

1                                 **Regular Selectboard Meeting**  
2                                 **Large Conference Room – Town Offices**  
3                                 **Tuesday, July 28, 2020**  
4                                 **Meeting Minutes**  
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7         **NOTE: Due to the need for separation to prevent the spread of COVID-19 virus,**  
8                 **the meeting was held remotely via video conferencing with participants.**  
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10         Members Present: Heather Seeley, Lindsey Fuentes-George, Victor Nuovo, Dan Brown,  
11         Nick Artim and Farhad Khan. Brian Carpenter participated via phone.  
12

13         Staff Present: Town Manager Kathleen Ramsay, Assistant Town Manager Chris  
14         English, Police Chief Tom Hanley, and Director of Public Works Planning Dan Werner  
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16         Others Present: Middlebury College President Laurie Patton and members of her  
17         staff,0 and interested citizens.  
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19         The meeting was streamed live on the MCTVVT YouTube channel.  
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21                                 **1. Call to Order**  
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23         The meeting was called to order at 7:01 p.m. by Vice-Chair Heather Seeley.  
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25                                 **2. Approval of Agenda**  
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27         Seeley noted there was a need for an Executive Session, and with no further changes,  
28         the agenda was approved as present upon motion by Nuovo, and seconded by Khan.  
29         The motion carried with 7 in favor. **MOTION PASSED.**  
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31                                 **3. Approval of Minutes of July 14, 2020**  
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33         Khan moved to approve the minutes of July 14 2020, and Nuovo seconded. Khan had  
34         to corrections:  
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36         Line 249 – “have” should be “having”  
37         Line 445 – Should read “Seeley said...”  
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39         The minutes were approved as amended with 5 in favor, 2 abstaining (Artim and Khan).  
40         **MOTION PASSED.**

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#### 4. Citizen Comments

There were no citizen comments.

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

Chief Hanley said he's continuing to meet weekly with the Attorney General for updates or policy changes regarding enforcement of the Governor's Orders. He said we're getting a lot of visitors from down south and east, so wants to re-enforce that people need to protect themselves and wear a face mask, keep your hands clean and be sure to wash your masks regularly.

He said based on data they've collected from the State on complaints in town, they've started to make compliance visits with businesses to make sure they understand the Governor's orders and are providing masking posters that they can put up. He said the mask requirement gets more stringent beginning August 1<sup>st</sup> with the Governor's newest order, but it still is not a mandate so there is no enforcement component. He noted that the State has also requested that compliance visits be conducted with establishments holding 1st and 3rd class liquor licenses.

Brown asked Hanley about the visitors in town, since as owner of a lodging facility he can attest that they aren't seeing out-of-towners staying with them. Hanley said they were coming up from Lake Dunmore or staying at Airbnb rentals, and his officers are seeing a lot of out-of-state license plates as they patrol town.

#### 6. Representatives from the administration of Middlebury College with an update on the College's plans to re-open the campus to students in the fall.

Seeley said representatives from the College, including President Laurie Patton, Health Service Director Dr. Mark Peluso and Special Assistant to the President, Associate Secretary of the Corporation & Director of Community Relations Sue Ritter, would do the presentation on the College's reopening.

President Patton opened by saying she believed the relationship between the College and the Town is an extraordinary one, and the questions and comments they've heard over the last several months have been essential to their broader approach in these incredibly difficult times. She said their main principles were maximizing safety for all while maintaining educational opportunities. She introduced the presenters: Director of

81 the College's Health Services Mark Peluso, M.D; Dean of Students Derek Doucet;  
82 Director of Health and Wellness Education and specialist in College Health Education  
83 Barbara McCall; and, Environmental Health and Safety Coordinator Jen Kazmierczak.

84  
85 Patton said their decisions are entirely grounded in science and they're working with  
86 guidance from experts, the Centers for Disease Control (CDC), National Institute of  
87 Health (NIH) and the Vermont Department of Health. She said their models are  
88 successful states and parts of Europe and Asia and constant risk mitigation as events  
89 change. She said they've just released their 2020-21 website, which covers all their  
90 COVID health guides, and their health measures meet and, in some cases exceed, all  
91 recommendations.

