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Selectboard Meeting
Large Conference Room – Town Offices
Tuesday, November 27, 2018
Meeting Minutes

DRAFT

Subject to approval by the Selectboard

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 and Community Liaison Jim Gish

Others Present: Jamie Montague of Middlebury Area Land Trust, Ashar Nelson and other members of the Addison County Bike Club, and members of the public.

The meeting was televised on MCTV by Jim Corbett.

1. Call to Order

Nick Artim called the meeting to order at 7:00 pm.

2. Approval of Agenda

Asermily 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 13, 2018 Regular Business Meeting Minutes

Nuovo made the motion to approve the minutes, and Seeley seconded the motion. The minutes were approved as presented with 6 in favor, 1 abstention (Carpenter). **MOTION PASSED.**

4. Citizen Comments

Carpenter said it had been advertised there would be discussion at this meeting on the designs of Triangle Park and Printer's Alley area, but that was incorrect. He said if anyone was present at this meeting and had comments on the designs, they could bring it up now. He said there had been previous public input meetings in June and September, and one on November 13th, and there would be a joint Planning Commission/Design Advisory Committee meeting to review the plans on November 29th, and then another chance for input at a meeting December 5th. He said on December 11th the Board will have final, or near final, plans for their consideration and approval.

Resident Faith Terry said she was responding to the article in the Addison Independent, but now that she hears the upcoming schedule of opportunities for public input, she would submit her comments in writing for distribution to the Board, the Planning Commission and the

49 Design Advisory Committee. Carpenter asked her to submit her comments to Town Manager
50 Ramsay, who will forward it to Board members.

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5. A Request by Addison County Bike Club (ACBC), Middlebury Area Land Trust (MALT), Addison County Regional Planning (ACRPC) and Middlebury Bike-Ped Coalition 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

58 Ashar Nelson and Eric Berg of the Addison County Bike Club joined the Board. Carpenter
59 said the Board had seen the many letters of support for this project that have been received,
60 and thought it was exciting to see this much energy behind any activity. Nelson said this
61 was an ad hoc effort that took off from an idea for this commuter path from East Middlebury
62 to Middlebury, and now they are trying to put together a *Vermont Outdoor Recreation*
63 *Collaborative (VOREC) Pilot Community* grant application on short notice, that requires the
64 Town be the grantee of the Grant.

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Berg said the ACBC is a relatively new division of the Vermont Mountain Bike Association,
and they represent 150 mountain bike riders in Addison County, whose goal is sustainable
and responsible mountain bike access. He said the purpose of this multi-use trail is to
connect the Trail Around Middlebury (TAM) with the East Middlebury sidewalk system. He
said it would be a 4' wide gravel path with a moderate-to-easy skill level to encourage family
cycling opportunities, beginner cycling and to promote commuting between the two
communities while avoiding Route 7 and Route 116 traffic. He said this trail would also
benefit the advanced cyclist by connecting the Town forest trails to the Moosalamoo trails.

75 Nelson said they don't know the exact location of the trail and the bulk of the grant funds
76 would be used for the planning process, part of which is talking and working with land
77 owners, but some of it would be used for implementation in an area where MALT has already
78 been working with landowners. Nelson said there is enough interest in the project that they
79 will proceed with the project whether the grant is obtained or not. He said this is a highly
80 competitive grant program and it is not clear if they will award the available \$100,000 in one
81 grant or divide up the funds to different applicants, so they have not figured out how much to
82 ask for.

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Seeley asked if there were matching funds required, and Nelson said there was not. There
would also be local fundraising done. Artim asked if this would be part of the North Country
Trail system, and Berg said maybe eventually, but if North Country Trail funds are used in the
construction phase then they are limited to it only being a walking path. He said the Oakridge
Trail was constructed as a designated mountain bike trail by the National Forest Service and
is now a segment of the North Country Trail connecting to the Long Trail. Nelson said the
East Middlebury residents are in favor of this to connect to Middlebury for recreational
opportunities.

93 Carpenter asked about any downside to the project, and Nelson said other than it would take
94 a lot of time and effort, there wasn't any. He said this VOREC grant program is trying to
95 spearhead outdoor recreation as an economic development opportunity and bring more
96 people to our region during different seasons.

