

**Selectboard Meeting
Tuesday, August 9, 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

Addition to Item 3.e – Town Manager’s Report:

- Correspondence from Andrew Sambrook Regarding Airport Act 250 Application

Add Item 5 – Request from Middlebury Farmers’ Market for a Public Assemblage Permit for Triangle Park

	3. Approval of Consent Agenda	Presenter: Brian Carpenter	Action: Decision
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3.a. Approval of Minutes of the July 26, 2022 Regular Selectboard Meeting

[03a – Consent Agenda – July 26, 2022 Selectboard Meeting Minutes \(Draft\)](#)

3.b. Acceptance of Selectboard Subcommittee Meeting Minutes – July 20, 2022 Energy Committee Meeting

[03b – Consent Agenda – July 20, 2022 Middlebury Energy Committee Minutes \(Draft\)](#)

3.c. Agenda Placeholder

3.d. Town Manager’s Report

• **Updates on Middlebury Airport Communications**

Several updates are in your packet regarding ongoing matters related to the Middlebury Airport Master Plan process:

[03e - TM Report - July 18, 2022 Middlebury Airport Communications Task Group Meeting Notes](#)

[03e - TM Report - MANA 7.22.22 Letter to Selectboard - REVISED](#)

Since the publication of the Middlebury Airport Neighborhood Association’s (MANA) July 22nd letter responding to statements made about the Master Plan process at the Selectboard’s July 12th meeting, three individuals – Paula Nath, Eugene Roy and Jane Roy – have asked that their names be removed from the letter. The letter has been republished to the meeting packet to document the requests.

[03e - TM Report - Letter from Prem Prekash Regarding MANA Letter of 7.22.22](#)

In an August 1st letter to the Selectboard, Prem Prekash writes in response to MANA’s July 22nd letter, offering his perspective on the issues raised by his presentation at the Board’s July 12th meeting and explaining his reasons for deciding to step down from his leadership position with the neighborhood association.

[03e - TM Report - Letter from Louise Prescott Regarding Midd Airport Master Plan](#)

In an August 15th letter sent to Federal and State officials, Vermont media outlets, Addison County legislators and the Selectboard, East Middlebury resident Louise Prescott shares her thoughts regarding the Airport Master Plan as an abutting property owner. Louise notes that, while she is aware of some of the communications among MANA members, she is not representing the organization in her comments.

- **Agenda Addition – Correspondence from Andrew Sambrook Regarding Airport Act 250 Application**

[03e - TM Report - E-mail from Sambrook Regarding Airport - Act 250](#)

[03e - TM Report 8-9-22 E-mail from Andrew Sambrook Regarding Airport Act 250 and Master Planning](#)

[03e - TM Report 8-9-22 E-mail Attachment from Andrew Sambrook Regarding Airport Act 250 and Master Planning](#)

- **Update on Washington Street Waterline Project & Colonial Drive Infrastructure Improvements**

From DPW Planning Director Dan Werner:

[03e - TM Report - Washington Street & Colonial Drive Project Update Memo](#)

- **Citizens Petition Submitted Regarding the VT Gas Easement Deed for 3 Mill Street**

Town Clerk Ann Webster reported on August 3rd that resident Ross Conrad has [submitted a citizens' petition](#) in response to the Board's June 28th decision to grant an easement deed to Vermont Gas for the installation of natural gas service a 3 Mill Street. The petition seeks to put the matter before Middlebury voters on the General Election ballot in November. Ann has confirmed that the petition includes the 291 verified signatures (5% of 5,819 registered voters) required by Statute in order for it to be placed on the ballot.

- **Middlebury Pedestrian Connectivity Planning Study – August 4th Presentation**

[03e - TM Report - Pedestrian Connectivity Scoping Study - Local Concerns Meeting Presentation](#)

- **Current Correspondence**

[03e - TM Report - Current Correspondence - Received - July 21 - August 4](#)

7:05	4. Citizen Comments [Opportunity to raise or address issues that are not otherwise included on this agenda]	Presenter: Brian Carpenter	Action: Discussion
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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.