92  
93 She said they are constantly monitoring the situation and analyzing National trends, but  
94 wanted to assure everyone that the College will not open if it is not safe to do so. She  
95 said their Crisis Management and Safety Teams and the Health and Safety task force –  
96 made up of faculty, staff and students – are working together on this, and the College  
97 has regular meetings with local officials and groups, as well as State agencies and  
98 National and regional college associations.

99  
100 Patton said they are making decisions based on the Johns Hopkins Council on Higher  
101 Education Safe Return site. She said they've finished their return to campus protocols  
102 and policy, and completed the training for residential staff members, and are working  
103 with community members on residential spaces. They've identified the location for  
104 where their testing will be done, and are working with the State on tracing

105  
106 Patton said the questions they're hearing from the community are incredibly important  
107 and she said the presenters would cover them in more detail, but the questions included  
108 Porter Hospital capacity, campus travel, testing and tracing, and the behavior of off-  
109 campus students, which she knows is incredibly important to the community.

110  
111 Patton stated that the conservative approach the College took in March to go with  
112 remote classes still prevails in their decisions now, and she said again that the College  
113 would not open if it wasn't safe to do so, and how important this community and its  
114 safety is to the College.

115  
116 Dr. Peluso went over regional and national statistics and on the areas with the highest  
117 cases of COVID at the moment. He said the College plan is developed with data from  
118 the CDC, NIH, the American College Health Association and the Vermont Department  
119 of Health. He said he meets weekly with State Health Commissioner Dr. Levine and

120 Deputy Health Commissioner Tracy Dolan, as well as other specialists and college  
121 organizations.

122

123 Dr. Peluso went over the Pre-arrival Phase for students that requires a 14-day  
124 quarantine and students have been advised to travel directly from their homes to  
125 campus. He said the Arrival Phase involves testing, in-room/campus quarantine until  
126 negative test results are received, daily symptom checking, travel and gathering  
127 restriction, no campus visitors, and these same rules apply for off-campus students as  
128 well.

129

130 Dr. Peluso went over an app the College will be using that features bar codes that can  
131 be scanned to certify if a student has complied with some policy and can limit access to  
132 certain areas on campus based on that information. He said testing is critical to their  
133 success and Broad Institute will be doing the testing, with 24-hour results. He went over  
134 the isolation spaces on campus so if there is a positive case, the students will house in  
135 one of these locations. He said they're constantly reviewing the Plan and said it's fluid  
136 as the situation changes. He also went over how they'll make decisions in the future.

137

138 Derek Doucet said the College is aware that the most pressing concern in the  
139 community is student behavior, and they understand that concern. He said their  
140 Student Handbook Scope of Oversight states that all students, whether they live on-  
141 campus or off, are subject to the College's disciplinary process, and this include conduct  
142 that takes place on or near Middlebury campus, and it specifically mentions maintaining  
143 the safety of the Middlebury community. He said all students will need to commit to  
144 community health and must sign a pledge prior to returning to campus. Doucet said  
145 public health is their priority and the bar for removal from campus and/or suspension will  
146 be far lower than in a typical year, because the stakes are too high and elevating the  
147 level of risk to the community won't be tolerated. He said multiple staff will be ready to  
148 act on concerning reports, and sanctions will be based on the level of potential risk to  
149 the community. He said they won't wait for someone to become infected; even a  
150 potential risk introduced into the community is enough to trigger a response. He  
151 reviewed their Sanctioning Matrix and said they'll be progressive and proportionate to  
152 the specifics in each infraction.

153

154 Doucet said off-campus students are of particular concern to the community, and there  
155 are three categories of off-campus students: students who are in-person learners and  
156 are approved to live off campus; fully remote learners but living locally; and students  
157 who are on leave but living locally. He said all these students are required to provide  
158 the College with their local addresses and failure to do so would be a serious conduct  
159 violation. He said they plan to work with off-campus students to see what barriers might

160 exist to their cooperation with the plans so they can work on removing those barriers,  
161 and students are required to meet with the Dean of Students staff so they will know the  
162 expectations for living off campus. Doucet said the College will not tolerate behavior  
163 that puts the community at risk and they have good plans in place to address them.  
164