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MALT Director Jaimie Montague said she wanted it understood that the Town would have to administer this grant if awarded, so while MALT is preparing the application, as a non-profit they can't administer it. Town Manager Ramsay said the Town could cut the checks and report to the State, provided MALT did all the paperwork to support the invoices and checking for their accuracy. Montague said this could be discussed.

Angelo Lynn, representing the Mossalamoo Association, said this would be a great resource for the town and a gateway to the recreation areas to the east and Silver Lake area. He thinks it would be a huge economic upside for the town.

Seeley made the motion 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. Nuovo seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

Nelson said at some point there may need to be a discussion on forming a steering-committee to funnel all the different groups interested in this project so it's a coordinated effort. Carpenter agreed and wondered how to pull everyone under our recreation "hat". He says there are positions on the Recreation Board, but it may mean changing their focus to be more global.

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

Carpenter said this would be a public hearing to take public comment on the citizens' petition first presented to the Selectboard on October 9, 2018 in support of naming the Town owned site of the former Lazarus Department Store at the corner of Main Street and Printers Alley, "Lazarus Park." He said 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, and opened the floor for public comments.

Nancy Malcolm: Said while she has fond memories of Stan Lazarus and knows he was a very strong and giving man, she feels it is dangerous to set a precedent for naming spaces for people in the community. She suggested the Board ask the Policy Committee to draft a policy with criteria for naming public spaces instead of just going on emotions.

Michael Olinick: He said it's common around the country to name buildings, streets and parks for notable figures that made a contribution to the community, and we already have streets named after town fathers and Mary Hogan School after a long-time principal. He said this site is where the Lazarus Department Store stood for many years and over 75 years the Lazarus family gave to the community both publicly and privately, and both Lazarus brothers served in the State Legislature and on local boards, and it seemed very fitting to name this park in their honor. Olinick said he and his wife had the idea to name this park Lazarus Park after a piece in the paper written by Nuovo, and they circulated a petition supporting this idea and received over a 100 signatures, but could easily have doubled or tripled that number.

145 Laura Asermily: Said she agreed with Malcolm on this setting a precedent, yet this is where
146 the Lazarus store was, so you could look at it as an historical site. She also recognized that
147 there is wide support for this name, and it would be good for the Policy Committee to look at
148 this going forward, but Olinick made the point there is already a precedent set.

149
150 Victor Nuovo: Said that the Lazarus store was an institution in this town that contributed to
151 the local economy, and Stan Lazarus was a political leader and served as an assistant to
152 Governor Phil Hoff. He didn't know what kind of policy could be written regarding this, other
153 than maybe not to dedicate it to anyone who is still living. He felt there was appropriateness
154 to this and it's been done before.

155
156 Fred Dunnington: He said we already have Wright Park, Means Woods, Battell Woods,
157 Storrs Park, Jessica Swift Park and Harold Curtis Recreation Park, and he supports Lazarus
158 Park.

159
160 Nick Artim: He said Malcolm's point is well taken, but can't think of anyone more worthy of it
161 than Stan Lazarus, so he supports it.

162
163 Laura Asermily: Wonders if it's important to name the function of the park as part of the
164 name, but couldn't come up with an appropriate one for Lazarus Park, but maybe if they look
165 at Triangle Park an adjective could be added.

166
167 Faith Terry: She asked if Printer's Alley was only a road way or would the name include this
168 area as well.

169
170 There was some discussion over areas being named through association with something,
171 such as College Park, and some areas are historical because of businesses that used to be
172 located there, such as Printer's Alley and Bakery Lane. Nuovo said parks are public spaces
173 for many uses and didn't see the need to add an adjective saying what type of park it is. He
174 said maybe a plaque could be placed giving the history of the Lazarus family.

175
176 Adam Portz: He said if there was so much interest in the history of Lazarus and the name
177 and what the place was, it should be carried into the design of the park other than just
178 naming it after the family, and didn't think the current plans did that. He said maybe there are
179 features and the spirit of Lazarus that could be featured in the design, but it needed to be
180 more than just the name.

181
182 Faith Terry: She said the Board is talking about naming the park before it is created and
183 urged the Board to go through the process and respect the Planning Commission's and
184 Design Advisory Committee's conceptual analysis of what this park should be and then come
185 back to the naming of it.

