

1 **Regular Selectboard Meeting**
2 **Tuesday, August 25, 2020**
3 **Meeting Minutes**
4
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, Heather Seeley, Lindsey Fuentes-George, Victor
10 Nuovo, Dan Brown, Nick Artim and Farhad Khan.
11

12 Staff Present: Town Manager Kathleen Ramsay, Assistant Town Manager Chris
13 English, Chief of Police Tom Hanley, Director of Public Works Planning Dan Werner
14 and Fire Chief David Shaw
15

16 The meeting was streamed live on the MCTVVT YouTube channel.
17

18 **1. Call to Order**
19

20 The meeting was called to order at 7:01 p.m. by Chair Brian Carpenter.
21

22 **2. Approval of Agenda**
23

24 Fuentes-George moved to approve the agenda, seconded by Nuovo. Carpenter had
25 two additions to the agenda; Item 8.c. Change Order #3 for the Police Department
26 Reuse Project, and Item 8.f. Replacement of the Sewer Manhole on Main Street. The
27 motion carried as amended with 7 in favor. **MOTION PASSED.**
28

29 **3. Approval of Minutes of August 11, 2020**
30

31 Seeley moved to approve the minutes of August 11, 2020, and Nuovo seconded. The
32 minutes were approved as presented with 7 in favor. **MOTION PASSED.**
33

34 **4. Citizen Comments**
35

36 Long-time resident Michael Olinick spoke regarding his concern about the return of
37 Middlebury College students. He said the residents of the town have worked hard to
38 minimize the impact of the virus and are inching back to normal, and he's concerned
39 that this will all end with the arrival of thousands of students from all over the country
40 converging on the College and the Town. He said while the College has a plan in place

41 to deal with the students, many students come from various hot-spots and the College
42 plan is based on unrealistic assumptions on the behavior of 18 to 22 year olds. Olinick
43 said he and 64 other employees and former employees of the College, who know the
44 students well, signed a letter to the College administration urging remote learning with
45 only the bare minimum of students on campus. He said they talk to students often and
46 they agree that masks, social distancing and travel guidelines will not be sufficiently
47 followed. He said if only 1 or 2% don't follow a rigorous quarantine at home, or
48 inadvertently pick up the virus on their trip to the College, or have a false negative test
49 on arrival, or visit friends out-of-state on the weekend, or fail to stay 6 feet apart at a
50 party, then an epidemic could happen that will overcome our town and especially the
51 small hospital's facility. Olinick said a small group of students have already arrived,
52 supposedly the more responsible student leaders, yet there have already been reports
53 of violations of the protocols by town people and merchants. He said he understands
54 there are some students who do not have home situations that promote learning
55 remotely, and others can't complete Senior projects without resources only available on
56 the campus, and they would certainly support having those students on campus as
57 other colleges have done. He said in their opinion the only moral solution is for the
58 College to teach all or most all classes online this fall and take funds from their
59 endowment to keep everyone employed. He said They feel this is the best way to keep
60 our community safe and urged the Selectboard to convince the College to rethink its
61 plan.

62
63 Erin Davis of Weybridge, who teaches at the College, said she was in agreement with
64 Olinick. She said it's being reported this semester at the College is an "in-person"
65 semester, but that is a misnomer and the students don't actually need to be here. She
66 said it was reported in The Campus newspaper that 50% of the professors have chosen
67 to teach their courses online in the interest of health and safety, and at least 80% of
68 courses this fall have an online component, and she said this was because professors
69 anticipate having to go online at some point, so essentially over 2,000 students are
70 returning to campus to take courses online. She said she agrees with Senator Ruth
71 Hardy that the priority for our community should be on the K-12 students for whom in-
72 person learning is way more important than the Middlebury College students who are
73 returning. She said despite the College's tuition spike and pay freezes to pay for their
74 preparation, it puts the community and education priority at risk and it isn't worth it. She
75 said she is a medical risk because she's expecting a baby in November, and she feels
76 the College is putting the local educational resources for K-12 at risk, and putting the
77 medical at-risk residents of the community at risk, and feels the Colleges priorities are
78 misaligned and asked the Board to urge the College to re-think their plans.
79

80 Sepi Alavi said she also wants to urge the Board to talk to the College. She said she
81 and her husband, who teaches at the College, were on sabbatical in Washington, DC
82 during the first wave of the pandemic and the cases in the city were high, so she thinks
83 what has been accomplished here in Vermont and the community is amazing, and she
84 feels the College is being reckless in their plans to bring the students back for no other
85 reason than for money. She said they are putting their bottom line above people's lives.

86
87 Nuovo said he shared their concern and while the College has a good plan in place,
88 he's concerned about how they'll enforce it. He said these are matters that need to be
89 seriously reconsidered.

