have to return to the normal format.

342

343 Carpenter said resident Victoria DeWind asked about amending a budget item, and the  
344 answer was that you either have to vote the entire budget down or approve it, there is  
345 no way to amend it. Shashok said that's the risky part.

346

347 Artim said given the cards we've been dealt, the Australian ballot option is the best one  
348 we have, so he doesn't see any reason to delay it.

349

350 Artim moved to vote all Town Meeting Articles in 2021 by Australian Ballot by authority  
351 of the Selectboard, returning to normal in 2022. Fuentes-George seconded this motion.

352

353 Fuentes-George said while she'll miss the traditional Town Meeting, this will give people  
354 who aren't able to attend the opportunity to vote on the budget. Brown said it also  
355 makes the Public Hearing on January 12<sup>th</sup> all the more important and we should get the  
356 word out on it. Webster said besides the budget Public Hearing, there would also need

357 to be an informational meeting, which would be the “Town Meeting” where the Articles  
358 would be reviewed.

359

360 Asermily asked if there would be early voting, and Webster said there definitely would  
361 be and it will begin 20 days prior to the election, somewhere around February 10th.

362 Asermily said we need to think about when to have that informational meeting. Ramsay  
363 said we have to keep in mind that the school will be having similar issues and will be  
364 scheduling their meeting as well, so we don’t want to have ours on the same night.

365 Shashok said she wasn’t sure if her services would be needed in this format, but if they  
366 decided she was needed they can let her know.

367

368 Seeley asked Ramsay to remind her of what the current limit was for attendees in the  
369 Zoom format, and Ramsay said 500. Seeley said she wondered if there was a  
370 possibility we’d have to turn people away and consider an alternative meeting. Ramsay  
371 said the highest attended Town Meetings in the past were in the 300 to 350 people.

372 English said the Zoom limit could be increased to 1,000 people if they felt it was  
373 needed. Fuentes-George wondered about having people submit questions beforehand,  
374 then if there are duplicate questions they could be streamlined. Ramsay said we’d need  
375 to set a deadline for questions to at least a week in advance so we could organize them.

376 Shashok said we can also remind people that they can watch the meeting on MCTV if  
377 they don’t want to participate.

378

379 Fred Dunnington said if early voting starts February 10<sup>th</sup>, it seems like a public  
380 informational meeting should be between the time the Warning is published and the  
381 early voting starts. He also thought the Public Health and Safety Committee should  
382 have a say on the wording on the cannabis vote with another meeting to discuss that  
383 topic prior to the voting. Brown said the Public Health and Safety Committee is already  
384 committed to having another meeting.

385

386 Carpenter put the scheduling in Ramsay’s hands to make sense of when to have these  
387 meetings and called the vote on the motion. The motion carried with 7 in favor.

388 **MOTION PASSED.**

389

### 390 **11. FY21 Year-To-Date Budget Report**

391

392 Ramsay reported that in the General Fund, library expenses are down about \$60,000  
393 due to the impact of COVID, and revenues are down \$7,000 from this time last year.

394 She said the Recreation Department expenses are also down about \$23,000, and  
395 revenues are down about \$56,000 from the same time last year. She said the only  
396 other thing on the General Fund is that some of the Equipment Fund transfers were

397 made later than last year, making things look a little higher this year, but other than that  
398 tax collections for the 1<sup>st</sup> installment went very well with 2% not collected, which is  
399 typical. She said also, as reported last month, there isn't much to report on the water  
400 and sewer fund, other than the water fund is way over budget for contracted services for  
401 repairs on the water mains, but there isn't a lot we can do about that. She said there  
402 will be some adjustments made to accommodate the overage, but there isn't much fluff  
403 in the budget that can be adjusted.

404

405 Asermily asked about Local Option Tax receipts, and Ramsay said receipts were right  
406 where it was last year for the 3<sup>rd</sup> quarter, after seeing a slight dip in the 2<sup>nd</sup> quarter, so  
407 that means we'll be off about \$65,000 for this fiscal year. She said that's just her  
408 estimate without knowing what we'll see in this quarter and next quarter. Ramsay said  
409 overall she's comfortable with the way we're tracking.

410

411 **12. Howard Widelitz, Energy Committee Recommendation on**  
412 **Assessment of the HVAC system in the Police Building**  
413 **(includes agenda item 13.c.)**

414

415 Energy Committee Chair Howard Widelitz said at a previous meeting Richard Hopkins  
416 had presented a proposal for a reduction in greenhouse gases that the Energy  
417 Committee had been working on, and one of the strategies in that plan is to switch over  
418 to heat pumps in Town buildings where feasible. He said they met with Dan Dupras of  
419 Engineering Services of Vermont (ESV), who did the assessment of the Library's  
420 heating system and asked him to do a similar study on the Police Department since  
421 their current HVAC system is reaching the end of its life.