165 Barbara McCall spoke on the health education approach they would be taking with  
166 students. She said there were a number of methods for reaching students, including  
167 online, pre-arrival courses and the health pledge all students will be required to sign,  
168 and the education around COVID information. She said they've made sure the student  
169 leaders have the tools, skills, knowledge and competence to have meaningful  
170 conversations around community enforcement and healthy behaviors. She said mental  
171 health is a concern for students every day, so they will also focus on not only what  
172 students can't do, but what they can do to stay connected. She said they'll be hiring  
173 some COVID-19 Health Education Assistants to promote skill-building and to enforce in  
174 a community-minded way the health behaviors they are asking all the students to  
175 engage in.  
176

177 Jen Kazmierczak spoke on how they're working on the campus safety and how they're  
178 working with employees. She said they've heard the question of how the College would  
179 keep employees safe, and how would they prevent an employee from bringing the virus  
180 to campus. She said they do a health assessment of staff, and the high risk group,  
181 such as healthcare workers and support staff who might come in contact with COVID-19  
182 cases, and they are trained and provided with personal protection equipment (PPE).  
183 She said most people fall into the medium- or lower-risk levels. Positions that require  
184 contact with others fall into the medium-risk category, and the staff who can work  
185 without close contact with others or work remotely/virtually are low-risk staff.  
186

187 She also went over the hierarchy of hazard controls, such as ventilation and physical  
188 barriers, adjustments to schedules, and touch-free transactions. She said all faculty  
189 and staff are required to complete a daily health check to make sure they don't have  
190 any potential symptoms. Cleaning, disinfecting and physical distancing is being  
191 practiced throughout the campus. Kazmierczak said the College is taking a phased  
192 approach, and if the situation warrants that they need to step back in their phases,  
193 they're prepared to do so.  
194

195 Seeley thanked everyone for their presentation and reminded everyone watching that  
196 this presentation was posted on the Town website [www.townofmiddlebury.org](http://www.townofmiddlebury.org). Ramsay  
197 said there were multiple questions received before the meeting and that they have tried  
198 to group them into 9 questions.  
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Questions:

**1. Does the College have a phased approach to reopening similar to the State of Vermont’s approach to gradually opening the spigot, or closing it if necessary, and if so, what are the phases and what would require them to tighten the restrictions or go online?**

Kazmierczak said they start with the pre-arrival quarantine, then Phase I begins August 18<sup>th</sup> when the first group of student leaders arrive. She said there is a staggered arrival with three different arrival times. She said they are hoping to move into Phase II of stabilizing around September 15<sup>th</sup>, but only if health conditions allow; and Phase III would be the sustaining phase that would begin several weeks later, but will be a day-by-day decision.

Dr. Peluso said there are a lot of different things to look at on the State and National level, so it needs to be looked at as a whole. He said it will be a matter of how many cases are there on campus, student behavior is a big part of it, and if they’ve earned their way into the next phase.

President Patton said there is a slide in the presentation that shows a very detailed set of metrics and the slide is called Metrics Informing Decisions Sample Table. She said that table will provide all the elements the College is integrating into their decision-making. She said they worked with the State of Vermont on designing the metrics, but the College is being even more conservative than the State has been.

**2. What criteria will be used for the College to reverse its decision to have in-person classes?**

Dr. Peluso said certainly if the Governor, CDC or Department of Health said they needed to go remote because things were deteriorating, but beyond that, if they had lots of cases on campus so they couldn’t meet their quarantine needs, or the students weren’t meeting goals set forth for them, they’d look at maybe backing into a more restrictive phase, such as a campus quarantine and they’d consider going remote. He said this past March, Middlebury College was one of the first schools to go remote. He said there weren’t a lot of precedents for this, but they felt it needed to be done for the safety of the community. He said so much has changed since then, and we’re in a much different place that didn’t exist in the past, but if the College Administration feels they can’t do it safely, they won’t do it. Patton said it wouldn’t be one single factor, but a combination of factors.

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**3. Regarding the flu shot requirements, is the College going to administer the vaccine or is it likely students would utilize local providers. If the latter, has the College engaged with local medical providers and pharmacies the likely need for additional units?**

Dr. Peluso said the College requires a flu shot for all students and they have purchased the vaccine and will use College staff to provide it, and have talked to Addison County Home Health and Hospice (ACHHH) if they'd like to partner with the College, but if they don't the College has the capability to do it. He said ACHHH has been wonderful at reaching out to offer their help and support.

