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**Regular Selectboard Meeting**  
**Large Conference Room – Town Offices**  
**Tuesday, May 26, 2020**  
**Meeting Minutes**

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. Town**  
8 **Manager Ramsay participated from her office in the Town Offices.**  
9

10 Members Present: Brian Carpenter, Heather Seeley, Farhad Khan, Victor Nuovo, Dan  
11 Brown, Nick Artim and Lindsay Fuentes-George.

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13 Staff Present: Town Manager Kathleen Ramsay, Assistant Town Manager Chris  
14 English, Police Chief Tom Hanley, Director of Public Works Planning Dan Werner, Fire  
15 Chief David Shaw and Bridge & Rail Project Community Liaison Jim Gish.

16  
17 Others Present: Karen Duguay of Better Middlebury Partnership, Fred Kenney of  
18 Addison County Economic Development Corp (ACEDC), Nancy Malcolm of Neighbors  
19 Together, Howard Wideltz of the Energy Committee, Judith Wiger-Grohs and Emily  
20 Joselson.

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

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**1. Call to Order**

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

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29  
**2. Approval of Agenda**

30 Khan moved to approve the agenda and Seeley seconded the motion. Carpenter said  
31 there would be an addition to the agenda under 12.a. for approval of Outside  
32 Consumption Permits for Fire and Ice Restaurant, Two Brothers Tavern and Middlebury  
33 Hearth. Ramsay said there was also a purchase order approval for a HVAC server and  
34 operating system for the Fire Department, which will be 5.a. on the agenda. The motion  
35 carried with 7 in favor. **MOTION PASSED.**

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**3. Approval of Minutes of May 12, 2020**

41 Khan moved to approve the minutes of May 12, 2020, seconded by Seeley.  
42 There were no changes, so the minutes were approved as presented with 7 in favor.  
43 **MOTION PASSED.**

44

45

#### 4. Citizen Comments

46

47 There were no citizen comments.

48

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#### 5. Fire Chief David Shaw, Request for Approval of Sole Source Procurement of Fire Hose

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51

52 Shaw said this request is to purchase five 100' lengths of 4" fire hose to replace their  
53 existing hoses that no longer pass testing standards. He said this hose is used to  
54 connect from fire hydrants or other water sources to the engine or other water storage  
55 units.

56

57 Khan moved to approve Fire Chief David Shaw's request to purchase five 100' sections  
58 of 4-inch Pro Flow rubber fire hose from Fire Hose Direct under the Sole Source  
59 Purchase provision of the Town's Purchasing Policy, for a total cost of \$3,092.85  
60 (including shipping). Nuovo seconded the motion. The motion carried with 7 in favor.

61

**MOTION PASSED.**

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63

#### 5.a. Fire Department Request for P.O. – HVAC Server and Operating System

64

65 Shaw said this request is to upgrade the HVAC system at Fire Station #1 that is 8 years  
66 old. He said the software is outdated and the server is currently running with Windows  
67 7, which is no longer supported.

68

69 Seeley moved to approve the purchase order request for the HVAC and software  
70 upgrade for Fire Station #1 for \$2,350. Nuovo seconded the motion. The motion  
71 carried with 7 in favor. **MOTION PASSED.**

72

73

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

74

75

76 Chief Hanley said it had been a busy two weeks since his last update. He said the  
77 hotels in town are trying to remove some of the State 211 individuals that have been  
78 housed there, and The Charter House reopens on June 1<sup>st</sup>, so the Charter House  
79 residents will move back there, but the 211 residents will be there through the end of  
80 June. He said there have been domestic abuse issues, inebriation issues requiring

81 transit and many retail thefts, and there has been significant destruction in these hotels  
82 that will need to be repaired and renovated before they'll be able to open back up. He  
83 said as of today the Marriott will no longer accept 211 referrals.

