

1 **Regular Selectboard Meeting**
2 **Tuesday, September 27, 2022**
3 **Meeting Minutes**
4

5
6 Members Present: Brian Carpenter, Lindsey Fuentes-George, Andy Hooper, Dan
7 Brown, Farhad Khan and Heather Seeley.
8

9 Staff Present: Town Manager Kathleen Ramsay, Town Clerk Ann Webster and Ilsley
10 Library Director Dana Hart.
11

12 Also Present: Present of the Ilsley Library Trustee Joe McVeigh, applicants for vacant
13 Selectboard position and interested parties.
14

15 **1. Call to Order**
16

17 The meeting was called to order at 7:00 p.m. by Chair Carpenter.
18

19 **2. Approval of Agenda**
20

21 Khan moved to approve the agenda and Seeley seconded the motion.
22

23 Carpenter said there was an addition of Item 5 for a request by Erik Remsen for a Letter
24 of Support for a bike pump track at the Recreation Park.
25

26 The motion carried with 6 in favor and the agenda was approved as amended.
27

28 **MOTION PASSED.**
29

30 **3. Approval of Consent Agenda**
31

32 Khan moved to approve the consent agenda, and Fuentes-George seconded the
33 motion.
34

35 Hooper requested to pull the coin drop request, item 3.d., to be discussed later in the
36 meeting.
37

38 3.a. Approval of Minutes of the September 13, 2022 Regular Selectboard Meeting
39

40 3.b. Acceptance of Selectboard Subcommittee Meeting Minutes

- 41 • May 23, 2022 Public Health & Safety Committee Meeting Minutes (Draft)

42 3.c. Approval of Grant Agreement with Division of Historic Preservation for Replacement
43 of Library Windows. The Historic Preservation Grant totals \$9,687 and requires a 50/50
44 match from the Town of \$9,687.
45

46 3.d. Approval of Application for a Coin Drop by Addison County Home Health &
47 Hospice for a coin drop on Route 125E in East Middlebury & South of Porter Field
48 Road & Route 30 by Middlebury College Field House (Moved to Item 12 on the
49 agenda)

50

51 3.e. Agenda placeholder.

52

53 3.f. Town Manager's Report

54

55 • Alternatives Presentation Meeting for Boardman Street to Hannaford Plaza
56 Pedestrian Project Scoping Study – Monday, September 26, 2022 Town
57 Offices

58

59 • Update on Local Hazard Mitigation Plan Update

60

61 • Current Correspondence – Received 9/8/22 – 9/22/22

62

63 The consent agenda was approved as amended with 6 in favor. **MOTION PASSED.**

64

65 4. Citizen Comments

66

67 There were no citizen comments.

68

69 5. Erik Remsen, with a request for a Board Letter of Support for the proposed 70 construction of a Bike Pump Track in Recreation Park

71

72 Erik Remsen of the Middlebury Bike Pump Group and President of the Addison County
73 Bike Club George Lawrence joined the Board.

74

75 Remsen said a bike pump track is a facility for people of all ages to improve their bike skills.
76 He said it has banked turns and hills and can be built of different surfaces, but they plan on
77 packed dirt, and tracks can have different configurations. He said there is a track in Bristol
78 and others in the area. He anticipates mostly younger children will be using the track, but
79 their developer is planning on one that can also be used by more advanced riders. He said
80 they plan to construct the track using grant funds, and they hope to apply for a Crown
81 Funding Grant through the Vermont Agency of Commerce and Community Development
82 (ACCD), so they are forming a group to raise the "crowd fund" and then the State matches
83 those funds 2 for 1 based on what they raise. They are also seeking a Vermont Mountain
84 Bike Association Naming Grant, and those two grants would pay for the design and
85 construction of the pump track.

86

87 Remsen said they had met a couple of times with Superintendent of Parks and Recreation
88 Dustin Hunt and the Parks and Recreation Committee to discuss possible locations, and
89 they have identified a site next to the swimming pool that is not earmarked in their master
90 plan for any other purpose and is large enough to suit what they plan to build.

91
92 He said once they secure funding through the ACCD grant process they have 12 months to
93 complete the track. He said they're requesting the letter of support from the Selectboard to
94 and they will also be working on acquiring a letter from the school board, since the track
95 would be located on school property.

