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**Selectboard Meeting**  
**Community Meeting Room – Ilsley Library**  
**Tuesday, August 28, 2018**  
**Meeting Minutes**

\*\*DRAFT\*\*

Subject to approval by the Selectboard

Members Present: Brian Carpenter, Laura Asermily, Lindsey Fuentes-George, Victor Nuovo, and Nick Artim. Heather Seeley and Farhad Khan were absent.

Staff Present: Town Manager Kathleen Ramsay, Chief of Police Tom Hanley, and Community Liaison Jim Gish.

Others Present: Aaron Guyette of VHB, Karen Duguay of Better Middlebury Partnership and Nancy Malcolm of Neighbors, Together, David Hallam and Ross Conrad. Also present were members of the public.

The meeting was televised on MCTV by Jim Corbett.

**1. Call to Order**

Brian Carpenter called the meeting to order at 7:01 pm.

**2. Approval of Agenda**

Asermily moved to approve the agenda, seconded by Nuovo. Carpenter noted that there were two additions; 4.a. to discuss possibly lodging a zoning complaint regarding the condition of the Blue Spruce Motel, and 13.a., a grant agreement with the Department of Public Safety for reimbursement of storm clean up expenses. The motion carried with 5 in favor, 2 absent. The agenda was approved with two additions.  
**MOTION PASSED.**

**3. Approval of Minutes of August 14, 2018 Selectboard Meeting**

Asermily made the motion to approve the August 14, 2018 minutes, and Nuovo seconded the motion. The motion to approve the minutes as presented carried with 5 in favor, 2 absent. **MOTION PASSED.**

**4. Citizen Comments**

Chip Mayer said she is one of the Vermonters working on the 350Vermont's initiative to have climate change on Town Meeting Day agendas and ballots. She said 35 towns have already approved this, and she thought it would be a great opportunity for Middlebury to join the campaign. She said this campaign says we need to do more at

47 the State and National level to move towards renewable energy and is a chance to be  
48 proactive. Mayer said many towns are putting this on their November ballots, to send a  
49 message to the new legislators, so she's requesting Middlebury add this to the  
50 November ballot.

51  
52 Carpenter said the Board has a process to request an item be placed on the ballot, so  
53 they would be unable to simply add something. Ramsay said a petition signed by 5% of  
54 registered voters of the Town would need to be submitted, and to be on the November  
55 ballot it would need to be filed with the Town Clerk by September 10<sup>th</sup>. Mayer thought  
56 that might not be possible, but perhaps they could have it ready for Town Meeting in  
57 March.

58  
59 **4.a. Blue Spruce Motel - Possible Zoning Complaint**

60  
61 Town Manager Ramsay said that in response to many inquiries about what can be done  
62 about getting what remains of the mostly burned-down Blue Spruce Motel cleaned-up  
63 sooner rather than later, Town Attorney Benj Putnam was contacted and he advised  
64 that the Selectboard, acting as an interested party in the matter, may authorize the  
65 Town Manager to lodge a complaint with the Development Review Board (DRB) about  
66 the lack of maintenance based on any or all of the following conditions: a threat to public  
67 health or safety, an undue adverse impact on the aesthetics of the neighborhood and  
68 surrounding area, and/or an undue adverse impact on neighboring property value.

69  
70 She said once the complaint is received, under Section 753 of the Town's Zoning  
71 Regulations, the DRB may hold a hearing to determine whether a structure has been  
72 abandoned. If the DRB determines that the structure has been abandoned, it may order  
73 the abandoned structure be secured, repaired or removed at the expense of the owner.

74  
75 Carpenter said everyone has been getting a lot of questions about the condition of this  
76 property, and he asked if this was a punitive action or administrative. Ramsay said the  
77 first step would be for the Zoning Administrator to reach out to the property owner to try  
78 and come to some agreement on how to settle this, but if that is unsuccessful, then it  
79 would move to a public hearing with the DRB. Artim said he was all for moving forward  
80 with this, and if the property owner is having issues with an insurance company, this  
81 might help resolve those issues as well.

82  
83 Artim made the motion to authorize Town Manager Kathleen Ramsay to lodge a  
84 complaint with the Development Review Board about the condition of the Blue Spruce  
85 Motel, pursuant to Section 753 of the Town's Zoning and Subdivision Regulations.  
86 Asermily seconded the motion. The motion carried with 5 in favor, 2 absent. **MOTION**  
87 **PASSED.**

88  
89  
90  
91  
92

93 **5. Correspondence with Vermont Agency of Transportation**  
94 **Regarding Tree Removal Forest Ridge Drive**  
95

96 Carpenter said that Ramsay and Tree Warden Chris Zeoli had come up with a plan for  
97 proposed plantings of Sumac and Junipers on Forest Ridge Drive that the neighbors are  
98 in agreement on. Susan Shashok of East Middlebury, said that everyone was  
99 supportive of this plan.