422

423 Widelitz said the recommendation is to use \$2,800 from the Energy Committee's budget  
424 to have this assessment done, since they feel it's a good use of their funds to see what  
425 can be done to reduce greenhouse gasses.

426

427 Artim said he'd like to see the implicit biases for heat pumps taken out of this proposal,  
428 and would rather see all options available. Widelitz said he understood what Artim was  
429 saying, but part of this assessment is the feasibility of converting to alternative heating  
430 sources, so the bias is built in purposely. Artim said he'd like to have the engineers  
431 figure out what the best system would be, because one system might not work as well  
432 as another or a combination of heat sources.

433

434 Director of Public Works Planning Dan Werner said ESV is a top notch company, and  
435 we can be sure we look at all options, but we knew the replacement of this heating  
436 system was coming and we want to get going on the assessment to begin the planning.

437

438 Seeley said this company evaluated the Library system as well, and at one time they  
439 considered at all types of heating options, so she was assuming a similar service would  
440 be done for the Police Department. Werner said the change at the library was due to  
441 the recent increase in efficiency of the heat pumps, which was so great that it bumped  
442 the other options out of the picture.

443

444 Seeley moved to award a contract to Engineering Services of Vermont for an evaluation  
445 and study of the HVAC system at the Police Department, for a total cost of \$2,800.

446 Khan seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

447

448 Seeley further moved to approve the Energy Committee's request to allocate \$2,800  
449 from its project budget to fund the HVAC system evaluation. Khan seconded the  
450 motion. The motion carried with 7 in favor. **MOTION PASSED.**

451

452 **13. Dan Werner, Director of Public Works Planning, Updates & Recommendations**  
453 **from Infrastructure Committee Meeting of December 10, 2020**

454

455 **13a. Recommendation on Proposal from Green Mountain Engineering for**  
456 **Replacement of Sidewalk and Curbing Between Mill Street and Battell Bridge,**  
457 **along the Green and Near the Seymour Street Intersection**

458

459 Werner said this proposal from Green Mountain Engineering (GME) is for replacement  
460 of the sidewalk between Mill Street and the Battell Bridge up to Merchants Row, and  
461 also a section by the Post Office and the Town Green. He said this includes sidewalks  
462 and some curbing. He said the curbing will be a combination of granite and concrete,  
463 since granite cannot be used on the bridge due to salt water seepage into the bridge  
464 structure, and the concrete makes it more water tight.

465

466 Werner said the proposal from GME is \$16,000 for the design and bid phase of this  
467 project, and they hope to have this out to bid in mid-January.

468

469 Artim asked when Kubricky was putting the final paving coat on the road. Werner said  
470 VTrans will be milling the top coat from south of the College all the way up to where  
471 Kubricky's work begins at some point in the spring, so ahead of that work they hope to  
472 have the sidewalk done before that work begins and the paving will be done later in the  
473 summer.

474

475 Asermily asked about the possible relocation of the ACTR bus stop and if that impacted  
476 this work. Werner said that's all outside of this work.

477  
478 Fuentes-George asked about the sidewalk on the south side of the bridge not being  
479 included in this plan, and Werner said it was replaced a few years ago so is in good  
480 shape and there is no reason to replace it now. Fuentes-George said it was mentioned  
481 in the Infrastructure Committee meeting that there is some uncertainty about how the  
482 sidewalk is connected to the buildings. Werner said the sidewalk in some areas is  
483 cantilevered somehow and attached to the building, so there is some structural  
484 engineering in this proposal to sort this out.

485  
486 Seeley moved to award a contract to Green Mountain Engineering for Final Design and  
487 Bid Phase engineering services for the Main Street Curb & Sidewalk Replacement  
488 Project, at a total cost of \$16,000. Fuentes-George seconded the motion. The motion  
489 carried with 7 in favor. MOTION PASSED.

490

491 **13b. Recommendation on Proposals to Replace the Metal Roof on the Pole**  
492 **Building at DPW**

493  
494 Werner said Bill Kernan had sought bids from several local roofing contractors, and the  
495 low bidder was Kevin's Roofing and Carpentry. He said they're a local Brandon  
496 company and their proposal for \$16,180 includes removing all the metal roofing and  
497 replacing it and the perlins (2"x4" supports). He said the roof is as old as the building,  
498 so somewhere in the 1980's, and funding is coming from the Capital Budget funds set  
499 aside for the replacement of the salt shed cover that will be delayed. Fuentes-George  
500 said she'd asked Kernan about delaying the salt shed roof replacement, and he'd  
501 indicated it was in good enough condition that the delay wouldn't be a problem.