96
97 Lawrence said they are one of 28 mountain bike associations in Vermont, and they
98 currently take care of the trails on Chipman Hill and in Means Woods, and they would see
99 this track as part of their trail network to maintain.

100
101 Hooper moved to approve the Letter of Support for the proposed project to construct a
102 Bike Pump Track in Recreation Park. Khan seconded the motion. The motion carried
103 with 6 in favor. **MOTION PASSED.**

104
105 Resident Victoria DeWind asked if the pump track would be fenced so as not to create
106 ruts in the baseball field by bikes. Remsen said the concern the Recreation Department
107 was soccer balls going into the track, so at this point they aren't sure of the solution.

108
109 **6. Appointment to Fill Vacancy on Selectboard**

110
111 Carpenter said 5 candidates were nominated at the last Boards meeting and they now
112 need to discuss who to appoint, and it was requested it be done on Executive Session.
113 Prior to the Board discussion, each candidate could make a brief statement.

114
115 Gary Baker chose not to speak.

116
117 Rebecca Hanley said she could be described as well-rounded, she is active in the arts,
118 and works in IT at Middlebury College. She says she likes discussing other ideas and
119 thinks Middlebury is a unique town full of unique people and has unique issues. She has
120 struggled in the past with childcare and housing, so she can bring empathy and
121 knowledge and is ready to listen and learn.

122
123 Isabel Gogarty says she currently serves on the Parks and Recreation Committee but is
124 looking for a change that will allow her to talk collaboratively on the subjects that touch
125 everyone. She said she chose to move to Vermont and to Middlebury because she knew
126 she wanted to be a part of it, and she's open to new ideas, and likes and prides herself on
127 bringing a lot of different perspectives to a conversation.

128
129 Judy Wiger-Grohs said there is a task force looking into diversity, equality and
130 inclusiveness and she'd be very interested in assisting with that group.

131
132 Rainwalker Winterpainter began by saying the Pledge of Allegiance and suggested each
133 meeting begin with that tradition. He thinks the biggest issue we're dealing with is citizen
134 integrity, and then spoke of socialized healthcare and leadership.

136 Seeley said in accordance with Vermont's Open Meeting Law requirements, she
137 moved that the Board find that premature general knowledge of the consideration of
138 consideration of personnel would clearly place the Selectboard at a substantial
139 disadvantage, because the Select Board risks disclosing its litigation strategy if it
140 discusses the personnel & real estate matters in public. Fuentes-George seconded
141 the motion. The motion carried with 6 in favor. **MOTION PASSED.**

142
143 Seeley further moved that the Board enter into Executive Session to discuss personnel
144 under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes. Fuentes-
145 George seconded the motion. The motion carried with 6 in favor. **MOTION PASSED.**

146

147 The Board entered Executive Session at 7:29 p.m.

148

149 The Board exited Executive Session at 7:52 p.m.

150

151 Carpenter said they had a good deliberation and they were thankful so many qualified
152 candidates stepped forward, but only one can be appointed.

153

154 Brown moved to appoint Isabel Gogarty to the Selectboard to complete the term
155 vacated by Esther Charlestin, expiring in March 2023. Khan seconded the motion.
156 The motion carried with 6 in favor. **MOTION PASSED.**

157

158 Town Clerk Ann Webster swore in Gogarty and Gogarty took her seat at the Board
159 table.

160

161 **7. Approval of Warning for Special Town Meeting and Ballot Vote on Citizens**
162 **Petition on Vermont Gas Company's request for an**
163 **Easement to Service 3 Mill Street**

164

165 Carpenter said as noted at the September 13th Selectboard Meeting, Vermont Gas
166 Systems (VGS) has reported that their contractor was able to install gas service to 3
167 Mill Street without the need to enter the Town's right of way and, therefore, the
168 company will no longer require the requested easement, but because there is no
169 provision in statute for the Selectboard to rescind the notice or cancel the town vote,
170 Town Counsel has advised that the Board to proceed with the vote on the citizens'
171 petition on November 8th.