100  
101 Asermily made the motion to approve the Selectboard letter to VTrans Rail & Aviation  
102 Program Director Dan Delabruere outlining the proposed planting plan and budget for  
103 Forest Ridge Drive. Nuovo seconded the motion. The motion carried with 5 in favor, 2  
104 absent. **MOTION PASSED.**

105  
106 **6. Chief of Police Tom Hanley with a Request for**  
107 **Sole Source Procurement of TASERS**  
108

109 Police Chief Hanley said the officers have been equipped with TASERS now for three  
110 years, and this is a multi-year process to purchase these so they wouldn't all need  
111 replacing at once. He said there is only one company that sells them, and this is the  
112 last purchase they would make for the next 2 or 3 years until they start cycling out the  
113 old ones.

114  
115 Hanley said this program is different than when the first TASERS were purchased. This  
116 program is a single cost per unit over 5 years and it includes batteries, training  
117 cartridges and replacement cartridges and is unlimited. He said the earlier units were  
118 purchased individually and part of the purchase price included annual payments over 5  
119 years so at the end of that time there's money in the account with this company to put  
120 towards replacements.

121  
122 Asermily made the motion to award a contract to Axon Enterprise, Inc. under the Sole  
123 Source Purchasing provision of the Town Purchasing Policy for the purchase of five  
124 TASER units and related equipment for the Police Department at a total cost of  
125 \$3,826.00 per year for the next five years. Artim seconded the motion. The motion  
126 carried with 5 in favor, 2 absent. **MOTION PASSED.**

127  
128 **7. David Hallam, P.E., Regarding Next Steps for Powerhouse Site.**  
129 **Recommendation on Proposal from Lincoln Applied Geology for Evaluation of**  
130 **Corrective Action Alternatives Report**  
131

132 Local Project Manager David Hallam joined the Board and said the testing the Board  
133 had approved earlier in the summer had been completed by Lincoln Applied Geology  
134 and that their report shows there were no additional contaminants found. He said the  
135 next step is for Lincoln Applied Geology to prepare an evaluation of corrective actions  
136 for the contaminants identified earlier on the site to address the contamination issue.  
137 He said the initial idea talked about with the State is that the problem can be corrected  
138 with some fencing and additional signage, however this next step of evaluation still

139 needs to be taken to come up with several alternatives to be submitted to the State, and  
140 they will choose the option needed to correct the problem. Hallam said the cost of this  
141 evaluation is around \$2,000, and there is money in the budget for this. He said after the  
142 State chooses which option is needed to correct the problem, he will get estimates on  
143 the cost to complete the work and he hopes to have this in time for Town Meeting in  
144 March.

145  
146 Artim made the motion to Award a contract to Lincoln Applied Geology, Inc. (LAG) for  
147 the preparation of an Evaluation of Corrective Action Alternatives (ECAA) for the David  
148 Page Cotton Mill site, at a total cost of \$2,000. Wiger-Grohs seconded the motion. The  
149 motion passed with 5 in favor, 2 absent. **MOTION PASSED.**

150  
151 **8. Aaron Guyette, P.E., Presentation of Refinement Options for**  
152 **Merchants Row One-Way Design Concept**

153  
154 Aaron Guyette said that as a follow-up to the Board's August 14th discussion regarding  
155 Merchants Row and their decision to make it permanently one-way, he was there to  
156 show revisions to the plan based on that discussion. He went over the changes  
157 discussed at that meeting, such as wider sidewalks on the east side of the street,  
158 replacing angle parking with parallel parking on the side along Triangle Park and  
159 elimination of the mid-block crosswalk, along with a couple of other changes. He said  
160 this plan provides 44-45 parking spaces.

161  
162 Asermily asked about bicyclists and where were they supposed to go in this plan. She  
163 wondered about sharrows, or a buffer zone, or were they intended to get off and walk  
164 up the hill. Guyette said in this case they would need to share the road because of the  
165 limited space. Asermily said perhaps down the road they could look at designating  
166 parking spaces for multiple bikes to park.