502  
503 Khan said Kevin's Roofing proposal was not as detailed as the other two contractors, so  
504 he wondered if his proposal included removing the debris as the other two proposed,  
505 and Werner said it was included. Khan said it is not clear that's the case. Ramsay said  
506 it could be included in the contract that removal of the debris is included.

507  
508 Khan moved to award a contract for replacing the metal roof on the DPW Pole Building  
509 to Kevin's Roofing and Carpentry, for a total cost of \$16,180. Seeley seconded the  
510 motion. The motion carried with 7 in favor. **MOTION PASSED.**

511

512 **13d. Recommendation on Possible Small Change Orders for the Police**  
513 **Department Re-Use Project**

514  
515 Werner said the total change order is \$16,403.96 for some items for the Police  
516 Department Reuse project. He said one of the items on the list for masonry infill and

517 cleaning was already approved in November, and he had anticipated it was going to be  
518 a separate change order, but it's included in this one, so \$9,931 of this change order  
519 has already been approved. He said two items on the list will be part of the VMS  
520 contract, but will come out of the decommissioning funds. He said there is still around  
521 \$60,000 left in the project budget.

522  
523 Artim asked if they needed to invalidate the November approval to make it a cleaner  
524 sequence of approvals. Werner said this change order negates the November one so  
525 they could make a motion to rescind PCO 18020

526  
527 Artim moved to rescind PCO 18020 for \$9,931. Fuentes-George seconded the motion.  
528 The motion carried with 7 in favor. **MOTION PASSED.**

529  
530 Artim moved to approve Change Order #006 to the contract with VMS Construction, Inc.  
531 for the Middlebury Police Department Adaptive Re-use Project, for a total of \$16,403.96.  
532 Khan seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

533  
534 **13e. Recommendation on Amended Tree Policy and Emerald Ash Borer**  
535 **Management Plan, Required for 2020 Tree City USA Certification; Approve Annual**  
536 **Arbor Day Proclamation and Authorize Submission of 2020 Tree City USA**  
537 **Application for Certification**

538  
539 Werner said Judy Wiger-Grohs, a member of the Tree Committee and Infrastructure  
540 Committee, gave a presentation on the small change to the Tree Policy stating that for  
541 every public tree removed, two trees will be planted to replace it. Fuentes-George  
542 pointed out that the policy said "will" replace, not "should" replace, so that does make  
543 the Town responsible for the costs, and so she wasn't sure how that will impact the tree  
544 budget. Werner said there's \$6,700 set aside each year for tree planting, so once that's  
545 gone then you're done planting trees until the next year, so he doesn't see the need to  
546 increase the budget.

547  
548 Fuentes-George said the more trees we can plant, the better for the environment and  
549 the reduction of carbon emissions, so thinks it's a beneficial thing. Asermily said trees  
550 provide a significant shading and cooling benefit, so are a huge benefit as we see the  
551 temperature rising.

552  
553 Khan moved to adopt the Town of Middlebury Tree Policy, as amended. Asermily  
554 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

555

556 Khan also moved to approve the Town of Middlebury Emerald Ash Borer plan as  
557 amended. Seeley seconded the motion. The motion carried with 7 in favor. **MOTION**  
558 **PASSED.**

559  
560 Khan moved to sign the Middlebury Proclamation declaring the first Friday in May each  
561 year as Arbor Day. Asermily seconded the motion. The motion carried with 7 in favor.  
562 **MOTION PASSED.**

563  
564 Khan further moved to authorize Town Manager Kathleen Ramsay to sign the 2020  
565 Tree City USA Application for Certification. Seeley seconded the motion. The motion  
566 carried with 7 in favor. **MOTION PASSED.**

567  
568 **14. Request for Purchase Order for Repair of the**  
569 **Center Partition at the Recreation Center Gym**

570  
571 Recreation Supervisor Dustin Hunt said he is requesting approval of a purchase order  
572 for \$3,850 to replace some gym equipment that has reached the end of its useful life.

573  
574 Asermily said this is a relatively new building and so wondered if this was typical. Hunt  
575 said one of the items he's replacing are the safety straps on the basketball hoops that  
576 prevents the hoop from falling if malfunctioning, and the other item is the bar in the gym  
577 divider has some wear & tear, so that will be replaced, and both items are just out of  
578 warranty. Hunt said the safety straps have about a 5-year life span, and the  
579 manufacturer isn't sure what happened with the bar in the divider.

