

41 Chief Hanley said there are good reports coming from the College testing. He said
42 they've completed both rounds of testing and while it looks good, everyone ~~one~~ is a little
43 on edge with public school starting and there were some Labor Day weekend events
44 where people were congregating without masks, so we'll need to see the numbers in
45 the next 7 -14 days. He said as of September 15th, the college students will be able to
46 mix in the community and will be in stores and they're anticipating calls and some
47 reports, but so far things are off to a good start.

48
49 Carpenter asked about the College's periodic testing, and Hanley said the testing will
50 continue for awhile. Carpenter asked if the College will have the authority over the
51 students in the community if there were problems, and Hanley said to a point, but there
52 are students living off-campus, but so far everyone seems to be following the rules.

53
54 Hanley said testing has been stepped up in town and walk-in testing by the National
55 Guard would be available at the American Legion on Thursday, and Kinney Drugs
56 throughout the state will also be offering walk-in testing, and reservations are not
57 needed.

58

59 **6. Approval of Award of Contract for Implementation of** 60 **Corrective Action Plan for David Page's Cotton Mill**

61

62 David Hallam, P.E., and David Page Cotton Mill Project Manager, said he's hoping for
63 approval to move to the final phase of this project which includes replacing the 4' fence
64 with a 6' fence and installing a couple of signs. He said he's checked on the estimates
65 received last fall from Lincoln Applied Geology and Middlebury Fence Company, and
66 they're still good, so we're looking at approximately \$9,500. He said he'd like to wrap
67 this up before the winter.

68

69 Carpenter asked if this approval was for the final package, and Ramsay said Hallam
70 has requested approval of the final package, which includes Lincoln Applied Geology
71 implementing the Corrective Action Plan designed for the site and for installation of the
72 fence and signs. She said the final total is \$9, 498.34 and there is money in the budget
73 for this.

74

75

76

77 Artim moved to award a contract to Lincoln Applied Geology and Middlebury Fence
78 Company for implementation of the Corrective Action Plan and fencing for the David
79 Page Cotton Mill Site, at a cost of \$9,498.34. Nuovo seconded the motion. The motion
80 carried with 6 in favor, 1 absent. **MOTION PASSED.**

81
82 Hallam said there will be an on-going annual inspection fee of \$427 required by the
83 State to monitor this hazardous waste site. Carpenter asked who initiates the
84 inspection, and Hallam said it's the Town's responsibility and he wasn't sure if it was
85 something Town staff could handle or if they needed to go to an outside source.

86
87 **7. Approval of Grant Application to Addison County Regional Planning**
88 **Commission Transportation Advisory Committee for Study of Elm Street-North**
89 **Pleasant Street-Stewart Lane Intersection**

90
91 Ramsay said this request is for approval to apply for a \$20,000 grant to study the
92 intersection of Elm Street/Stewart Lane/North Pleasant Street and to prepare
93 conceptual plans to realign the intersection and install a pedestrian crossing at the site.

94
95 Fuentes-George asked if this would cover the entire cost, and Ramsay said we obtained
96 an estimate for this cost and this is what it was.

97
98 Khan moved to approve the submission of a \$20,000 planning study grant application to
99 the Transportation Advisory Committee for a planning study of the Route 7/Elm
100 Street/Stewart Lane intersection. Brown seconded the motion. The motion carried with
101 6 in favor, 1 absent. **MOTION PASSED.**

102
103 **8. Approval of Amendment #2 with the Vermont Agency of**
104 **Transportation for the Mill Street Park & Ride Project**

105
106 Ramsay said the Town received 100% grant funding for the Mill Street Park & Ride
107 Project, but \$2,240 of invoices came in after the deadline of the grant completion on
108 December 31, 2017. She said the State has approved the Town's request to extend the
109 deadline so the Town can receive the full reimbursement we're eligible for.

