

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

7:00

- 1. **Call to Order**
- 2. *Approval of Agenda**
- 3. *Approval of Minutes of November 27, 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. *Adam Lougee, Addison County Regional Planning Commission 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**

Requested action: *Accept ACRPC Executive Director Adam Lougee's recommendation 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.*

Adam will review the [bid analysis for the project prepared by consulting engineer VHB](#). In its analysis, VHB noted that Weston's bid of \$498,597 – the lowest of four bids received – was 8.3% above the final Engineer's Estimate for the project. VHB has provided a detailed explanation for each bid component that Weston quoted at higher than 1% over the Engineer's Estimate.

In your packet: 1) November 30, 2018 email from Lougee; 2) VHB Bid Analysis and Award Recommendation

Recommendation: If the Board is amenable, a motion would be in order 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.

7:10

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

Requested action: *Accept Chief Hanley's recommendation to award a contract to Foster Motors for the purchased of a 2019 Dodge Charger for a net cost of \$23,735.*

The voters at Town Meeting this year approved the purchase of a new cruiser for the Police Department. In his [December 4th memo to Town Manager Kathleen Ramsay](#),

Tom noted that two dealers responded to the Town's RFP – Foster Motors and G. Stone Motors – with Foster Motors offering the low bid of \$23,735 (after \$5,000 trade-in). Tom will review his bid analysis and award recommendation with the Board.

In your packet: December 4, 2018 award recommendation memo from Hanley

Recommendation: If the Board is amenable, a motion would be in order to award a contract to Foster Motors for the purchased of a 2019 Dodge Charger for a net cost of \$23,735.

7:15

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

Requested action: *Endorse final landscape designs for Triangle Park and Printer's Alley.*

At the Board's request during its November 13th discussion on the park designs, the Planning Commission and Design Advisory Committee (DAC) held a [joint meeting on November 29th](#), with members of the public in attendance, to review the design concepts with VHB landscape architect Mark Hamlin. A second opportunity for public input took place at a well-attended public information meeting on December 5th. Subsequent to these sessions, the Planning Commission and DAC met individually (again with public participation) to prepare their recommendations for the Selectboard's consideration. A [final recommendation from the Planning Commission](#) and a [draft recommendation from the DAC](#) are included in your packet.

For Tuesday's Board meeting we anticipate a presentation from VHB very similar to that which it prepared for the December 5th public meeting: Aaron Guyette will provide a brief overview of the timeline of meetings and public process that has led to the development of the final landscape designs and Mark Hamlin will review the final drawings, which have been updated based on the input received over the last two weeks. VTrans' Jon Griffin will be on hand to address any questions that may arise regarding the impact of Federal permitting requirements on the design of the spaces. We will forward VHB's presentation to the Board as soon as it becomes available.

In your packet: 1) November 29, 2018 PC & DAC Joint Meeting Minutes; 2) Planning Commission Final Recommendation; 3) Draft DAC Final Recommendation; 4) Letter from BMP, Addison County Chamber, Town Hall Theater and Middlebury Undergound regarding park designs; 5) December 6th correspondence from Faith Terry

Recommendation: If the Board is amenable, a motion would be in order to endorse VHB's final landscape design recommendations for Triangle Park and Printer's Alley.

8:00

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

Requested action: Approve a Resolution for Better Connections Grant in connection with a proposed grant application for development of a Downtown Master Plan.

Jen Murray will review early planning for submitting a Better Connections Grant in January 2019 to fund the development of a Downtown Master Plan. The [grant resolution that the Board is being asked to approve](#), including a commitment to a 10% local match, is a requirement of the grant program for all applicants. Based on an anticipated funding request of \$75,000, the Town's local match would not exceed \$7,500. Jen will return to the Board in January to discuss the grant application in more detail.

In your packet: 1) Resolution for Better Connections Grant; 2) Better Connections Grant Program description and timeline

Recommendation: If the Board is amenable, a motion would be in order to approve the Resolution for Better Connections Grant for the development of a Downtown Master Plan, including a commitment to a local match of up to \$7,500.

8:10

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

Requested action: *Approve a request from Douglas Butler to release the Town's interest in a "lease land" parcel contained within a 100-acre parcel located off Painter Road.*

Note: This request is very similar in nature to one that went before the Board in August on behalf of Ray Highter. Please refer to [Town Counsel's August 21, 2018 memo](#) regarding Municipal Lease Lands and Act 152 for additional background.

In a [November 30th memo to the Board](#), Attorney Benj Putnam relays a request from counsel from Douglas Butler for the Board's approval to relinquish the Town's interest in a "lease land" parcel contained within a 100-acre parcel off Painter Road, the development rights for which Mr. Butler is conveying to the Vermont Land Trust. In accordance with its standard practices, the Land Trust requires that any lease land interest be extinguished before it will accept the easement. According to Benj, the precise location of the Town's lease-land interest with the larger parcel is unclear; however, a copy of the [Quit-Claim Deed](#) that the Board is being asked to approve (and which has been reviewed by Counsel) is included in your packet, for reference.

