

**Selectboard Meeting
Tuesday, August 14, 2018
AGENDA NOTES**

7:00

1. **Call to Order

2. *Approval of Agenda

Agenda change: Remove Item 9 - Energy Committee Chair Ross Conrad, regarding the Middlebury Renewable Energy Policy Proposal. Ross reports that the Energy Committee will meet on Wednesday, August 15th to discuss the Infrastructure Committee's input on the Energy Policy Proposal from its August 9th meeting. This item will be postponed until the Board's August 28th meeting.

3. *Approval of Minutes of July 31, 2018 Selectboard Meeting

4. **Citizen Comments [Opportunity to raise or address issues that are not otherwise included on this agenda]

7:05

5. *Update on Appointments to Economic Health Committee

Mary Cullinane and Stacey Rainey, of Community Barn Ventures, met with Brian Carpenter following the July 31st meeting to discuss their concerns about the Board's discussion regarding appointments to the Economic Health Committee. As an outcome of this conversation, Stacey announced that she would step down as a member of the Committee.

The question before the Board is now twofold: 1) Whether to accept Stacey's resignation; and 2) If the Board agrees to accept the resignation, whether to appoint John Freidin (currently 1st Alternate) to full membership.

Note: The Economic Health Committee had its first meeting on August 9th. [Draft meeting minutes](#) are in your packet.

In your packet: 1) List of Economic Health Committee members, as of July 31st; 2) August 9, 2018 Economic Health Committee Meeting Minutes (Draft)

*Recommendation: If the Board is agreeable, the following motions would be in order:
1) to accept Stacey Rainey's resignation from the Economic Health Committee;
2) to appoint John Freidin as a full member of the Economic Health Committee*

7:15

7. *Aaron Guyette, P.E., Presentation of Merchants Row One-Way Preliminary Design Concept

Aaron will present VHB's design concepts for a two-way and one-way traffic flow on Merchants Row following the completion of the Bridge & Rail Project. The Infrastructure Committee reviewed and endorsed the one-way design concept at its August 9th meeting.

It should be noted that this agenda item has been advertised – in the newspaper as well as on social media - as a public information session (though not a formal public hearing). Given the broad community interest we have seen regarding this issue, we expect several members of the public may be interested in offering their input. Email correspondence on the topic – both for and against the one-way design - that has been sent by community members to Kathleen's attention is included in your packet.

In your packet: 1) August 14, 2018 Merchants Row presentation public notice; 2) VHB Merchants Row design concept; 3) Community email correspondence

Recommendation: VHB is anxious to finalize construction plans for Merchants Row so the work can go out to bid (the original date for finalizing plans was July 1st). If, after the presentation, the Board feels that it has sufficient information to endorse either the new one-way design or the original two-way traffic concept, you may elect to take such action; otherwise, you may to continue the discuss at the Board's next meeting on August 24th.

7:40

7. **Director of Planning & Zoning Jen Murray with Information on Purpose, Timeline & Funding for Downtown Master Planning Project

Building upon her December 2016 presentation to the Board, Jen will offer an overview of the master planning process, including a summary of its components and a possible timeline for completion, beginning with an application for a Better Communities Program grant application in December 2018. She will also discuss with the Board the prospect of identifying alternative funding sources for the project, should the grant application not be successful.

In your packet: A Master Plan for Downtown Middlebury

7:55

8. *Director of Public Works Planning Dan Werner, with recommendations & updates from the August 9, 2018 Selectboard Meeting

8.a. *Recommendation on bid award for tree removal in Town Green & Court Square

Requested action: Award a contract to Webb's Tree Service for \$2,900 for the removal of seven trees in the Town Green and Court Square

The Town received three replies to its recent RFP seeking bids to remove seven trees on The Green and Court Square that have been identified as a potential safety hazard:

Webb's Tree Service	\$2,900
Heartwood Landscaping & Tree Service	\$3,570
Vaillancourt	\$6,000

The Infrastructure Committee supported Dan's recommendation to award the contract to low-bidder Webb Tree Service.

In your packet: Webb Tree Services bid document

Recommendation: If the Board is amenable, a motion would be in order to award a contract to Webb's Tree Service for \$2,900 for the removal of seven trees in the Town Green and Court Square

8.b. *Recommendation on Bid Award for Pump Stations 3 & 9 Force Main Improvements

Requested action: Award a contract to Champlain Construction Company, Inc. for \$21,286.49 for the Pump Station 3 & 9 Force Main Improvement Project.

