

**Selectboard Meeting
Tuesday, October 23, 2018
AGENDA NOTES**

7:00

- 1. **Call to Order**
- 2. *Approval of Agenda**
- 3. *Approval of Minutes of October 9, 2018 Selectboard Creek Road Site Visit Meeting Minutes and Regular Business Meeting Minutes**
- 4. **Citizen Comments [Opportunity to raise or address issues that are not otherwise included on this agenda]**

7:05

- 5. *Karen Kotecki, Vermont Gas Request for Easement on Town DPW Property at 1020 Route 7 South**

Requested action: *Grant an easement to Vermont Gas to install a natural gas line across the parking lot at the Public Works facility to provide service to the Danyow property at 1036 Rt. 7 South.*

In a [September 12th email message](#) to Public Works Directors Dan Werner and Bill Kernan, Karen Kotecki requested an easement across the Public Works facility parking lot at 1020 Rt. 7 South in order to install a 3/4-inch gas line to provide service to the Danyow property behind Public Works (refer to the [site map](#) of the easement area in your packet, for more information).

The [initial draft of the Deed of Easement](#) is currently under review by Town Counsel. We expect to have Counsel's comments back in time for Tuesday's meeting.

In your packet: 1) September 12th email from Kotecki; 2) Draft Deed of Easement; 3) Site map of proposed easement area

*Recommendation: If the Board is amenable, the following motions would be in order:
1) to authorize Town Manager Kathleen Ramsay to sign the Easement Deed for Vermont Gas to install a natural gas line across the parking lot at the Public Works facility to provide service to the Danyow property at 1036 Rt. 7 South, and
2) to authorize Town Manager Kathleen Ramsay to work with Counsel to initiate a Section 1061 process for the conveyance of Town-owned land.*

7:10

6. *Dan Werner, Director of Public Works Planning, with Recommendations from the Infrastructure Committee Meeting of October 11, 2018

6.a. *Sole Source Procurement of Library Boiler Repair

Requested action: *Accept the Infrastructure Committee's recommendation to award a contract to Plouffe's Boiler & Mechanical Service to repair the library boiler for a total estimated cost of \$7,262.*

At the [Infrastructure Committee's October 11th meeting](#), Dan Werner presented his recommendation to accept a [proposal from Plouffe's](#) for the evaluation and repair of the library's boiler. He explained that the work was not put to bid since Plouffe has done extensive maintenance work on the boiler over a period of many years and is already thoroughly knowledgeable about the equipment. He further noted that, while a parallel effort is underway with Engineering Services of Vermont to develop a Request for Proposals for either converting the boiler from oil to natural gas or replacing it with a wood pellet heating plant, the boiler is in need of immediate repair before winter sets in.

It should be noted that the Committee's motion to approve as it appears in the meeting minutes reflected the fact that Plouffe's original \$7,262 cost estimate included a 60% prepayment. In subsequent action, Plouffe has re-quoted the project for the same price, but without the up-front payment. Dan will provide further detail regarding the rationale for this change.

In your packet: 1) October 11, 2018 Infrastructure Committee Draft Meeting Minutes; 2) Action Plan for Ilsley Library Heating; 3) Cost Estimate from Plouffe for Boiler Repair

Recommendation: If the Board is amenable, a motion would be in order to award a contract to Plouffe's Boiler and Mechanical Service under the Sole Source Purchases exception to the Town Purchasing Policy to repair the library boiler, for a total cost of \$7,262.

6.b. *Sole Source Procurement of Wastewater Main Pump Station – Pump Rebuild Services

Requested action: *Accept the Infrastructure Committee's recommendation to award a contract to Aqua Solutions to rebuild a pump at the main wastewater pumping station, for a total cost of \$37,600.*

Wastewater Superintendent Bob Wells spoke to the Committee about his [September 13th memo to Town Manager Kathleen Ramsay](#) requesting approval to authorize Middleboro, MA-based Aqua Solutions to rebuild the last of three 150 HP Ingersoll-Dresser centrifugal pumps in use at the main pumping station. Bob reported that Aqua Solutions is certified to rebuild Ingersoll-Dresser pumps and, in fact, was engaged to rebuild the other two pumps in 2016 and 2017, respectively. Given the company's familiarity with the equipment and previous experience working at the plant, the

Committee endorsed Bob's request to make award to Aqua Solutions for the quoted cost of \$37,600. Bob noted that the three existing pumps will remain in service after the Wastewater Treatment Plant upgrade is complete and are expected to perform for another 20 years.

