

**Selectboard Meeting
Tuesday, November 27, 2018
AGENDA NOTES**

7:00

- 1. **Call to Order**
- 2. *Approval of Agenda**
- 3. *Approval of Minutes of November 13, 2018 Regular Business Meeting Minutes**
- 4. **Citizen Comments [Opportunity to raise or address issues that are not otherwise included on this agenda]**

7:05

- 5. *Amy Sheldon, on behalf of the Addison County Bike Club, the Middlebury Area Land Trust, the Addison County Regional Planning Commission and the Middlebury Bike-Ped Coalition, with a request for the Town to Apply for a Vermont Outdoor Recreation Collaborative (VOREC) Pilot Community Grant Program Grant Application for a connecting Path between Middlebury and East Middlebury**

Requested action: Approve the submission of a 2018-19 Vermont Outdoor Recreation Collaborative (VOREC) Pilot Community Grant Program application - with the Town of Middlebury as the sponsoring municipality - to seek funds for planning and construction of a multi-purpose trail connecting downtown Middlebury to East Middlebury Village.

Amy Sheldon has requested time on the agenda to present this request. A group comprising the Addison Co. Bike Club, Middlebury Area Land Trust (MALT), the Addison County Regional Planning Commission, and the Middlebury Bike Ped Coalition has [come together](#) in support of submitting a [VOREC grant application](#) for a project to plan and construct a multi-purpose trail connecting downtown Middlebury with East Middlebury Village.

The Vermont legislature passed Act 194 in 2018, creating the VOREC pilot program, whose goals are to:

- Grow outdoor recreation-related business opportunities
- Increase participation in outdoor recreation activities
- Strengthen the quality and extent of outdoor recreation resources
- Increase stewardship of outdoor recreation resources

The program awards grants from \$10,000 to \$100,000.

While the development of the grant proposal under discussion is being managed outside the structure of town government, VOREC grant program guidelines require the application itself be submitted by a “sponsoring municipality.”

[Additional discussion about the proposed project](#) that would be supported by this grant and its relationship to the Town Plan and other planning processes is included in your packet.

In your packet: 1) November 20th email from Nelson seeking letters of support; 2) Email thread – Nelson to Murray; 3) VOREC Program Guidelines

Recommendation: If the Board is amenable, a motion would be in order to endorse the submission of a grant application – with Middlebury as the sponsoring municipality - under the 2018-19 Vermont Outdoor Recreation Collaborative (VOREC) Pilot Community Grant Program, for planning and construction of a multi-purpose trail connecting downtown Middlebury to East Middlebury Village.

7:15

6. *Public Hearing on Naming the Site of the former Lazarus Department Store at the Corner of Main Street & Printers Alley “Lazarus Park”.

Suggested opening remarks:

- Tonight, the Board is conducting a public hearing to take comments on a citizens’ petition – that was first presented to the Selectboard on October 9th – in support of naming the site of the former Lazarus Department Store at the corner of Main Street and Printers Alley, which is currently owned by the Town, “Lazarus Park.”
- While the site is currently in use for the construction of the Bridge & Rail Project planning is underway for the development of a new park on the site when the project is completed in 2021.
- Several Middlebury residents have already [submitted written comments](#) regarding the proposal prior to tonight’s meeting, and the Board looks forward to hearing your thoughts on the subject in just a few moments.
- Before I open the floor for your comments I’d like to remind you that, because this is an official public hearing, if you would like to address the Selectboard, after you have been recognized by the Chair, please come up and sit in front of the microphone and state your first and last name for the record so that we accurately capture it for the minutes for this meeting and those watching on MCTV viewers can hear you clearly.
- With that, I would like to open the public hearing and invite anyone who wishes to speak to raise your hand and be recognized.

Suggested closing remarks:

There being no further comment, I now declare the public hearing closed and I invite any further comments or observations from the Board before we move to a vote.

In your packet:

Recommendation: If the Board is ready to proceed to a vote after the close of the hearing, the following motion would be in order:

Based on the Selectboard's consideration of public testimony received regarding the citizens' petition presented to the Board on October 9th, I move to name the public park that is to be constructed on the site of the former Lazarus Department Store at the corner of Main Street and Printers Alley at the completion of the Bridge and Rail Project "Lazarus Park."

7:35

7. *Planning Commission Recommendation on Preferred Location for Amtrak Rail Platform

Requested action: *Endorse the Planning Commission's recommendation to select the Middle Seymour Street option as the preferred location for the Amtrak passenger rail platform.*

Planning & Zoning Director Jennifer Murray will present the [Planning Commission's formal recommendation](#) regarding the preferred location for the Amtrak rail platform. The Planning Commission's October 18th recommendation to select Site 1 – Middle Seymour Street as the preferred location aligns with the results of the public survey conducted over the summer (50% of respondents chose Middle Seymour Street) and is further reinforced by the Commission's internal analysis of the four alternatives. The Commission's evaluation matrix is included as an attachment to the recommendation memo in your packet.

In your packet: October 29, 2018 Planning Commission recommendation memo and evaluation matrix

Recommendation: If the Board is amenable, a motion would be in order to accept the Planning Commission's recommendation to select the Middle Seymour Street option as the preferred location for the Amtrak passenger rail platform and authorize Town Manager Kathleen Ramsay to communicate the Board's decision to VTrans.

