

**Selectboard Meeting
Tuesday, August 28, 2018
AGENDA NOTES**

7:00

- 1. **Call to Order**
- 2. *Approval of Agenda**
- 3. *Approval of Minutes of August 14, 2018 Selectboard Meeting**
- 4. **Citizen Comments [Opportunity to raise or address issues that are not otherwise included on this agenda]**

7:05

- 5. *Correspondence with Vermont Agency of Transportation Regarding Tree Removal Forest Ridge Drive**

Requested action: *Approve a Selectboard letter to VTrans Rail & Aviation Program Director Dan Delabruere outlining the proposed planting plan and budget for Forest Ridge Drive.*

Town Manager Kathleen Ramsay has prepared a [draft letter to Dan Delabruere](#) for the Board's consideration that outlines a proposed planting plan for Forest Ridge Drive, as developed by Tree Warden Chris Zeoli, including an estimated budget of \$1,200. It should be noted that the cost of the project reflects only expense for purchasing the trees; Chris and members of the Middlebury Tree Committee have volunteered to do the planting themselves in the fall.

In your packet: Draft Selectboard letter to Dan Delabruere

Recommendation: If the Board is amenable, a motion would be in order to approve the Selectboard letter to VTrans Rail & Aviation Program Director Dan Delabruere outlining the proposed planting plan and budget for Forest Ridge Drive.

7:10

- 6. *Chief of Police Tom Hanley with a Request for Sole Source Procurement of TASERs**

Requested action: *Award a contract to Axon Enterprise, Inc. for the purchase of five TASER units and related equipment for the Police Department at a total cost of \$3,826.00.*

Tom will present his request seeking the Board's approval for the purchase of the [TASER equipment](#) under the Sole Source Procurement exception in the Town's Purchasing Policy. In an [August 21st memo](#) to Kathleen, Tom noted that the total acquisition cost for five TASER units, batteries, training cartridges and replacement cartridges will be spread out of five years, with annual installments of \$3,826.00.

In your packet: 1) Hanley August 21, 2018 memo to Ramsay; 2) Axon Enterprise price quote and Purchase Order

Recommendation: If the Board is amenable, a motion would be in order to award a contract to Axon Enterprise, Inc. under the Sole Source Purchasing provision of the Town Purchasing Policy for the purchase of five TASER units and related equipment for the Police Department at a total cost of \$3,826.00 for year one.

7:15

7. *David Hallam, P.E., Regarding Next Steps for Powerhouse Site. Recommendation on Proposal from Lincoln Applied Geology for Evaluation of Corrective Action Alternatives Report

Requested action: *Award a contract to Lincoln Applied Geology, Inc. (LAG) for the preparation of an Evaluation of Corrective Action Alternatives (ECAA) for the David Page Cotton Mill site, at a total cost of \$2,000.*

With the third round of soil testing at the David Page Cotton Mill site complete (the contract for which was approved at the Board's June 12th meeting), the Vermont Dept. of Environmental Conservation (DEC) has requested that an Evaluation of Corrective Action Alternatives (ECAA) report be prepared that will identify and compare and contrast various remediation alternatives for the site, including a recommended alternative. In a [work plan proposal and cost estimate for the ECAA](#) prepared by Lincoln Applied Geology, Inc., Senior Geologist Beth Erickson notes that it is likely that new fencing and improved signage restricting access to the site will be selected by the State as the desired corrective action alternative. The \$2,000 cost estimate for preparing the report anticipates approximately 15 hours of time for the project manager, senior review and clerical production. Local Project Manager David Hallam will present the proposal and be available to answer the Board's questions.

In your packet: ECAA work plan proposal from Lincoln Applied Geology.

Recommendation: If the Board is amenable, a motion would be in order to Award a contract to Lincoln Applied Geology, Inc. (LAG) for the preparation of an Evaluation of Corrective Action Alternatives (ECAA) for the David Page Cotton Mill site, at a total cost of \$2,000

7:20

8. *Aaron Guyette, P.E., Presentation of Refinement Options for Merchants Row One-Way Design Concept

Requested action: *Approve a design option for a one-way traffic flow on Merchants Row after the completion of the Bridge & Rail Project.*

Following up on the Board's August 14th discussion regarding Merchants Row, Aaron Guyette will present a [revised design concept for one-way traffic flow and parking](#), based on community and Board input. Community Liaison Jim Gish has prepared a

[brief summary of the revisions](#), for your review. VHB is seeking the Board's final approval on the one-way design concept in order to remain on schedule for the preparation of final design documents and contractor bidding.