172

173 Hooper said he reluctantly moved to approve the Warning for Special Town Meeting
174 and Ballot Vote on the Citizen's Petition regarding Vermont Gas Company's request
175 for an easement to install natural gas service at 3 Mill Street. Seeley reluctantly
176 seconded the motion.

177 Resident Ross Conrad asked if the voters approved the easement, does Vermont Gas
178 still get the easement even if they don't need it. Town Manager Ramsay said the
179 Selectboard does not have to go ahead with the easement, even if the voters
180 approved. Carpenter said it will still be beneficial to know if the voters are in favor of
181 these types of easements.

182
183 Victoria DeWind said she was concerned about the voting results being an indication
184 of the community thoughts on this easement because the ballot is not being sent out
185 with the State ballot, you have to request it, and if people think it's a moot vote anyway,
186 they aren't requesting it, so she thinks the results would not be an indicator. She
187 would recommend the Board think of the number of people who signed the petition
188 requesting the vote and think about a future policy on easements and to get voter
189 approval on easements in the future as the petition requested.

190
191 Carpenter called for the vote. The motion carried with 7 in favor. **MOTION PASSED.**

192
193 **8. Approval of Notice for First Public Hearing on Proposal to Amend the Town's**
194 **Charter to provide for the appointment, rather than the election,**
195 **of the Town Treasurer**

196
197 Carpenter said a draft warning was in the packet for the first of two required public
198 hearings to take testimony regarding the Board's proposal to amend the Town's
199 Charter to provide for the appointment, rather than the election, of the Town Treasurer,
200 and a second version. He said the public hearing is scheduled for the Selectboard's
201 Special Meeting on Monday, November 7th and the Manager has updated the timeline
202 of actions required by Statute that the Selectboard must take in order to prepare for a
203 Town meeting vote on the subject on March 6, 2023. He said the second public hearing
204 could take place either on November 22nd or November 29th, depending on whether
205 the Board decides to reschedule its regular meeting that falls during Thanksgiving
206 week.

207
208 Ross Conrad asked what the rationale was for taking away the voters power to choose
209 the treasurer.

210
211 Carpenter said the Board had discussed this for quite awhile because they feel with all
212 of the money involved it should be a professional position that we can interview and
213 hire instead of it being an elected official. Ramsay said when hiring someone to work
214 in the finance office, we can do a criminal background check on the person which we
215 would not be able to do in an elected official.

216
217 Khan moved to approve the notice for a public hearing on Monday, November 7th to
218 take testimony on the Board's proposal to amend the Town's Charter to change the
219 office of Town Treasurer to an appointed position, rather than an elected one. Hooper
220 seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

221
222 **9. Joe McVeigh, President, Ilsley Board of Trustees, and Dana Hart, Library**
223 **Director, with an update from the Ilsley 100 Project Team**

224
225 McVeigh said he and Hart would give a brief overview of the report and ask for
226 feedback on how best to engage with the public on the project and the Board's
227 preliminary thoughts on building on the EDI site. He said they have reduced the

228 possible options to four: A) the library stays where it is and we renovate and fix
229 everything that's wrong with the existing building; B) keep and renovate the original
230 1924 building but remove the 1977 and 1988 additions and expand; C) would be
231 Option A, but create an annex that is not physically attached to the library. He said the
232 former Ben Franklin building keeps coming up, but it wouldn't necessarily be in that
233 building, and Option D) build a new library, and the site they've been considering is the
234 EDI site, with an adaptive reuse for the existing Ilsley Library.

235

236 He said they have been working on a site selection matrix to help them think about the
237 various kinds of priorities and that is what the Project Team is working on now. He
238 said the matrix is just a tool to help them think about this, along with costing and public
239 input. He said one thing they did as part of the matrix is to come up with a space
240 program on the amount and types of spaces needed, and what that programming
241 shows is the need for around 6,000 sq. ft. more than the current 18,000 sq. ft., for a
242 total of approximately of 22,500 sq. ft.

243

244 McVeigh thanked the Board for approving of the hiring of Henry Erickson to do an
245 "order of magnitude" estimate of what these various options might cost. He said
246 they've also been looking at modern library designs and have visited other libraries.
247 He said they now want to engage with the public and let them know what is happening
248 with the modern library, and that we don't want to just fix this library, but to think about
249 the future.