**4. Does Middlebury College have sufficient testing capacity to meet its testing requirements as outlined in the Return to Campus Guide, and what contingencies do we have for a shortage of tests or a significant delay for getting COVID-19 test results?**

Dr. Peluso responded they definitely have the test capacity they need, but it is a huge issue for other schools in the country. He said Middlebury College was one of the first schools to connect with Broad Institute, and they have incredible capacity and are dedicated to providing that service to schools and municipalities. He said they are having conversations with alternate vendors to be sure we have the capacity needed in case Broad goes down, which he doubts would happen.

Kathleen Ramsay asked if the tests would be PCR testing and will the results be reported to the Vermont Dept of Health. Peluso replied it will be PCR testing, it is diagnostic, it is not an antigen test. He said they'll definitely report positive cases and they'll be keeping the statistics and will work with the State on transferring the data.

**5. What happens if a student tests positive for COVID-19? Will they be quarantined and will the College's Health Center care for them? (Question asked over concern for overburdening Porter Hospital resources.)**

Dr. Peluso said they share that concern. He said if a student tests positive they will house them in the Mumford house and there will be a host of support available to the student. He said in this age group the need for hospital-level care is very low, but if they do, they've met with Porter Hospital and the College will take care of what they are capable of to help preserve Porter's resources.

279 **6. How will you be sure students will stay within the campus bubble and follow**  
280 **protocol?**

281  
282 Derek Doucet said the key is they don't intend to rely on any single approach to manage  
283 student behavior, but when behavior modification measures aren't sufficient, a firm  
284 conduct response will be necessary, and they're prepared to do so. He said they will  
285 continually communicate expectations, and there are sufficient incentives for students to  
286 comply if they want to be granted increasing freedom.

287  
288 McCall said she'd reviewed the data received so far from students taking the Health  
289 Information Survey, and when asked to rank the benefits of complying to the guidelines,  
290 she said the majority of the students ranked the "protection of others and the  
291 community" as Most Important, followed by their ability to return and resume their  
292 academic career, and 3<sup>rd</sup> was their own personal health and safety. She said this is  
293 very telling, considering results of similar surveys at other colleges the students have  
294 ranked their own health and safety above returning to their academic career.

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296 **7. Where are off-campus students living and what protocols are they expected to**  
297 **follow and how will the College know if they are not following the rules? Is there**  
298 **a plan to monitor them and what about the students that live outside Middlebury,**  
299 **but in Vermont?**

300  
301 Doucet said students living off campus are required to register their addresses and  
302 landlord information with the Housing Office, but what's new this year, is they're  
303 requiring off-campus students in the state signed up for remote learning to provide them  
304 with their addresses as well. He said all of them are required to follow State health  
305 protocols, all are subject to the College disciplinary process, which includes group size  
306 for gatherings, so the College has a scope of oversight that extends to all of these  
307 students. He said in terms of them not knowing if they're following the rules, he feels  
308 community members will bring concerns forward, but they will be doing periodic check-  
309 in rounds in town to houses where students are approved to live off-campus. They'll be  
310 checking in remotely, and each house where students live will have a designated  
311 contact person who will check with them and be in contact with the Office on Housing  
312 and Community Standards, so there are a number of ways they'll be able to monitor  
313 their behavior. He said the students living in other locations other than Middlebury will  
314 have an oversight process as well.

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316 **8. How will the College enforce their conduct policies when the students are in**  
317 **violation of the health and safety protocols and who is in charge of enforcing off**  
318 **campus COVID related health and safety requirements?**



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Doucet said the Office of Community Standards is the department in charge of enforcement of all disciplinary actions on and off campus, and it is under the purview of the Dean of Students. He said the Associate Dean of Community Standards will consider and make determinations about reports and responses will be rapid and will prioritize health and safety. He said their sanctions may rapidly progress to suspension and removal from campus, and while students have the right to appeal, students will be quarantined while waiting for that process, which usually happens within 24 hours. He said it is a rapid and efficient process that insures a fundamental fairness.

Ramsay said the 9<sup>th</sup> one was an observation, and not a question.