In your packet: 1) Merchants Row One-Way Design (revised); 2) Summary of design revisions from Gish

Recommendation: If the Board is amenable, a motion would be in order to approve the Merchants Row one-way traffic flow design concept, as presented.

7:35

9. **Karen Duguay, Executive Director of Better Middlebury Partnership, with an update on Downtown Bridge & Rail Project Marketing Activities

Karen Duguay will update the Board regarding [ongoing downtown marketing activities](#) during the Bridge & Rail Project, including the August 15th block party, the upcoming re-launch of the Experience Middlebury website, advertising campaigns, the Midd Money Match, and more.

In your packet: 1) Neighbors Together Update; 2) ExperienceMiddlebury.com screen captures; 3) Hidden Gems advertising campaign sample; 4) Duguay email on Midd Money Match; 5) Midd Money Match card sample; 6) List of Midd Money Match participating businesses.

7:45

10. **Energy Committee Chair Ross Conrad, regarding the Middlebury Renewable Energy Policy Proposal & Recommendations for Energy Efficiency Improvements at the Police Department & Teen Center, based on results of recent Energy Audits

Requested action: 1) Approve the Energy Committee's draft Renewable Energy Policy proposal; 2) Consider the Energy Committee's recommendations regarding recently completed energy audits at the Police Station and Teen Center

Renewable Energy Policy:

Ross will present the draft [Middlebury Renewable Energy Policy](#) proposal, as [endorsed by the Infrastructure Committee](#) at its August 9th meeting. The proposed policy contains two primary provisions:

1. It would require Town Department Heads to obtain pricing for comparable, renewable-energy-powered alternatives when considering equipment and vehicle purchases and present those alternatives side-by-side with conventional fossil-fueled options for Selectboard consideration.
2. It would require suppliers submitting bids to provide a life-cycle analysis or estimate of operation and maintenance costs of their equipment over an extended period.

The policy also recommends that the Town Purchasing Policy be amended to stipulate that when the results of a cost-benefit analysis between of renewable-energy vs. fossil-fuel sourced equipment options are within 10%, that preference should be given to the renewable-energy-sourced product.

In your packet: 1) Excerpt from August 9, 2018 Infrastructure Committee meeting minutes; 2) Middlebury Renewable Energy Policy Proposal – Final Draft

Recommendation: If the Board is amenable, the following motions would be in order:
1) to approve the Energy Committee’s Renewable Energy Policy proposal [as is, or with any amendments discussed] and ask the Committee to draft the final policy document for Selectboard review and signature;
2) to ask the Energy Committee to work with the Policy Review Committee on a draft amendment to the Town Purchasing Policy in support of renewable-energy-fueled equipment purchases.

Energy Efficiency Improvements:

Ross will also present the [Energy Committee’s recommendations](#) for energy-efficiency improvements at the Police Department and Teen Center. Based on the findings of recently completed energy audits at the [Middlebury Police Station](#) and [Teen Center](#) at Rec Park, the Energy Committee is making the following recommendations for energy efficiency expenditures in the current capital budget:

1. \$9,000 for either wall-to-roof air sealing around the building perimeter and/or constructing a partially infilled wall assembly in the conference room (105).
2. \$1,000 for purchase and installation of a smart thermostat at the Teen Center and miscellaneous air-sealing projects.

In your packet: 1) Excerpt from August 15th Energy Committee meeting minutes; 2) Police Station Energy Audit Report; 3) Teen Center Energy Audit Report

Recommendation: In keeping with past practice, the Board may wish to refer the Energy Committee’s energy efficiency improvements to the Infrastructure Committee for review and capital budget consideration.

7:55

11. *Raymond Highter’s Request for Release of Leased Lands via Quit-Claim Deeds for Two Parcels

Requested action: Approve a request from Raymond Highter to release the Town’s interest in two “lease land” parcels.