84  
85 Hanley also described the communication problems with the State regarding the food  
86 bank distribution at the State airport here in town last week. He said at the same time  
87 the distribution was happening, our officers were involved in a FedEx truck accident and  
88 the pop-up COVID-19 testing event, along with some retail theft complaints, so there  
89 were no officers available to help at the food distribution. He said he hopes there will be  
90 better coordination if there is another local distribution. He said the next free pop-up  
91 testing event in Middlebury will be June 5<sup>th</sup>.

92  
93 Carpenter asked about the recent emails and discussion about a large gathering of up  
94 to 100 College students where they reportedly weren't practicing social distancing.  
95 Hanley said he's working with Middlebury College Public Safety to try to figure out  
96 exactly what happened. He said the Police Department received no complaints of any  
97 event, but he's trying to follow up with some Chipman Park residents and someone who  
98 supposedly has photos of the event. Carpenter said if this event did happen, it is a  
99 pretty significant issue, since our College was one of the first to take this seriously and  
100 put a plan into effect, and the College is looking into it as well.

101  
102 Face Masks

103  
104 Carpenter said the Town had received multiple requests for Town support for a  
105 mandatory face mask ordinance, and asked for Hanley's opinion.

106  
107 Hanley said he'd "tread lightly" on this and he's very concerned about how this  
108 ordinance would be enforced. He said an ordinance like this can get out of hand and  
109 would not only be difficult to enforce, but would also expose his officers to more people  
110 who aren't protected. He said the department has a very limited supply of N95 masks  
111 and when they're gone they will not be able to get anymore, so they're very cautious  
112 how they use these masks. He said the surgical masks do not offer the protection to  
113 the officers when dealing with the subjects they deal with. He said it needs a lot of  
114 thought so we know what we're doing before passing an ordinance.

115  
116 Carpenter said Ramsay had checked with Town Counsel Benj Putnam, and he said  
117 passing an ordinance without it being properly warned isn't advisable and to proceed  
118 with passing an ordinance would make it easily challenged without proper warning, so  
119 they wouldn't be passing anything at this meeting. He said it would need a robust

120 discussion however, and if there are things we want to look into subsequent to this  
121 discussion, it could be on the next agenda.

122

123 Khan said the enforcement part is hard on small business owners as well, and what are  
124 they supposed to do. Hanley said business owners can require customers to wear  
125 masks, and if they don't, then it becomes a trespass order. Brown said as a small  
126 business owner himself he understands it puts owners in a bad place, since if they ask  
127 someone to wear a mask it makes them upset, yet if they don't require the mask, it  
128 makes the other customers upset, so he said it would be nice to be able to say it's a  
129 Town Ordinance so you have to wear one. Hanley said that's okay if you understand  
130 there is an enforcement issue. He said you can make it a civil offense where a ticket  
131 would be issued, or a criminal offense under the Emergency Health Ordinance, but he  
132 isn't sure the State's Attorney would prosecute the offense. Hanley said it would be an  
133 ordinance unique to Middlebury and it would need to be posted everywhere, like the  
134 winter parking ban, so people are aware of it.

135

136 Artim said the Governor has experts advising him at all levels and he hasn't mandated  
137 face masks need to be worn, and he agrees with the Chief that it would be difficult to  
138 enforce, so wonders if this then puts the small businesses owners in the role of  
139 enforcers. He just doesn't think it would be a good idea to pass something that was  
140 unenforceable.

141

142 Hanley said the Board could make a Selectboard Policy that face masks need to be  
143 worn in town, and that could be done this evening. He said it isn't enforceable, but it  
144 does let people know that when they go into public places they need to wear a mask.  
145 He said this would at least be a good first start while the Board debates the need for an  
146 ordinance. Carpenter said there was also a procedure for approving a policy and it  
147 would need to go through the Policy Review Committee prior to any Board action.

