

1 **Special Selectboard Meeting**  
2 **Monday, February 22, 2021**

3 **Meeting Minutes**

4 **NOTE: Due to the need for separation to prevent the spread of COVID-19 virus,**  
5 **the meeting was held remotely via video conferencing with participants.**

6 Members Present: Brian Carpenter, Heather Seeley, Dan Brown, Farhad Khan, Lindsey  
7 Fuentes-George and Nick Artim. Laura Asermily joined the meeting at 6:10 p.m.

8 Staff Present: Town Manager Kathleen Ramsay, Assistant Town Manager Chris  
9 English, Director of Public Works Planning Dan Werner and Planning and Zoning  
10 Director Jennifer Murray.

11 Also Present: Interested citizens.

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

13 **1. Call to Order**

14 The meeting was called to order at 6:00 p.m. by Chair Brian Carpenter.

15 **2. Approval of Agenda**

16 Artim moved to approve the agenda, and Khan seconded the motion.

17 The agenda was approved as presented with 6 in favor, 1 absent (Asermily). **MOTION**  
18 **PASSED.**

19 **3. Approval of Minutes of February 9, 2021**

20 Khan moved to approve the minutes of February 9, 2021, and Artim seconded the  
21 motion. The motion carried with 6 in favor, 1 absent (Asermily) and the minutes were  
22 approved as presented. **MOTION PASSED.**

23 **4. Citizen Comments**

24 There were no citizen comments.

25

26 **5. Approval of First, Second and Third Class Liquor Licenses, Outside**  
27 **Consumption Permits & Entertainment Permits**

28 Carpenter said Town Clerk Ann Webster had submitted three additional First and Third  
29 Class liquor license renewal applications for approval that she has received since the  
30 Board's February 9th meeting. He said all public safety inspections for these  
31 applications have been completed.

32 Artim moved to approve 2021 renewal applications for First and Third Class Liquor  
33 Licenses for Marquis Theater, Taste of India and Rosie's Restaurant, as presented by  
34 Town Clerk Ann Webster. Khan seconded the motion. The motion carried with 6 in  
35 favor, 1 absent. **Motion Passed.**

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

38 This item was postponed due to the unavailability of Police Chief Hanley.

39 **7. Dan Werner, Director of Public Works Planning, with the Infrastructure**  
40 **Committee's February 11, 2021 Recommendation on an Engineering Services**  
41 **Agreement with Otter Creek Engineering for Final Design/Permitting & Bid Phase**  
42 **Services for the Halladay Road sanitary sewer pump station improvement project**

43 Werner said this proposal from Otter Creek Engineering is for the final design,  
44 permitting and bid-phase services for the Halladay Road sanitary sewer pump station  
45 improvements. He said this pump station handles all the properties south of the Public  
46 Works facility, and would be a similar project to the Seminary Street pump station  
47 improvement project that includes enlarging the wet well, new pumps, valve and  
48 pumping changes, as well as a new emergency standby generator. He said the  
49 proposal for these services is for a total of \$21,000 (\$15,000 for Final  
50 Design/Permitting and \$6,000 for Bid Phase services) and the Infrastructure Committee  
51 has reviewed the proposal and recommends it to the Board for approval.

52 Khan moved to authorize Town Manager Kathleen Ramsay to sign the engineering  
53 agreement with Otter Creek Engineering for final design/permitting & bid phase services  
54 for the Halladay Road sanitary sewer pump station improvement project, at a total cost  
55 of \$21,000. Fuentes-George seconded the motion. The motion carried with 5 in favor,  
56 1 abstention (Artim) and 1 absent (Asermily).

57

58 **8. Jennifer Murray, Director of Planning & Zoning, Regarding an Application for**  
59 **Grant Funding from the Downtown Transportation Fund**

60 Murray said she is asking the Board to authorize submission of a grant application to  
61 the Downtown Transportation Fund. She said this is a 50% matching grant, so if we  
62 received \$90,000 in grant funds, the Town would need to contribute \$90,000 as well.  
63 She said the project is to design and build a sidewalk from the rail platform on Middle  
64 Seymour Street into the Marble Works.

65 Artim said he thought this project lends itself well to this application, and thought it was  
66 an intriguing project.