5. Agenda Addition: Request from Middlebury Farmers’ Market for a Public Assemblage Permit for Triangle Park	Presenter: Brian Carpenter	Action: Discussion
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Item Summary and Primary Documents:

1. On August 8th, Middlebury Farmers’ Market representative Janis McWayne submitted a [request for a Public Assemblage Permit](#) to relocate the market from the VFW parking lot to Triangle Park and a portion of The Green. A formal Public Assemblage Permit Application and Certificate of Insurance from the Farmers’ Market is pending.
2. Among the market’s primary requirements relevant to the permit:
 - a. Use of approximately 24,000 sq. ft. of space in Triangle Park and The Green (see map on pg. 3)
 - b. Use of the site from 7:30 a.m. to 1:30 p.m. every Saturday from May to October
 - c. Availability of curbside access for vendor loading and unloading
 - d. Ability to cook food and to serve and sell alcoholic beverages (tastings)
 - e. Access to electricity for some vendors
3. Kathleen Ramsay has forwarded the market’s request to Chiefs Hanley and Shaw and DPW’s Bill Kernan for a review of potential public safety and site set-up issues.

Additional Background:

- [05 - Addition to the Agenda - Midd Farmer's Market Agreement and Operating Guidelines](#)
- [05 - Addition to the Agenda - Midd Farmer's Market Application](#)

Recommendation/Potential Motion:

“I move to approve a Public Assemblage Permit for the Middlebury Farmers’ Market to re-locate to Triangle Park and The Green, pending the receipt of the required Certificate of Insurance and notification that any identified Public Safety issues and/or site set-up issues have been satisfactorily addressed.”

6. Approval of Application for 1st, 2nd Class Liquor Licenses, and Outdoor Consumption Permits for K3K LLC doing business as Shiretown Marketplace	Presenter: Brian Carpenter	Action: Decision
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Item Summary and Primary Documents:

1. Town Clerk Ann Webster is requesting the Board’s approval of a [1st and 2nd Class Liquor License & Outside Consumption Permit](#) application for K3K LLC, dba Shiretown Marketplace, located at 54 College Street.
2. The Outside Consumption Permit application describes the consumption area as a 30 ft. x 20 ft. space on the front patio, which will be enclosed with wood planter boxes, creating only two points of entry. The consumption period will be from 8 a.m. to 4 p.m., year-round.
3. Chiefs Hanley and Shaw have signed off on the required public safety inspection.

Recommendation/Potential Motion:

“I move to approve a 1st and 2nd Class Liquor License & Outside Consumption Permit application for K3K LLC, doing business as Shiretown Marketplace, located at 54 College Street.”

7:15	7. Public Hearing #2 on Zoning Bylaw Amendments	Presenter: Jennifer Murray	Action: Decision
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Item Summary and Primary Documents:

Note: All documents related to the proposed Zoning Bylaws Amendment can be found on the [2022 Middlebury Zoning & Subdivision Regulations Update](#) page on the Town website.

Additional background for Tuesday’s hearing:

[07 -Middlebury SB Notice of Public Hearing on Zoning Bylaw Amendments 8-9-22](#)

The warning includes a concise summary of the specific sections of the Zoning & Subdivision Regulations that the bylaw amendments seek to update.

[07 - Middlebury Conservation Commission Comments on Zoning Bylaws Amendment](#)

The Conservation Commission’s August 1st letter to the Selectboard and Middlebury Planning Commission outlines its general support for several aspects of the proposed bylaw amendments and highlights several recommendations for future bylaw revisions related to conservation and natural resources. In separate correspondence with Kathleen Ramsay, Planning & Zoning Director Jennifer Murray reported that she met with the Conservation Commission to present and take comments about the proposed bylaw amendments prior to the Board’s first hearing on July 12th. Commission members have agreed to work with the Planning Commission to discuss possible future bylaw updates sometime after the 1st of the year, she noted.