167  
168 Victoria DeWind asked about the parking spaces and wider sidewalks. Carpenter said  
169 the idea of the wider sidewalks was to make the area more pedestrian friendly, and that  
170 some of the angle parking spaces were changed to parallel because of the road width.  
171 He noted that the change will help drivers safely maneuver through that area without  
172 cars trying to back out of parking spaces. Guyette said the wider sidewalks didn't  
173 impact the need to change the parking to parallel spaces, plus it provides a place for  
174 delivery trucks to unload. Overall it's a net gain of parking from what was there before,  
175 but two less than the first plan showing angle parking. Gish said that the request for  
176 wider sidewalks came from the owner of the Battell Block and Town Hall Theater,  
177 however Asermily said there were some Merchants Row businesses that weren't in  
178 favor of the wider sidewalk, but the Board needed to look to the future and how it would  
179 enhance the vitality of the downtown. Nuovo said it's also in the hope that more  
180 pedestrians will use this area and not just use it as a through-street, and Artim agreed  
181 that this was the way the trend was going and thought it was a good plan.

182  
183 Carpenter asked that the green strip between the sidewalk and parking spaces be  
184 removed to give a cleaner look and make future maintenance easier.

185  
186 Asermily made the motion to approve the Merchants Row one-way traffic flow design  
187 concept, as presented. Artim seconded the motion. The motion carried with 5 in favor,  
188 2 absent. **MOTION PASSED.**

189  
190 **9. Karen Duguay, Executive Director of Better Middlebury Partnership and**  
191 **Nancy Malcolm of Neighbors, Together, with an update on**  
192 **Downtown Bridge & Rail Project Marketing Activities**

193  
194 Duguay described how the summer series of events was plagued by rainy weather this  
195 year, and that some of the movies will be carried over till this fall and winter, but overall  
196 the feedback has been good. She said other than a few merchants upset the road was  
197 closed, there was very good feedback on the Block Party, and she estimates 700  
198 attended.

199  
200 Duguay said that the content for the new website is being developed separately and will  
201 be imported to the website. All the invoices needed to be submitted to the USDA for  
202 grant expenses by August 31<sup>st</sup>, but the website won't actually launch until September.  
203 Ross Conrad asked if people would be able to order merchandise from merchants on  
204 the website, and Duguay said only if the merchant was setup for E-commerce on their  
205 own website. The BMP site would only have links to the individual merchant's sites.  
206 Conrad said with so much on-line commerce taking business away from local  
207 businesses, it would be nice to be able to purchase directly from these businesses.  
208 Duguay said she totally agreed and is willing to work towards that, but it is very difficult  
209 to set up with each business having separate inventories.

210  
211 Asermily asked about the banner and font on the new site. Duguay said the banner and  
212 logo are the same, the fonts have changed, but it is really a Middlebury community  
213 website now and not just the BMP. She said the website is huge, and is about 90%  
214 complete, but it has been quite a process getting all the information from the various  
215 businesses. Asermily also asked about using "Vermont" in the headline of the site, so  
216 when people are searching on-line they get to the right Middlebury.

217  
218 Nuovo asked about the content and wondered if there would be an opportunity for him  
219 to proofread it before it is launched. Duguay said Community Barn Ventures is in  
220 charge of the content, but she would love his input.

221  
222 Duguay went over some of the campaigns they began this summer, such as Middlebury  
223 Money Match and Hidden Gems. She said they have two new campaigns that will be  
224 beginning soon.

225  
226 Malcolm said this year has been about building the "infrastructure" of their efforts that  
227 can be built upon in the future. She said they would be meeting with Chief Hanley and  
228 Director of Public Works Operations Bill Kernan regarding parking and signage  
229 downtown, and will be meeting in the next few weeks about WiFi downtown. She said  
230 Eric Davis has done a lot of work in the Sales Tax Holiday and they'll be meeting with

231 the Governor on Capitol for a Day on September 11<sup>th</sup>. She said they're working on a  
232 budget for next year and are developing a set of criteria on how people can join  
233 Neighbors, Together with projects, along with implementation plans.

234  
235 Asermily asked when their regular meeting was, and Malcolm said it was the last  
236 Monday of the month from 5:00 to 6:00 p.m.

237  
238 Duguay thanked the Board for their support and also the support of Town Manager  
239 Ramsay.

240  
241 **10. Energy Committee Chair Ross Conrad, regarding the Middlebury Renewable**  
242 **Energy Policy Proposal & Recommendations for Energy Efficiency Improvements**  
243 **at the Police Department & Teen Center, based on results of recent Energy Audits**  
244

245 Ross Conrad said he was before the Board to discuss the proposed Renewable Energy  
246 Policy and suggestions on how to spend the \$10,000 in the budget for energy projects  
247 based on the audits conducted at the Teen Center and the Police Department. He said  
248 they are recommending \$9,000 be spent at the Police Department for either wall-to-roof  
249 air sealing around the building perimeter and/or constructing a partially infilled wall  
250 assembly in the conference room, and \$1,000 towards the purchase and installation of  
251 a smart thermostat at the Teen Center and miscellaneous air-sealing projects.