**9. Landlords should provide their contact information to neighbors in case here are any concerns about their tenants' behavior. Landlords should have strict provisions in their leases requiring strict observance of State and Federal COVID-19 guidelines.**

Resident Dave Silberman said that the students are valuable members of our community and he's concerned about their health as well. He said the College has indicated they'll test 750 students every week, but he said with the students and staff there is about 3,000 on campus, and the best practice for congregate living is to test everyone twice a week. He said they're only planning on 1/10<sup>th</sup> of the testing they should be doing. He said with their capacity they could test everyone twice a week if they did pool testing. Silberman asked the College if they would be doing pool testing.

Dr. Peluso said he appreciated Silberman's concern for the students, and in terms of the testing capacity, the testing Silberman is referring to is testing pre-symptomatic or asymptomatic cases and this is not recommended by the Department of Health, the CDC, or the American College Health Association. He said he doesn't think it can be called "best practice", and there aren't many colleges doing this type of testing, other than UVM. He said they will focus on "dynamic" testing and focus on those that might be at higher risk due to the activities they're doing. He said if they start seeing an increased rate of infection, then they can ramp up that testing to include more numbers, but if we don't see that, then they'll continue as planned. He said this far exceeds the Department of Health recommendations, so he feels good about the testing program.

Seeley read a question sent in by Erin Davis. Davis said the important part of reopening are faculty and staff, and we need to compensate frontline workers with hazard pay and/or premium pay, as well as allow extended sick leave so they can call in

358 sick if not feeling well and not lose pay. Will this additional pay be offered and how do  
359 you offset the risk for this danger for Middlebury workers?

360

361 Vice President of Human Resources Karen Miller said there has been consideration  
362 given to hazard pay and they've worked to put in place the proper protocols so the staff  
363 is safe. She said they have not yet decided if the hazard pay will be offered.

364

365 Executive Vice President of Finance David Provost added that dating back to March,  
366 the College has been committed to supporting the faculty and staff around wage  
367 continuity, and that has been a fundamental principle in their planning. He said they  
368 have discussed hazard pay and will release information as they make decisions.

369

370 President Patton said it's important to acknowledge this is a concern for folks and that  
371 right now their focus is to provide a safe environment that exceeds the Vermont  
372 guidelines, and because of that they don't see the need for hazard pay. She said no  
373 employee will be allowed back to work until the safety check has been made of their  
374 work area, and once it is deemed safe the employees will be able to return to work.  
375 She said those that can work remotely are asked to continue to do so. She said other  
376 colleges have had to cut benefits and pay, and this spring Middlebury College  
377 discussed how their budget and values work, and they made the decision that they  
378 would not be cutting benefits or pay for now, and that is a commitment to this  
379 community, as well as the incredible faculty and staff.

380

381 William Poulin-Deltour thanked the College for their presentation and asked their  
382 rationale for so many students returning. He said fewer than 50% of courses are in-  
383 person courses, yet it was reported it was important to reopen so students could come  
384 back for the learning experience. He said he's also concerned about parties. He just  
385 wonders why they are having all students come back?

386

387 Doucet said he can understand how the idea of packing students in on campus would  
388 be troubling, but that is not their approach. He said they have a relatively low housing  
389 density to begin with and they also are tracking student numbers closely. He said  
390 typically there are 2,450 to 2,500 students beginning in the fall, but when they count the  
391 students indicating they'll be studying remotely and the ones who are taking a leave-of-  
392 absence, and the international students who might not return, they are expecting less  
393 density than typical without taking more drastic steps. He said they have ways of  
394 controlling the density. He said students returning to campus offers tremendous  
395 benefits to student experiences and mental health, as well as student-faculty  
396 engagement despite classes being remote.

397

398 McCall said in response to the concern about parties, the students responding to the  
399 Health Information survey are also concerned about parties and the majority said they  
400 would not attend an on or off campus party that they felt would not respect the COVID-  
401 19 guidelines.

402

403 Dr. Peluso said they are creating space where students can gather and spread out,  
404 making it so they can still get together and not have the large gatherings. He said the  
405 students he's spoken with are very concerned about their health and the health of the  
406 community.