1. Suggested opening remarks:

- In accordance with 24 VSA Chapter 117, Sections 4442 and 4444, the Board is conducting the second of two planned public hearings this evening to take further questions and comments from the Middlebury community regarding a proposed amendment prepared by the Middlebury Planning Commission to the Town’s Zoning Bylaws.
- In a moment, I will turn the hearing over to Planning and Zoning Director Jennifer Murray, who will review the revisions made to the draft bylaw amendment following the Board’s first public hearing on July 12th and take your comments and questions.
- During her presentation, if you have a question or comment and would like to address the Selectboard, please raise your hand if you are in the room or use the Raise Hand button at the bottom of your Zoom window. **I would ask that anyone in the room with a comment to please come forward, sit at the speaker’s table and speak directly into the microphone, so our audience at home can hear you clearly.** Please state your name for the public record and I would ask that you keep your comments “on topic” and under two minutes in length.”
- I would also like to remind our audience that, as an outcome of the discussion at the July 12th public hearing, the Selectboard agreed to remove Retail Cannabis as a defined use in the Table of Uses found in Section 622, Paragraph III, of the Zoning and Subdivision Regulations and to schedule a separate meeting in the near future to consider the matter, after the current bylaw amendment before the Board has been adopted. With that in mind, I would ask that you withhold further comment regarding cannabis during tonight’s hearing so that we can stay focused on the recommendations that remain in the proposed amendment.
- In accordance with Statute, if the Board makes no substantive changes to the proposed bylaw amendment that would require scheduling an additional meeting, we will move directly to considering adoption following the close of this hearing.
- With that, I will open the public hearing and turn the meeting over to Jennifer.

2. Suggested closing remarks:

If there are no further comments regarding the Zoning Bylaw Amendment, I'm going to call the public hearing closed and move on to Item 7.a on tonight's agenda, which is to consider adoption of the bylaw amendment.

	7.a *Consider Adoption of Zoning Bylaw Amendments	Presenter: Brian Carpenter	Action: Decision
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Recommendation/Potential Motion:

"I move to adopt the 2022 Bylaw Amendment [as presented] **OR** [with minor modifications as discussed during the hearing] to the Middlebury Zoning and Subdivision Regulations."

7:55	8. Appointment to position of elected Treasurer	Presenter: Brian Carpenter	Action: Decision
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Item Summary and Primary Documents:

1. At the July 26, 2022 Selectboard Meeting, the Board nominated Beth Dow, Assistant to the Town Manager, to complete Jackie Sullivan's term as Town Treasurer. No additional letters of interest for the position have been received.
2. The Board may now proceed to making the formal appointment.

Recommendation/Potential Motion:

"I move to appoint Beth Dow to complete Jackie Sullivan's term as Town Treasurer, expiring in March 2023."

8:00	9. Discuss and Consider the Energy Committee's Correspondence Regarding the Proposed Summit Housing Development off Seminary Street Extension	Presenter: Howard Widelitz	Action: Discussion
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Item Summary and Primary Documents:

1. As noted in the Town Manager's Report for the July 26th Board meeting, the [Energy Committee has issued a statement](#) addressing its intention to engage Summit Properties in discussion about ways to reduce or eliminate fossil fuel use in its development project on Seminary Street Extension. The Committee plans to coordinate this effort through the DRB and Planning Commission, it said.
2. Energy Committee Chair Howard Widelitz has requested time on Tuesday's agenda to discuss this further and to request the Board's support.
3. As further background to the discussion, [Planning & Zoning Director Jennifer Murray has prepared a memo](#) for the Board's consideration that outlines her thoughts about the scope of the Energy Committee's charter and ways in which Committee members, as interested citizens, could engage with the Development Review Board as it considers Summit Properties' zoning permit application.