In your packet: September 13th memo from Wells and price quote from Aqua Solutions

Recommendation: If the Board is amenable, a motion would be in order to award a contract to Aqua Solutions under the Sole Source Purchases exception to the Town Purchasing Policy to repair third and final Ingersoll-Dresser centrifugal pump at the main pumping station for a total cost of \$37,600.

6.c. *Conversion of Police Department Heating System from Propane to Natural Gas

Requested action: *Endorse the Infrastructure Committee's recommendation to award a contract to VHV for converting the police station facility from propane to natural gas, at a total cost of \$9,800.*

As background to this discussion, [last February the Selectboard approved](#) \$2,149 in expense for Vermont Heating & Ventilating (VHV) to convert the police station from propane to natural gas. At the October 11th Infrastructure Committee meeting, Chief Hanley reported that, upon closer inspection in August, [VHV determined that the existing gas service is not adequately sized for natural gas](#) and would require that the building be re-piped, at a revised total cost of \$9,800. Tom noted that the plan would be to cap the lines for the existing propane service but leave them in place, in the event the need ever arises to revert to propane temporarily in an emergency. The Committee agree to recommend Board approval for the additional expense using a portion of funds already set aside in the PD capital budget for planned HVAC upgrades.

In your packet: 1) Email from Hanley regarding VHV cost proposal for natural gas conversion; 2) Excerpt from February 28, 2018 Selectboard meeting minutes

Recommendation: If the Board is amenable, a motion would be in order to award a contract to VHV to re-pipe the police department facility in preparation for conversion to natural gas, for a total cost of \$9,800.

7:20

7. *Police Chief Tom Hanley, with Bid Award Recommendation for Purchase and Installation of Wireless Power Door Openers for Police Station Vestibule and Lobby

Requested action: *Award a contract to Stratham, NH-based Stanley Access Technologies for the purchase and installation of power door openers for the police station vestibule and lobby, at a total cost of \$3,814.*

In his [recommendation memo to the Selectboard](#), Tom reports that three companies responded to his recent [Request for Proposal](#) for the purchase and installation of two wireless, push-button power door openers at the Police Department facility:

Stanley Access Technologies (Stratham, NH):	\$3,814
Royal Glass & Mirror Co. (Rutland)	\$5,383
Middlebury Lock, LLC (Middlebury)	\$6,860

All three bids met the requirements of the RFP, according to Tom and, therefore, he is recommending award to the low-bidder, Stanley Access Technologies, for \$3,814. The price quote includes the cost of the equipment and installation, but does not include connecting the units to building power, which Tom estimates will cost about \$500.

Recommendation: If the Board is amenable, a motion would be in order to award a contract to Stanley Access Technologies for the purchase and installation of power door openers for the police station vestibule and lobby, at a total cost of \$3,814.

7:25

8. *Judy Wiger-Grohs & Leslie Kameny, Request for Approval of Tree Policy, as approved by the Infrastructure Committee, and a Request for an Arbor Day Proclamation

Requested action: 1) *Endorse the Infrastructure Committee’s recommendation to adopt a new Town of Middlebury Tree Policy; and 2) Sign a Selectboard proclamation celebrating Arbor Day*

Tree Committee members Judy Wiger-Grohs and Leslie Kameny will review the new [Town of Middlebury Tree Policy](#), endorsed on October 11th by the Infrastructure Committee. The proposed policy, which supports the planting and maintenance of desirable trees and shrubs in the Town and the protection of community members and property from potential damage caused by diseased or damaged trees, incorporates revisions previously requested by the Infrastructure Committee.

Judy and Leslie will also present for the Board’s consideration an [Arbor Day Proclamation](#), which “. . . urge[s] all citizens to celebrate Arbor Day and to support efforts to protect our tress and woodlands, and . . . urge[s] all citizens to plant trees to gladden the heart and promote and well-being of this and future generations.”