148

149 Emily Joselson thanked the Board and Hanley for all their work and guidance provided  
150 to the community in this difficult time. She said the Board could adopt a policy at this  
151 meeting, while allowing time to warn for an ordinance. She understands there is an  
152 enforcement issue, but she thought the fact there was an ordinance would be a  
153 deterrent and if there was ever a conflict, then an officer could be called. She said right  
154 now business owners are having a hard enough time trying to protect their customers  
155 and their employees, and she feels this move on the Town's part would help them.

156

157 Nuovo said public safety is a responsibility of every individual so it should be up to each  
158 one of us to follow a policy, and it shouldn't need to be a police action.

159 Karen Duguay said she'd talked with several other downtown groups today and there  
160 are other municipalities deciding on similar measures. She said Wilmington has done a  
161 resolution, while others have chosen to create an ordinance. She said she's done a poll  
162 with 59 local retailers and received 35 responses, and of those 35, 38% preferred to  
163 manage the use of masks themselves, while 62% wanted a town mandate.

164  
165 Judy Wiger-Grohs said while Vermont remains relatively safe, she felt we should act as  
166 a "family" to keep everyone safe, so if we know that social distancing and wearing a  
167 mask does this, then we should do it, and if you don't want to wear a mask you should  
168 stay home.

169  
170 Fuentes-George said she realizes how fragile our economic recovery will be for a long  
171 time and how a second wave of this virus would be detrimental to our town as a whole.  
172 She said wearing a mask is an easy thing to do to protect our community, so she thinks  
173 it should be framed as what can we do to encourage the most number of people to do  
174 what's best for our community, and she hates it's becoming a "hot button" issue". She  
175 does think something town-wide would take the pressure off individual business owners.

176  
177 Nuovo said it's an established fact that face masks and distancing work to help spread  
178 the virus, so if we can't pass an ordinance tonight, he'd be happy to help frame a  
179 resolution that people wear face masks and keep a proper distance when they are out  
180 in public or go into public buildings. He said we aren't asking this to be enforced by  
181 storeowners or hotel owners, we're simply recommending that this is a duty we all have  
182 in regard to public safety.

183  
184 Artim said he didn't think anyone was in disagreement that this was a public health  
185 emergency, but the difficulty is what do we create so it isn't a burden on shopkeepers or  
186 the police department. He thinks a resolution might make a statement of the  
187 importance without the need to enforce, so if we want to do something right away this is  
188 the way to do it. Wiger-Grohs suggested looking at other models from around the  
189 country and suggested a contest for the best public service announcement.

190  
191 Nuovo said he'd be willing to word this as a motion. Seeley said while she's in favor of  
192 wearing masks, based on all that we heard tonight she isn't ready for a resolution yet,  
193 and would rather give it another couple of weeks.

194  
195 Carpenter said since he isn't sensing a consensus on this issue tonight, they'd move on  
196 with the agenda. He said if they had questions or thoughts on this to send them to  
197 Ramsay. He said this is an educational process and is complex because of all the  
198 variables from business to businesses.

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**7. Fred Kenney, Executive Director of the Addison County Economic Development Corporation, Update on Pandemic Recovery: Review of State and Regional Efforts for Economic Recovery, including the Restart Vermont Loan and Grant Program**

Kenney said the Board had received the summary of the recent survey sent to area businesses on the impact of the COVID pandemic. He said the two main themes were economic recovery and health and safety. He said one question asked what the Addison County Recovery Team could do to help them, and while a lot of the ideas were outside of their ability to do, there were ideas such as ways to encourage a “buy local” campaign, so there will be an application to the State from the regional group for marketing funds. He said there are also continued efforts to provide accurate information on the proper way to reopen as well as low-cost financing opportunities. He said the Recovery Team is also looking at ways to locate additional PPE for businesses and provide technical assistance to businesses.

He said there was also a survey of non-profits and the information from that survey will be distributed, and another survey aimed at employees that will be out in a couple of weeks.

Kenney said as he’d mentioned at the last meeting, Middlebury has been chosen as one of 3 Vermont communities to be a part of the Federal recovery team rapid assessment and that is underway, so some of the Board may be contacted by this team.

