

**Selectboard Meeting
Tuesday, November 29, 2022
Agenda Notes**

[View Full Meeting Packet](#)

7:00	1. Call to Order	Presenter: Brian Carpenter	
	2. Approval of Agenda	Presenter: Brian Carpenter	Action: Decision

Changes to the agenda:

Add Item 17: Director of Planning & Zoning, Jennifer Murray requesting approval for submission of a FY23 Municipal Planning Grant to hire a consultant to assist with Town Plan update

	3. Approval of Consent Agenda	Presenter: Brian Carpenter	Action: Decision
--	--------------------------------------	--------------------------------------	----------------------------

3.a. Approval of Minutes of the November 7 and November 15, 2022 Special Selectboard Meetings

[03a – November 7, 2022 Special Selectboard Meeting Minutes \(Draft\)](#)

[03a – November 15, 2022 Special Selectboard Meeting Minutes \(Draft\)](#)

3.b. Acceptance of Selectboard Subcommittee Meeting Minutes

[03b – Consent Agenda – November 17, 2022 Infrastructure Committee Meeting Minutes \(Draft\)](#)

3.c. Agenda Placeholder

3.d. Agenda Placeholder

3.e. Town Manager’s Report

- **FY23 Year-to-Date Budget Reports as of October 31, 2022**

[03e – TM Report – FY23 Budget Report – October 31 Year To Date EQ, WA & WWTF Funds](#)

[03e – TM Report – FY23 Budget Report – October 31 Year To Date General Fund](#)

[03e – TM Report – Local Option Tax Receipts Report – November 22, 2022](#)

- **American Legion Post 27 Donation for New Year’s Eve Fireworks**

Thanks to the [generous support from American Legion Post 27](#), we are pleased to be offering New Year’s Eve fireworks and ice skating again this year. Fireworks will begin at approximately 6:30pm at the Middlebury Recreation Field (by Mary Hogan). At the conclusion of the fireworks show head over to the Memorial Sports Center and enjoy an hour and a half (7-8:30pm) of free ice skating. We look forward to celebrating the New Year with you and your family!

- [03e – TM Report - October 31, 2022 Middlebury Airport Communications Update](#)

- **Update on South Street Solar Project**

[In an email update](#), it was reported that most materials for the work will be delivered in the first few weeks of December with construction to begin shortly after for the South Street solar project.

- [03e- TM Report – Town of Middlebury Racial Equity Survey Results](#)
- **Current Correspondence**
[03e - TM Report - Current Correspondence - Received November 4 – November 23](#)

	4. Citizen Comments [Opportunity to raise or address issues that are not otherwise included on this agenda]	Presenter: Brian Carpenter	Action: Discussion
--	--	--------------------------------------	------------------------------

Suggested preamble, if the Board anticipates a high level of participation:

Next on the agenda is Citizen Comments. This is an opportunity for community members to briefly comment upon, or share their concerns about, items that are not on tonight’s warned agenda.

Because comments under this part of the agenda are about issues that are not before the Board for discussion this evening, we are not in a position to discuss them in depth or try to resolve them now. We will, however, enter your comments into the public record for this meeting and, if appropriate, refer your concerns to the Town Manager for further action.

Please keep your comments to less than two minutes. We will provide you with a 15-second warning as the time limit approaches.

7:10	5. Agenda Placeholder	Presenter:	Action:
7:15	6. Public Hearing on Charter Amendment for Appointment of a Town Treasurer by the Selectboard	Presenter: Brian Carpenter	Action: Discussion

Item Summary and Primary Documents:

1. In preparation for a March 6, 2023, Town Meeting vote for a [proposal to amend the Town’s Charter](#) to provide for the appointment, rather than the election of the Town Treasurer, tonight is an opportunity for the Selectboard to take public testimony.
2. **Suggested opening remarks:**
 - In accordance with governing statutes [17 VSA 2641](#) and [17 VSA 2645](#), the Board is conducting a second public hearing to take questions and comments from the Middlebury community regarding a proposed change to the Town’s Charter for the appointment, rather than the election of Town Treasurer.
 - If you have a question or comment, please raise your hand if you are in the room and, when recognized, come up to the table in front. If you are on Zoom, please use the Raise Hand button at the bottom of your Zoom window to be recognized. In either case, please state your full name for the public record before you make your comment.
 - With that, I will open the public hearing.

