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Selectboard Meeting
Large Conference Room – Town Offices
Tuesday, December 11, 2018
Meeting Minutes

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

Staff Present: Town Manager Kathleen Ramsay, Director of Planning and Zoning Jennifer Murray, Chief of Police Tom Hanley and Community Liaison Jim Gish

Others Present: Addison County Regional Planning Commission (ACRPC) Executive Director Adam Lougee, VTrans Project Manager Jon Griffin, VHB Lead Engineer Aaron Guyette and VHB Landscape Architect Mark Hamlin, and 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 7:00 pm.

2. Approval of Agenda

Khan moved to approve the agenda, seconded by Seeley. The motion carried with 7 in favor and the agenda was approved as presented. **MOTION PASSED.**

3. Approval of Minutes of November 27, 2018 Meeting Minutes

Seeley made the motion to approve the minutes, and Khan seconded the motion.

Khan had one change to Line 22 – Brian Carpenter (not Nick Artim) called the meeting to order.

The minutes were approved as presented with 7 in favor. **MOTION PASSED.**

4. Citizen Comments

Jef Bratspis said there are some areas of town that are unsafe for cyclists and pedestrians, and he asked the Board to do an assessment of the area of High Street between Stewart Lane and Seminary Street. He had no suggestions of ways to improve the area, but wanted the Board to be aware that there were some safety issues there and to add it to their list of areas to look at closer.

5. Adam Lougee, Addison County Regional Planning Commission (ACRPC) Executive Director and Pulp Mill Bridge/Seymour Street Sidewalk Project Manager, with a recommendation for the award of bids for the construction of the sidewalk in the spring/summer of 2019

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Lougee said the Board had received the bid analysis and recommendation from VHB, the engineers on the project. He said this sidewalk is a contract project of about \$760,000, and is a joint project with Weybridge. He said the engineering cost was \$98,000 and there was \$20,000 to ACRPC for project management, so by accepting the low bid of \$498,597 it will leave approximately \$130,000 for inspections and will keep the project on budget. He said following acceptance of the bid they will go to contract, and the completion date in the contract is July 19, 2019. He said the RFP for inspection services was currently out to bid, so they should have a figure on that sometime in January.

Asermily asked about an issue the Town had with Weston on an earlier project. Ramsay said this had been discussed and Lougee said there will be a project inspector present on the job who will be aware of the issues.

Khan made the motion to award a contract to Weston Excavating, Inc. for construction of the Pulp Mill Bridge/Seymour Street Sidewalk Project, for a total cost of \$498,597. Nuovo seconded the motion. The motion moved with 7 in favor. **MOTION PASSED.**

6. Chief of Police Tom Hanley regarding the Award of the Cruiser Bid

Chief Hanley said they had received bids from Foster Motors and G. Stone Motors, with Foster Motors offering the low bid of \$23,735 (after \$5,000 trade-in) for a 2019 Dodge Charger. He said G. Stone had submitted a bid for a 2019 Ford Interceptor SUV for \$34,859 with a \$4,000 trade-in, bringing the net bid to \$30,859, and both vehicles met the bid specifications. He said the plan had been to purchase a sedan this year and not an SUV, but G. Stone had been unable to get a pricing for a sedan from Ford.

Asermily said while she was supporting this bid, she wanted future bids to follow the Renewable Energy Policy that requires more research into alternatives. She mentioned the Town of Hartford recently purchased a Tesla with a Vermont Clean Cities Grant, so that would be something to watch for in the future. Hanley said they had looked into these, but the problem with the fully electric vehicle is the amount of space the battery took up inside the vehicle. He said Ford is coming out with a hybrid police interceptor vehicle, but it's new and they weren't ready to bid on it. He said the other concern with an electric vehicle is it has to be out of service 2/3rds of the time for charging, so you almost need 2 or 3 cars so one is always in service. He said they're more interested in the hybrid that Ford is offering next year and to see how other departments are using them.

Artim said you also needed to be sure these vehicles are warranted for police work, and Hanley said you also have to consider insurance for vehicles used in police work that aren't specifically designed for police work.