252  
253 Asermily made the motion to approve the Energy Committee's recommendation on how  
254 to spend the \$10,000 on the Police Department and Teen Center as presented.  
255 Fuentes-George seconded the motion.

256  
257 Carpenter said procedurally these are run through the Infrastructure Committee, since  
258 they are in charge of infrastructure and to make sure it's parallel to what they have  
259 planned for those facilities. Conrad said they had discussed this with Chief Hanley and  
260 the head of the Recreation Department. Artim said since we have a motion on the  
261 table, he wondered about amending it to add "pending Infrastructure Committee  
262 approval."

263  
264 Conrad said the Energy Committee had discussed the idea that once this work is done,  
265 and these departments see savings, the departments would pay back to the Committee  
266 the money saved until the total amount is paid off, and the funds would be used for  
267 future projects. Carpenter said it is something he'd like to see run through the  
268 Infrastructure Committee and Town Manager to look at tracking and management  
269 issues.

270  
271 Asermily moved to accept the Energy Committee's recommendation to spend the  
272 \$10,000 as presented, pending the Infrastructure Committee's approval. Fuentes-  
273 George seconded the motion. The motion carried with 5 in favor, 2 absent. **MOTION**  
274 **PASSED.**

275

276 Conrad said that the Town is pretty good at being energy efficient, but the proposed  
277 policy would take it one step closer to getting away from fossil fuels. He said the policy  
278 would require the Department Heads to obtain pricing for comparable, renewable-  
279 energy-powered alternatives when considering equipment and vehicle purchases and  
280 present those alternatives side-by-side with conventional fossil-fueled options for  
281 Selectboard consideration. The policy would also require suppliers submitting bids to  
282 provide a life-cycle analysis or estimate of operation and maintenance costs of their  
283 equipment over an extended period.

284  
285 Artim questioned the definition of “appliance” and what exactly was being asking for in  
286 the life-cycle analysis, and felt there needed to be more clarity in what they want, so  
287 suppliers know what information to provide.

288  
289 There was further discussion of the policy, but it was felt there was need to re-work the  
290 language. Nuovo will work with the Energy Committee on the wording before bringing it  
291 back to the Board. Artim said it was fundamentally good, but we need to get the  
292 language right.

293  
294 **11. Raymond Highter’s Request for Release of**  
295 **Leased Lands via Quit-Claim Deeds for Two Parcels**

296  
297 The Board acted on the request from Raymond Highter to release the Town’s interest in  
298 two “lease land” parcels: a 10.1-acre parcel located at 494 South Munger Street; and a  
299 93.5-acre parcel adjacent to the first parcel. Town Attorney Benj Putnam noted in a  
300 memo to the Board that the Town has been receptive in the past to such requests to  
301 surrender its interest in lease lands, on the condition that the Town’s legal costs be  
302 reimbursed. He counseled that he sees no reason to object to this request, assuming  
303 that the Town has no interest in investigating and/or retaining the potential mineral  
304 rights to the parcels.

305  
306 Artim made the motion, pursuant to 24 VSA § 2406, to authorize Town Manager  
307 Kathleen Ramsay to sign the two Quit Claim Deeds and deliver them to the Highter’s  
308 counsel in exchange for reimbursement of the Town’s legal fees. Asermily seconded the  
309 motion. The motion carried with 5 in favor, 2 absent. **Motion Passed.**

310  
311 **12. Designation of Voting Delegate for Vermont League of Cities & Towns**  
312 **Annual Business Meeting on Wednesday, October 3, 2018**

313  
314 Town Manager Kathleen Ramsay said that VLCT’s Annual Business Meeting will take  
315 place on Wednesday, October 3rd, during which VLCT’s Draft 2019-2020 Municipal  
316 Policy will be discussed and adopted. Every municipality is encouraged to appoint a  
317 voting delegate to this meeting. In previous years, the Middlebury Selectboard has  
318 appointed either a Board member or the Town Manager as the voting delegate.  
319 Ramsay said that she will be attending the Town Fair and Annual Business Meeting as  
320 a VLCT Employment Resource and Benefits Trust (VERB) Board Member and, in the

321 absence of other interested parties stepping forward, is willing to serve as the Town's  
322 voting delegate at the Annual Business Meeting, if so appointed by the Board.