67 Seeley said it would have been nice if the Infrastructure Committee could have had an  
68 opportunity to discuss this, since there are other sidewalk project priorities. She said it  
69 isn't that she disagrees with this project, she just felt that in the future it would be nice to  
70 discuss it before it came to the Board. Murray said at the last Board meeting she  
71 mentioned how nice it would be to have a fund set aside for these matching funds, so  
72 we can take advantage of these grant opportunities as they come out. Seeley said  
73 there is \$80,000 to \$85,000 set aside annually in the capital budget for sidewalks, so  
74 these matching funds would be a big chunk of that, so she'd like to see a little better  
75 collaboration between the Planning Department and the Infrastructure Committee, so  
76 they understood the priorities going forward.

77 (Asermily enters the meeting)

78 Ramsay said this is a very competitive grant program, and this project would be  
79 scheduled for construction in FY23, so this would be the focus of our capital budget  
80 planning next year and we typically set aside some funding for projects in the  
81 downtown.

82

83 Artim moved to sign the Selectboard resolution authorizing the submission of a 2021  
84 Downtown Transportation Fund program grant application seeking \$180,000 for design  
85 and construction of a sidewalk extension from the new passenger rail station into to the  
86 Marble Works, including a commitment to providing the required 50% Town match.  
87 Khan seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

88

89 **9. Chris Zeoli, Tree Warden, with a Request for Approval of Letter of Collaboration**  
90 **with the Vermont Urban & Community Forestry Program for development of a**  
91 **Shade Tree Preservation Plan**

92

93 Zeoli said the request this evening is for the Board to authorize the Town Manager to  
94 sign a Letter of Collaboration, which is the next step in the program, to indicate the

95 Town is accepting the responsibilities regarding the creation of a Shade Tree  
96 Preservation Plan.

97  
98 Fuentes-George moved to authorize Town Manager Kathleen Ramsay to sign the Letter  
99 of Collaboration with the Vermont Urban and Community Forestry Program for  
100 assistance in developing a Town of Middlebury Shade Tree Preservation Plan. Khan  
101 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

## 10. Labor Relations

102  
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104  
105 Carpenter said the next several items had already been discussed at earlier meetings in  
106 Executive Session, and the Board now needed to act on the decisions.

### 10.a. Consideration of One-Year Extension of the Town's Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Council 93, Local 1201, the DPW, Wastewater, Water, Office, Recreation & Library Departments' Employees' Union

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112  
113 Carpenter said the Memorandum of Agreement before the Board for approval extends  
114 the expiration date of the Town's current Collective Bargaining Agreement with the  
115 American Federation of State, County and Municipal Employees Council 93, Local 1201  
116 for DPW, Wastewater, Water, Office, Recreation & Library Departments Employees by  
117 one year, to June 30, 2022, with the additional terms previously discussed in Executive  
118 Session

119  
120 Asermily moved to authorize Town Manager Kathleen Ramsay to sign the  
121 Memorandum of Agreement extending the expiration date of the Collective Bargaining  
122 Agreement with the American Federation of State, County and Municipal Employees  
123 Council 93, Local 1201, by one year, to June 30, 2022. Fuentes-George seconded the  
124 motion. The motion carried with 7 in favor. **MOTION PASSED.**

### 10.b. Consideration of One-Year Extension of Town's Collective Bargaining Agreement with the New England Police Benevolent Association (NEPBA), Inc., Local 423

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129  
130 Carpenter said next the Board needs to authorize the Town Manager to sign a 1-year  
131 extension of the Town's current Collective Bargaining Agreement with the New England  
132 Police Benevolent Association, Inc., Local 423 by one year, to June 30, 2022, with the  
133 additional terms previously discussed.

135 Khan moved to authorize Town Manager Kathleen Ramsay to sign the Memorandum of  
136 Agreement extending the expiration date of the Collective Bargaining Agreement with  
137 the New England Police Benevolent Association, Inc., Local 423, by one year, to June  
138 30, 2022. Artim seconded the motion. The motion carried with 7 in favor. **MOTION**  
139 **PASSED.**

140  
141 **10.c. Consideration of Settlement of AFSCME Employee Grievance 03-24-2020**

142  
143 Carpenter said the final item before the Board was approval to settle the grievance filed  
144 in March 2020 by a Town employee represented by AFSCME, in accordance with the  
145 terms previously discussed.