3. Suggested closing remarks:

- If there are no further comments regarding the charter amendment for Town Treasurer, I'm going to call the public hearing closed.

Additional Background:

[06 – Charter Change Timeline Draft 2](#)

7:20	7. Gunner Tuttle and Dan Poulin, Representatives of Vermont Electric Power Company (VELCO), with a presentation on proposed upgrades to VELCO's substation located at 522 Quarry Road	Presenter: Gunner Tuttle Dan Poulin	Action: Discussion
-------------	--	---	------------------------------

Item Summary and Primary Documents:

1. In a [letter dated, November 10, 2022 from Daniel Poulin](#), Project Manager with Vermont Electric Power Company (VELCO), he states that VELCO intends on upgrading the substation located at 522 Quarry Road. Poulin says that the state permitting process requires that VELCO notify the Selectboard 45-days prior to filing for a Certificate of Public Good for the project construction.

Additional Background:

[07 – VELCO Presentation on Middlebury Substation on Quarry Road](#)

7:30	8. Chief of Police Tom Hanley, Recommendation on the Award of Cruiser Bids	Presenter: Tom Hanley	Action: Decision
-------------	---	---------------------------------	----------------------------

Item Summary and Primary Documents:

1. [In a memo, Chief Tom Hanley](#) says that while this is typically a 2-cruiser year, they are intending on utilizing funds to pay for financing on the dispatch console.
2. 5-bids were received for the police cruiser, all including \$12,000 for a trade-in value of the current cruiser.
3. Chief Hanley is recommending the bid be awarded to Stone Motors CJDR for a 2023 Dodge Charger with the lowest bid of \$27,873.
4. He notes that receiving the Ford Hybrid has been challenging and that the vehicle ordered in January of 2022 has not yet been received. He also notes that the last hybrid received has had electrical engine issues and that they have had to use older Chargers in the place of this.

Recommendation/Potential Motion:

"I move to award a contract to Stone Motors CJDR for a 2023 Dodge Charger Police Cruiser in the amount of \$27,873."

7:35	9. Director of Public Works Planning Emmalee Cherington with the Infrastructure Committee's recommendation on the engineering agreement for the South Street Water Line final design	Presenter: Emmalee Cherington	Action: Decision
-------------	---	---	----------------------------

Item Summary and Primary Documents:

1. At the [November 17, 2022 Infrastructure Committee Meeting](#), Co-Directors of Public Works Planning, Dan Werner & Emmalee Cherington presented an [engineering proposal from Landmark Engineering](#) for the South Street Water Line project. Werner said that this piece of the proposal includes all but the construction review at a total cost of \$28,760.
2. The Infrastructure Committee approved Werner & Cherington’s recommendation to send the proposal of \$28,760 for Landmark Engineering to the Selectboard for approval.

Recommendation/Potential Motion:

“I move to award a contract to Landmark Engineering for the engineering agreement for the South Street Water Line final design at a total cost of \$28,760.”

7:40	10. FY24 Budget	Presenter: Kathleen Ramsay	Action: Discussion
------	-----------------	--------------------------------------	------------------------------

Item Summary and Primary Documents:

1. Town Manager Kathleen Ramsay will present, for the Board’s consideration, an overview of the departmental projects included the first draft FY24 Capital Budget request, as finalized and recommended for Selectboard approval by the [Infrastructure Committee on October 27th](#).
2. The Infrastructure Committee made a few revisions to the FY24 Capital Budget beyond the [Summary of Revisions](#) that was provided at the October 27th meeting for a total recommended approval for [FY24 Capital Budget of \\$1,653,455](#).

“Following further discussion, the following changes were made to the budget:

Court Street & Monroe Street Intersection Improvements reduced \$10,000 to \$50,000

Downtown Transportation Grant was eliminated for a reduction of \$40,000

Salt Storage Building was eliminated for a reduction of \$15,000

Memorial Sports Center Roof was reduced \$10,000 to \$15,000

This was a total reduction of \$75,000, bringing the total Capital Improvements Budget to \$1,653,455.”

3. The Department Heads will be on hand Tuesday to address questions that the Board may have regarding their budget requests.

