

**Selectboard Meeting
Tuesday, September 11, 2018
AGENDA NOTES**

7:00

- 1. **Call to Order**
- 2. *Approval of Agenda**
- 3. *Approval of Minutes of August 28, 2018 Selectboard Meeting**
- 4. **Citizen Comments [Opportunity to raise or address issues that are not otherwise included on this agenda]**

7:05

- 5. *Fred Kenney, Chair Middlebury Economic Health Committee, with an update on recent discussions about the Committee's charge and a request to Selectboard for an extension of the timeline for the Committee's work**

Requested action: *Approve proposed revisions to the Economic Health Committee's charge from the Selectboard and an extension of the Committee's timeline for completion.*

Fred Kenney will report on the [August 30th meeting](#) of the Economic Health Committee, which included a discussion with Selectboard members Brian Carpenter and Heather Seeley regarding the Committee's charge. As a follow-up to that meeting Fred has put together a [memo to the Selectboard](#) and a [marked-up draft of the Committee's original charter](#) with proposed revisions for the Board's consideration and discussion. Among the revisions is a request to extend the Committee's deadline for c to August 2020. The Committee is also asking the Board to approve a budget of \$1,500 to be used for conducting research relevant to the Committee's charge.

As an aid to fulfilling its charge, the Committee is also requesting that the Selectboard develop an "economic development outcome statement" outlining the vision that the Committee's work is meant to address. If the Board is amenable to having this discussion, it should be warned as a separate agenda item and can be scheduled for your regular meeting on October 9th.

In your packet: 1) August 30, 2018 Economic Health Committee draft meeting minutes; 2) September 7, 2018 memo from Committee Chair Kenney; 3) Draft revisions to EHC charter.

Recommendation: If the Board is ready to act on the Committee's recommendations, the following motions would be in order:

1) to approve the revised Economic Health Committee charge, as presented by Committee Chair Fred Kenney; and

2) to approve a \$1,500 Committee budget to be used for conducting research relevant to its charge, with all expenditures to be approved by Town Manager Kathleen Ramsay.

7:20

6. *Dan Werner, Director of Public Works Planning, with an update on the Infrastructure Committee Meeting of August 30, 2018

6.a. *Recommendation on next steps on Creek Road

Requested action: *Support the Infrastructure Committee's recommendation to make minor repairs to Creek Road within the \$20,000 [corrected to \$40,000] already allocated in the Capital Budget in order to open the road again.*

The Infrastructure Committee discussed options at its [August 30th meeting](#) for re-opening Creek Road, in light of information received last spring that State grant funding would not be available to fund the repairs recommended in Pathway Consulting's [Creek Road Erosion Stability Report](#). After considering a number of alternatives, the Committee passed the following motion:

“to update the Selectboard on the status of the grant funding for Creek Road and propose minor fixes within the \$20,000 budgeted in the Capital Budget.”

Following the meeting, Town Manager Kathleen Ramsay confirmed that, in actuality, \$40,000 has been allocated in the Capital Budget for the relocation of Creek Road.

Using Selectboard and Infrastructure Committee meeting minutes and notes from various site visits, Kathleen has put together a [detailed background piece](#) summarizing discussions about the condition and status of Creek Road from June 2015 to the present. Given the scope and complexity of the issues surrounding the future of Creek Road, and to ensure Board members have the background information needed to fully consider the Infrastructure Committee's recommendation, you may wish to schedule a site visit to Creek Road prior to the Selectboard's next meeting on October 9th. The visit would be open to the public and could be warned for 5:00 p.m. on the 9th, to allow sufficient time for discussion on-site and travel time to and from Creek Road.

In your packet: 1) August 30, 2018 Infrastructure Committee draft meeting minutes; 2) Background and Status of Creek Road Temporary Closure; 3) Executive Summary – Creek Road Erosion Stability Study Report (June 16, 2017); 4) FEMA Mitigation Visit Report (October 23, 2017)

Recommendation: If the Board is amenable, a motion would be in order to warn a Selectboard site visit to Creek Road to discuss proposed repairs for 5:00 p.m. on Tuesday, October 9, 2018.

6.b. *Recommendation on award of bid for Engineering for Pump Station Improvements

Requested action: *Accept the Infrastructure Committee's recommendation to award a contract to Otter Creek Engineering for engineering design services for improvements to three sanitary sewer pump stations, for a total cost of \$93,600.*

[Five firms responded](#) to the Town's recent RFP for pump station improvements at PS 6 (Seminary St.), PS 13 (Halpin Rd.), PS 14 (Painter Hills). The Infrastructure Committee accepted Dan's recommendation to make award to [low-bidder Otter Creek Engineering](#), for a total cost of \$93,600.

In your packet: 1) Pump Station Improvement Project Bid Summary; 2) Otter Creek Engineering Proposal for Engineering Services

Recommendation: If the Board is amenable, a motion would be in order to award a contract to Otter Creek Engineering for engineering design services for improvements to three sanitary sewer pump stations, for a total cost of \$93,600.