407

408 President Patton said the numbers they have now from Dean of Curriculum are that  
409 50% of classes are remote, 37% are some hybrid form of class, and 13% are in-person.  
410 She said she expects they will have students making decisions around the options of  
411 class formats, so she feels they'll have a lower density. They're letting students choose  
412 and they think they'll see more students choose to learn remotely, and they'll support  
413 that 100%.

414

415 Artim said this was a good presentation and what the College has done is logical and  
416 science-based, and the College has shown all along how aware they are of the  
417 seriousness of this emergency, and it gives him a lot of trust in the work they've done.  
418 He said he feels the plan is very appropriate and appreciates that they have  
419 contingency plans. He said he agrees the students are very serious about the situation  
420 and they want the aspect of learning in a College campus and will do everything they  
421 can so they are not part of the problem. He did wonder how students would get food  
422 during quarantine. Patton said the Food Service Director has an excellent plan in place  
423 for delivering food.

424

425 Seeley thanked all of the Middlebury College Senior Staff for all the information  
426 provided tonight.

427

## 428 **8. Annual Appointments to Boards, Committees,** 429 **Commissions & Official Positions**

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431 Seeley said they would begin with the appointments that had more candidates than  
432 open positions. She said on the Development Review Board (DRB) there are two  
433 positions open and 3 applicants, Ann Taylor and John MacIntyre who are seeking  
434 reappointment, and new candidate Mark Wilch.

435

436 Artim moved to appoint Ann Taylor and John MacIntyre to the Development Review  
437 Board and Mark Wilch as the Alternate. Fuentes-George seconded the motion. The  
438 motion carried with 7 in favor. **MOTION PASSED.**

439  
440 Seeley said the next one was the Addison County Regional Planning Commission  
441 (ACRPC), which has 3 positions and 4 applicants, with the possibility of 2 alternates.  
442

443 Khan moved to appoint Andy Hooper, Ross Conrad and Hugh McLaughlin as  
444 representatives to the ACRPC, and Jilly dos Santos as Alternate. Fuentes-George  
445 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

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447 Seeley said the Infrastructure Committee has 2 positions available and 4 candidates  
448 and they allow 1 alternate.

449  
450 Khan moved to nominate Gary Baker and Matt DeBisschop as members of the  
451 Infrastructure Committee, and Erik Remsen as Alternate. Nuovo seconded the motion.  
452

453 Khan stated his reason for nominating DeBisschop instead of Adam Franco or Erik  
454 Remsen, is because it was the only position DeBisschop applied for, and Franco and  
455 Remsen had each applied for multiple positions, so this will give everyone a chance to  
456 serve.

457  
458 The motion carried with 7 in favor. **MOTION PASSED.**

459  
460 Seeley said there is one position needed on Middlebury Area Land Trust (MALT) Board  
461 and two applicants.

462  
463 Khan moved to appoint Christopher Brooks to the MALT Board, Brown seconded the  
464 motion. The motion carried with 7 in favor. **MOTION PASSED.**

465  
466 Nuovo moved to appoint all nominees to the remaining Committees, Boards,  
467 Commission and Official Positions, as presented. Fuentes-George seconded the  
468 motion. The motion carried with 7 in favor. **MOTION PASSED.**

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## 9. Set revised property tax payment due dates to

**November 15, 2020, January 15, 2021 and March 15, 2021  
in response to COVID-19**

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Seeley said the voters at Town meeting in March approved the following property tax due dates: August 15, 2020; November 15, 2020; and March 15, 2021. She said In accordance with Act 102, signed by Governor Scott on May 14th to address the economic impact of the COVID-19 pandemic, the VT Department of Taxes announced in June that municipalities “may postpone collection dates for both the municipal property tax and education property tax, and these temporary relief measures can be approved by a majority vote of the select board in lieu of a town-wide vote.” She said in response, the Board is now being asked to set revised property tax payment due dates for FY21 to the following: November 15, 2020; January 15, 2021; and March 15, 2021.

Nuovo moved to set revised property tax payment due dates for FY21 to November 15, 2020; January 15, 2021; and March 15, 2021, in accordance with Act 102. Khan seconded the motion.