110
111 Khan moved to authorize Town Manager Kathleen Ramsay to sign Amendment #2 to
112 the grant agreement with VTrans for the Mill Street Park & Ride Project. Nuovo
113 seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

114
115
116
117
118
119 **9. Review of the Vermont League of Cities & Towns (VLCT)**
120 **Municipal Legislative Policy for 2021-2022**

121

122 Carpenter said the purpose of this agenda item is twofold: to discuss and recommend
123 proposed revisions to the draft VLCT 2021-2022 Municipal Policy for the VLCT Board's
124 consideration at its September 23rd meeting; and, to provide voting instructions
125 regarding the Municipal Policy to the Town's Delegate to the VLCT Annual Meeting on
126 September 30th.

127

128 Nuovo said he had some concerns about Item #2 regarding towns being able to
129 approve their own Charter changes with the vote of the citizens without Legislative
130 approval. He said towns are not self-governing and it seemed dangerous to him to
131 have local government able to create its own Charter without the approval of the State
132 Legislature. He said doesn't want to see it changed.

133

134 Carpenter referred to a comment from Donna Donahue regarding the wording on racial
135 discrimination and how discrimination against anything is not acceptable so he thought
136 maybe this could be more broadly worded, but to highlight the racial discrimination.
137 Resident Judy Wiger-Grohs asked Nuovo why allowing towns to approve their own
138 Charter was a problem if it benefited the town's population, and Nuovo said the Charter
139 is granted to towns by the State of Vermont and our towns are not self-governing and
140 we should recognize that this is the nature of our Constitution.

141

142 Carpenter asked if this Charter change issue was part of a pilot project that they were
143 going to test with some Vermont communities, and Ramsay said it was, but didn't
144 believe there were any results from that project yet, but she'd follow up on it.

145

146 Fuentes-George asked how VLCT solicited information from school boards, since they
147 have something on school policy. Ramsay said they haven't traditionally solicited input
148 from school boards. Fuentes-George wondered if in the future we should reach out to
149 the school board prior to voting since the Board doesn't have knowledge relating to
150 school policies.

151

152 Ramsay noted that a suggestion by Victoria DeWind that perhaps under the Public
153 Safety Policy, provisions A & B could go further on training for racial profiling, as well as
154 further training on use-of-force standards. She said Ross Conrad said under "unfunded
155 mandates" latitude could be given for low amounts of money on particularly important
156 priorities, particularly elections.

157

158 Carpenter said these are all good suggestions and asked Ramsay if she'd be
159 forwarding them on to VLCT, and she said she would and she will also send the link to
160 this meeting for their review of the "flavor" of the discussion.

161
162 Fuentes-George said looking at 4.01 she wonders if they could strengthen that to
163 include more pragmatic ways of making governing boards or official leadership be more
164 inclusive beyond education.

165
166 Artim said he liked what Nuovo had said regarding Charter changes and wondered if
167 that was something the Board wanted to reinforce or address. Fuentes-George said
168 barring more information, she's inclined to agree with Victor, but if the process is broken
169 in some way then we need to look into fixing it. She said we still have the ability to
170 make changes, but it has to go to the Legislature for approval, and it has worked very
171 well. Carpenter said he thought the Board had agreed to recommend eliminating that
172 provision, so looked for a motion to strike that. There was some discussion on whether
173 to recommended it be reworded or removed.

174
175 Judy Wiger-Grohs said it was always hard to make change, even when it's in the best
176 interest of everyone and it's time for a change. She said whether it's this topic or the
177 next in terms of racism in the town of Middlebury, you "guys" need to change. She said
178 she believes the Selectboard continues to do the same thing over and over again and
179 it's time to do something different.

180
181 Fuentes-George said she doesn't feel comfortable supporting anything unless some
182 effort has been made to communicate to school boards to get their opinion.

183
184 Fuentes-George moved to recommend revisions to the draft VLCT 2021-2022 Municipal
185 Policy as discussed for the VLCT Board's consideration. Khan seconded the motion.
186 The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

187
188 **10. Appointment of Voting Delegate for the Vermont League of Cities & Towns**
189 **(VLCT) Annual Meeting**

190
191 Carpenter said unless a Board member wished to go to the Annual Meeting, we have
192 typically sent Town Manager Ramsay to vote.