6.c. *Recommendation on award of bid for Fencing for Chipman Hill Reservoir

Requested action: *Accept the Infrastructure Committee's recommendation to award a contract to 802 Fence Company, LLC, for construction of a perimeter fence around the Chipman Hill Reservoir for a total cost of \$14,735.*

[Two firms responded](#) to the Town's recent request for bids for the construction of a perimeter fence around the reservoir. The Infrastructure Committee accepted Dan's recommendation to award the contract to low-bidder 802 Fence Company, LLC, for a total cost of \$14,735.

In your packet: Chipman Hill Reservoir Fencing Award Recommendation Memo

Recommendation: If the Board is amenable, a motion would be in order to award a contract to 802 Fence Company for construction of a perimeter fence around the Chipman Hill Reservoir at a total cost of \$14,735.

6.d. *Recommendation on engineering amendment for Pump Station #9 Overflow Monitoring

Requested action: *Accept the Infrastructure Committee's recommendation to award a contract to Aldrich & Elliott (A&E) for final design and bid services for an overflow metering structure at Pump Station #9, at a cost of \$5,900.*

Picking up the conversation from its August 9th meeting, the Infrastructure Committee met with Wayne Elliott, of Alrich & Elliott, to discuss the firm's [July 27th proposal](#) for providing design services for the construction of an overflow metering structure at Pump Station #9. The structure is one component of a series of recommendations

developed by A&E in 2016 to improve monitoring and control of Combined Sewer Overflow (CSO) events, as mandated by the U.S. Environmental Protection Agency in an April 2016 Administrative Order on Consent.

The Infrastructure Committee had earlier expressed concern over the cost of the project – since the \$5,900 price tag was only for design services and did not include construction – and asked Dan to invite the engineer to the next meeting to discuss potential alternative approaches. In conversation with Wayne on August 30th, Committee members explored a variety of options but, in the end, agreed to endorse A&E's original proposal. See the [August 30th draft Infrastructure Committee meeting minutes](#) (beginning at Line 189) for a summary of the discussion.

In your packet: July 27, 2018 Aldrich & Elliott proposal for engineering design services

Recommendation: If the Board is amenable, a motion would be in order to award a contract to Aldrich & Elliott (A&E) for final design and bid services for an overflow metering structure at Pump Station #9, at a cost of \$5,900.

6.e *Recommendation on award of bid for repairs to Public Works Building

Requested action: *Accept the Infrastructure Committee's recommendation to award a contract to D.H. Cameron Construction for repairs to the Public Works building, at a cost of \$14,300.*

[D.H. Cameron, of North Ferrisburgh](#), was the sole respondent to the Town's RFP for structural repairs to the Public Works building. In discussion with the Infrastructure Committee, Dan reported that, while the RFP invited bids on a number of repair items, the current budget for the project is \$14,300. He, therefore, asked the Committee to approve replacement of the wood fascia and trim with metal (\$11,500) and replacement of the North workshop door and frame (\$2,800) to remain within budget. Dan also noted that D.H. Cameron has a good deal of experience with Butler (pre-engineered) buildings like the Public Works facility, and he felt confident the firm could perform the work required.

In your packet: D.H. Cameron bid for Public Works building repairs

Recommendation: If the Board is amenable, a motion would be in order to award a contract to D.H. Cameron Construction Company for repairs to the Public Works building, at a cost of \$14,300.

7:50

7. *Review and Discussion of the Vermont League of Cities & Towns' Legislative Platform for the Upcoming Legislative Session in preparation for VLCT's Annual Business Meeting on Wednesday, October 3, 2018

Requested action: *Provide voting instructions, as desired, to Middlebury's Voting Delegate, Town Manager Kathleen Ramsay, in regard to the Vermont League Cities and Towns (VLCT) Draft 2019-2020 Municipal Policy.*

This agenda item is an opportunity to discuss the Board's position regarding the [VLCT Draft 2019-2020 Municipal Policy](#), which will be presented for adoption at VLCT's Annual Business Meeting on October 3rd. In the interest of full transparency and to provide an opportunity for broad community engagement on matters before the State Legislature, this discussion was advertised in a [September 5th email blast](#) inviting public participation.

In your packet: VLCT Draft 2019-2020 Municipal Policy.

Recommendation: If the Board is agreeable to the Draft Municipal Policy, a motion would be in order to instruct Voting Delegate Kathleen Ramsay to vote in favor of the 2019-2020 Municipal Policy, as presented.

If, after discussion, the Board wishes to suggest amendments to the draft policy, those amendments should be clearly summarized for the public record, and a motion should be made to instruct Voting Delegate Kathleen Ramsay to propose the amendments to the 2019-2020 Municipal Policy, as discussed, from the floor during the October 3rd VLCT Business Meeting.

8:00

8. *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 29, 2018 through September 11, 2018.

9. *Town Manager's Report

10. **Board Member Concerns

8:10

11. *Executive Session – Contracts & Legal Matters

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 [contracts and pending litigation](#) would clearly place the Selectboard at a substantial disadvantage, because the Select Board risks disclosing its litigation strategy if it discusses the [contracts and pending litigation](#) in public.

2. I further move that the Board enter into Executive Session to discuss contracts and [pending litigation](#), under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes.

12. **Action on Matters Discussed in Executive Session

13. *Adjourn