580  
581 Khan moved award a contract to Lajeunesse Interiors for the repair of the center  
582 partition at the Rec Center gym at a total cost of \$3,850, under the Sole Source  
583 Exceptions provision of the Purchasing Policy. Artim seconded the motion. The motion  
584 carried with 7 in favor. **MOTION PASSED.**

585  
586 **15. Discuss Renewal of the Lease Agreement with Middlebury College for the Dog**  
587 **Park off Collins Dr. for a Second Five-Year Term**

588  
589 Ramsay said the College is amenable to renewing the lease without any changes, so  
590 she's asking the Board to give her the authority to execute a five-year extension before  
591 January 1, 2021, with the same conditions as outlined in the current lease agreement.

592  
593 Seeley moved to authorize Town Manager Kathleen Ramsay to take all necessary  
594 steps to execute a renewal of the Town's ground lease with Middlebury College for the  
595 Dog Park off Collins Road for an additional five-year term, commencing January 1,

596 2021, with all other existing lease terms and conditions. Fuentes-George seconded the  
597 motion. The motion carried with 7 in favor. **MOTION PASSED.**

598  
599

600 **16. Approval of Listers' Grand List Errors & Omissions Report**

601

602 Carpenter said that in accordance with VSA 32 § 4261, when real or personal estate is  
603 omitted from the grand list by mistake, or an obvious error is found, the Listers, with the  
604 approval of the Selectboard, may supply such omissions or correct such errors to the  
605 Grand List. He said our Acting Assessor Alison Joseph has provided a list of 2020  
606 Grand List Errors and Omissions and the Board's approval is now requested in order to  
607 correct the Grand List, as noted.

608

609 Fuentes-George moved to approve the 2020 Grand List Errors and Omissions Report,  
610 as presented. Asermily seconded the motion. The motion carried with 7 in favor.

611 **MOTION PASSED.**

612

613 **17. Request from Better Middlebury Partnership for a Large Purchase Order to**  
614 **Fund Middlebury Money Prizes for the Great Middlebury Pig-Out: Holiday Edition**

615

616 Ramsay said Neighbor's Together's latest event to promote the downtown is just  
617 finishing up on December 14<sup>th</sup>, and they are seeking approval of a purchase order for  
618 \$3,300 for Middlebury Money for the prizes.

619

620 Khan moved to approve a Purchase Order in the amount of \$3,300 to be used by  
621 Neighbors Together to purchase Middlebury Money, which will be awarded as prizes in  
622 a drawing as part of the Great Middlebury Pig-out: Holiday Edition. Seeley seconded  
623 the motion. The motion carried with 7 in favor. **MOTION PASSED.**

624

625 **18. Consideration of Amendments to the Town's Lease with Addison County**  
626 **School District (ACSD) for Recreation Park and Renewal for a Second 25-Year**  
627 **Term, Commencing on January 1, 2021**

628

629 Ramsay said in November the Board discussed the renewal of the ACSD lease for the  
630 Rec Park, and late this afternoon the 25-year extension lease was received from Town  
631 Attorney Benj Putnam. She said she's working with the school's counsel Eben  
632 Punderson on this, and upon suggestion by Artim, they addressed the Land Water  
633 Conservation Commission funding language and tightened that up, and Hunt had some  
634 recommendations on not naming the playground space, since it will probably change  
635 over the next 25 years.

636  
637 Artim said he has some reluctance to vote positively, since the lease draft came in late  
638 and he had not had a chance to review this. He said he'll trust Putnam has done good  
639 work but would rather put it off until the next meeting. Ramsay said there was a  
640 possibility of the Board convening very briefly to approve Warrants on December 29<sup>th</sup>,  
641 so if he'd like this could be deferred until then, and Artim said he would rather do that.  
642 Ramsay said they should all look at the document so if there were changes, they would  
643 be incorporated into it prior to the meeting so it would be all ready to approve on the  
644 29<sup>th</sup>.