193
194 Artim moved to appoint Kathleen Ramsay as Middlebury's Voting Delegate to the
195 VLCT Annual Business Meeting on Wednesday, September 30th. Fuentes-George
196 seconded. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

197
198 **11. Discuss Ideas for Community Engagement on**
199 **Anti-Racism and Path Forward**

200

201 Carpenter said this had been discussed in the past and Ramsay had collected the
202 Board's input on this, and Ramsay had also shared in the packet VLCT's
203 Perspectives on Police Reform and municipal engagement for diversity inclusion from
204 the Governor's Economic and Mitigation Recovery Task Force.

205
206 Resident Jason Kaye said he was there on behalf of IDEAL Middlebury, and they
207 appreciate that the Selectboard, as the governing board of the town, is demonstrating
208 a keen willingness to address systemic racism. Kaye said IDEAL Middlebury is
209 putting together an educational presentation about systemic racism that they'd like to
210 present at an upcoming Board meeting, although they are a few weeks away from
211 completing this video, but they would like to recommend as an education effort for the
212 Board to watch the Academy Award-winning documentary called "13th", on the 13th
213 amendment. He said one way to address this is to remember that the opposite of
214 criminalization is humanization, so what humanization efforts might Middlebury make
215 to make this a safer and healthier community for all of us. Fuentes-George said she
216 appreciates all the work that this group has been putting into helping make our
217 community better.

218
219 Brown said this isn't going to be a fast process, and as a Board they don't have any
220 ability at all to change people's minds or the community with a law or a rule, so to
221 expect the Board to come up with a quick solution is unrealistic. He said he'd like to
222 recommend a special meeting with the IDEAL Middlebury group and others in the
223 community to have a more detailed conversation. He said he needed more
224 information, more help and more time.

225
226 Nuovo said this is a problem that needs to be addressed. He said it's very deeply
227 rooted and requires self-examination and education and we need to hear from people
228 who have experienced this, and he thinks the more they hear from people in town
229 who have suffered the indignities of racial discrimination the better we can deal with
230 this ourselves. He said the various protests around the country have caused an
231 awakening, and this is a very deep moral problem that we need to confront in
232 ourselves, our community and our institutions, and we have to change the system
233 through both laws and changing hearts.

234
235 Artim said you can't change what's happened in the past, you can only change going
236 forward. He said we're all products of our life experiences, so maybe it would be
237 most helpful to understand the experiences of others, so wonders if they could have
238 a retreat and have someone help them understand the basic patterns of bias so they
239 can be more aware and be able to recognize it so it doesn't impact future decisions.

240

241 Fuentes-George said this is going to take several processes for them to complete
242 and it will not be a destination, but a journey for them.

243
244 Carpenter said one of the things he has struggled with is how to define the problems
245 at a local level and what are our greater issues at the local level. He said in
246 Ramsay's draft, one of the bullet items is to have community members share their
247 experience locally and allow this to be done anonymously if needed. He said he
248 feels it would have a greater impact if they knew what was happening at a local level.

249
250 Sepi Alavi of IDEAL Middlebury said Brown seemed overwhelmed with what the
251 Board could do and in what time frame, and she doesn't think anyone is imagining
252 we're going to wake up one day and things are fine. She said they are well aware of
253 the fact this is a big subject with many layers, and it won't be changed in the next
254 year, and will take a long time. She said the most important thing is education, and
255 they're getting further education themselves, and they're aware of the fact that we all
256 have biases because of the world we live in. She said they're just trying to help this
257 town understand what our biases are and how they're manifesting and the first step is
258 acknowledging and accepting it.

259
260 Resident John Barstow said the first time that Black Lives Matter surfaced several
261 years ago, he'd spoken to someone who described himself as "a recovering racist",
262 and that is one way for all of us to think of it. He said there is so much learning for us
263 to become aware of ourselves, and he hopes the Board can help lead the town in
264 self-discovery. He said he loved Kaye's statement about the opposite of
265 criminalization being humanization.

266
267 Wiger-Grohs said the town has much work to do and the Selectboard can either lead
268 or follow, and she's expecting big things and so far she hasn't seen them. She said
269 the makeup of Board members doesn't equitably represent the community or what
270 the Town of Middlebury needs. She said we'll figure this out with or without the
271 Board, so figure it out.