As noted in Town Attorney [Benj Putnam’s August 21st memo to the Board](#), Ray Highter is requesting that the Town release its interest in two parcels of so-called “lease land”: 1) a [10.1-acre parcel](#) located at 494 South Munger Street; and 2) a [93.5-acre parcel](#) adjacent to the first parcel.

For additional information, see [Benj's background memo](#) on Municipal Lease Lands and the impacts of newly-enacted Act 152.

Benj notes that the Town has been receptive in the past to such requests to surrender its interest in lease lands, on the condition that the Town's legal costs be reimbursed. He counsels that he sees no reason to object to this request, assuming that the Town has no interest in investigating and/or retaining the potential mineral rights to the parcels.

Note: In his August 21st memo on Municipal Lease Lands and Act 152, Benj notes that [Act 152](#) includes language automatically terminating all municipal interests in lease land statewide on January 1, 2020 unless municipalities take specific action to retain some or all of their lease-land interests. Further discussion about Act 152 and what action, if any, the Town may wish to take in regard to its lease-land interests will be scheduled for a future Selectboard meeting.

In your packet: 1) August 21, 2018 memo from Putnam regarding Highter Quit Claim Deed requests; 2) August 21, 2018 memo from Putnam regarding Municipal Lease Lands and Act 152; 3) Quit Claim Deed – 10.1 acres; 4) Quit Claim Deed – 93.1 acres; 5) Text of Act 152

Recommendation: If the Board is amenable, Counsel recommends the following motion: "Pursuant to 24 VSA § 2406, I move to authorize Town Manager Kathleen Ramsay to sign the two Quit Claim Deeds and deliver them to the Highter's counsel in exchange for reimbursement of the Town's legal fees."

8:05

12.*Designation of Voting Delegate for Vermont League of Cities & Towns Annual Business Meeting on Wednesday, October 3, 2018

Requested action: *Appoint Middlebury's Voting Delegate for VLCT's Annual Business Meeting on October 3rd.*

[VLCT's Annual Business Meeting](#) will take place on Wednesday, October 3rd, during which [VLCT's Draft 2019-2020 Municipal Policy](#) will be discussed and adopted. Every municipality is encouraged to appoint a voting delegate to this meeting. In previous years, the Middlebury Selectboard has appointed either a Board member or the Town Manager as the voting delegate. Kathleen will be attending the Town Fair and Annual Business Meeting as a VLCT Employment Resource and Benefits Trust [\(VERB\) Board Member](#) and, in the absence of other interested parties stepping forward, is willing to serve as the Town's voting delegate at the Annual Business Meeting, if so appointed by the Board.

Note: In the interest of inviting full community engagement in consideration of the 2019-2020 VLCT Municipal Policy, a review of the draft policy will be warned for the Selectboard's September 11th meeting, during which members of the public will have an opportunity to comment. We plan to publicize the discussion, and will provide a link to the draft Municipal Policy, in a Town-wide email blast scheduled for the first week in September.

In your packet: 1) VLCT Annual Business Meeting Delegate Designation Form; 2) 2019-2020 Draft Municipal Policy; 3) October 3rd VLCT Annual Business Meeting Notice; 4) October 3rd VERB Board Meeting Notice

Recommended action: If the Board is amenable, and unless a Board member is interested, a motion would be in order to appoint Town Manager Kathleen Ramsay as Middlebury's voting delegate to represent the Town at the VLCT

8:10

13. *FY19 Year to Date Budget Report

Kathleen will review FY19 YTD results for [General Fund Budget](#) and [Equipment-Water-Sewer Fund Budgets](#).

In your packet: 1) FY19 General Fund Budget Results; 2) FY19 Equipment-Water-Sewer Fund Budget Results; 3) Cross Street Bridge Debt Service, Maintenance & Local Option Tax Receipts; 4) Summary of Local Option Tax Payments Received from the State

8:15

14. *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 15, 2018 through August 28, 2018.

15. *Town Manager's Report

15.a. [Update on the Town-Wide Reappraisal](#)

15.b. [Update on the Selectboard's September Meeting Schedule](#)

16. **Board Member Concerns

8:25

17. *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.

18. **Action on Matters Discussed in Executive Session

19. *Adjourn