146  
147 Khan moved to authorize Town Manager Kathleen Ramsay to sign the Settlement  
148 Agreement with the American Federation of State, County and Municipal Employees  
149 Council 93, Local 1201, to settle the grievance filed in March 2020. Artim seconded the  
150 motion. The motion carried with 7 in favor. **Motion Passed.**

151  
152 **11. Approval of Check Warrants**

153  
154 Fuentes-George said by the authority of the Selectboard granted on April 28, 2020, she  
155 had reviewed and approved total expenditures of \$424,246.26 consisting of  
156 \$319,356.52 for accounts payable, and \$104,889.74 for payroll, for the period February  
157 10, 2021 through February 22, 2021, and she moved the Board's approval of payment  
158 of these expenditures. Seeley seconded the motion. The motion carried with 7 in favor.

159  
160 **[The Selectboard took a break at 6:24 p.m. prior to the start of the**  
161 **Town Meeting Informational Meeting at 7:00 p.m.]**

162  
163 Carpenter opened by thanking the Selectboard for their hard work this past year, along  
164 with Town Manager Kathleen Ramsay and Town staff, who were incredibly professional  
165 as they continued to provided Town services throughout this unusual year. He also  
166 recognized Victor Nuovo who had stepped down from the Board for personal reasons,  
167 and thanked Laura Asermily for stepping in to help during this interim period.

168  
169  
170 **12. Information Meeting for 2021 Town Meeting voting by**  
171 **Australian ballot on March 2, 2021**

172  
173 Carpenter said in preparation for Town Meeting's Australian ballot voting on Tuesday,  
174 March 2, the Selectboard is holding this Public Information Meeting to present the five  
175 warned articles that will be voted upon and give members of the community an

176 opportunity to ask questions or share their thoughts about the articles, but this session  
177 is NOT our annual Town Meeting.

178 Carpenter said the Middlebury Selectboard, along with many other legislative bodies  
179 across the state, voted to adopt this approach for Town Meeting this year; therefore,  
180 there will not be voting on any of the warned articles at this meeting, and all voting will  
181 take place on Tuesday, March 2, and there will be no opportunity to propose  
182 amendments to the warned articles on the ballot.

183  
184 Carpenter said while these procedures are a departure from tradition, the Legislature  
185 approved them in recognition of the extraordinary circumstances all communities are  
186 facing this year. He said it should be noted that the provisions of Act 162 apply only to  
187 municipal meetings held in 2021, unless the Legislature decides to amend the statute.

188

189 **Article 1: FY22 Town Budget**

190

191 Town Manager Ramsay presented the FY22 budget (7/1/21-6/30/22) totaling  
192 \$11,510,928, with \$7,571,924 to be raised by taxes, and \$622,706 to be allocated from  
193 the annual local option tax receipts in excess of debt and maintenance requirements for  
194 the Cross Street Bridge to offset capital improvement spending.

195

196 Ramsay went over the Selectboard's goals that drove the development of the budget,  
197 which were to minimize any tax rate increase, while maintaining services and continuing  
198 to support our capital improvement program. She said the budget before the voters  
199 combines the goals of the Board, along with recent input from citizens over recent years  
200 to use cash-on-hand to minimize tax-rate increases, to use reserves and/or Local  
201 Option Tax revenue to help fund infrastructure projects, and to reduce the amount we  
202 need to borrow and interest expenses.

203

204 She said the FY22 budget applies the goals and community input by level-funding the  
205 amount of property taxes raised, so the amount to be raised this year is the same as  
206 was raised for the FY21 budget. She said to reach this goal, the same amount of  
207 unassigned General Fund balance of \$392,462 was applied to the budget, and we  
208 increased the amount of Local Option Tax receipts to pay the debt service on the Police  
209 Department Adaptive Reuse Project and the flood resiliency project. She said we also  
210 tapped into the Middlebury Business Development Fund for the first time for \$5,000 to  
211 offset the increase in funding requested by the Better Middlebury Partnership, and fully  
212 funded the purchase of vehicles and equipment rather than borrowing funds for  
213 replacement, and this year we have scheduled for a new police cruiser and new dump  
214 truck.