	10.a. Overview of FY24 Budget Timeline	Presenter: Kathleen Ramsay	Action: Discussion
--	--	--------------------------------------	------------------------------

[10a – FY24 Capital Budget Timeline Middlebury](#)

	10.b. Early view of potential major drivers	Presenter: Kathleen Ramsay	Action: Discussion
--	---	--------------------------------------	------------------------------

[10b – FY24 Early View Selected Major Drivers](#)

	10.c. Presentation on FY24 Capital Budget Requests, as recommended by the Infrastructure Committee	Presenter: Kathleen Ramsay	Action: Decision
--	--	--------------------------------------	----------------------------

[10c – FY24 Capital Budget Request Overview – 11-29-22](#)

	10.d. Presentation and Summary of ARPA-funded Capital Improvement Projects	Presenter: Emmalee Cherington	Action: Discussion
--	--	---	------------------------------

Item Summary and Primary Documents:

1. The Board discussed ARPA allocations at its meeting on [May 24, 2022](#) and asked staff to prepare project recommendations according to [Allocation B](#) from the slide presented at the meeting (85% allocated to infrastructure improvements, 10% to project management, and 5% to broadband (if needed))
2. The Board directed staff to propose highway, water and wastewater projects for ARPA funding provided for infrastructure improvement projects in Allocation B. Accordingly, incoming Public Works Director of Planning Emmalee Cherington prepared a [presentation](#) on the projects recommended for ARPA-funded infrastructure improvements for the October 13, 2022 Infrastructure Committee and she will be presenting this presentation at the November 29th Selectboard meeting.
3. Also, to note, Maple Broadband has reduced its request from as much as possible to \$25,000 to \$50,000, well below the 5% (\$130,000) allocation shown in Allocation B.
4. Other non-profit agencies have also requested funding – a preliminary draft of a [summary of those requests](#) is provided in the packet.
5. The Board can schedule further discussions finalizing ARPA allocations once it has received the recommendation from staff and the Infrastructure Committee.

Additional Background:

[10d – ARPA Project Draft Allocation Analysis & Summary](#)

	11. Request from United Way of Addison County regarding the petitioning process for non-profits seeking funding from the Town	Presenter: Jesse Brooks	Action: Decision
--	--	-----------------------------------	----------------------------

Item Summary and Primary Documents:

1. Jesse Brooks, Director of Advocacy for United Way of Addison County, has written [an open letter to Addison County Selectboards and Town Managers](#) requesting that municipalities consider waiving petitioning requirements for non-profits seeking funding for the upcoming budget year. The Selectboard approved the same request from the United Way in 2021. Brooks further requests that the Selectboard consider this approach moving forward for agencies requesting repeat funding amounts from previous years.
2. Brooks further requests that the Selectboard consider this approach moving forward for agencies requesting repeat funding amounts from previous years.
3. This an opportunity for the Board to hear the request and have an initial discussion of next steps in consideration of the United Way of Addison County’s request to revise the Board’s policy on appropriations for non-profit agencies.

Additional Background:

[11 – Selectboard HHS Funding Policy \(Final\)](#)

12. Turning Point Center of Addison County request for allocation of National Opioid Settlement	Presenter: Danielle Wallace	Action: Decision
--	---------------------------------------	----------------------------

Item Summary and Primary Documents:

1. On November 15, 2022 the Town received [the second National Opioid Settlement payment](#) in the amount of \$4,805.16. The first installment was \$4,572.20 for a total of \$9,377.36
2. [Turning Point Center of Addison County \(TPCAC\) has requested](#), in a Memorandum of Understanding with the support of Police Chief Tom Hanley that the Town of Middlebury allocate all \$9,377.36 of the settlement payments to TPCAC.
3. TPCAC has identified the reasons for the request being:
 - *Continue to provide the essential services we have provided for the past 16 years to individuals and their family members struggling with SUD.*
 - *Expand services to meet SUD need among the unhoused in Middlebury.*
 - *Embed staff with even more local organizations that interact with our target population, specifically including the unhoused.*
 - *Maintain operation of our 24/7 rapid access to recovery coaching program*

Recommendation/Potential Motion:

“I move to transfer the settlement payments received by the National Opioid Settlement to Turning Point of Addison County at a total amount of \$9,377.36”

“I further move that the Board give permission to Town Manager, Kathleen Ramsay to sign, as a duly authorized agent of the town, a memorandum of understanding outlining and detailing Turning Point’s proposed uses of and reporting requirements associated with its proposal to use Opioid Settlement Funds to address substance abuse disorder (SUD) in the community.”