Benj notes that the Town has been receptive in the past to such requests to surrender its interest in lease lands, on the condition that the Town's legal costs be reimbursed. He counsels that he sees no reason to object to this request, assuming that the Town

has no interest in investigating and/or retaining the potential mineral rights to the parcels.

In your packet: 1) November 30, 2018 memo from Counsel; 2) Quit-Claim Deed for Douglas Butler

Recommendation: If the Board is amenable, Counsel recommends the following motion: "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."

8:15

10. *Planning for Town-College Lunch on December 17

The next Town-College Lunch is scheduled for Monday, December 17th. This agenda item is an opportunity for the Selectboard to discuss potential topics for discussion and which Board members will attend.

8:20

11. *Grand List Errors & Omissions

Requested action: *Approve the 2018 Grand List Errors and Omissions report.*

In accordance with VSA 32 § 4261, when real or personal estate is omitted from the grand list by mistake, or an obvious error is found, the Listers, with the approval of the Selectboard, may supply such omissions or correct such errors to the Grand List. Acting Assessor Alison Joseph has provided a list of [2018 Grand List Errors and Omissions](#) and the Board's approval is requested in order to correct the Grand List as noted. The report is under review by the Town Treasurer and is, therefore, presented in the packet in draft form.

In your packet: 2018 Grand List Errors and Omissions report (Draft)

Recommended action: If the Board is agreeable, a motion would be in order to approve the 2018 Grand List Errors and Omissions, as presented.

8:25

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

Requested action: *Approve an amendment to a sublicense agreement with VELCO (Vermont Electric Power Company) for the installation of a new microwave dish to the newly constructed Chipman Hill Tower.*

The Town has received a request from VELCO for the installation of a new 6-ft. microwave dish on the new Chipman Hill Tower. This would be in addition to VELCO's existing tower attachments, which have yet to be transferred from the old tower. Based on Verizon's pricing model, it is estimated that the new dish, if approved, would generate additional rental income to the Town of \$600/month. Included in your packet, as additional background, are an [Intermodulation Analysis Report](#) and a [Structural Analysis Report](#), both recently completed as prerequisites to considering VELCO's request for the new tower attachment. [Engineering specs for the proposed equipment](#) are also included, for your reference.

The Town is still awaiting receipt of a draft sublicense amendment for Counsel to review; however, in the spirit of keeping momentum going toward addressing VELCO's equipment needs, and thus facilitating the removal of the old tower as soon as possible, we're keeping this item on the agenda as a placeholder, in the event that the sublicense agreement is forthcoming.

In your packet: 1) Intermodulation Analysis Report; 2) Structural Analysis Report; 3) Engineering specs and site drawing

8:30

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

Kathleen will review a revised [FY20 General Fund Budget Timeline](#), which includes two updates:

- A Special Selectboard Budget Meeting on December 18th. This will include an overview of the General Fund Budget and major drivers, as well as a detailed look at budget proposals for Non-Profit Agencies; General Administration; Library; Public Safety; Public Works; and Parks and Recreation. The Infrastructure Committee will also report on the proposed Capital Improvement Budget.

At the conclusion of this review, the Board will be asked to warn a Public Hearing on the FY20 Budget for its January 8th meeting. By statute, this hearing must be warned at least 40 days prior to Town Meeting (January 24th is the 40-day limit).

- Following the public hearing, a final review of the FY20 budget on either Monday, February 25th or Wednesday, February 27th (both would be Special Meetings). ACSD's annual meeting is scheduled for Tuesday, February 26th, which falls on the date of the Board's regular meeting. In recent years, the Selectboard has elected to re-schedule its meeting so that Board members can attend the ACSD session.

In your packet: Revised FY20 Budget Timeline

8:40

14. *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 28, 2018 through December 11, 2018.

15. **Town Manager's Report

15.a. DRB Decision Regarding the Blue Spruce Motel

In response to the Town's complaint, the [DRB issued a decision on December 4th](#), finding that the Blue Spruce Motel has been abandoned and ordering that the site be cleared and otherwise secured within 90 days.

15.b. Emergency Equipment Repairs

DPW Operations Director [Bill Kernan has provided a status report](#) regarding emergency repairs needed to three pieces of equipment that are critical to winter operations. Kathleen will update the Board on the estimated cost of these repairs as they become known.

16. **Board Member Concerns

8:55

17. *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.

18. **Action on Matters Discussed in Executive Session

9:10

19. *Adjourn