Asermily made the motion to award a contract to Foster Motors for the purchased of a 2019 Dodge Charger for a net cost of \$23,735. The motion was seconded by Khan. The motion carried with 7 in favor. **MOTION PASSED.**

95 **7. VTrans Project Manager Jon Griffin and VHB Lead Engineer Aaron Guyette with a**
96 **request for Consideration & Endorsement of Landscape Designs for Triangle Park &**
97 **Printers Alley**
98

99 Carpenter said they would be reviewing the final landscape designs for Triangle Park and
100 Printer's Alley based on the comments from the public hearing and input from the Planning
101 Commission and Design Advisory Committee.
102

103 Guyette gave a summary of the project and the regulations they're required to follow due to
104 the Federal funding for this project, and the dates of the public meetings held as the designs
105 developed. He went over the original designs and showed how most of the input and
106 suggestions were incorporated into the final designs, but it was determined some of the ideas
107 were not feasible.
108

109 Guyette said, regarding Printer's Alley design, they have left that mostly blank since a lot of
110 what can happen there was determined in the agreement between the National Bank of
111 Middlebury and the Town. He said a lot of direction for what can happen in that space will be
112 determined by the Bank.
113

114 Hamlin went over a drawing showing how the Farmer's Market could potentially be laid out in
115 Triangle Park, and used a template for a 10' x 10' tent and was able to get 26 in the park, and
116 he said if Merchant's Row was closed between the crosswalks, then you could possibly get
117 another 26 in there.
118

119 Guyette said there are further design issues to be addressed at both sites, such as lighting
120 and utility layout, landscaping, hardscape materials and the Marble Works property impacts.
121

122 Seeley asked about the bump-outs shown on the designs, and thought it had been
123 determined not to have them because of plowing. Guyette said elevated bump-outs weren't
124 to be used, but these shown are only slightly elevated and of a different material than the
125 roadway so driver's know to avoid it, but the plows can easily go over them. Seeley wanted
126 winter maintenance to be considered when deciding on the hardscape areas.
127

128 Asermily asked how cyclists and scooters would come back up Printer's Alley, and if there
129 would be a dedicated space for them to come up and asked about the space abutting the
130 bank. Guyette said that space was defined by the agreement by the Bank and the Town, so
131 the 5' vegetated area and sidewalk is the Bank's space. He said he didn't think there were a
132 lot of great options for cyclists and scooters to come back up. He said they could use the
133 sidewalks if they accommodate for pedestrians, or they could use the streets like motor
134 vehicles.
135

136 Carpenter asked about relocating the sidewalk a bit on Merchants Row and also discussed
137 the materials for the sidewalk, such as adding a third material to stand out from the concrete
138 and granite sidewalks. Hamlin recommended the 5' sawcut granite blocks or the European
139 gravel, which would involve more winter maintenance. Seeley said any kind of loose material
140 would be a nightmare in the winter.
141

142 Jef Bratspis said he seemed to remember in earlier meetings that public restroom facilities
143 seemed to be important to many of the people. Carpenter said public restrooms is something
144 the Town would consider when doing the downtown master plan, but is not part of this project
145 and this wouldn't be an appropriate location for them. Asermily thought that Printer's Alley
146 was the area people were looking for the restrooms. Guyette said the Printer's Alley grade
147 makes it difficult to locate restrooms there. Carpenter said again that the restrooms would be
148 part of the Master Plan, along with playgrounds and other amenities.
149

150 Ross Conrad asked about the exposed water pipe that crosses the rail tracks between
151 Lazarus Park and the Post Office, and would it be shielded in any way. Guyette said it would
152 be shielded, but would be exposed if you look over the edge. Carpenter said this is
153 something the Town could do after the project if it feels it wants to cover it.
154

155 Nancy Malcolm mentioned some items that St. Stephen's church had regarding the plans and
156 wanted to be sure those had been considered.
157

158 Hannah Sessions said she thought this would be a workable space for the Farmer's Market
159 and liked the design. Carpenter said he had also talked to the College about the use of
160 College Park for the Farmer's Market, and they had said they weren't totally against the idea,
161 but questioned if the layout of the park would work for the Market. He said he thinks there
162 are other opportunities that might work for the Market that he'd like to discuss with her at
163 some time.
164

165 Victoria DeWind said this space will want to be used in the winter, so she would hope the
166 Town would maintain at least the hardscape area. She also encouraged them to think about
167 movable seating so it could be moved from under trees during the bird "dropping" season.
168

169 Adam Lougee said after sitting through the last couple of public meetings he'd left feeling
170 frustrated, because he thought the Town and public had given a lot of very thoughtful ideas
171 on how to harmonize this transportation project with an economic development project. He
172 said the consultants picked up on some of the ideas, but not all of them so he left feeling
173 frustrated. He said he'd drafted a letter to VTrans that he won't send unless the Board would
174 join on signing it with him. He also urged the Board to consider all the ideas and suggestions
175 when making their decision. Asermily asked Lougee how he felt now after having seen the
176 final design. He said he felt there had been some improvements for the use of the area, but
177 he'd have liked to have seen more. He went over some of the suggestions that he felt should
178 be incorporated to improve the design, such as smaller spaces to soften the area and an
179 ACTR pull off area. The Board felt that was a parking issue that was not part of this park
180 design.
181