Kenney also touched briefly on a number of financial assistance opportunities through the Vermont Economic Recovery Package that is waiting for State approval, that will help various segments of the economy.

He mentioned the Vermont Restart Loan and Grant Program and said he’d been talking to Town Manager Ramsay about the possibility of transferring Middlebury’s remaining Community Development Block Grant (CDBG) funds to Addison County Economic Development Corp (ACEDC) for them to administer. He said Middlebury’s remaining funds are around \$60,000 and those would be added to the ACEDC revolving loan funds for these grants, and once these funds were gone, they’d be referred to other revolving loan funds around the state that are being combined for this program. He said these funds would be available to any business in the region, so it wouldn’t be just a Middlebury business.

239  
240 Carpenter said the Town has struggled with a process to oversee these funds and the  
241 thought had been to turn it over to ACEDC and let them administer the funds as part of  
242 their greater program. Seeley said it sounds like a good way to use these funds and  
243 would be supportive of it and it certainly better than letting the money sit in our account.  
244 The Board had no objections to this suggestion, so Ramsay will gather the information  
245 together for approval at the next meeting.

246  
247 **8. Jim Gish, Community Liaison, Update on**  
248 **Downtown Bridge Replacement Project**  
249

250 Jim Gish said Kubricky Construction is working at full strength now. He said Merchants  
251 Row was closed this morning and will remain closed until the end of the project, and the  
252 Merchants Row bridge will be removed this coming Thursday. Main Street is down to  
253 one lane of traffic now and the pedestrian bridge is closed, but the flaggers are doing a  
254 good job of keeping things moving. He said next week we should hear from VTrans on  
255 when Main Street will be closed, and it will remain closed for 10 weeks.

256  
257 **9. Update on Work Plan for Vermont Agency of Transportation Marketing Grant**  
258 **Program for Downtown Bridge Replacement Project: Nancy Malcolm, Neighbors,**  
259 **Together and Karen Duguay, Better Middlebury Partnership**  
260

261 Malcolm said obviously all their earlier plans have changed since the COVID crisis, so  
262 they were able to meet recently with Project Manager Jon Griffin from VTrans to answer  
263 some of their questions. She said they'd been under the impression the funds needed  
264 to be spent by the end of 2020, but in fact they have until the end of the project, which  
265 would be July 1, 2021. She said since they have to use these funds up, they asked if  
266 the money could be used for any of the COVID issues, and the answer is no, it has to  
267 be used for mitigating the negative impacts to the community because of the project.  
268 She said they have to figure out how to accomplish the community-building events  
269 they'd planned while social distancing. She said some communities are closing streets  
270 to use them as market places and outside dining, but we can't do that here because  
271 Main Street will be all construction activities. Malcolm said it's also important that  
272 whatever they spend it on will help us going forward as well after the project is  
273 complete.

274  
275 Duguay quickly reviewed their new marketing plan. She said a lot of time and  
276 investment has been placed in the Middlebury Money program, so they will be  
277 continuing to increase participation. She said the original plan had included an event  
278 downtown, but that isn't possible now, so now they have to figure out a way to support

279 businesses without gathering people together. Duguay said now there will be a  
280 promotional program such as a Gift Card Challenge, to continue to support the  
281 businesses and offer the person the opportunity to do it in person or on the phone.

282  
283 Duguay said they have decided to pause Bundle, the pop-up event space, for the time  
284 being and will watch what other communities are doing with outdoor spaces and they  
285 may be able to apply the Bundle idea in another safe space. She said they are also  
286 looking into doing a Middlebury Guide to include retail, dining and lodging. She said  
287 eventually we will want to attract visitors so they are working on a branded campaign  
288 about visiting Middlebury. She said we need to think about what we can do now to  
289 revitalize the community after the project, because right now things are bad for  
290 downtown businesses.