215

216 Ramsay said the tax rate for FY22 is level-funded also, with only a \$0.0002 increase  
217 from last year, which amounts to about a \$.40 cents tax increase on a \$200,000 house.  
218 She said that is based on the assumption the Grand List does not increase or decrease.  
219

220 Ramsay went over the percentage breakdown of revenues and expenses and said our  
221 major budget drivers are wages and benefits, the replacement for the police cruiser, an  
222 increase in our property and casualty insurance costs, as well as an increase in county  
223 taxes. She said the budget reflects a decrease in revenues as well, with a decrease in  
224 property tax collection fees and library fees, as well as a major hit in the interest on the  
225 General fund and the Cross Street Bridge Fund balance. She said some of the budget  
226 offsets were decreases in our debt service, and use of our Capital Improvements and  
227 the Highway Equipment Fund reserve.

228  
229 She went over the Local Option Tax and Cross Street Bridge Fund status, as well as the  
230 Capital Budget breakdown by department, and provided a list of 2021 Capital  
231 Improvement projects planned for the summer of 2021.

232  
233 Ramsay went over the agencies that had requested an increase year: Addison County  
234 Restorative Justice (\$2,500 to \$5,500), Addison County Home Health and Hospice  
235 (\$8,542 to \$12,000), and Better Middlebury Partnership (\$25,000 to \$30,000), as well as  
236 the ongoing review of the Middlebury Regional EMS (MREMS) funding request of  
237 \$84,960 made in FY21. She said the Selectboard working group of Nick Artim, Heather  
238 Seeley and Dan Brown, reviewed the MREMS financial documents and recommend  
239 that we support a one-year extension of Town funding at this current level while  
240 continuing to foster an ongoing dialogue with MREMS about long-term planning for the  
241 sustainability of this important service.

242  
243 Ramsay said while the Selectboard has presented a budget requiring no increase in  
244 property taxes this year, it is anticipated that expenses will continue to increase, and  
245 there is uncertainty regarding the amount of future state and federal funding that will be  
246 available, as well as a dwindling reserve/Fund Balance, which will put upward pressure  
247 on budgets in FY23 and beyond.

248  
249 Carpenter said the Town staff had worked hard to bring forward a budget that would not  
250 put a burden on property taxes this year, and while we couldn't go backwards with so  
251 many projects being planned, there were cuts made to arrive at this budget.

252  
253  
254  
255

256 **Article 2: 2021/2022 property tax due dates**

257  
258 Ramsay said the property tax due dates proposed for FY22 are August 15, 2021,  
259 November 15, 2021, and March 15, 2022.

260  
261 **Article 3: Whether to permit cannabis retailers to operate**

262  
263 Carpenter said there was an information meeting on this article on February 9th, and  
264 there is information on the Town’s website. He said there has not been as much public  
265 engagement on the subject as the Board had anticipated.

266  
267 Resident Frank Winkler asked if we vote to allow cannabis sales in Middlebury and it  
268 doesn’t work out as some think it will, can it be rescinded in the future. Carpenter said  
269 we would be able to vote in the future to not create any new establishments, but we  
270 would not be able to terminate establishments that already existed.

271  
272 Victoria DeWind asked if a business is given a permit to open, does it get reviewed  
273 every few years. Ramsay said as she understood it, there would be an annual review  
274 similar to the liquor license review process. Carpenter said this would mean they could  
275 be closed if they weren’t following the rules, but we couldn’t deny them a permit just  
276 because we didn’t want them anymore.

277  
278 Peter Lackey asked about tax revenues from the sale of cannabis and what portion  
279 would go to the town. Local attorney Dave Silberman said there will be a 20% tax on  
280 the sale of cannabis, with 6% of this reserved for a yet-to-be-created program for  
281 universal after school care programs, 14% as an excise tax, and 30% of the 14% will be  
282 reserved for “prevention” programs, and then the 1% local option tax.

283  
284 **Article 4: Whether to ratify Ripton’s withdrawal from ACSD**

285  
286 Molly Witters, a resident of Ripton, joined the Board for this discussion. Witters said on  
287 January 12, 2021 the Ripton residents voted to leave the Addison Central School  
288 District (ACSD). She said they hope that the residents of Middlebury would respect  
289 their neighboring residents who voted by a large majority, and that voters will trust their  
290 decision and the impacts on their town and children. She said this is not deciding about  
291 how this will impact Ripton, but how it will impact Middlebury, which would be property  
292 taxes. She said because Ripton is so small, and their cost-per-student is one of the  
293 highest in the district, their leaving will have a tax-neutral effect in the district.