182 Carpenter said he was very disappointed Lougee didn't think they'd been listening, and there
183 were several iterations of this plan and had been altered to provide more space for events
184 and so he felt they'd been listening.
185

186 Jen Murray said we've come a long ways in the last two weeks and the community has
187 reached a general consensus that this is a good conceptual plan, but if this plan gets
188 changed after this and there are not regular public meetings where they can provide their
189 input, then they'll feel boxed out of the process again. She said she was concerned to hear

190 that St. Stephen's is approaching the design team outside the public meeting process, so it's
191 up to the Board to be sure the design team follows this going forward, because there is a lot
192 more to be determined. Artim said this will be important also with the Downtown Master
193 Planning process. He said he liked this design and he appreciated people came out in short
194 notice to meet this tight timeline. He said he can see a great dynamic happening in this
195 space and can think of any number of events happening here.

196
197 Amey Ryan thinks this is a straight-forward plan and she looks at it as a launching pad that
198 can be added to later.

199
200 Khan made the motion to endorse VHB's recommended landscape design for Triangle Park
201 and Printer's Alley. Seeley seconded the motion. The motion carried with 7 in favor.

202 **MOTION PASSED.**

203
204 Seeley thanked Hamlin, Guyette and Griffin for making this all happen in a short period of
205 time.

206
207 Natalie Peters said there is no way Farmer's Market could locate in Triangle Park and there
208 are better areas for it, as she'd outlined in her letter to the Board. She also remarked on the
209 inadequate sound system in the meeting room.

210
211 **8. Director of Planning & Zoning Jennifer Murray request for a Resolution Authorizing**
212 **the Application to the Better Connections Program Grant for**
213 **Funding for Downtown Master Planning**

214
215 Murray said there was an initial conference call with the Better Connections Grant people on
216 how we could improve on our previous grant application, which they indicated was very close
217 to being approved last time. She said they indicated we could apply for the full \$75,000
218 considering this is for the Downtown Master Plan, but they asked the Town to scale back on
219 the scope from the last application. She said that will mean looking at the downtown as a
220 whole and looking at one particular space, such as the space behind the Town Offices and
221 addressing traffic circulation flow and all the basics needed to make decisions going forward.
222 She said while the plan won't focus specifically on the parks, it will include a robust public
223 process so she's sure there will be input on those areas.

224
225 Carpenter asked if there was anyone that could be contacted to see how we could help
226 further the approval of this application. He said it's essential we get this grant. Murray said
227 letters of support from the community would be helpful. Artim said we have to do this in
228 anticipation of the next stage of the downtown, so we should be prepared to look at other
229 possible ways to fund this.

230
231 Artim moved to approve the Resolution for Better Connections Grant for the development of a
232 Downtown Master Plan, including a commitment to a local match of up to \$7,500. Nuovo
233 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

234
235 Murray said the grant submission deadline is January 31st, but letters of support should be
236 received mid-January.

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9. Doug Butler’s Request for Release of Leased Lands via Quit-Claim Deed

Town Manager Ramsay said last year the Board had approved an application for land conservation trust fund money for the conservation of the Doug Butler property, and they need this release from the Town on the lease lands for the closing.

Seeley moved that “pursuant to 24 VSA § 2406, I move to authorize Town Manager Kathleen Ramsay to sign the Quit Claim Deed and deliver it to Mr. Butler’s counsel in exchange for reimbursement of the Town’s legal fees.” Khan seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

10. Planning for Town-College Lunch on December 17

Carpenter said he’d like to hear a list of items to discuss at the luncheon and who will be the third person to attend the lunch.

Asermily suggested adding downtown parking to the list for electric vehicles and the idea of electric bikes and scooters stations. She said there were College representatives at the Transportation Task Force meeting when they talked about this company called Lime that brings these stations to the community, so perhaps this could be part of the discussion.

Nuovo said he would like to ask the College if they would be willing to allow the park behind Twilight Hall (Note: Storrs Park) to be used for Farmer’s Market. Carpenter said perhaps it should be discussed further with Farmer’s Market first.

Artim thought the order of the items to be discussed should be prioritized so the more important items were discussed first in case they ran out of time.

11. Grand List Errors & Omissions

Carpenter said Acting Assessor Alison Joseph has provided a list of 2018 Grand List Errors and Omissions, most of which are changes because of a survey or merger with another property.

Khan made the motion to approve the 2018 Grand List Errors and Omissions, as presented. Seeley seconded the motion. **MOTION PASSED.**

8:25

12. *VELCO request for New Equipment on Chipman Hill Tower (*Pending Receipt and Review of Lease by Counsel*)

Ramsay said this request is for approval of a new amendment sublicense agreement with VELCO for installation of a new microwave dish on the newly constructed Chipman Hill

286 Tower. She said this is the last piece of equipment to be removed from the old tower so it
287 can be taken down. She said the new 6' diameter microwave dish will replace a 2' diameter
288 dish, so this will increase their monthly rent by \$600.