291  
292 Seeley suggested an expansion of the promotion used in Midnight Stroll, except make it  
293 a weekly event. Duguay said 5 downtown stores have decided to remain closed for the  
294 duration of the project and will be doing curbside pickups only, but this would work for  
295 others that are going to remain open. Malcolm said they also have to be prudent with  
296 the amounts they give away because the State has warned us to not overextend that.  
297 Duguay said they have to be really strategic in how these funds are used to keep within  
298 the parameters, so the marketing to attract visitors will be done now but won't actually  
299 go out until next summer.

300

301

302 **10. Dan Werner, Director of Public Works Planning, with an update and**  
303 **recommendations from the Infrastructure Committee Meeting of May 21, 2020**

304

305 **10.a Recommendation on Amendment of Agreement with Otter Creek**  
306 **Engineering for Decommissioning of the**  
307 **Former Wastewater Treatment Facility of Lucius Shaw Lane**

308

309 Director of Public Works Planning Dan Werner said he's looking for approval from the  
310 Board for the final phase of the Otter Creek Engineering agreement from May of 2019.  
311 He said Phases 1, 2 and 3 were approved, but now we need to approve Phases 4 &  
312 5, the Bid Phase of \$3,000 and the Construction Phase of \$18,200 for a total of  
313 \$21,200.

314

315 Seeley said at the Infrastructure Committee meeting, Werner had said that the  
316 demolition phase of the project is moving along quicker than anticipated, so it is likely  
317 the project will come in under budget. Werner said it went fast and all structures are  
318 down, now they just have to clear the area.



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Seeley moved to approve Item 4: Bid Phase, and Item 5: Construction Phase, in Otter Creek Engineering’s May 2019 Proposal for Engineering Services for the Old Wastewater Treatment Facility Decommissioning Project, for a not-to-exceed cost of \$21,200. Nuovo seconded the motion. The motion passed with 6 in favor, 1 abstention (Artim).

**10b. Recommendation on Award of Bid for  
Police Department Building Re-Use Project**

Werner said the second part of this project is to award the bid for the Police Department Re-Use Project. He said 6 bids were received and Ashar Nelson of Vermont Integrated Architects (VIA) reviewed the bids and has prepared a bid summary and recommendation. The low bidder is VMS Construction of Rutland at \$701,000. He said there were 4 bid alternatives included in the bid package, and there is a very strong possibility we will need to add alternatives #2 (CMU Reinforcement) and #4 (Cruiser Garage Fill), but we won’t know for sure until the roof of the old sand filter building is removed and they see what is in the walls. He said Alternate #4 figure for VMS Construction looked high compared to the other bidders, so when asked about it they determined there had been some duplications in the amount shown in the bid, so it was actually \$4,830 instead of \$8,300. Werner said the other alternates are for overhead doors in the old control building and a fire alarm system for the cruiser parking garage. He said both of those are within our budget, so they will be brought back at some point through the Infrastructure Committee and to the Board, but for right now they just need the contract total approval for \$701,000.

Werner said there will be a preconstruction meeting tentatively set for June 4<sup>th</sup>.

Seeley moved to award the construction contract for the Police Department Adaptive Re-Use Project to VMS Construction for a total cast of \$701,000. Khan seconded the motion.

Brown questioned going with the low bidder who is from Rutland, when the next highest bidder at only \$5,000 higher was at least from Addison County and might use more local subcontractors. He said he doesn’t understand why if a local firm can do the job, we wouldn’t award the bid to them. Werner said in the past we have always awarded the bids to contractors who are responsible and responsive, and the Board in the past have had questioned asked how far do you go outside of town against how much you save. Brown said giving it to a local contractor and subs allows the money

358 to trickle down through our local economy and he thinks it's a small price to pay to  
359 keep it local.

360  
361 Seeley said she understands what Brown is saying, but on a project this size we really  
362 have to rely on our architect's review of bids and checking references, and she  
363 doesn't want to discourage contractors from the Rutland and Burlington area because  
364 we want to have the competitive bids.