186
187 Carpenter closed the public comment portion of the meeting and asked the Board members
188 for further thoughts. He said the last two comments from Portz and Terry made him aware
189 this isn't something that needs to be decided immediately and maybe through the process it
190 will be clear that it should be Lazarus Park or named something else. There was further
191 discussion on waiting or moving forward with a vote on the name, and the concern the idea of

192 naming it Lazarus Park would be lost with Nuovo and Khan wanting to move forward now.
193 Nuovo suggested there be a motion of the Board's intention to name the park after Lazarus.
194

195 Nuovo made the motion to declare the Board's intention to name the green space to be
196 created, Lazarus Park, and incorporate it into the design. Artim seconded the motion. The
197 motion carried with 7 in favor. **MOTION PASSED.**

198 199 **7. Planning Commission Recommendation on** 200 **Preferred Location for Amtrak Rail Platform**

201
202 Planning & Zoning Director Jennifer Murray and Planning Commission Chair Barbara
203 Saunders joined the Board to present the Planning Commission's recommendation regarding
204 the preferred location for the Amtrak rail platform.

205
206 Murray said the Planning Commission had conducted a survey and held two public meetings.
207 She said they had developed a list of evaluation criteria that narrowed the possibilities down
208 to four sites. She said when they looked at the criteria it aligned with the results of the
209 survey, so they are recommending Site 1 on Middle Seymour Street as the preferred location,
210 and Site 2 on the National Bank site on Seymour Street for consideration.

211
212 Artim said he trusted that both these sites are acceptable with respect to safety to both the
213 passenger and freight transporters. Murray said they had worked with both Vermont Rail and
214 Amtrak and VTrans to be sure their needs were understood and they had both worked with
215 the designer throughout the conceptual design process. She said whatever plan the Board
216 chooses will then go to VTrans who will develop the final plans and they hope they will
217 continue to engage the public in the development of these plans, and she would be happy to
218 serve as the Town liaison on whatever committee they put together.

219
220 Asermily said she wondered about the "hybrid" site that had been suggested. Murray said
221 the hybrid site brought up by Chris Robbins was between Site 1 and Site 2, between County
222 Tire and the National Bank parking lot. She said they had the consultant do a mock up of
223 what that would look like schematically and it was found the platform would infringe on the
224 sidewalk and partially in the road in that location. She said there had been a robust
225 conversation about this and it was decided it wasn't responsible to recommend a site that had
226 no parking available, and the estimate is 12-13 overnight parking spaces would be needed
227 for passengers.

228
229 Carpenter said one e-mail had asked about pedestrian access to the downtown, and he
230 wondered if that had been looked at for Site 1. Murray said they would like to create a
231 sidewalk connecting this site to the Marble Works, and that is one of the items driving up the
232 Town share costs. Fuentes-George mentioned possible connectivity to the pedestrian bridge
233 so the overnight parking spaces on Mill Street could be utilized as well. Saunders said the
234 National Bank of Middlebury didn't want people parking in their lot, and Murray said the Bank
235 is also not fond of the idea of the Board choosing Site 2, but because of its popularity they
236 are submitting it for consideration.
237

238 Artim asked about possible bus access to the area of Site 1 and would like it to be considered
239 in the design process. Murray said there is another alternative for Site 1 that would include
240 straightening out that bend in Middle Seymour Street, which would allow more parking space.
241

242 Asermily moved to accept the Planning Commission's recommendation to select the Middle
243 Seymour Street option as the preferred location for the Amtrak passenger rail platform and
244 authorize Town Manager Kathleen Ramsay to communicate the Board's decision to VTrans.
245 Khan seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**
246

247 **8. Creek Road Next Steps**

248
249 Peter DeGraff joined the board for this discussion.