90
91 Carpenter said the Board hears the citizen concerns and they have concerns as well
92 about keeping the community safe, which is why they asked the College to present their
93 plan to the Board and the community. He said there's a lot of medical support to that
94 plan and we're in a position where it's the College's call, but the College was one of the
95 first in the Nation to shut down and send their students home early, and he believes if
96 they started seeing cases on campus the College will do the right thing and remove
97 them from the community, and he doesn't feel Porter Hospital would have agreed to
98 their plan to reopen if they didn't feel capable of supporting the plan. He said he's
99 hearing fear of a pandemic in our community, and while he doesn't think you can keep
100 cases out of the community when you bring 2,000 more students in, of the 379 students
101 that have returned so far they all tested negative on their first test. He said one of our
102 biggest fears was a big outbreak this summer with tourists, and that didn't happen. He
103 said the Selectboard feels the plan is a responsible plan and it's critical for the health of
104 the College and the economic health of the community. He said feels we owe it to
105 these students to allow on-campus classes and some things can't be done online, and
106 said the Board supports the College's plan and we need to allow them to succeed and
107 feels they'll do the right thing if there is an issue.

108
109 **5. Approval of First Class and Third Class Liquor License Application and**
110 **Outside Consumption Permit for Boho Robinson, Inc., d/b/a Swift House**

111
112 Dan Brown recused himself from this conversation as current owner of the Swift House
113 Inn. Carpenter said Matthew Robinson is purchasing the Swift House Inn and is asking
114 for the First and Third Class Liquor License Application and Outside Consumption
115 Permit, and the inspections reports have been complete.

116
117 Artim moved to approve the application for First and Third Class Liquor Licenses for
118 Boho Robinson, Inc., and Nuovo seconded the motion. The motion carried with 6 in
119 favor, 1 abstaining (Brown). **MOTION PASSED.**

120

121 Artim moved to approve the Outside Consumption Permit application for Boho
122 Robinson, Inc., and was seconded by Nuovo. The motion carried with 6 in favor, 1
123 abstaining (Brown). **MOTION PASSED.**

124

125

**6. Local Emergency Management Director/Chief of Police,
Update on Pandemic Response**

126

127

128 Prior to Chief Hanley's report, Heather Seeley said that Erin Davis had placed a
129 comment in the Zoom Q&A tool requesting to hear comments from other Selectboard
130 members beyond Nuovo and Carpenter on the subject of the return of the College
131 students to town.

132

133 Fuentes-George said she wondered about meeting more frequently with the College
134 rather than the regular quarterly meeting. She also wondered about posting the
135 College's responses to community comments in a timely fashion where they could be
136 read by everyone. Carpenter said there are weekly meetings between himself, Chief
137 Hanley, Town Manager Ramsay, the College, and Supt. of Schools to share information
138 and Chief Hanley as Emergency Management Director notifies the community of any
139 news or changes to the plan in his daily bulletin.

140

141 Brown said he understands the concerns and he shares them, but he thinks the College
142 has been pro-active with this since the beginning and they have a plan that's worthy of
143 trying and he's all for giving them a chance and if we start seeing cases, he's sure the
144 College will take the necessary action to shut down.

145

146 Fuentes-George said she shares the concerns but feels the College has put a lot of
147 effort into this plan and they should be given the opportunity to do things the way they'd
148 like. She said the College needs to be sure when there is a problem that it's
149 communicated to the community and is addressed quickly and if they fail to do that,
150 then we'll have a problem. She said if there are positive test results, we need to know
151 this and what's being done about it.

152

153 Carpenter asked Hanley for his report.

154

155 Chief Hanley reported that the Police Department is the hub for distributing face masks
156 received from the Vermont Department of Health. He said Karen Duguay of Better
157 Middlebury Partnership is helping distribute some of the masks to local businesses,
158 they have reserved some for the childcare facilities, and that leaves around 1,500

159 masks available for the public, and anyone wanting a mask should come to the Police
160 Department.

161
162 In regards to the College, Chief Hanley said the College has formed compliance teams
163 that will be working between 2:00 p.m. until 2:00 a.m. going around campus to be sure
164 everyone is in compliance with health and safety rules, and he said the police
165 department will coordinate with them on off-campus issues and he's pretty confident in
166 their ability to deal with compliance issues. He said as Emergency Management
167 Director he can't head off a flood or a hurricane or train falling off the track, but we can
168 have plans in place to mitigate whatever damage that occurs, and that's what they can
169 do in this case. He said he's been very impressed so far with the College and putting
170 this structure in place and they've been very cooperative with all of his requests and if it
171 is determined there is something occurring in town that's causing a public health
172 danger, it needs to be dealt with immediately.

173
174 Hanley said in regards to the two recent complaints regarding off-campus parties,
175 neither one turned out to be true, and as students came back into off-campus housing
176 this summer, police officers contacted almost each one to explain what the Governor's
177 orders were and what was expected, and they have not had a single substantiated
178 complaint about these residents.