13. Dana Hart, Library Director, and Joe McVeigh, President Library Board of Trustees, with an update from the Ilsley Public Library (IPL) Project Team’s listening sessions	Presenter: Dana Hart Joe McVeigh	Action: Discussion
---	--	------------------------------

Item Summary and Primary Documents:

1. Last week, the Ilsley 100 Project Team invited the community to participate in two public meetings to share feedback about the vision for the future library, with this message:

“When you think of the library of the future, what do you see?”

The Middlebury community has a unique opportunity to create a vision for our future library. The Ilsley 100 Project Team has been tasked with developing design options to address the library’s facility needs. At this point in the process the Project Team is considering community goals and the changing nature of libraries, and would like to share this work with you and hear your feedback. To that end, the Project Team is holding two public meetings:

Wednesday, November 16th at 7:00 pm in the library's Community Meeting Room

Friday, November 18th at 12:00 pm via Zoom ([link to Zoom info here](#))

This is our opportunity to work together to think big about what we want our library to look like in the future. All are welcome to attend this public meeting to learn about the work of the Project Team and share what you would like to see in your library building. ”

2. The [Project Team shared a presentation](#) with the community during the meetings to give an idea of what work they have been doing to create this vision.
3. Library Director, Dana Hart and Board of Trustees President, Joe McVeigh are going to share with the Selectboard what they learned at the public meetings.

14. Request for Approval of Contracting with ADP for payroll processing software and services under the Sole Source Provisions of the Procurement Policy	Presenter: Kathleen Ramsay	Action: Decision
---	--------------------------------------	----------------------------

Item Summary and Primary Documents:

1. In a [memo from Nicholas Gill, Finance Director](#), he shares that while processing payroll in-house in the past has made sense financially, it is no longer the most efficient or economical way to continue. He makes mention of the amount of time that it takes for this manual process and redundancy as contributing factors to needing the change.
2. Gill is recommending that the Selectboard approve contracting with ADP for payroll processing software after receiving [their proposal for \\$17,632.00](#) which came in at less than half of the second-best option, Paylocity.
3. ADP is waiving the Implementation and Setup fee of \$4,700 for the Town.

Recommendation/Potential Motion:

“I move to award a contract to ADP for payroll processing software and services under the Sole Source Provisions of the Procurement Policy at a total cost of \$17,632 and authorize Town Manager Kathleen Ramsay to sign the services agreement as a duly authorized agent of the Town.”

15. Solar & Police Department Reuse Project Bond Reimbursement: Certificates of Completion and Appointment of Authorized Town Representatives for Financial Matters	Presenter: Brian Carpenter	Action: Decision
--	--------------------------------------	----------------------------

Item Summary and Primary Documents:

1. The Vermont Municipal Bond Bank (VMBB) issued bonds for the Town of Middlebury’s Solar Project (15% of Acorn Energy Solar 3, LLC) and the Police Department’s Adaptive Reuse Project in February of 2022. If the Board is amenable, in order for staff to proceed with the drawdown of funds from the bonds, the [appointment of authorized representatives](#) for matters relating to the loans from the Bond Bank is required.
2. Additionally, one of the post-closing responsibilities of borrowers is filing a [Certificate of Completion form](#) at the time of substantial completion of the project. As the Solar Project is complete and up and running, a Certificate of Project Completion for the project is provided for the Board’s review and approval, if amenable.

Recommendation/Potential Motion:

1. "I move that the Board appoint Town Treasurer Elizabeth Dow, Assistant Town Treasurer Kathleen Ramsay and Finance Director Nicholas Gill as the Town's authorized representatives in matters relating to its loans from the Vermont Municipal Bond Bank for the Police Department Adaptive Reuse Project and the Solar Project (15% of Acorn Energy Solar 3, LLC), and, further, to authorize Town Clerk Ann Webster to sign the Appointment of Authorized Representative(s) form on behalf of the Selectboard."
2. "I move that the Board sign the Certificate of Project Completion for the Solar Project, as presented."