365  
366 Seeley said as Chair of the Infrastructure Committee she can ask when reviewing the  
367 next set of bids coming in that the evaluator check the bids on the lowest and the local  
368 bidder, provided they're fairly close. Werner said a few years ago we had issues  
369 trying to go with the local contractor so then others stopped bidding. Artim said we  
370 don't want to send the wrong message out and we don't want a situation where our  
371 contractors aren't allowed to bid in another area.

372  
373 Carpenter called the motion. The motion carried with 6 in favor, 1 abstention (Brown).  
374 **MOTION PASSED.**

375  
376 Seeley said she's really excited to see this project going forward since she's been  
377 working on it since before she was even on the Board.

378  
379 **10c. First Review of Water and Wastewater Budgets**  
380 **(Recommendation to follow in June)**

381  
382 Werner said the Infrastructure Committee had a brief review of the proposed budgets  
383 at their May 21<sup>st</sup> meeting. He said the Board should note that the proposed expenses  
384 for FY21 in the Water Budget are \$1,664,675, which means we need to raise the  
385 same amount in our revenues. He said the budget is up by \$185,000 due to the first  
386 10-year bond bank payment and the \$110,000 annual increase for Capital  
387 Improvements.

388  
389 Moving to the Wastewater Budget for FY21, Werner said the total proposed budget is  
390 \$2,791,274, which means we need to raise this same amount through various  
391 revenues. He said the bulk of the Wastewater Revenues come from quarterly sewer  
392 charges, a few industrial surcharges and the septic dumping fees at the Wastewater  
393 Plant. He said overall there was not a significant increase in the Wastewater Budget,  
394 and the Infrastructure Committee will review water and sewer rates at their June  
395 meeting.

396  
397 **10d. Update on Street Sweeper**

398

399 Werner said the sweeper we have now is a 1999 mechanical sweeper, and the one  
400 they're proposing to purchase is a vacuum sweeper, meaning it sucks up the dirt from  
401 the roads and tops of catch basins, and creates less dust than the mechanical  
402 machine.

403

404 He said Director of Public Works Operations Bill Kernan has prepared a bid packet to  
405 go out, and tonight they are asking for the Board's authorization for it going out to bid.  
406 He said the bids will be reviewed by the Infrastructure Committee prior to coming back  
407 to the Board. He said when the bid is awarded, there is a 90-day procurement  
408 process to acquire the machine.

409

410 Werner said \$47,000 was added this next budget year to the Equipment Fund, and  
411 there was discussion about tapping the Fund Balance for a portion of the equipment  
412 purchase. The equipment approved at Town Meeting were a Dodge stakebody truck,  
413 an International plow truck, and the street sweeper, and it is possible that one or more  
414 of these could be delayed depending on how things go with the budget.

415

416 Seeley moved to authorize the submission of the bid package for the purchase of a  
417 new street sweeper. Nuovo seconded the motion.

418

419 Brown asked Ramsay about the e-mail she'd sent about the timing of this purchase  
420 and the funding sources, and wondered what she thought of this purchase. Ramsay  
421 said she was just reminding the Board that we would be drawing from the Fund  
422 Balance for this purchase and this is a financially difficult time. She said she's in favor  
423 of going forward with the bid process and see what the results are and perhaps at that  
424 time we'll have a better idea of what our receipts are looking like at that time.

425

426 Seeley said we can put this street sweeper to bid, but that doesn't mean we have to  
427 purchase a unit at this time. She said this will give us more information on if our  
428 estimates are accurate and what our current one might get in trade-in, so it doesn't  
429 bind us to make a purchase.

430

431 Artim asked if the street sweeper was the most important of the 3 items of equipment  
432 approved to purchase this coming year, and Werner said it was. Seeley said she'd  
433 asked Kernan that in the Infrastructure Committee, and after the street sweeper, the  
434 International plow truck was #2 and the Dodge stake body truck was #3. She said  
435 they did discuss the possible need to delay purchases, which is painful since we've  
436 worked hard to get on a replacement schedule so our spending is on an even keel.