### 19. Approval of Check Warrants

645  
646  
647  
648 Artim said by the authority of the SB granted on April 28, 2020, I have reviewed and  
649 approved total expenditures of \$279,166.71 consisting of \$245,279.10 for accounts  
650 payable, and \$33,887.61 for payroll, for the period December 9, 2020 through  
651 December 15, 2020, and he moved the Board's approval of payment of these  
652 expenditures. Khan seconded the motion. The motion carried with 7 in favor. **MOTION**  
653 **PASSED.**

### 20. Town Manager's Report

654  
655  
656  
657 Ramsay said the agenda item is to discuss the Board's approach on advancing race  
658 equity & inclusion pending the proposal from Lisa Ryan, Program Director of the  
659 Rutland County Community Justice Center and Tabitha Moore, Director of the Rutland  
660 Area Chapter of the NAACP. She said she'd reached out to Lisa Ryan last week to ask  
661 about her anticipated timeline for presenting a proposal for working with the Selectboard  
662 on its approach to advancing race equity and inclusion in Middlebury, but she has not  
663 heard from her. She said it was in the Rutland Herald that Tabitha Moore has resigned  
664 from her position, so that may be a contributing factor in the delay in getting the  
665 proposal together.

666  
667 Brown said he'd talked earlier with Carpenter, and he's slightly frustrated with the  
668 Board's progress on this. He said every meeting when they get to this item it's late and  
669 there's no time for discussion and the next couple of months will be even busier, so he'd  
670 like to recommend forming a committee with Board members, staff members and  
671 members of the community to advise the Selectboard on learning about this and  
672 learning what's going on in the community and to make some type of recommendation  
673 on what can be done to make this community a better place to live. He said he thinks it  
674 would be a good way to push this forward and make some progress.

675

676 Fuentes-George said she has felt some frustration, too, with the lack of progress, but  
677 she's also very aware of how much is on everyone's plate at the moment as well and is  
678 impressed with the efforts we have made. She said she thinks a committee makes a lot  
679 of sense, and we've seen from other committees how soon they can get some  
680 recommendations to the Board. She said her other thought was to honor some  
681 suggestions by others in the community about who to work with, since there aren't many  
682 people of color in town who do this work. She said Renee Wells is local and she might  
683 be someone who could put something together for a workshop, so it might be time to  
684 reach out to Wells and see if she could help us out. Ramsay said she'd be happy to  
685 reach out to her.

686  
687 Carpenter asked what the Board thought about adding a Race and Inclusion Committee  
688 to the list of Board committees to be appointed after Town Meeting when all the others  
689 are appointed. There was a brief discussion on how the IDEAL Middlebury group or  
690 some of their members might participate.

691  
692 Ramsay said in response to Lindsey's question at the December 8th meeting about the  
693 status of the biodigester project, she'd reached out to Eric Fitch, PurposeEnergy CEO,  
694 who provided an update on project permits completed and those still outstanding. Fitch  
695 also provided a link to the Public Utility Commission's case file for the project, for the  
696 Board's reference.

697  
698 **21. Board Member Concerns**  
699

700 Artim said this is the meeting in December where they end it with warm handshakes  
701 and hugs, and urged everyone to not let the COVID disease take away the joy of the  
702 season and to do whatever you can to keep in touch with friends and loved ones. He  
703 also thanked the Town staff for all they do and wished them well this holiday season.

704  
705 Fuentes-George reminded people that you will have to request from the Town Clerk's  
706 Office for a ballot to be mailed to your house for Town Meeting. She said also that she  
707 isn't sure toy drives are happening this year, so if you are able to share with others less  
708 fortunate there are a number of organizations in town that help families.

709  
710 Khan welcomed Asermily back to the Board and wished everyone happy holidays and  
711 said he hopes everyone comes out on a better side after the New Year. Khan also  
712 asked about the extra staff person in the accounting office that was hired to work with  
713 grants administration, and Ramsay said that person left, but we will be looking to bring  
714 someone back to that position.

715

716 Seeley wished everyone happy holidays and said kudos to Ramsay and the other  
717 department heads for putting together another great budget, and how every year she's  
718 amazed at the level of professionalism.

719  
720 Asermily said she had been going to say the same thing, and it's so relevant with what's  
721 happening with the school budget, since people are struggling. She said that she hopes  
722 there is more attendance with the Zoom presentations, so people understand the  
723 budget.

724  
725 Brown said he agrees with everything that's been said, and spoke of the hard times for  
726 all the restaurants and the food insecurities for families, so we need to reach out to help  
727 them.

728  
729 Carpenter thanked everyone for all the work, and reminded them there is a brief  
730 meeting on December 29<sup>th</sup>.

731  
732 The meeting adjourned at 9:57 p.m. upon motion by Seeley, seconded by Fuentes-  
733 George.

734  
735 The next regular meeting of the Middlebury Selectboard will be Tuesday, January 12,  
736 2021.

737  
738 Respectfully submitted,  
739 Beth Dow

740  
741  
742  
743  
744  
745  
746  
747  
748