In your packet: 1) Draft Town of Middlebury Tree Policy; 2) Draft Arbor Day Proclamation

Recommendation: If the Board is amenable, the following motions would be in order:
1) *to adopt the Town of Middlebury Tree Policy; and*
2) *to sign the Selectboard Arbor Day Proclamation*

7:35

9. *Discussion of Next Steps of the Board's Consideration of Creek Road Maintenance & Right-of-Way

Requested action: *Decide upon a course of action regarding Creek Road, if the Board feels it has sufficient information to do so.*

The Board concluded its October 9th discussion on this issue with two primary options before it for further consideration: 1) Seeking a way to fund repairs sufficiently durable in the short term to reopen the road; or 2) Reclassifying (as either Class 4 road or trail) or discontinuing the road.

1. Estimated cost of repair and timeline: In consultation with Kathleen, Dan Werner has prepared a [memo for the Board's review](#) with an estimate of the cost to repair Creek Road (using the 2017 Pathways Consulting report as a baseline) and a rough [timeline for engineering](#) the project, based on the Town's recent experience with the Shard Villa Road Improvements Project. Given the scope of the project and anticipated the timeline for completion, should the Board decide to pursue this option, consideration should also be given to engaging a professional project manager to see it through to completion.

2. Reclassification or Discontinuation: Kathleen has provided additional detail in your packet around statutory requirements for reclassifying or discontinuing a town road and issues related to ongoing maintenance requirements, including snow plowing. In particular, see the following:

- [Message from Counsel on Creek Road Options](#)
- [VLCT MAC Info Sheet: Limiting Winter Town Highway Maintenance](#)
- [Town of Westminster Class 4 Road and Trail Policy](#)
- [VT Land Use Education and Training Collaborative – Town Road Classifications](#)
- [Community Strategies for VT Forests and Wildlife – Road and Trail Policies](#)

Both Reclassification and Discontinuation would require a formal hearing.

In your packet: 1) October 17, 2018 follow up memo from Werner regarding Board inquiries about Creek Road; 2) Project schedule excerpt from DuBois & King Shard Villa Road Stabilization Project proposal; 3) Message from Counsel about options for discontinuing or reclassifying Creek Road; 4) Text of 19 VSA § 935 – Relocation of Highway; 5) MAC Info Sheet – Limiting Winter Town Highway Maintenance; 6) Town of Westminster Class 4 Road and Trail Policy ; 7) VT Land Use Education and Training Collaborative – Town Road Classifications; 8) Community Strategies for VT Forests and Wildlife – Road and Trail Policies; 9) Photos of current Creek Road conditions

7:55

10. *Report on Personnel Committee Meeting of October 18, 2018, Request for New Full-Time Position for the Library.

Board member Laura Asermily will report on the [October 18th meeting](#) of the Personnel Committee, which included a discussion with Ilsley Library Dana Hart regarding her [request for a new full-time Assistant Librarian II position](#) for Adult Services and Circulation for the FY20 budget year. Dana reported that she is proposing the position as a means to close a gap in staffing in Adult Services and Circulation. She noted that the position would report to Adult Services and Technology Librarian Chris Kirby and would allow Chris to focus more of his attention on documented community demand for the development of additional adult programs for the library.

The Committee was receptive to Dana's proposal and advised her to include funding for the position in her draft FY20 budget for further consideration by the full Selectboard in January.

In your packet: 1) October 18, 2018 Draft Personnel Committee Meeting Minutes; 2) Personnel Committee presentation from Hart, including Job Description and explanatory memo;

8:05

11. *Housing Vermont's Request for Admission of Addison County Housing Group, LLC as a General Partner to the Smith Housing Limited Partnership

Requested action: *Authorize Town Manager Kathleen Ramsay to sign a Content to Admission of Addison County Housing Group LLC as a General Partner of the Smith Housing Limited Partnership.*

As a follow up to the Board's [October 9th decision](#) to consent to HOPE's withdrawal from the Smith Housing Limited Partnership, Housing Vermont Director of Asset Management Rewa Worthington has requested the Selectboard's approval for the Addison County Housing Group LLC to join the Partnership as a new co-General Partner, along with existing General Partner H.V. 2001, Inc. The [Consent to Admission of General Partner](#) is included in your packet, for reference. Counsel recommends that the Board's approval be conditioned upon the completion of HOPE's withdrawal from the Partnership.