179
180 Carpenter said wanted to point out that the Compliance Team at the College was put in
181 place as a result of information Town Manager Ramsay learned about in a webinar and
182 relayed to Chief Hanley, and he suggested it to the College, so they are very receptive
183 to things they can do. Hanley said the College has also reached out to local
184 businesses to let them know they should contact them if they feel there are compliance
185 issues with any of the students.

186
187 Alavi asked if the Town could require the College to notify instructors when a student
188 tests positive, because as of now they only notify them if they've been within 6' of the
189 student. Carpenter said they'd relay the request to the College at the weekly meeting.

190
191 Seeley and Carpenter thanked Chief Hanley for his daily bulletins. Carpenter said he
192 follows Front Porch Forum and has seen several comments praising his bulletins and
193 he appreciates the information he provides and his use of occasional levity.

194
195 **7. Fire Chief David Shaw and LeRoy Graham of the Middlebury Fire Department**
196 **Truck Committee requesting approval for replacement of pumper**

197

198 Chief Shaw introduced the committee members Captains LeRoy Graham and Jeff
199 Carpenter, Lt. Donnie Patterson and Chair Kim Porter, who was absent. He said the
200 request is to replace their oldest Class A pumper which is now 24 years old.
201
202 Carpenter went through a PowerPoint presentation outlining the process the Committee
203 went through that assessed and scored the specification of each truck and how they
204 arrived at their recommendations.
205
206 He said in the first round they invited proposals from 10 dealerships representing 13
207 manufacturers, and in the second round they received four complete proposals and
208 worked to update the proposals to conform to specifications as much as possible. He
209 said four bids were received and the Committee compared each bid to each of the 121
210 specifications and this was done without knowing the cost of each truck so they could
211 choose based on which truck met their specifications. He said they developed a scale
212 to see how well each manufacturer met the specifications, and Rosenbauer came in
213 with the highest score, and it provided the greatest discount for cash up front and was
214 also the lowest cost.
215
216 Artim questioned how Rosenbauer could come in so low, since they're one of the
217 biggest manufacturers in the west. Shaw said they're very aggressive about putting
218 some equipment in Vermont, which could have something to do with it, and there are
219 more manufacturers competing for business now which makes the pricing more
220 competitive.
221
222 Khan asked about the trade-in value for the old truck. Shaw said depending on how the
223 vote went tonight, they would put their current truck up for sale, since the trade-in value
224 was not very high.
225
226 Fuentes-George asked about the lifetime on this truck and about maintenance, and
227 Shaw said they're hoping to get 25 years out of this truck. He said there's a Warranty
228 period on this truck and the nearest dealer for repairs is in the Albany area.
229
230 Shaw said Engine #1, which is being replaced, was the first one to be purchased with
231 the Fire Department Wheeled Equipment Fund fund 24 years ago, and he feels this
232 fund is the best thing ever established by the Town. He said over the fund's lifetime the
233 Department has saved over \$100,000 by being able to pay for these vehicles in cash.
234
235 Carpenter said he'd read the Infrastructure Committee minutes and the Truck
236 Committee hadn't selected a vehicle by the time of their last meeting to get their
237 recommendation to the Infrastructure Committee for consideration, so he's wondering

238 what their time frame was and could they go back to the committee for a
239 recommendation. Shaw said they are requesting the Board's decision now due to the
240 build time required for the truck. He said if they waited any longer they'd be receiving
241 the truck in the winter when they're unable to train. He said if they ordered now, they'd
242 receive the truck in 335 days.

243
244 Seeley, Chair of the Infrastructure Committee, said while it's nice to have these things
245 go through their committee, the Fire Department has done such an excellent job rating it
246 and evaluating it, that she's okay with approving the bid tonight. Infrastructure
247 Committee member Fuentes-George also agreed with Seeley and said this process has
248 been amazing to see and she feels comfortable moving ahead with the bid.

249
250 Artim moved to approve the purchase of a custom engine pumper from Rosenbauer
251 South Dakota, LLC, to replace Engine 1, at a not-to-exceed cost of \$656,247. Khan
252 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

253
254 **8. Dan Werner, Director of Public Works Planning, with updates from the**
255 **Infrastructure Committee Meeting of August 13, 2020**

256
257 **8.a. Recommendation on Court Street Sidewalk Bid**

258
259 Werner said they only received one bid from Avery Construction, of Williamstown, to
260 raise about 160 linear feet of sidewalk on Court Street in the Charles Avenue/Monroe
261 Street area to address drainage issues, and it's about 3 times as much as bids were last
262 year for similar work. He said this was discussed at the Infrastructure Committee and
263 they are recommending the Selectboard reject the bid and bid it again this winter.