Champlain Construction was the sole respondent to the Town's RFP for the project, which will involve realigning the force mains from pump station 3 and pump station 9 to improve pumping capacity during times of high flows. Consulting engineer Aldrich & Elliott performed the bid analysis and recommended award to Champlain, noting that its bid came in slightly under the engineer's estimate for the project.

The Infrastructure Committee supported Dan's recommendation to award the contract to Champlain Construction.

In your packet: Aldrich & Elliott Bid Analysis and Recommendation

Recommendation: If the Board is amenable, a motion would be in order to award a contract to Champlain Construction Company, Inc. for \$21,286.49 for the Pump Station 3 & 9 Force Main Improvement Project

8.c. *Recommendation on Top-Coat Sealer for Water Reservoir

Requested action: Award a contract to G.S. Bolton under the Sole Source provision of the Town Procurement Policy for the application of a top-coat sealer to the Town reservoir cover, for a total cost of \$59,935.50.

As you recall, the Board awarded a contract to G.S. Bolton at its June 12th meeting for the Water Reservoir Repair Project and that project has been underway since mid-July. On recommendation from the Infrastructure Committee, Dan sought a quote from G.S. Bolton for applying a top coat to the cover of the reservoir to seal any cracks discovered during the initial cleaning of the concrete. The company's estimate of

\$59,935.50 is for the application of two coats of a concrete-based sealer called TAMOSEAL that meets the requirements for durability, breathability and flexibility. Dan noted that he is satisfied with G.S. Bolton's performance on the project to date and that the quote falls within the engineer's estimate.

The Infrastructure Committee supported Dan's recommendation to make the award to G.S. Bolton.

In your packet: G.S. Bolton TAMOSEAL quote

Recommendation: If the Board is amenable, a motion would be in order to award a contract to G.S. Bolton under the Sole Source provision of the Town Procurement Policy for the application of a top-coat sealer to the Town reservoir cover, for a total cost of \$59,935.50.

8.d. *Recommendation on purchase of trailer for water department

Requested action: *Award a contract to G. Stone Motors for the purchase of a Hydraulic Tils Deckover Trailer for the Water Department, at a total cost of \$10,280.25, including trade in.*

Bill Kernan reports that the trailer the Water Department uses to haul the safety trench box and other supplies to the job site is in need of replacement. [Two firms responded](#) to the Town's invitation to bid (including one from out of state, in response to an advertisement in the local newspaper):

G. Stone Commercial Division	\$10,280.25 (incl. \$500 trade-in)
Technology International (Florida)	\$12,950.00 (incl. shipping but no trade-in)

Bill recommended award to G. Stone, noting that the proposed trade-in of \$500 was appropriate, given the condition of the existing trailer. The purchase will be funded from the Water Department's equipment reserve fund.

The Infrastructure Committee supported Bill's recommendation to make the award to G. Stone.

In your packet: 1) Trailer Bid Summary; 2) G. Stone Trailer Bid

Recommendation: If the Board is amenable, a motion would be in order to award a contract to G.S. Bolton under the Sole Source provision of the Town Procurement Policy for the application of a top-coat sealer to the Town reservoir cover, for a total cost of \$59,935.50.

8:15

9. **Energy Committee Chair Ross Conrad, regarding the Middlebury Renewable Energy Policy Proposal

[This agenda item has been postponed to the Board's August 28th meeting.](#)

8:25

10. *Personnel Committee Recommendations Regarding Administrative Staffing of the Parks & Recreation Department and Formalizing the Employment Agreement with the Downtown Bridge & Rail Project Community Liaison

Requested action: Support Personnel Committee recommendations regarding a change to the administrative staff structure for the Parks and Recreation Department and formalizing an employment agreement with Community Liaison Jim Gish.

Committee member Laura Asermily will report on the following Personnel Committee recommendations:

1. Parks & Recreation administrative staffing: The Committee endorsed Bill Kernan's recommendation not to backfill the Parks & Recreation Director position vacated earlier this year and instead create a Deputy Director position (which the Committee subsequently renamed "Parks & Recreation Superintendent" to be consistent with the Wastewater Superintendent job title). This change will reduce administrative staffing by a .5 Full-Time Equivalent (FTE) position – Assistant Program Coordinator (see the [Current and Proposed organization charts](#) in your packet). The funding currently allocated for the Assistant Coordinator position will be used to employ College work study students or other part-time staff, as needed.

2. Employment Agreement with Bridge & Rail Project Community Liaison: The Committee approved a [formal employment agreement](#) drafted by Kathleen Ramsay for Community Liaison Jim Gish. This move is part of the implementation of a VTrans funding grant, approved by the Board in the spring, which reclassified Jim's position from part-time contracted employee to full time Town of Middlebury employee for the duration of the Bridge & Rail Project. The agreement memorializes the terms of Jim's employment, including his wage rate (funded by VTrans) and agreed-upon benefits.