Brown asked what delaying the payments meant for cash flow for the Town? Ramsay said the Town had sufficient cash flow to meet the collection requirements. She said the August 15<sup>th</sup> deadline didn’t work for us this year because of the extension of the State Income Tax deadline to July 15<sup>th</sup>, which we in turn use to calculate the Homestead values to issue the tax bills.

The motion carried with 7 in favor. **MOTION PASSED.**

**10. Acceptance of gift of funding and sole-source  
purchase request for labyrinth for Lazarus Park**

Community Liaison Jim Gish said last year the Selectboard approved the landscape Plan for the new Lazarus Park along Printer’s Alley, and part of that park is a labyrinth that will be located at the bottom of the Park. He said this idea came from St. Stephen’s Episcopal Church, but it wasn’t considered a participatory cost from the Federal Highway Agency, so an alternative source of funds was needed. He said St. Stephens led a fundraising effort that raised \$16,800, which is the cost of the pavers for the labyrinth, and the construction portion will be covered by Kubricky Construction. He said the Board is being asked to accept a letter accepting St. Stephen’s gift of funding for the labyrinth on behalf of the Town, and a request to purchase the labyrinth kit from The Labyrinth Company for under the Sole-Source provision of the Town Purchasing Policy for a total cost of \$16,800 (including shipping).

516 Seeley thanked St. Stephens Church, and said two motions were needed.

517

518 Khan moved to approve the letter accepting, on behalf of the Town of Middlebury, St.  
519 Stephen's Episcopal Church's gift of \$16,800 to fund the purchase of a labyrinth to be  
520 installed at Lazarus Park at the completion of the Downtown Bridge & Rail Project.

521 Nuovo seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

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523 Khan further moved to approve the purchase the labyrinth kit from The Labyrinth  
524 Company for under the Sole-Source provision of the Town Purchasing Policy for a total  
525 cost of \$16,800. Fuentes-George seconded the motion. The motion carried with 7 in  
526 favor. **MOTION PASSED.**

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528 **11. Dana Hart, Library Director, and Dan Werner, Director of Public Works**  
529 **Planning, presenting recommendations on Library window restoration and**  
530 **painting projects from the July 16, 2020 Infrastructure Committee Meeting**

531

532 Hart said this project was introduced about a year ago and was included in the Capital  
533 Budget, and a partial grant was also obtained to cover the cost of restoring the 14  
534 historic windows in the 1924 portion of the building, but the bids came in higher than  
535 anticipated. She said the low bidder was Willard Street Traditions, who is highly  
536 recommended by the Department of Historic Preservation, and they are willing to work  
537 with us to break the project into two sections, so the worst windows could be addressed  
538 this year with the funds we have, then address the remaining windows 2 years from now  
539 to allow her to apply for additional grant funds from Historic Preservation.

540

541 Artim moved to accept the Phase I contract proposal from Willard Street Traditions for  
542 window restoration at Ilesley Library, at a total cost of \$15,000. Nuovo seconded the  
543 motion. The motion carried with 7 in favor. **MOTION PASSED.**

544

545 Hart said the next request is to approve the only bid received from Glen Stearns for  
546 \$7,400 to paint the 34 windows that face the back parking lot. She said he painted the  
547 windows in the 1988 addition in 2019 and did a fine job. She said \$5,000 will come  
548 from the Capital Budget and the remaining \$2,400 will come from the Operating Budget.

549

550 Artim moved to accept the proposal from Stearns Painting and Papering to paint 34  
551 exterior windows at Ilesley Library, at a total cost of \$7,400. Nuovo seconded the motion.  
552 The motion carried with 7 in favor. **MOTION PASSED.**

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554 **12. Finance & Maintenance Agreement with the Vermont Agency of**  
555 **Transportation for the Passenger Rail Platform**

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Assistant Town Manager English said this agreement was related to site preparation work and installation of utilities on the property in the rail right-of-way, in preparation for construction in the early part of next year. He said it's a standard VTrans agreement.