264
265 Seeley moved to reject Avery Construction's bid of \$29,000 for the Court Street
266 Sidewalk Project and rebid the work this winter. Fuentes-George seconded the motion.
267 The motion carried with 7 in favor. **MOTION PASSED.**

268
269 **8.b. Recommendation on Crosswalk at Court Street and Mary Hogan North**

270
271 Werner said the Infrastructure Committee had discussed at their last meeting the
272 removal of the crosswalk at the Mary Hogan north entrance where the flashing light is.
273 He said this is a busy intersection with cars turning into Mary Hogan, the traffic from the
274 Cross Street intersection and traffic entering and exiting Dunkin Donuts on one side and
275 Champlain Farms on the other. He said the Committee decided to recommend to the
276 Board that we not retain that crosswalk and we need to let VTrans know by September
277 2nd so they can include this in their bid package going out to contractors for the Class I

278 paving project planned for the summer of 2021. He said he'd asked VTrans if they'd
279 fund an illuminated "no right turn" at Court Street/Cross Street intersection, so the
280 pedestrian phase at this intersection would stop at all traffic, and VTrans indicated they
281 would.

282
283 Seeley asked Ramsay if we have to go through a public notice process to remove this
284 crosswalk, and Ramsay said we didn't since this is different than traffic signs that are
285 controlled by ordinance.

286
287 There was discussion on whether to ask the State to extend the date we needed to
288 respond by, but Seeley said the Committee did vote to support the removal of the
289 crosswalk.

290
291 Brown said he sees more people crossing Court Street in front of Dunkin Donuts than in
292 that crosswalk, so he understand the confusion at that crosswalk, but he wonders if
293 we'd be giving up something we could fix, so he's unsure.

294
295 Fuentes-George said she voted to support the removal of the sidewalk in the
296 Infrastructure Committee, but she did support asking the State for more time to get
297 more public input. She said she also wonders if the Board supports the crosswalk at
298 the Court/Cross Street intersection, could the lights stop traffic in all directions for
299 pedestrians at least during school hours, and Werner said that would be possible and
300 there would be no concurrent left-turn movement, as there is now. They also
301 referenced and discussed a letter by Dorothy Mammen about the use of a Rapid
302 Flashing Beacon light at the Mary Hogan North crosswalk.

303
304 Werner said all the signals will be upgraded with radars as opposed to the loop system
305 that is there now, which is much more efficient, and this will all be paid for by the paving
306 grant. When asked about how long pedestrians at the intersection would have to wait
307 once they press the button to cross, Werner said the amount of time they would wait
308 depends on where the light is in its phase at the time they pushed the button.

309
310 Artim said he thinks it's a good idea to remove the crosswalk since the flashing light
311 there isn't effective at stopping traffic and he often feels like he's jaywalking even
312 though he's in the crosswalk.

313
314 Seeley moved to authorize DPW Planning Director Dan Werner to convey the
315 following requests to VTrans on behalf of the Selectboard regarding desired
316 pedestrian safety improvements on Court Street:

- 317
318
- Remove the crosswalk at the Mary Hogan North entrance;

- 319 • Install a “no right turn on red” sign at the Court St./Cross St. intersection for
320 southbound Court Street traffic; and
321 • Adjust the traffic signal at Court St. and Cross St. to stop all traffic during the
322 pedestrian phase.
323

324 Artim seconded the motion.
325

326 Fuentes-George asked how we’d communicate these changes to the public and to the
327 schools. Werner said Erik Remsen is on the Infrastructure Committee and is the head
328 of Safe Routes to Schools, and he was in favor of removing the Mary Hogan North
329 crosswalk, and Werner thought he’d help communicate this to the school.
330

331 Fred Dunnington said the flashing light at Mary Hogan North was all we had at the time
332 it was installed, we didn’t have the Flashing Beacon Lights, and people are going to
333 cross there whether there’s a crosswalk or not, and it was installed to begin with
334 because of a fatality. He said looking at the bigger picture is important, and he hopes
335 they also plan for bicycle safety as well. Werner said the edge lines will be coming
336 away from the curb from Creek Road north for bicycles. Fuentes-George asked how
337 hard it would be to put the crosswalk back in if we found out people were still crossing
338 there, and Werner said you would need to repave a handicapped area in the curb and
339 re-paint the crosswalk.
340

341 Brown said he was still having a problem with removing a crosswalk if it could be fixed.
342 Carpenter asked Werner if we could tell VTrans we were leaning towards removing this,
343 but we’d like to wait until school to see the numbers on how much it’s used. Werner
344 said VTrans could say in their bid specs that it will be removed, and then add wording
345 that it would possible it would be left in. Artim said if Dunkin Donuts wasn’t there, there
346 would be no reason for people to cross at this location, and Werner said that’s correct
347 and VTrans couldn’t understand why that crosswalk was even there. Brown said he
348 couldn’t support removing it unless there was an option to change the decision later
349 after getting input from the public and traffic engineers.
350