272
273 Fuentes-George said she's committed to watching the documentary recommended
274 by IDEAL Middlebury and she really thinks we need to hear from members of our
275 community, and thinks it's important to acknowledge that everyone in the community
276 doesn't have the same experiences.

277
278 Khan said he agrees this is a learning experience and we should have a special
279 meeting to discuss this, as well as a retreat with someone speak on how to address
280 this problem, because he thinks it's on the Board to fix this. He said he and his wife

281 both have stories of things they've experienced in the community, but it isn't an easy
282 conversation to have so we have to respect that and allow people to relay their
283 experience in an email or some other form rather than in-person. He said he has
284 seen several kinds of racism in his store and, sometimes, blatant racism so he
285 supports a separate meeting and some time just for this subject.

286
287 Chief Hanley said he'd been meeting with Tabitha Moore, the head of the Vermont
288 Chapter of the NAACP, and they had a roundtable discussion with the officers
289 involved in the incident with a gentleman in the park this summer, and the discussion
290 was facilitated by Lisa Ryan, an Alderman in Rutland. He said the purpose was to
291 find out what happened and what initiatives can we use to move on from here, and
292 he said it was one of the most productive meetings he'd ever been to and lasted
293 almost 3 hours. He said they will be formalizing the ideas that were discussed soon.
294 Hanley said he'd discussed with Moore and Ryan what the Board was discussing,
295 and they're very interested in participating, and Ryan offered to be facilitator for the
296 event. He said this ties right in to what the Police Department is doing, and they want
297 people to know what they're doing. He said what they have to deal with far too often
298 is the "weaponization" of police – that is using the police to accomplish someone's
299 own biased objective. He said the police are often sent to deal with someone that
300 they shouldn't have to be dealing with, and it puts officers in an awful position and
301 they feel they've been used and feel badly afterwards, because it's not something
302 that the person they've been sent to engage had anything to do with. He said the
303 police are also used as weapons against the College students and are sent to
304 investigate parties that aren't there or to deal with students for something that they're
305 not even doing. He said another thing they've taken away internally is to be better at
306 understanding the perspectives that who aren't from Middlebury are bringing into
307 town when they do engage the police. He said the officers don't know how these
308 individual are viewing the engagement, and they often don't fully understand the
309 impact of the engagement on someone, even if it's fairly mundane. He said the
310 department will continue to work with Moore and Ryan.

311
312 There was discussion on when to schedule additional meetings on this and
313 establishing a procedure for people to relay personal experiences, and who to select
314 as a facilitator. There was special concern over what could be done to make it
315 comfortable and easy for people to share their own experiences. It is hoped to have
316 the presentation by IDEAL Middlebury at the first Board meeting in October and have
317 the second meeting dedicated to this topic.

318

319

12. Approval of Check Warrants

320

321 Fuentes-George said by the authority of the Selectboard granted on April 28, 2020,
322 she had reviewed and approved total expenditures of \$954,295.39 consisting
323 of \$833,108.55 for accounts payable, and \$121,186.84 for payroll, for the period
324 August 26, 2020 through September 8, 2020, and she moved for the Board's
325 approval of payment of these expenditures. Khan seconded the motion. The motion
326 carried with 6 in favor, 1 absent. **MOTION PASSED.**

327

328

13. Town Manager's Report

329

330 Ramsay said that the Board had received a letter from the contractor that was
331 dismissed from the DPW building repair project. She said unless the Board wishes to
332 reconsider their decision, she will notify him that we're proceeding with the new
333 contractor as endorsed by the Board at their last meeting.

334

335 Ramsay said the Infrastructure Committee will get its first look at the Capital
336 Improvements Budget at their meeting on October 8th and continue their review through
337 October and early November.

338

339 She said early information for the November 3rd election is in their packet, and people
340 should be receiving their ballots in the mail after September 21st, and if they haven't
341 received them by the first week of October they should contact the Town Clerk.