250

251 Hart said since the beginning of the Ilsley Project 100 Team's work they've been
252 grappling with community engagement, and how to share with them the plans and to
253 gather input from them. She said they've been thinking about holding two public
254 meetings, with the first focusing on the vision for the new library along with the space
255 program and let them know what the expansion would allow the library to become and
256 letting them get excited about it, then get their feedback. She said the second meeting
257 would focus on the site selection options and explain the pros and cons of each site
258 and what each would allow the library to become for the community and to get their
259 feedback on each option. She said they don't have enough information yet to plan the
260 second meeting, but they do have enough to plan the first meeting and to share what
261 they'd like to achieve.

262

263 McVeigh said they don't want to get too far ahead, but they want to keep the project
264 moving along, so they're trying to avoid getting into aesthetics and discussions of what
265 it is going to look like, but to keep the discussion broader. He said there are some on
266 the Team that want to get the vision out, because they're afraid if all the community
267 sees is the dollar amount they'll want to go with the cheapest option.

268 Hart said they've been thinking about early November for their 1st meeting. McVeigh
269 said if they don't do this in November you're into the holidays, and they really want to
270 keep this moving along.

271

272 There was a discussion of possible dates and other meetings that will be happening in
273 November, and it was decided that possibly some day in the second full week of

274 November, and the information the Board would need to review in order to give the
275 Project Team some guidance before having the 1st meeting.

276
277 McVeigh said with the maintenance problems that keep coming up due to the condition
278 of the existing library, there is a need for this project to move forward soon, so they are
279 wondering about how much time would need to be added to the timeline if they chose
280 to pursue the EDI site.

281
282 Seeley encouraged them to have the meetings be interactive for the participants,
283 because that was very effective when they did the Downtown Master Plan. She added
284 that she's a little nervous about the EDI site, because she envisioned on having a plan
285 for the entire site before making any decisions, and she's concerned about the library
286 being there without a plan for the remainder of the site. Carpenter said if that is an
287 option we want to consider, it may be the time the Town would go back out with an
288 RFP for a plan and include the adaptive reuse for the library in the plan so it all ties
289 together.

290
291 Seeley said if part of the plan is adaptive reuse of the existing library, she wants to see
292 that cost included in the project cost to avoid the possibility of nothing happening to the
293 existing library for years.

294
295 Carpenter encouraged the Board to think about this and think about what they'd like to
296 see on the EDI site and we might want to talk to Town Planner Jennifer Murray.

297
298 Rainwalker Winterpainter asked the relationship between the library and the Town.
299 McVeigh said the Library Board is elected separately from the Selectboard and they
300 have the power to hire the director and approve the budget and runs the library,
301 however the building is owned by the Town, and the Library is a department of the
302 Town and the library budget is included in the Town budget and approved by voters at
303 Town Meeting. He said the Selectboard doesn't have a say in the running of the
304 building, but they have quite a bit of say in the maintenance and potential changes to
305 the building. Winterpainter asked who the primary users of the library were and Hart
306 said it would be difficult to pick just one group due to the wide cross-section in the
307 community, but she would say the highest demographic would be young families with
308 children and retired people.

309
310 **10. Request for Approval of Private Road Name – Solitude Way, easterly off**
311 **Washington Street Extension, before Painter Hills Road**
312

313 Carpenter said in a September 20th memo to the Board, Town E911 Coordinator Beth
314 Dow reported that Jeremy and Liz Parker, who own a property at 742 Washington
315 Street Extension, are requesting to name the private roadway leading to their house
316 Solitude Way. The Parker's have requested the change so they can post a sign
317 marking the roadway as private and deter motorists from venturing down their
318 driveway. Dow notes that Solitude Way meets the 911 naming requirements, and she
319 recommends the Board's approval.