250
251 Carpenter said DeGraff has put together a proposal to help sort out what has been done
252 already to Creek Road and possible alternative approaches to repairing the road.
253

254 DeGraff said the Town has already done some work on the road and the Pathways Report
255 was very thorough, and while some options were presented, some more options have come
256 up since the report was completed. He said he will consolidate all the options into a precise
257 package and present them in a way that they can be easily compared on an equitable basis.
258

259 Carpenter said hopefully a solution for this problem will be clearer going through this process,
260 and Chair of the Infrastructure Committee Heather Seeley is supportive of the process. He
261 said he'd also heard for former Chair of the Committee Susan Shashok, who wrestled with
262 this same Creek Road challenge for several years, and everyone would love to see it laid out
263 in a more digestible manner so everyone is on the same page when talking about options.
264

265 Artim said he'd seen this type of process work well in other complex issues, so thinks this will
266 help the Board come to a decision.
267

268 Seeley made the motion to accept the consulting proposal from Peter DeGraff for evaluation
269 of alternatives for addressing repair needs for Creek Road, at an estimated maximum cost of
270 \$5,500, subject to amendment with approval from the Selectboard. Nuovo seconded the
271 motion. The motion carried with 7 in favor. Motion Passed.
272

273 **9. Renewable Energy Policy – Discussion/clarification of** 274 **Purchases Covered by the Policy**

275
276 Carpenter said subsequent to the Board approving the Renewable Energy Policy at its
277 October 9th meeting, there were questions regarding how the policy should be applied raised
278 by the Infrastructure Committee during discussions regarding proposed projects to replace
279 existing gas piping at the Police Department and Fire Department facilities in order to convert
280 from propane as a fuel source to natural gas. He said in both of its decisions, the Committee
281 has supported the interpretation that the policy was intended to apply only to purchases of
282 new or replacement vehicles and equipment, not to mid-lifecycle upgrades or modifications of
283 vehicles and equipment. He said Infrastructure Committee chair Heather Seeley has
284 requested that the Selectboard revisit the policy to determine whether clarifying language is
285 in order, and a draft to that effect is in the Board packet. He believes that has been the intent

286 of requests that have come before the Board, so he thinks it would help to have that in the
287 policy.

288

289 Seeley said she had interpreted the policy this way, but realized it isn't really clear. She also
290 said she wondered about incorporating in a date as to when this becomes effective, but
291 wasn't sure that's as important. She said in the case of the Fire Department it's just
292 converting the newer system to natural gas, but there is still a 20-year-old boiler in the
293 original part of the station that didn't get replaced in the construction project, and when it's
294 time to replace that then this policy will apply and we'll need to look at whatever options are
295 available.

296

297 Artim said there is a difference between a mid-cycle conversion versus something that is
298 completely new that is not just a piece of heating equipment. He thinks the proposed
299 amendment helps solve the problem he had in the first place about endorsing this policy.

300

301 Seeley said at this time there's a benefit with natural gas as far as cost and budgeting, yet we
302 need to be aware of global warming. She said this is a policy and if it needs to be looked at
303 again in a year, then that's fine.

304

305 Carpenter said he supports the amendment and feels there also needs to be guidance to
306 department heads on what to be looking for in comparative cost estimates, so a simple matrix
307 would help them. He said we need to be cognizant of the staff time and the amount of time it
308 takes to make these comparisons, so he'd like to keep it to new purchases at this time.

309

310 Asermily said she doesn't agree and thinks there's enough direction in the policy, and
311 Vermont Gas was very aggressive with the department heads. She said she doesn't feel the
312 prices are going to stay as low as they are now, so they should be aware of that and she's
313 concerned about the climate impact, so she doesn't support it. She thinks it's going in the
314 wrong direction and even with mid-life equipment, if there could be a reduction in fossil fuels
315 then that's the direction we should be going in.

316

317 Fuentes-George said she thinks those things can be independent of one another, and if we
318 weren't converting to natural gas everything would stay exactly the way it is, so that's
319 independent of this policy. She thinks the amendments clarify the intent of the policy to begin
320 with. She said this amendment went out to everyone on the Energy Committee and she had
321 not heard back from anyone that there was a problem with it and she believes this
322 amendment was always the intention of the policy.

323

324 Artim moved to adopt the amended Renewable Energy Policy, as presented. The motion
325 was seconded by Khan. The motion carried with 6 in favor, 1 opposed (Asermily). **Motion
326 Passed.**

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10. Review Revised FY20 Budget Timeline & Early View of Potential Major Budget Drivers.

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331 Town Manager Kathleen Ramsay said the complete budget will be posted on-line on
332 December 5th so the Board will have time to review it prior to their December 11th and 18th
333 meetings. She said the December 11th agenda is already quite full, so is proposing to limit

334 any other items on the December 18th agenda and take the majority of the meeting to focus
335 on the budget.