8:10	10. Updated: Personnel Committee Recommendations on Finance Office and Town Manager Office Staffing	Presenter: Heather Seeley	Action: Decision
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Item Summary and Primary Documents:

- The [Personnel Committee met on Friday, August 5th](#), to consider Kathleen Ramsay’s updated staffing proposals for the Town Manager’s Office and Finance Office. Committee Chair Heather Seeley will review the Committee’s recommendation to accept Kathleen’s proposals, which include:
 - [Re-establishing the position of Assistant Town Manager](#), which has remained vacant since Chris English stepped down from the role in 2021.
 - Updating the staffing model in the Finance Office to [strengthen financial controls](#) by segregating the accounting, billing, receipt processing and treasurer functions.

Recommendation/Potential Motion:

“I move to accept Town Manager Kathleen Ramsay’s recommendation to reconstitute the Assistant Town Manager position as part of the updated staffing plan for her office.”

“I move to accept Town Manager Kathleen Ramsay’s Finance Office staffing proposal, including the segregation of the accounting, billing, receipt processing and treasurer functions.”

8:20	11. Re-adoption of Municipal Policies and Codes, as required by the Vermont Community Development Program (VCDP), as needed for the Lindale Mobile Home Park Septic System Upgrade Projects and other upcoming grant applications to the VCDP Program	Presenter: Brian Carpenter	Action: Decision
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Item Summary and Primary Documents:

- At the November 27, 2018 Selectboard meeting, the Board adopted the Vermont Community Development Program’s (VCDP) Municipal Policies & Codes as a condition of the grant award received for the Lindale Mobile Home Park Septic System Planning Project.
- [In a July 26th update to Kathleen Ramsay](#), Isaac Wagner, of Wagner Development Partners, the consulting firm working with the Addison County Community Trust on the Lindale Project, reported that a Mobile Home ARPA construction funding request totaling \$900,000 is being submitted to the VT Agency of Natural Resources, setting the stage for potentially putting the project out for bid in September.
- Among the items that Isaac is seeking from the Town in preparation for moving to the construction phase, Isaac is requesting that the Board adopt an [updated Municipal Policies and Codes document](#), which reflects additions and revisions that VCDP has made since the Board’s 2018 approval.

Recommendation/Potential Motion:

“I move to adopt the Vermont Community Development Program’s updated Municipal Policies and Codes for the Lindale Mobile Home Park Septic System Upgrade Project.”

	12. Approval of Check Warrants	Presenter: Andy Hooper	Action: Decision
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Motion:

“I move to approve total expenditures in the amount of _____, consisting of _____ for accounts payable, and _____ for payroll, for the period July 27, 2022 through August 9, 2022.”

	13. Board Member Concerns	Presenter: Selectboard	Action: Discussion
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	14. Executive Session – Personnel & Contracts - Anticipated	Presenter: Brian Carpenter	Action: Discussion / Decision
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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 consideration of personnel matters and contracts would clearly place the Selectboard at a substantial disadvantage, because the Select Board risks disclosing its litigation strategy if it discusses the personnel matters and contracts in public.
2. I further move that the Board enter into Executive Session to discuss personnel matters and contracts, under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes.

	15. Action on Matters Discussed in Executive Session	Presenter: Brian Carpenter	Action: Decision
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8:30	16. Adjourn	Presenter: Brian Carpenter	Action: Decision
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Recent Town Committee & Other Meeting Information (received July 23 – August 4):

[July 21, 2022 Town Meeting Working Group Minutes \(Draft\)](#)

[July 25, 2022 Conservation Commission Meeting Agenda](#)

[August 8, 2022 Ilsley Public Library Director’s Report](#)

[August 8, 2022 Ilsley Public Library Board of Trustees Meeting Agenda](#)

[August 17, 2022 Town Meeting Working Group Agenda](#)