351 Seeley suggested leaving the removal of the mast arm in the contract and include an
352 add alternate for a Rapid Flashing Beacon Light. Carpenter said if this is what they
353 want to do it would probably work best to defeat the original motion Seeley made.
354

355 The original motion by Seeley, seconded by Artim was defeated 7-0.
356

357 Seeley then moved to authorize DPW Planning Director Dan Werner to convey the
358 following requests to VTrans on behalf of the Selectboard regarding desired
359 pedestrian safety improvements on Court Street:

- 360
361
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368
369
- Remove the mast-arms at the Mary Hogan North entrance;
 - Remove the crosswalk at the Mary Hogan North entrance;
 - Include in the contract bid an Add Alternate for Rapid Flashing Beacons if the Town chose to consider this prior to start of construction;
 - Install a “no right turn on red” sign at the Court St./Cross St. intersection for southbound Court Street traffic; and
 - Adjust the traffic signal at Court St. and Cross St. to stop all traffic during the pedestrian phase.

370 Artim seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

371
372 **8.c. Recommendation on Change Order #2 and #3 for PD Reuse Project**

373
374 Werner said Change Order #2 is for rerouting a water line due to finding a foundation
375 wall where a chemical tank was located, as well as finding 3 additional fuel tanks that
376 have now been removed. He said it also includes installation of conduit and cable for
377 the fire alarm system, totaling all together \$3,894. He said some of this cost will come
378 from the Decommissioning Fund, so the net cost to the Reuse Project is \$339.

379
380 Seeley moved to approve Change Order #2 for the Police Department Adaptive Re-Use
381 Project for a net cost of \$3,894. Fuentes-George seconded. The motion carried with 7
382 in favor. **MOTION PASSED.**

383
384 Werner said Change Order #3 is for the reinforcement of the concrete slab in the cruiser
385 garage due to them finding an old trough buried in the ground, at a cost of \$14,170
386 (originally estimated at \$15-16,000), and the need to remove the disintegrating
387 Permalite concrete roof in the old Control Building for \$25,489 (originally estimated at
388 \$30,000), and a small amount for window color change (\$268). He said the total for
389 Change Order #3 is \$39,927, which leaves a balance in the Reuse Project Budget of
390 around \$105,000. He said at this point he isn't expecting any more large change
391 orders.

392
393 Seeley moved to approve Change Order #3 for the Police Department Adaptive Re-Use
394 Project for a cost of \$39,927.00. Fuentes-George seconded the motion. The motion
395 carried with 7 in favor. **MOTION PASSED.**

396
397 **8.d. Recommendation on Public Works Building Bid**

398
399 Werner said we had an agreement with a Ferrisburg contractor to do the fascia and trim
400 work and work around the doors at the Public Works facility, and it's been very difficult

401 to get them to respond. He said when the COVID shutdown came along and we
402 contacted them, they indicated they still wanted to do the work and they'd call back, but
403 they never called back. Werner said he wants now to award the contract to Multy
404 Builders from Weybridge who have been very responsive and said they can do the work
405 by the end of this building season for a cost of \$16,300. He's requesting the Board to
406 terminate the agreement with D.H. Cameron Construction and hire Multy Builders LLC.
407 He said Multy Builders built the two well monitoring buildings on RT 116 and they do
408 quality work, so he's comfortable with hiring them.

409
410 Seeley moved to dismiss D.H. Cameron Construction and award the contract for
411 exterior repairs to the DPW facility to Multy Builders, LLC, for \$16,300. Nuovo
412 seconded the motion.

413
414 Khan asked if we owed Cameron anything from work they did do, and Werner said we
415 owe them for one door they installed last fall, and when they get around to sending us
416 an invoice he'll approve it, because they did the work and they did a good job on that
417 one door. Khan asked how Multy's quote compared to what Cameron had quoted, and
418 Werner said Cameron's quote was around \$24,000 for all the work that Multy will be
419 doing for \$16,300.

420
421 Fuentes-George asked if we were within our rights to terminate this contract, and
422 Werner said he'd discussed it with Town Attorney Benj Putnam and he said we are.

423
424 Carpenter called the vote, and the motion was approved with 7 in favor. **MOTION**
425 **PASSED.**

426 **8.e. Updates on other projects**

427
428 Werner said the Dow Pond Water Line project will begin after Labor Day and last for
429 around 6 weeks. He said there will be some traffic control, but there's no need to
430 reroute traffic since the work will be west of the road.

431
432 He said he and Jim Gish had walked the sidewalk portion of the downtown project that
433 is up to the Town to complete, and he sent a spreadsheet to Kubricky for concrete
434 prices for the sidewalk and curbing. He said they're unsure when this work will happen
435 because Kubricky is focused on finishing the main part of the project, so this work may
436 have to be done next spring. Carpenter asked about granite curbing, and Dan said the
437 only section that won't be granite curbing is the portion across the Battell Bridge.