	16. Agenda for Town/College Lunch on December 5	Presenter: Brian Carpenter	Action: Discussion
--	--	--------------------------------------	------------------------------

Item Summary and Primary Documents:

A Town-College Lunch [attendance roster](#) and [rough draft of an agenda](#) are enclosed in the packet as a starting point for the Board's discussion in preparation for the upcoming Town-College Lunch on December 5, 2022. Although the Town, College and other agencies from the community worked closely together during the COVID pandemic, this will be the first Town/College Lunch since December 2019.

	17. Director of Planning & Zoning, Jennifer Murray requesting approval for submission of a FY23 Municipal Planning Grant to hire a consultant to assist with Town Plan update	Presenter: Jennifer Murray	Action: Decision
--	--	--------------------------------------	----------------------------

Item Summary and Primary Documents:

1. Jennifer Murray is seeking the Board's approval to submit an [FY23 Municipal Planning Grant application](#) to fund "a town plan audit and resulting in targeted recommendations and maps, in preparation for a Town Plan update". This scope is easily modified if we receive partial funding.
2. State law requires a town plan update every 8 years; ours expires 11/28/2025. These funds would need to be expended by Nov 2024. The project deliverables would be used in meetings with the Planning Commission and others (energy committee, conservation commission), entering the hearing process in Spring 2025 for adoption by 11/28/25.
3. The application would seek \$22,000 in funding (the maximum award under the program) and would require a \$2,000 match from the Town. A [required Selectboard resolution](#) authorizing the application is in your packet for signature, should the Board agree to move forward. "I move to approve the submission of an FY23 Municipal Planning Grant application seeking \$22,000 in funds for a consultant to assist with preparation of materials for a Town Plan update. I further move to authorize required Town matching funds of \$2,000 for the grant application."

Recommendation/Potential Motion:

"I move to approve the submission of an FY23 Municipal Planning Grant application seeking \$22,000 in funds for a consultant to assist with preparation of materials for a Town Plan update. I further move to authorize required Town matching funds of \$2,000 for the grant application."

	18. Agenda Placeholder	Presenter:	Action:
--	-------------------------------	------------	---------

	19. Approval of Check Warrants	Presenter: Heather Seeley	Action: Decision
--	---------------------------------------	-------------------------------------	----------------------------

Motion:

“I move to approve total expenditures in the amount of _____, consisting of _____ for accounts payable, and _____ for payroll, for the period November 8, 2022 through November 29, 2022.”

	20. Board Member Concerns	Presenter: Selectboard	Action: Discussion
--	----------------------------------	----------------------------------	------------------------------

	21. Executive Session – Anticipated – Real Estate	Presenter: Brian Carpenter	Action: Discussion / Decision
--	--	--------------------------------------	---

In accordance with Vermont’s Open Meeting Law, the following two motions are in order prior to entering into Executive Session:

1. In accordance with Vermont’s Open Meeting Law requirements, I move that the Board find that premature general knowledge of the consideration of real estate matters would clearly place the Selectboard at a substantial disadvantage, because the Select Board risks disclosing its litigation strategy if it discusses the real estate matters in public.
2. I further move that the Board enter into Executive Session to real estate matters, under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes.

	22. Action on Matters Discussed in Executive Session	Presenter: Brian Carpenter	Action: Decision
--	---	--------------------------------------	----------------------------

8:50	23. Adjourn	Presenter: Brian Carpenter	Action: Decision
-------------	--------------------	--------------------------------------	----------------------------

Recent Town Committee & Other Meeting Information (received November 4 – November 22):

- [October 24, 2022 Development Review Board Meeting Minutes \(Draft\)](#)
- [October 27, 2022 Ilsley 100 Project Team Minutes](#)
- [November 9, 2022 Middlebury Energy Committee Special Meeting Agenda](#)
- [November 9, 2022 REMC Meeting Agenda](#)
- [November 10, 2022 Ilsley 100 Project Team Agenda](#)
- [November 14, 2022 Ilsley Public Library Board of Trustees Meeting Agenda](#)
- [November 14, 2022 Ilsley Public Library Director’s Report](#)
- [November 16, 2022 Middlebury Energy Committee Meeting Agenda](#)
- [November 17, 2022 Infrastructure Committee Meeting Agenda](#)
- [November 17, 2022 Planning Commission Meeting Agenda](#)
- [November 30, 2022 DIDC Agenda](#)
- [December 13, 2022 Hearing on Proposed Amendment to Noise Ordinance](#)