437 She said it may be we don't purchase anything this year, but at least go to bid and see  
438 where they come in.

439  
440 Carpenter called the motion. The motion carried with 7 in favor. **MOTION PASSED.**  
441

#### 442 **10e. Update on Other projects**

443  
444 Werner said the pre-construction meeting for the Police Re-Use Project is scheduled  
445 for June 4<sup>th</sup>; the Cady Road Culvert Project is set to begin in early July; and the Dow  
446 Pond Water Line was scheduled for late July.

#### 447 448 **11. Consideration of Re-naming the** 449 **“Infrastructure Committee” to “Public Works Committee”**

450  
451 Seeley said at the May 21<sup>st</sup> Infrastructure Committee meeting, they discussed  
452 Nuovo's request that the name of the Infrastructure Committee be changed back to  
453 the original name, Public Works Committee. She said as she recalls, there were 3 in  
454 favor of keeping the name Infrastructure Committee, one who was in favor of going  
455 back to Public Works Committee, and 3 who could go either way. She said Luther  
456 Tenny had even suggested it could be named something else, such as Facilities  
457 Committee, or something similar.

458  
459 She said she thought back to why the name was changed to begin with, and she  
460 thinks it was because at that time they were looking at other projects that were outside  
461 the scope of Public Works, and she thinks the name change was an attempt to reflect  
462 that. Seeley said she had a concern about how much staff time it would take to  
463 change the name again on the website, so she asked Ramsay to calculate an  
464 approximation of the time involved to do the changes. Ramsay said she had checked  
465 with staff, and they're thinking only 1 to 2 hours to do the changes.

466  
467 Carpenter said he recalls the name change was an attempt to encompass more into  
468 one committee, but it could be called something else other than Infrastructure  
469 Committee. Nuovo felt that the term infrastructure refers to things “underground” and  
470 doesn't include buildings. Werner said he thinks the term public works is thought  
471 about too narrowly, and that infrastructure was more of a buzz word used in the past  
472 few years. He also thought public works had more name recognition, and Khan said it  
473 was definitely easier to say than infrastructure.

474  
475 Carpenter asked Seeley to take these comments back to the Infrastructure Committee  
476 again and provide the Board with a recommendation. Artim said that “public works” is

477 what industry professionals have historically called themselves and it encompasses  
478 many things.

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## 12. Discuss Requesting the Energy Committee to 481 Develop a Recommendation for Net Metering

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Ramsay said this last Monday we had received an unsolicited proposal from a net metering developer and she forwarded this to the Energy Committee and asked them to come forward with a recommendation for the Selectboard. She said the Energy Committee discussed it at their meeting last week, and they've requested time to put together a cohesive strategy for the best way to move forward with renewable solar projects. She said the Committee formed a subcommittee to look into this further and to benchmark with other solar project developers. Ramsay said based on that input, she's thinking that rather than limiting the Energy Committee's review to a proposal from one vendor, the Board might want to ask the Committee to broaden its scope and develop a formal framework for evaluating renewable energy proposals against actual energy community needs for consideration by the Board. She said strategies could include: developing an RFP for net metering projects; recommending guidelines for evaluating future net metering proposals; and/or partnering with a non-profit or business for development of town-owned renewable energy projects.

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Chair of the Energy Committee Howard Wideltz said that it makes sense to look at it more broadly. He said a couple of years ago Ross Conrad had talked to Green Lantern and they're now offering an even greater discount, so it would be good to take a step back and look at all the options. He was hoping they'd come up with something in the next couple of weeks.

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Carpenter said he'd like to see the Board support this recommendation. He said they'd talked about the opportunities of using more renewable energy at the town level, and not only would we be supporting renewable, but we'd get a discount, so it seems to be something we should ask the Energy Committee to look at and make a recommendation to the Board. Artim said he agreed, as long as this was looking at renewables as a whole and not biased for one source vs another.