438 439 **8.f. Replacement of Sewer Manhole on Main Street**

440

441 Werner said this manhole is on the east side of the Battell Bridge in the west bound lane
442 of Main Street. He said it's a brick and block structure and Wastewater Superintendent
443 Bob Wells would like to have this replaced, so he got some quotes from several
444 contractors on how much it would cost to do the work and Champlain Construction was
445 the low bidder at \$5,000. He said DeBisschop Excavating was \$9,850 and Acker
446 Excavating was \$6,800. Werner said Jim Gish and the contractors are aware that the
447 contractors want to get this work done in the first part of September before Main Street
448 opens back up to traffic.

449
450 Seeley moved to award the contract for the replacement of the sewer manhole on Main
451 Street at Wild Mountain Thyme to Champlain Construction for an amount not to exceed
452 \$5,000. Khan seconded the motion. The motion carried with 7 in favor. **MOTION**
453 **PASSED.**

454
455 Seeley said other than DeBisschop's bid, the others were lacking in detail, and while
456 she's comfortable that Champlain Construction is a reputable company and can do the
457 work, in the future she wouldn't approve a bid without more detail. Werner said he'd
458 relay that to Bob Wells and Bill Kernan.

459
460 **9. Dan Werner, Director of Public Works Planning, regarding Application for the**
461 **Drinking Water State Revolving Loan Fund**

462
463 Werner said the Washington Street Water Line Replacement Project qualifies for \$1
464 million from the State Drinking Water State Revolving Loan Fund (DWSRLF). He said
465 the Intended Use Plan is long and we're at the bottom of the list, but what's important is
466 the State has not been spending their Federal money on water projects for a few years,
467 and the Federal Government told them they had to spend this money, so the State
468 came up with this Intended Use Plan for \$44 million in projects. He said for those
469 applicants who can get their loan applications in, 75% of the first \$1 million dollars will
470 become a grant, and anything over that is a loan. He said he's asking the Board for
471 approval for two loan applications so we can submit them to the State, because it's first
472 come-first served. He said the applications are for the Washington Street water line and
473 the Court Street water line, but he said the Court Street application is a stretch to get
474 funded because it wouldn't qualify unless other projects ahead of it didn't come to
475 fruition. Ramsay said this is all good news, because the Town had opted to fully fund
476 these projects, so these funds will help defray our costs and put us in a better place
477 going forward.

478
479 Werner said the Court Street Project would be rebid in late October when there will be a
480 better bidding climate than when we had before and only received one bid. He said

481 contractors are already looking for what's out there to bid on for next year. He said the
482 Washington Street project will most likely happen in 2022, and he's also looking into the
483 Northern Borders Regional Commission, which does economic-benefit projects, and
484 we've already indicated to them that we'll apply to them for funds next spring, so maybe
485 the other part of the 75% will be from these funds. He said Court Street definitely has to
486 be done next year before the paving project.

487

488 Seeley moved to approve the submission of an application for \$1,000,000 in Drinking
489 Water State Revolving Fund loan funds for the Washington Street Water Main
490 Improvement Project. Khan seconded the motion. The motion carried with 7 in favor.

491 **MOTION PASSED.**

492

493 Seeley also moved to approve the submission of an application for \$1,000,000 in
494 Drinking Water State Revolving Fund loan funds for the Court Street/Court Square
495 Water Main Improvement Project. Khan seconded the motion. The motion carried with 7
496 in favor. **MOTION PASSED.**

497

498 **10. Discuss Adoption of Policy on Graffiti**

499

500 Ramsay said as a follow-up to the recent graffiti and markings in the downtown, she
501 reached out to Attorneys at VLCT and our Town Attorney, Benj Putnam, for guidance
502 about policies and/or ordinances on writings and markings. She said based on her
503 exchange with Benj and DPW's operational policy she drafted a draft policy for
504 consideration by the Board. She said Chief Hanley had recommended the Board adopt
505 a policy to reinforce the Public Works policy as we've had several asking about the
506 Town's policy on removing graffiti and markings. The policy as drafted states: "*Writings
507 and markings on public property by members of the public are prohibited. Town staff will
508 promptly remove or cover-up any markings that do appear.*"

509

510 Seeley read comments from Laura Asermily recommending that the policy be amended
511 to allow for temporary markings as we do for lawn signs and assemblages with
512 permission, and specify only non-permanent chalk or spray-chalk. Asermily also
513 commented there were lots of chalk "love and kindness" messages at the start of the
514 school year approaching Mary Hogan and downtown in the Printer's Alley Area that
515 people loved, and Safe Routes to School may want to mark safe walking sidewalk
516 routes to get to school, especially with Court St changes to train children to go to
517 preferred crossings.