294  
295 Witters said the ACSD crunched these numbers for two scenarios.

- 296 • What are the tax implications if Ripton leaves ACSD and is responsible for its  
297 own school  
298 • What are the tax implications if other towns in the District reject Ripton’s vote and  
299 the Ripton students are sent to one or maybe two other schools in the district.  
300

301 She said in both scenarios it was calculated that a tax savings would occur for the rest  
302 of the District. She said if Ripton is forced to stay in the District, it could save marginally  
303 more in taxes (0.03%), but what good are those savings at the expense of the  
304 democratic wishes of this community and what is it really worth in the moral playing field  
305 of our lives.

306  
307 Elizabeth Van Duyne thanked Witten, and, she said, being new to Middlebury, she  
308 thanked the Board for this democratic process.

309  
310 **Article 5: Election of Officers**

311  
312 Carpenter said this was an opportunity for anyone running for election to introduce  
313 themselves and make brief comments.

314  
315 Lindsey Fuentes-George said she was finishing up her first term on the Selectboard and  
316 would love to serve a second term. She said she has enjoyed her time on the Board  
317 and thinks they’re doing great work and appreciates the many ways everyone in town  
318 shows their care for Middlebury.

319  
320 Farhad Khan said he was appointed in 2017 to complete a term and was elected in  
321 2018 for his first full term on the Board. He said his colleagues on the Board are great  
322 to work with and thanked the residents for their continued support.

323  
324 Esther Thomas said she is running for Selectboard as well, and she is a full-time mom  
325 and wants to be a part of the community in a fresh new way, but win or lose she’s happy  
326 to be part of the community.

327  
328 Andy Hooper said he’s also running for Selectboard and has served on the Montpelier  
329 City Council, and since living in Middlebury he’s served as the Middlebury  
330 Representative on the Addison County Planning Commission, Ilsley Library Board and  
331 alternate to the Addison County Solid Waste District.

332  
333 Chris Kramer said he’s running for the ACSD Board as the Cornwall representative and  
334 has acted as coach at the Cornwall school, and he spoke of several ways they’ve done  
335 gatherings at the school during the pandemic.

336

337 Mary Heather Noble said she is running for a Middlebury position on the ACSD board.  
338 She said she is a writer, an environmental scientist and mother, and has lived in  
339 Middlebury for about 5 years. She said she has participated as a steering committee  
340 member for the Facilities Master Planning Committee as well as volunteering at Mary  
341 Hogan and coaching, and she wants to acknowledge the broad issues and problems in  
342 our community beyond the academic.

343

344 Lindsey Hescock said she is also running for the ACSD Board representing Middlebury  
345 and there are several publications that people can go to, to see the candidates'  
346 positions. She said she's lived in Vermont for about 20 years, and with all of the  
347 challenges within the school district she realized she can be part of this process.

348

349 Barbara Wilson said she is the Shoreham candidate for the ACSD Board. She said she  
350 has a business background and is looking forward to working with the current board to  
351 solve some of the issues they're dealing with.

352

353 Ramsay reminded voters were reminded the last day to ask for an absentee ballot by  
354 mail is Thursday, February 25th, and she read the instructions for requesting a ballot  
355 and for voting.

356

### 13. Executive Session

357

358

359 Seeley said in accordance with Vermont's Open Meeting Law requirements, she moved  
360 that the Board find that premature general knowledge of the consideration of  
361 consideration of personnel matters would clearly place the Selectboard at a substantial  
362 disadvantage, because the Select Board risks disclosing its litigation strategy if it  
363 discusses the personnel matters in public. Khan seconded the motion. The motion was  
364 carried with 7 in favor. **MOTION PASSED.**

365

366 Seeley further moved that the Board enter into Executive Session to discuss personnel  
367 matters under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes. Artim  
368 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

369

370 The Board entered into Executive Session at 8:15 p.m.

371

372

373

374

375

376

**14. Adjournment**

377

378

379 The Board exited Executive Session at 8:19 p.m. and adjourned at 8:20 p.m. upon  
380 motion by Khan, seconded by Artim.

381

382 The next meeting of the Middlebury Selectboard will be Tuesday, March 9, 2021.

383

384 Respectfully submitted,

385 Beth Dow

386