[Draft minutes](#) from the Personnel Committee's August 9th meeting are included in your packet, for reference).

In your packet: 1) August 9, 2018 Personnel Committee meeting agenda and draft minutes; 2) Public Works Operations Current and Proposed Organization Charts; 3) Parks & Rec. Deputy Director (now Superintendent) Job Description; 4) Gish employment agreement letter; 5) Bridge & Rail Project Community Liaison Job Description

Recommendation: If the Board is amenable, the following motions would be in order:

1) to approve the proposed restructuring of the Parks & Recreation Department administrative staff, including the establishment of a Parks & Recreation Superintendent position and the elimination of the Assistant Program Coordinator position.

2) to approve the proposed Employment Agreement with Bridge & Rail Project Community Liaison Jim Gish.

8:35

11.*Updated Municipal Policies & Codes as required for Vermont Community Development Program Funding for the Lindale Mobile Home Park Septic Planning Project

Requested action: *Approve the Municipal Policies and Codes, as required by the Vermont Community Development Program (VCDP), for grant funding for the Lindale Mobile Home Park Septic Planning Project.*

In December 2017, the Board endorsed a grant application proposed by Addison County Community Trust (ACCT) to fund a community septic system for the Lindale Mobile Home Park and authorized a local match of \$7,500 from the Town's Revolving Loan Fund. As a condition of the grant award (received in June), the Town must sign the standard [Municipal Policies and Codes](#) required by VCDP. By signing the agreement, the Town attests to its compliance with various State and Federal statutes and policies in the areas of Equal Employment Opportunity, Fair Housing, Use of Excessive Force, Federal Lobbying, Code of Ethics for Public Officials and a Drug-Free Workplace.

In your packet: 1) Grant agreement for Lindale Mobil Home Park Septic Planning Project; 2) VCDP Municipal Policies and Codes

Recommendation: A motion would be in order to approve the Vermont Community Development Program Municipal Policies and Codes for grant funding for the Lindale Mobile Home Park Septic Planning Project

8:40

12. *Designation of Town Representative to the Vermont Community Leadership Summit – “Making it Happen – Local Leadership for the Future of Vermont Communities”

Requested action: *Designate a Town representative to the Vermont Leadership Summit at Castleton University on October 1st.*

As Kathleen noted in her Town Manager's report at the Board's last meeting, the Vermont Council on Rural Development has invited the Selectboard to designate a local leader to participate in the [Vermont Community Leadership Summit](#) – “Making it Happen” Local Leadership for the Future of Vermont Communities – free of charge. Board members Farhad Khan and Lindsey Fuentes-George have both expressed interest in attending this event on the Town's behalf.

In your packet: Vermont Community Leadership Summit flyer

Recommendation: A motion would be in order to designate either Farhad Khan or Lindsey Fuentes-George (or another individual of the Board's choosing) as the Town of Middlebury representative to the Vermont Leadership Summit at Castleton University on October 1st.

8:45

13. *Approval of Check Warrants

A motion would be in order to approve total expenditures in the amount of _____, consisting of _____ for accounts payable, and _____ for payroll, for the period August 1, 2018 through August 14, 2018.

14. *Town Manager's Report

Seymour Street/Pulp Mill Bridge Sidewalk Update. Earlier this spring I advised all of you that I expected we would go to construction sometime this year. I am sorry to report that I no longer believe that is the case. We still do not have final approval for our plans and bid documents from VTrans. We expected to hear their final comments on Monday, so hopefully they should come back very soon. Once we clear VTrans, we need to petition federal highway to release the money for the project. That should be a formality, but takes 2-3 weeks. Then releasing the bid documents, providing time for contractors to respond and reviewing the bids will also take at least a month. Unfortunately, that gets us into at least October, a poor time to start pouring concrete in Vermont. Therefore, while we have not made a final decision, and perhaps we could be pleasantly surprised by review periods, at this point, I expect that we will wait until next spring to start this project.

15. **Board Member Concerns

8:55

16. *Executive Session – If Needed – None Anticipated

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 _____ (pending litigation, contracts, personnel and/or a real estate matter) would clearly place the Selectboard at a substantial disadvantage, because the Select Board risks disclosing its litigation strategy if it discusses the _____ (pending litigation, contracts, personnel and/or a real estate matter) in public.
2. I further move that the Board enter into Executive Session to discuss _____ (pending litigation, contracts, personnel and/or a real estate matter), under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes.

17. **Action on Matters Discussed in Executive Session

18. *Adjourn