323  
324 Nuovo made the motion to appoint Town Manager Kathleen Ramsay as Middlebury's  
325 voting delegate to represent the Town at the VLCT Annual Business Meeting. Fuentes-  
326 George seconded the motion. The motion carried with 5 in favor, 2 absent. **MOTION**  
327 **PASSED.**

### 328 329 **13. FY19 Year to Date Budget Report**

330  
331 Ramsay reviewed the FY19 YTD results for General Fund Budget and Equipment-  
332 Water-Sewer Fund Budgets, noting at this point, just one month into the fiscal year,  
333 trends and potential areas concern have not yet emerged.

#### 334 335 336 **13.a. Grant Agreement with Vermont Department of Public Safety for** 337 **Reimbursement of Storm Clean-Up Expenses**

338  
339 Town Manager Ramsay said that the Town received word today that with funds passed-  
340 through the Vermont Department of Public Safety, FEMA will cover 75% of the cost of  
341 clean-up from the storms in late October of 2017. She said that, thanks to Director of  
342 Operations Bill Kernan's initiative and follow-through with the required paperwork, the  
343 Town will receive \$12,810.81 toward total eligible project costs of \$17,081.08, with a  
344 required local match of 25%, \$4,270.27.

345  
346 Asermily moved to authorize Town Manager Kathleen Ramsay to sign the proposed  
347 grant agreement with the Vermont Department of Public Safety for Grant #02140-  
348 84356-18, which provides public assistance for storm clean-up expenses associated  
349 with the FEMA-declared disaster resulting from severe storms and flooding on October  
350 30, 2017. Artim seconded the motion. The motion carried with 5 in favor, 2 absent.  
351 **MOTION PASSED.**

### 352 353 **14. Approval of Check Warrants**

354  
355 Fuentes-George moved to approve total expenditures in the amount of \$4,451,978.63,  
356 consisting of \$4,347,333.44 for accounts payable, and \$ 104,645.19 for payroll, for the  
357 period August 15, 2018 through August 28, 2018.

### 358 359 **15. Town Manager's Report**

#### 360 361 **15.a. Update on the Town-Wide Reappraisal**

362  
363 Town Manager Ramsay reported that the Town is two years into the reappraisal project  
364 now, and the contractor for the reappraisal, New England Municipal Resource Center  
365 (NEMRC), reports that approximately 1,500 residential properties have been completed,  
366 and they are adding to their staff to accelerate the remaining residential data collection.  
367 NEMRC reports that they are also beginning to inspect and review commercial

368 properties and they are on track for completion of the project within the required  
369 timeline.

370

371 **15.b. Update on the Selectboard’s September Meeting Schedule**

372

373 Ramsay said that the September 11, 2018 Board meeting would be the only meeting in  
374 September, and they would not be meeting on September 25<sup>th</sup>. She said that will be  
375 attending the International City/County Management Association’s Annual Meeting in  
376 Baltimore, MD from September 23<sup>rd</sup> through Wednesday, the 26<sup>th</sup>, and she found that  
377 trying to reschedule the regular meeting date was problematic with everyone’s  
378 schedule. She said the Board may need to come in to sign warrants the week of  
379 September 24<sup>th</sup>, and the next meeting would be at their regular meeting on October 9,  
380 2018.

381

382

**16. Board Member Concerns**

383

384 Asermily said the next “Walk and Roll to School” would be Wednesday, September 5<sup>th</sup>.

385

386 Traffic delays at school start and dismissal times provide another incentive for using  
387 alternate modes of transportation, such as walking, biking or taking the bus, Asermily  
388 noted.

389

390 Asermily also noted that Vermont Coffee Company is one of five recipients of the  
391 Governor’s Award for Environmental Excellence and there will be an awards ceremony  
392 with state officials on, Friday, August 31st from 11 am to 1 at Vermont Coffee Company  
393 on Exchange Street.

394

395 Brian Carpenter asked Kathleen to relay an invitation to Governor Scott to attend the  
396 next Selectboard meeting on Tuesday, September 11, when the Governor’s “Capital for  
397 the Day” tour will be in Addison County, if he is going to be in Town that late in the day.

398

399

**19. Adjourn**

400

401 The meeting adjourned at 8:47 p.m. upon motion by Artim, seconded by Asermily.

402

403 The next meeting of the Middlebury Selectboard will be at 7:00 p.m. on Tuesday,  
404 September 11, 2018 in the Town Offices at 77 Main Street.

405

406 Respectfully submitted,

407 Beth Dow