Khan moved to authorize Town Manager Kathleen Ramsay to sign the Finance and Maintenance Agreement with VTrans for site work and improvements within the rail right-of-way between Middle Seymour and Seymour Streets in preparation for construction of the new passenger rail platform in 2021. Artim seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

#### 14. Approval of Check Warrants

Seeley said under the authority granted by the Selectboard on April 28, 2020, I have reviewed and approved, on behalf of the Board, total expenditures in the amount of \$601,089.73 consisting of \$492,632.46 for accounts payable, and \$108,457.27 for payroll, for the period July 15, 2020 through July 28, 2020, and move the Board's approval of payment of these expenditures. Khan seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

#### 15. Town Manager's Report

Ramsay said the Draft Downtown Master Plan is available on the website and comments have been coming in, so if the Board had any comments they should reach out to Town Planner Jen Murray soon as they'll be wrapping this up in the near future.

Ramsay said the Board had the year-to-date budget results as of June 30<sup>th</sup>, and said these are not the year-end budget numbers since some FY20 invoices are still being received. She said it appears we are slightly under-expended in expenses and about right on target for revenues. She said a more complete report will be ready in early August.

She said the Local Solutions and Community Action Team of the Governor's Economic Mitigation and Recovery Task Force will be hosting an Addison County Virtual Forum on September 17<sup>th</sup>, from 6:30 – 8:30 p.m. She said this is one of 14 Community Recovery Visits facilitated by the Vermont Council on Rural Development that are being held around the state between July and October to share ideas and understand the economic recovery challenges that communities are facing.

595 She said the VLCT 2020 Legislative Wrap Up is in the Board packet, and VLCT is  
596 calling this an “interim wrap up,” published as the Legislature entered a six-week recess  
597 on June 26th. She said this document reports on the COVID-19-related bills passed  
598 during the session that most impacted local governments and highlights the sections of  
599 statute that were amended or added in those bills and the effect they have on local  
600 governance.

601 **16. Board Member Concerns**

602 Carpenter said he was happy listening to the College presentation and thinks they’ve  
603 done a good job and he appreciated Artim’s comments. He said as a parent to two  
604 college-age children, he appreciates the need for them to learn and grow, and he thinks  
605 we owe it to them to get it right and get them back to school, and he looks forward to  
606 continue to work with the College.

607 Khan said he was totally disgusted with the racist nature of the Zoom bombing that  
608 happened during the meeting. He said he thinks they’re cowards to hide and try to  
609 hijack a meeting and thoroughly condemns it and feels something should be done about  
610 it.

611 Brown said he agreed with Carpenter and Artim on the College presentation, and also  
612 what Khan said about the Zoom bomber, and he was impressed with how President  
613 Patton continued on during the bombing.

614  
615 Artim said he agreed with Khan and said the Zoom bomber was completely  
616 unacceptable, but we continued on. He said the construction site is seeing a lot of  
617 visitation from all ages, so if anyone wants to see an interesting project in Middlebury  
618 history, he encourages people to wear their masks and stand apart, but see what real  
619 professionals hard at work.

620  
621 **17. Executive Session**

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623 Nuovo said that in accordance with Vermont’s Open Meeting Law requirements, he  
624 moved that the Board find that premature general knowledge of the consideration of  
625 consideration of pending litigation would clearly place the Selectboard at a substantial  
626 disadvantage, because the Select Board risks disclosing its litigation strategy if it  
627 discusses the pending litigation in public. Fuentes-George seconded the motion. The  
628 motion carried with 7 in favor. **MOTION PASSED.**

629 Nuovo further moved that the Board enter into Executive Session to discuss pending  
630 litigation under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes.  
631 Fuentes-George seconded the motion. The motion carried with 7 in favor. **MOTION**  
632 **PASSED.**



633 The Selectboard entered Executive Session at 9:33 p.m.

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635 **18. Action on Matters Discussed in Executive Session**

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637 The Board exited Executive Session at 9:36 p.m.

638

639 Khan moved to authorize Town Manager Kathleen Ramsay to sign the Stipulation of  
640 Judgement on the appeal of John M. Watts Jr. and Judith G. Watts to Addison Superior  
641 Court on their appeal of the decision of the Middlebury Board of Civil Authority.

642 Carpenter seconded the motion. The motion carried with 7 in favor.

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644 **19. Adjournment**

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646 The Board adjourned at 9:37 p.m. upon motion by Carpenter, seconded by Artim.

647

648 The next regular meeting of the Middlebury Board of Selectmen will be Tuesday, August  
649 11, 2020 at 7:00 p.m.

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651 Respectfully submitted,

652 Beth Dow

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