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Carpenter asked Wideltz to have the Energy Committee look into this and they didn't need to accomplish it in 2 weeks, since the Board would like them to do a thorough job.

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### 12.a. Consideration of Outside Consumption Permits

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517 Carpenter said this was for approval for Outside Consumption Permits for Fire and Ice,  
518 Two Brothers Tavern and Home Hearth. He said Chief Hanley reports they've all been  
519 inspected and approved. Ramsay said the State has approved Two Brothers Tavern  
520 and Middlebury Hearth as well.

521  
522 Artim moved to approve the new Outside Consumption Permit applications request for  
523 Two Brothers Tavern and Middlebury Hearth Fire, and for Fire and Ice Restaurant  
524 pending State approval. Brown seconded the motion. The motion carried with 7 in  
525 favor. **MOTION PASSED.**

526  
527 Carpenter said he's heard from some of the business owners how appreciative they  
528 are for the support they've received from Town officials and the State. Brown said the  
529 struggle they're all going through is difficult and stressful, so any advantage we can  
530 give them needs to be considered.

531

### 532 **13. Approval of Check Warrants**

533

534 Brown said under the authority granted by the Selectboard on April 28, 2020, I have  
535 reviewed and approved, on behalf of the Board, total expenditures in the amount  
536 of \$234,659.29, consisting of \$153,128.68 for accounts payable, and \$81,530.61 for  
537 payroll, for the period May 13, 2020 through May 26, 2020, and move the Board's  
538 approval of payment of these expenditures. Nuovo seconded the motion. The motion  
539 carried with 7 in favor. **MOTION PASSED.**

540

### 541 **14. Town Manager's Report**

542

543 Ramsay said the Local Option Tax report was in and the 1<sup>st</sup> quarter from January 2020  
544 to March 2020, our receipts were 95% of what they were in the first quarter of 2019.  
545 She said based on that, she looked at what our receipts might look like in the next  
546 year. Knowing that we're going to have reduced local option tax receipts in the next  
547 few quarters, she is guesstimating this year's 2<sup>nd</sup> quarter (April-June) receipts at 50%  
548 of 2019 receipts, 65% for the 3<sup>rd</sup> quarter (July-Sept), and for the final quarter (Oct-Dec)  
549 at 80%, for a total for the year of \$754,761 compared to our \$1,062,758 total for 2019.

550

551 Carpenter said there's been an increase in online shopping, so it will be interesting to  
552 see the results when those receipts start coming in. Ramsay said our 2<sup>nd</sup> quarter  
553 payment will come in mid-August.

554

### 555 **15. Board Member Concerns**

556

557 Seeley said her family traveled to the Northeast Kingdom over the weekend and she  
558 couldn't believe all the out-of-state cars on the highways, and she'll be interested to  
559 see how this impacts the COVID numbers in the next 2 weeks.

560  
561 Khan referred back to what Wiger-Grohs had been talking about in the face mask  
562 discussion, and said everyone in the U.S. knows about the importance of social  
563 distancing because of all that is in the press now, so he doesn't know what more could  
564 possibly be done.

565  
566 Fuentes-George said we might think about putting out standard messaging  
567 encouraging people to do the right thing, but it's falling on businesses to come up with  
568 their own practices for their store, and while we aren't mandating it, it's an opportunity  
569 for a sense of community and how we can help our town recover.

570  
571 Carpenter said the mask item is a big concern for the community so we need to think  
572 about what's appropriate and where are we going with this. He said Vermont is a  
573 different environment than NY and we need to think about what will work in our  
574 community, and he hopes they can come to an agreement at the next meeting on how  
575 to proceed with this.

576  
577 **16. Adjournment**

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579 The meeting adjourned at 9:30 upon motion by Khan, seconded by Seeley.

580  
581 The next regular meeting of the Middlebury Selectboard will be on Tuesday, June 9,  
582 2020.

583  
584 Respectfully submitted,  
585 Beth Dow

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