518

519 Fuentes-George thought the word "permanent" could be added to the policy, but didn't
520 think anyone needed to get approval to chalk the sidewalk. Khan pointed out that

521 someone could also use chalk to write an offensive message ~~they want to write~~. Artim
522 said he didn't see chalk writings as graffiti and fundamentally agrees with this policy, but
523 thinks we need more time to consider this. Nuovo thought the chalk markings were
524 rather heart-warming and is aware of what prompted this policy, but he doesn't think
525 we're ready yet to approve it.

526
527 Carpenter said we received negative feedback on some of the markings and the
528 guidance DPW is working under is that when graffiti of any type appears they are to
529 remove it, whenever our public areas are defaced, and whether that's a good message
530 or something we disagree with, we're trying to keep it clean and presentable, and if you
531 allow one why can't you allow the other. He said while permanent markings are the
532 largest issue, we're looking for something that provides clear guidance, that doesn't
533 allow paintings on any of our sidewalks, railings, bridges, or any structure. Artim said
534 this may be two-fold in that we have something now to address the immediate problem,
535 and then the second phase is to have the Policy Committee to draft a policy for future
536 consideration. Carpenter said this current policy supports the direction given to DPW.

537
538 Seeley said if she understands what she's reading, we can't base markings on content,
539 which means it's all or nothing. Carpenter and Ramsay said that was correct for the
540 Board.

541
542 Ramsay said what she's hearing is the Board is suggesting some type of permission for
543 temporary drawings and perhaps a review process, where this draft policy is lacking.
544 Fuentes-George said she still doesn't like the idea of permission to chalk. Ramsay said
545 nobody wants to be where we are today in prohibiting warm, heartfelt messages.
546 Fuentes-George said she didn't think this policy was going to stop anyone from writing
547 what they want, and Carpenter agreed, but it gave the Town the right to cover it. He
548 said if we could create a review process or some criteria that does give you the
549 opportunity to allow things to stay there for a period of time and that agree with the
550 concepts of the greater community. Artim said we have an issue we have to deal with
551 immediately, but the secondary matter requires more thought and we need to have a
552 draft policy developed for review. Fuentes-George said she would agree if the word
553 "permanent" was added.

554
555 Artim moved to adopt the Selectboard Policy Prohibiting Permanent Writings &
556 Markings on Public Property. Fuentes-George seconded the motion.

557
558 Khan said he has some reservations regarding permanent or temporary, since this all
559 started because of the hateful graffiti spray painted on the bridge, but what's to say
560 someone could write the same message in chalk and why would that be alright, so he

561 doesn't understand what difference it make whether it's permanent or not. Carpenter
562 said they were just trying to box-it-in without being overly restrictive to those trying to
563 send out good messages. Artim said it is a risk we're taking, but this will buy us time to
564 come up with another policy, but now we have an issue we need to address. Fuentes-
565 George understands what Khan is saying, since so far the racist graffiti has been with
566 permanent substance, so likes the idea of sending it to the Policy Committee to come
567 up with something better. Nuovo said we have a deeper problem we have to deal with
568 and we have to end racism.

569
570 Carpenter called the question, and the motion carried with 7 in favor. **MOTION**
571 **PASSED.**

572
573 **11. Approval of Grant Agreement with State of Vermont Department of Public**
574 **Safety for Updating the Local Hazard Mitigation Plan**
575

576 Ramsay said the Town was fortunate to receive funding to update the Local Hazard
577 Mitigation Plan and Middlebury was one of 20 towns to receive funding, so she's
578 requesting authorization to sign the grant agreement with the State of Vermont.

579
580 Artim moved to authorize Town Manager Kathleen Ramsay to sign the grant agreement
581 with the Vermont Department of Public Safety for updating the Town of Middlebury
582 Local Hazard Mitigation Plan and also to authorize the required local match of
583 \$2,537.50. Fuentes-George seconded the motion. The motion carried with 7 in favor.
584 **MOTION CARRIED.**

585
586 **12. Approval of Check Warrants**
587

588 Nuovo stated by the authority of the SB granted on April 28, 2020, I have reviewed and
589 approved total expenditures of \$473,374.66 consisting of \$357,553.43 for accounts
590 payable, and \$115,821.23 for payroll, for the period August 12, 2020 through August 25,
591 2020, and I move the Board's approval of payment of these expenditures. Artim
592 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

593
594 **13. Town Manager's Report**
595

596 Ramsay said under Board Member Concerns at the last meeting, the Selectboard
597 briefly discussed the possibility of scheduling a Special Meeting to revisit existing
598 project priorities in light of ongoing pandemic impacts and other issues that have arisen
599 since the beginning of the year. She said to help the discussion, she updated the list of
600 2020 priorities that the Board reviewed during the March 17th Strategic Planning
601 Retreat.