342

343 She said the Town recently received notification that the Vermont Traffic Committee will
344 conduct a review of the speed limits on Rt. 125 and Rt. 116 in East Middlebury as part
345 of its September 15th meeting. She said the State did a speed and engineering study of
346 the East Middlebury corridor last fall at the request of the Town after concerns by
347 residents along this route that the speed limits set by the State created a safety hazard
348 for pedestrians. She said that study reported the speed limits were appropriate and
349 recommended no change, and the Traffic Committee agreed to table the discussion to
350 give the Town time to gather and present additional information. She said the East
351 Middlebury residents have done a good job of documenting their information and
352 created a PowerPoint presentation to share with the Committee on the 15th.

353

354

355

356

14. Board Member Concerns

357

358 Nuovo said the town waterfalls downtown are looking rather sickly and wondered if the
359 Holmes could shut the sluice so there would be more water. Ramsay said David

360 Hallam is the intermediary with the Holmes family and she'll ask him to reach out to
361 them.

362
363 Fuentes-George said thinking back to the earlier discussion and how hard it is for
364 people to discuss their experiences, she thinks the Board needs to make some kind of a
365 commitment to these individuals, but she isn't sure what that commitment is other than
366 to listen and try to understand. She also shared with the Board that her husband had
367 received his letter approving him for U.S. Citizenship.

368
369 Artim said there had been discussion around the continuing use of Zoom Board
370 meetings, and he thinks the Board can set a good example on how to have in-person
371 meetings while still observing distancing and the proper protocols. He said he believes
372 the dialog is much better in person and as soon as possible he feels they need to start
373 having meetings in person and we need to do better at managing this emergency.

374
375 Artim said he also wondered about the status of the Master Plan, as he understood this
376 was to be in their hands by the end of the downtown shutdown and that's only 2 weeks
377 away. He said he feels this is the time to act on it for the businesses. He also
378 mentioned the last-minute items added to the packet and there are times he can't get to
379 them before the meeting, so perhaps there could be a deadline of Friday for adding
380 items unless it's an emergency.

381
382 Artim said there were some comments that the Board didn't think big, but if you look at
383 all the big projects the Board has worked on, and the budgets, and the committee time,
384 and while this racism issue is very important, we have other things that need to be
385 worked on as well, so he urged everyone to be patient with them. He said they'll do the
386 best they can and they'll do it well, but it may not be instantly.

387
388 Khan said he sent a couple months ago to Fred Kenney about a need for an Economic
389 Health Committee meeting and he never heard back. Ramsay said she had heard back
390 from Kenney and she would get the information out to the Board.

391
392 Brown asked if there was a way in the Zoom meetings that they could see the people
393 who are making the comments and feels it facilitates the conversation if he can see
394 them and know who they are. Chris English said the webinar platform used for the
395 Board meeting allows for 2 different roles, so he can make adjustments so whoever is
396 speaking can be seen.

397
398 Brown also said over the years he's tried to request the Board be careful with the
399 budget process and how it impacts property taxes, and he thinks they've done a great

400 job to minimize increases in the tax rate. He said he was shocked to see the article in
401 the Addison Independent and he thinks that the school tax rate increase is
402 unsustainable, and while there isn't much we can do about it, it's hurting everyone and
403 he'd like to have a conversation in the future between the Selectboard, the community
404 and the School.

405
406 Carpenter said the closure of the downtown is about to end and it will open on
407 September 18th. He said Jim Gish is working on some plans for the opening event with
408 trains passing through town, and a short ceremony, and then open it to traffic on Main
409 Street and Merchant's Row. He asked the Board to block out a few hours in the
410 morning of September 18th for this event. He said the project still has a ways to go
411 before being complete, but this is a major milestone and should be celebrated.

412
413 Carpenter said the Board has an obligation to think through everything they do, so that
414 takes time, but it's a great Board that he enjoys working with.

415
416 The meeting adjourned at 9:00 upon motion by Khan, seconded by Artim.

417
418 The next regular meeting of the Middlebury Selectboard is Tuesday, September 22,
419 2020.

420
421 Respectfully submitted,
422 Beth Dow