289
290 Seeley said she thought the tower was limited on available space. Ramsay said the Town
291 had asked for a structural analysis report and an intermodulation analysis to make sure it
292 wouldn't interfere with other signals, and those were both cleared by Verizon.

293
294 Ramsay said the sublicense agreement has been reviewed by Town Counsel Mark Sperry.

295
296 Artim made the motion to approve the amendment to the sublicense agreement with Vermont
297 Electric Power Company (VELCO) for the installation of a new microwave dish on the new
298 Chipman Hill Tower. Asermily seconded the motion. The motion carried with 7 in favor.

299 **MOTION PASSED.**

300 301 **13. Update on FY20 Budget Process & Preparation for December 18 Budget Workshop**

302
303 Ramsay said the next Board meeting on December 18th would be an intense, focused budget
304 workshop with the department heads, and that other items on the agenda would be limited to
305 the bare necessities. She said the draft budget was on the Town website.

306 307 **14. Approval of Check Warrants**

308
309 Fuentes-George moved to approve total expenditures in the amount of \$353,769.12
310 consisting of \$179,974.28 for accounts payable, and \$173,794.84 for payroll, for the period
311 November 28, 2018 through December 11, 2018. Nuovo seconded the motion. The motion
312 carried with 7 in favor. **MOTION PASSED.**

313 314 **15. Town Manager's Report**

315 316 **15.a. DRB Decision Regarding the Blue Spruce Motel**

317
318 Ramsay said in response to the Town's complaint, the DRB issued a decision on December
319 4th, finding that the Blue Spruce Motel has been abandoned and ordering that the site be
320 cleared and otherwise secured within 90 days.

321
322 Carpenter asked what happened if they didn't clean it up in 90 days, and Ramsay said they
323 would be in violation of the DRB decision. She was unsure if the Town would be able to
324 clean it up and bill the owner, so would check on that.

325 326 **15.b. Emergency Equipment Repairs**

327
328 Ramsay said there have been a series of equipment repairs in the Highway Department
329 involving the 2002 Trackless sidewalk plow and two plow trucks. She said Director of
330 Operations Bill Kernan will be bringing a proposal to the Infrastructure Committee on early
331 replacement of the sidewalk plow. She said Kernan will go over the need for a second
332 sidewalk plow.

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336 **16. Board Member Concerns**
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338 Asermily said she loved the activity at the Midd Night Stroll and loved the pop up activity at
339 the former Clay's store.

340
341 Nuovo said he's eagerly awaiting the new sound system in the conference room.
342

343 Seeley said she parked on Merchants Row and walked across the Town Green to go to the
344 Post Office, and when the Triangle Park is done, we're going to need to do something with
345 the Town Green because it's in bad shape. She was surprised at the quantity of bird
346 droppings in the park.

347
348 Seeley said she didn't get to Midd Night Stroll until later and received \$40 of Middlebury
349 Money in a random drawing in a store, so encouraged people to attend.

350
351 Khan wanted to wish everyone a Happy Holidays and Happy New Year.
352

353 Carpenter said he's thinking of the possibility of using Ashlar blocks to create a little
354 amphitheater in the Town Green and bring other events to the area. Seeley said making
355 improvements to that space is going to be a higher priority.
356

357 **17. Executive Session – Anticipated – Contracts**
358

359 Seeley said that in accordance with Vermont's Open Meeting Law requirements, she moved
360 that the Board find that premature general knowledge of the consideration of contracts would
361 clearly place the Selectboard at a substantial disadvantage, because the Select Board risks
362 disclosing its litigation strategy if it discusses the contracts in public. Khan seconded the
363 motion. The motion carried with 7 in favor. **MOTION PASSED.**
364

365 Seeley further moved that the Board enter into Executive Session to discuss contracts and,
366 under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes. Artim seconded the
367 motion. The motion carried with 7 in favor. **MOTION PASSED.**
368

369 The Board entered into executive session at 9:06 p.m.
370

371 **18. Action on Matters Discussed in Executive Session and Adjournment**
372

373 The Board exited Executive Session with no further action upon motion by Nuovo, seconded
374 by Artim, and the meeting adjourned at 9:20 p.m. upon motion by Artim, seconded by Seeley.
375

376 The next meeting of the Selectboard will be Tuesday, December 18, 2018 at 7:00 p.m. in the
377 Town Offices at 77 Main Street.
378

379 Respectfully submitted,
380 Beth Dow