336
337 She said as always, wages and benefits are at the top of the list as major budget drivers.
338 She said wages of \$3.3 million dollars include an anticipated 2% cost-of-living increase that is
339 included in the union contract, along with merit and step increases for an increase of
340 \$90,000. She said benefits are at \$1.4 million dollars which is an increase of \$60,000
341 assuming we change from the Vermont Health Connect to a new association plan which is
342 now available for health insurance. She said the combined increase in wages and benefits of
343 \$150,000 is about 2 cents on the tax rate.

344
345 She said the Board had already heard a request for an additional staff person in the Library,
346 and she's working with Accounting Service Manager Jackie Sullivan on a proposal to the
347 Personnel Committee and Selectboard for a staff person to help with grant administration and
348 accounting.

349
350 Ramsay mentioned a request by MCTV to upgrade the audio visual equipment in the
351 conference room and it is proposed the Town would pay for 50% of this equipment, or around
352 \$8,000.

353
354 She said the Infrastructure Committee had approved and recommended a \$296,000 increase
355 in Capital Improvements and will be reviewing recommending using Local Option Tax surplus
356 to cover this increase as it did last year. She said between \$300,000 and \$400,000 is what
357 the Town sees as an annual increase in Local Option Tax funds each year, so the principal of
358 around \$2.3 million in the Cross Street Bridge Fund would not need to be touched to cover
359 the increase.

360
361 And finally, she said as of now, the Property and Casualty Insurance line item shows a 5%
362 increase.

363
364 She said the good news is it is anticipated that the FY18 fund balance will be sufficient
365 enough to allow for \$150,000 to be applied to reduce the tax rate. So looking at all these
366 preliminary major drivers, we're looking at an increase of at least 4 cents on the tax rate
367 before the Board's first budget review.

368
369 Artim asked what the fund balance looked like. She said the fund balance is around
370 \$700,000 and we like to keep 5%, or \$500,000 of our \$10 million dollar budget as a rainy day
371 fund.

372
373 **11. Appoint Town Representative to**
374 **Addison County Economic Development Corporation Board.**
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376 Carpenter said Ramsay has served on this Board and they had hoped to free up some of her
377 time, so the position was advertised, but there were no responses.

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379 Khan made the motion to appoint Town Manager Kathleen Ramsay as Middlebury's
380 representative to the Addison County Economic Development Corporation Board of
381 Directors. Artim seconded the motion.

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Seeley asked if Stacey Rainey of Community Barn Ventures had been approached to see if she was interested in the position. Ramsay said she could follow up on that, but if the Board would make this appointment for now she would be able to sit on the Board at the annual meeting in early December and then reappoint someone else later.

The motion carried with 7 in favor. **MOTION PASSED.**

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

Ramsay said the Board had approved Vermont Community Development Program (VCDP) Municipal Policies & Codes relative to the Lindale Mobile Home Park Septic Planning Project on August 14th, but when they were submitted it was learned the Policies and Codes had been updated in November to include some new Whistleblower Protections, so the Board needs to re-approve the document.

Seeley made the motion to approve the Vermont Community Development Program updated Municipal Policies and Codes for grant funding for the Lindale Mobile Home Park Septic Planning Project. Nuovo seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

13. Approval of Check Warrants

Fuentes-George moved to approve total expenditures in the amount of \$ 4,422,602.64, consisting of \$4,324,657.91 for accounts payable, and \$97,944.73 for payroll, for the period November 14, 2018 through November 27, 2018. Seeley seconded the motion. The motion passed with 7 in favor. **MOTION PASSED.**

14. Town Manager's Report

14.a December 5, 2018 Public Input Meeting on Landscape Designs for Triangle Park and Printers Alley.

Ramsay said another 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. She said 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

Asermily commented how nice it was to see such a robust attendance at this meeting, and she doesn't know if anyone attending is thinking of running for the Selectboard, but thinks it's a good opportunity to think about it now as they're entering the budget season.

18. Adjourn

430
431 The meeting adjourned at 8:37 p.m. upon motion by Khan, seconded by Artim.

432
433 The next regular meeting of the Middlebury Selectboard will be on Tuesday, December 11,
434 2018 at 7:00 p.m. in the Town Offices at 77 Main Street.

435
436 Respectfully submitted,
437 Beth Dow