602 She said given that virtually all of the 16 projects listed in the first two categories –
603 Construction Projects for 2020 and On-going Efforts – are already underway and in
604 various stages of completion, it is difficult to reasonably argue that any of them can be
605 reprioritized at this point, and staff resources are stretched very thin managing this
606 workload and a focus on the efficient execution of existing projects is of paramount
607 importance.

608
609 Carpenter said one of his concerns is stretching the staff too thin, and Ramsay makes a
610 good point that it's tough and this may be one of the years we have to dig deeper since
611 everything on that list we need to perform on. He said there's two areas that that the
612 Board can help pull from the staff, and one of them was the racism, Black Lives Matter
613 discussion that we haven't come up with a way to engage the greater community in, so
614 he challenged the other Board members to come up with ideas on how to do this before
615 the next meeting, since we owe it to the community to do this. He said the Board can
616 pull this off Ramsay's plate to help move this agenda item along. He also suggested
617 instead of having Ramsay do all the review on the Middlebury Regional Emergency
618 Services finances, if there are some Board members that can volunteer to do this it
619 would help Ramsay as well. Artim said the way he saw it wasn't about shifting or
620 pulling things off the list, it was that Ramsay and everyone else had been working
621 extremely hard during this pandemic, so we need to see what needs to be shifted since
622 they've been asked to give 150% of the time, so what Ramsay said is fine, and he's fine
623 with what Carpenter's suggested as well.

624
625 Seeley said she'd be willing to spend time on the MREMS item and maybe Artim would
626 assist her, and Artim agreed and Brown said he'd like to be a part of that as well.
627 Carpenter thanked them and said if they could come up with their suggestions on
628 community engagement to discuss racism, he'd like those ideas before the next
629 meeting. Seeley said she didn't know if she'd be able to since they're doing the same
630 thing at the Vermont Community Foundation where she's employed and she's
631 personally feeling she has no idea how to engage the community right now. Fuentes-
632 George suggested putting something on Front Porch Forum to say we're looking for
633 ideas of how to engage the community.

634
635 **13.b. FY21 Year-to-Date Budget Reports and**
636 **Local Option Tax results for April – June 2020**
637

638 Ramsay said there wasn't much to report since we're only a month into the new Fiscal
639 year, but financial statements were in their packet. She said receipts for the second
640 quarter of the year from April to June are around \$209,000, which are 75% of last year's
641 Q2 receipts of \$280,000. She said a spreadsheet showing the quarterly receipts for all
642 years from the start of the tax in 2008, along with an estimate of receipts for FY2021.

643 She said based on the 75% of last year's, she estimated around 80% of 2019 levels,
644 which would be around \$164,000 under our \$1M projection for local option tax receipts.

645
646 She said a sendoff for Mona Rogers, long-time librarian at the Sarah Partridge Library
647 will be held on Saturday, August 29, at the Sarah Partridge Library, and the Local
648 Support and Community Action Team of the Governor's Economic Mitigation and
649 Recovery Task Force, in partnership with regional and local leaders, and with
650 coordination from the Vermont Council on Rural Development, will hosting Community
651 Recovery Visit for Addison County on Thursday, September 17th, from 6:30 to 8:30 p.m.
652 She said the Recovery Visit Forum is intended to hear challenges and ideas for
653 community response and recovery and connect to others working to respond, recover,
654 and build long-term resilience. She said she will be sending registration information to
655 the Board soon.

656 657 **14. Board Member Concerns** 658

659 Nuovo said he's concerned about being a white American and suggested maybe
660 everyone should wear a scarlet R. He said it's a deep moral problem and that we have
661 to reach deep within ourselves to get rid of prejudice.

662
663 Fuentes-George said she appreciated Sepi Alavi's thoughts and we're getting a lot of
664 calls about asking the College to not have the students come back, and she'd like to ask
665 people if they have specific suggestions that they'd like to see, to send those to the
666 Board.

667
668 Carpenter said the Addison Independent is looking to publish a COVID-19 Guide for
669 Addison County to update what the towns, schools and College are planning and
670 contingency plans as things begin to reopen. He said Angelo Lynn is asking the Town to
671 contribute \$2000, along with the schools that will also be contributing. He said it might
672 be a way to get the information out there to those who might not be on our email list.
673 Fuentes-George asked who'd be responsible for the content being produced from the
674 Town, and Carpenter said Angelo Lynn would write the content and we'd review it, but
675 they would like a letter from Chief Hanley and himself. Fuentes-George said she'd be in
676 favor of it so long as it didn't add to anyone's workload.

677
678
679

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682

15. Adjournment

683 The meeting adjourned at 9:59 p.m. upon motion by Artim, seconded by Seeley.

684

685 The next meeting of the Middlebury Selectboard will be Tuesday, September 8, 2020 at
686 7:00 p.m.

687

688 Respectfully submitted,

689 Beth Dow