7:50

8. *Creek Road Next Steps

Requested action: *Approve a proposal from engineering consultant Peter DeGraff for preparing an evaluation of alternatives for addressing repair needs for Creek Road, at an estimated maximum cost of \$5,500.*

As an outcome of its October 23rd discussion on this matter, the Board asked Town Manager Kathleen Ramsay to work with Board member Heather Seeley on a proposal for gathering cost estimates from individual contractors for making incremental repairs to Creek Road. Based on a [summary of proposed next steps](#) that Heather put together following the meeting, Kathleen contacted consulting engineer Peter DeGraff

to discuss a project management approach for this effort. After meeting with Kathleen and Public Works Planning Director Dan Werner to come up to speed on the history of the Creek Road issue, Peter has put together a proposal for [preparing an alternatives evaluation](#) for making sufficient repairs to the road to open it again. Kathleen will review this proposal with the Board. It should be noted that the contemplated scope of this work is limited to a first-hand site analysis of Creek Road and a complete record review of previous studies in order to develop alternative approaches for repairing the road. As such, no design-related services are included in the proposal.

Given the continually evolving nature of the Creek Road issue, Peter has suggested a budget of \$3,500 to \$5,500 for this project, invoiced monthly at a consulting rate of \$100/hour. Proposed alterations to project scope that could impact the budget would require pre-approval by the Board.

In your packet: 1) Creek Road Next Steps, prepared by Seeley 10.24.18; 2) DeGraff Project management proposal; 3) October 24, 2018 letter from Ramsay to Creek Road property owners and list of property owners contacted

Recommendation: If the Board is amenable, a motion would be in order to accept the consulting proposal from Peter DeGraff for evaluation of alternatives for addressing repair needs for Creek Road, at an estimated maximum cost of \$5,500, subject to amendment with approval from the Selectboard.

8:15

9. *Renewable Energy Policy – Discussion/clarification of Purchases Covered by the Policy

Requested action: *Clarify what categories of purchases are subject to the new Renewable Energy Policy and approve amended policy language, if appropriate.*

Subsequent to the Board approving the [Renewable Energy Policy](#) at its October 9th meeting, questions regarding how the policy should be applied have been raised by the Infrastructure Committee during discussions regarding proposed projects to replace existing gas piping at the Police Department and Fire Department facilities in order to convert from propane as a fuel source to natural gas.

In both of its decisions, the Committee has supported the interpretation that the policy was intended to apply only to purchases of new or replacement vehicles and equipment, not to mid-lifecycle upgrades or modifications of vehicles and equipment. Infrastructure Committee chair Heather Seeley has requested that the Selectboard revisit the policy to determine whether clarifying language is in order. To that end, a [draft revision to the Renewable Energy Policy](#) has been prepared for the Board's review and consideration.

In your packet: 1) Renewable Energy Policy (adopted 10.9.18); 2) Revised Renewable Energy Policy for the Board's consideration (11.20.18)

Recommendation: If the Board is amenable, a motion would be in order to adopt the amended Renewable Energy Policy, as presented [or with revisions, as discussed].

8:25

10. *Review Revised FY20 Budget Timeline & Early View of Potential Major Budget Drivers. Town Manager Kathleen Ramsay will present an [updated timeline](#) for preparation of the FY20 budget, as well as an [analysis](#) and [narrative](#) regarding potential major budget drivers.

In your packet: 1) Revised FY20 Budget Timeline; 2) Early View of Potential Major Budget Drivers; 3) Early View of Potential Major Budget Drivers Narrative

8:35

11. *Appoint Town Representative to Addison County Economic Development Corporation Board.

The Town has received no response to its [call for candidates](#) for the ACEDC Board of Directors. Kathleen has indicated her willingness to continue in that role until such time as another candidate can be identified.

In your packet: Town of Middlebury ACEDC Board Representative Announcement

Recommendation: If the Board is amenable, a motion would be in order to appoint Town Manager Kathleen Ramsay as Middlebury's representative to the Addison County Economic Development Corporation Board of Directors.

12. *Approve Updated Municipal Policies & Codes for the Lindale Mobile Home Park Septic Planning Project to Replace Outdated Municipal Policies & Codes Approved at August 14, 2018 Meeting

Requested action: Approve newly updated Vermont Community Development Program (VCDP) Municipal Policies & Codes relative to the Lindale Mobile Home Park Septic Planning Project.

As you may recall, at its August 14th meeting the Board was asked to approve VCDP's Municipal Policies & Codes as a condition of the grant award received last June for the Lindale Mobile Home Park Septic Planning Project. The Town was recently notified that VCDP has updated the [Municipal Policies & Codes \(November 2018\)](#) to include new Whistleblower Protections (see pg. 7) and is requesting that the Board re-approve the document.

In your packet: November 2018 VCDP Municipal Codes & Policies

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

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 November 14, 2018 through November 27, 2018.

14. **Town Manager's Report

14.a December 5, 2018 Public Input Meeting on Landscape Designs for Triangle Park and Printers Alley. A [public meeting](#) has been scheduled for 7:00 p.m. on Wednesday, December 5th at the Town Offices to gather community input regarding the landscaping designs for post-construction Triangle Park and Printers Alley. Comments from this session will be summarized for the December 11th Selectboard meeting, when the Board will make its final decision regarding the landscape design concepts.

15. **Board Member Concerns

8:55

16. *Executive Session – 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