In your packet: 1) Consent to Admission of General Partner; 2) Excerpt from October 9, 2018 Selectboard Meeting Minutes

Recommendation: If the Board is amenable, a motion would be in order to authorize Town Manager Kathleen Ramsay to sign the Content to Admission of Addison County Housing Group LLC as a General Partner of the Smith Housing Limited Partnership, contingent up the completion of HOPE's legal withdrawal from the Partnership.

8:10

12. *Memorandum of Understanding for Maintenance of Marble Works Riverfront Improvement Project

Requested action: *Authorize Town Manager Kathleen Ramsay to sign a Revised Memorandum of Understanding for Marble Works Riverfront Improvement Project*

Working Marble Works Property Manager Ryan Emilio, Public Works Operations Director Bill Kernan has drafted a [Memorandum of Understanding \(MOU\)](#) to transfer responsibility for seasonal maintenance of Riverfront Park from the Town to the Marble Works Partnership (MWP). Under the [Scope of Work](#) for the proposed agreement, MWP will assume responsibility for landscape management of the park, including maintenance of the grass pathways, trees, rose beds and rain gardens. In return, MWP will invoice the Town \$4,000 for the 2019 calendar year, in seven equal installments between April and October. MWP will absorb the additional maintenance cost associated with any additional plantings it may choose to make above and beyond the current inventory. In subsequent years, MWP will provide notification of any anticipated increase in maintenance cost at least 60 days prior to January 1st. Such increases shall be capped by the CPI Index for the preceding 12-month period.

The MOU in your packet includes revisions recommended by Counsel. It has also been approved by the Marble Works Partnership.

In your packet: 1) Revised MOU with the Marble Works Partnership; 2) Exhibit A – Maintenance and Scope of Work

Recommendation: If the Board is amenable, a motion would be in order to authorize Town Manager Kathleen Ramsay to sign a Revised Memorandum of Understanding for Marble Works Riverfront Improvement Project

8:15

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 October 10, 2018 through October 23, 2018.

14. **Town Manager's Report

14.a. 2018 Small Business Saturday Proclamation

Requested action: *Approve a Selectboard proclamation declaring November 24th as Small Business Saturday in Middlebury.*

The Town has been approached once again by a representative from the Small Business Saturday Coalition and Women Impacting Public Policy (WIPP) requesting

the Selectboard's participation in the national Small Business Saturday initiative by proclaiming Saturday, November 24, 2018 "Small Business Saturday" in Middlebury.

According to the information provided by WIPP:

Small Business Saturday was created in 2010 in response to small business owners' most pressing need: more customers. Falling between Black Friday and Cyber Monday, it's a day to support the local businesses that create jobs, boost the economy and preserve neighborhoods around the country.

A [Small Business Saturday Proclamation](#) for the Board's signature is included in your packet, along with a [Fact Sheet](#) providing additional background information.

Recommendation: If the Board is amenable, a motion would be in order to proclaim Saturday, November 24, 2018 Small Business Saturday in Middlebury. Kathleen has an original copy of the proclamation for Board members to sign.

14.b. Addison County Economic Development Corporation Board. ACEDC Executive Director Fred Kenney asked the Selectboard to [provide a resolution appointing the Town's designee](#) to the ACEDC Board for the term January 1, 2019 to December 31, 2019. Kathleen is amenable to giving another individual an opportunity to serve. Is a Board member interested in serving as the Town's representative to the ACEDC Board and/or should the Town advertise the availability of this position?

14.c. Hearing on Blue Spruce Motel. The Development Review Board will hold a [public hearing on Monday, November 5, 2018](#) to determine whether the Blue Spruce Motel structure destroyed by fire has been abandoned and whether the lack of maintenance has given rise to any or all of the following conditions: (i) a threat to public health or safety, (ii) an undue adverse impact on the aesthetics of the neighborhood and surrounding area, and/or (iii) an undue adverse impact on neighboring property values.

14.d. Zero Energy Modular (ZEM) Program Display. [Efficiency Vermont's Zero Energy Modular \(ZEM\) Program](#) will display its traveling model home in the Academy Street parking lot October 23 – November 12, with open houses on Tuesdays & Thursdays 3-6 p.m. and Saturdays 10 a.m. -12 p.m.

15. **Board Member Concerns

8:30

16. *Executive Session – Anticipated – Contracts

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](#) would clearly place the

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

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

17. **Action on Matters Discussed in Executive Session

18. *Adjourn