320
321 Seeley moved to approve Jeremy and Liz Parker’s request to name the private roadway
322 at their property located easterly off Washington Street Extension, before Painter Hills
323 Road, “Solitude Way.” Fuentes-George seconded the motion. The motion carried with
324 6 in favor. **MOTION PASSED.**

325
326 **11. Review & Discuss the Vermont League of Cities & Town’s proposed**
327 **legislative policy in preparation for Town Fair on October 6, 2022**
328

329 Carpenter said VLCT has released a draft of its Municipal Policy for the 2023–2024
330 Legislative Biennium and is encouraging member municipalities to review the
331 legislative proposals contained in it in advance of the VLCT Board of Director’s Annual
332 Meeting at VLCT Town Fair on October 6th, when the policy will be formally adopted.
333 He said as in years past, this is an opportunity for the Board to discuss the draft policy
334 and any amendments that it may wish Kathleen Ramsay, Middlebury’s voting delegate
335 to the Annual Meeting, to propose during the Board of Director’s deliberations.
336

337 Hooper said he was not in favor of Item 1.02.1 in K-12 Education Funding. He said he
338 believes in statewide education funding that has equalized per pupil funding across rich
339 and poor town, this seems to say each town is responsible for their own education
340 funding. He said we have one of the most equitable education systems in the United
341 States and he feels this is a step in the wrong direction.
342

343 Gogarty said the State Legislature just passed Act 127 which is an education funding
344 formula, and she wondered how that impacts this, since the State is also trying to find a
345 more equitable solution for funding education and will that impact municipal taxes or will
346 it impact school districts.
347

348 Carpenter said he feels the education funding is out of alignment and the amount of
349 money spent in some districts per student is crazy based on the way we’re funding it
350 now, so disagrees that we’re doing it the right way and while he doesn’t know the
351 solution, he said it needs fixing.
352

353 Hooper said when we have the most equalized funding per student of any state in the
354 US, and we have the highest per pupil cost of any state, and slightly above average
355 outcomes, there is a problem. Carpenter said what people are paying isn’t equal either
356 since it’s based on income and not property values, so he thinks there are issues and
357 wouldn’t mind VLCT looking into it.
358

359 Hooper withdrew his objection to Item 1.02.1 since there probably wouldn’t have any
360 traction in the next year. Fuentes-George said she wouldn’t mind having them clarify
361 what their intention is.
362

363 Ramsay noted that under Public Safety there isn’t anything I there under police
364 dispatching and it might be good to advocate to address and fund dispatching, and the
365 Board agreed. Hooper later found that it is Item 3.03.1 under Public Safety Funding.

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12. Approval of Application for a Coin Drop by Addison County Home Health & Hospice (ACHHH) for a coin drop on Route 125E in East Middlebury & South of Porter Field Road & Route 30 by Middlebury College Field House

Seeley questioned if the Board needed to approve this since it's VTrans application. Ramsay said there is a section on the form for the local police to sign, and Chief Hanley felt it was a policy issue and something he shouldn't just sign. She said the Chief thought the Board had approved this last year.

Hooper said typically coin drops are tied to local events, such as the volunteer fire department and usually connected to the municipality.

Khan and Brown were concerned about allowing this and then everyone would want to do a coin drop, and how would they be able to pick and choose. The Board didn't recall ever approving one previously. Hooper found reference to the statute governing coin drops in Chapter 10 Highways and Bridges in the VLCT Selectboard Handbook and the need for Board approval.

Fuentes-George didn't really have a problem with the coin drop, but Brown said he opposed it. Gogarty asked if the ACHHH met all the requirements spelled out in the Statute and they said it did.

Ramsay said the VTrans application for the coin drop only asks for the police department endorsement and acknowledge they are aware of the event.

There was further discussion, and Carpenter suggested telling Chief Hanley he could approve this one and then the Selectboard needed to give him guidance for the future as to when and how many coin drops are held each year. He said it was too bad to have a nice town like Middlebury and have someone in the road asking for money just to get through the road, and he feels a greater question is how this impacts the appearance of the town. He said this is a wealthy town compared to some, and when you go to places like Bethel and there's a coin drop it feels different then when you come to Middlebury and see one. Brown agreed with Carpenter.

Following more discussion, the majority of the Board was in favor of Chief Hanley approving the request.

13. Approval of Check Warrants

Khan moved to approve total expenditures in the amount of \$664,551.52, consisting of for accounts payable, and \$544,911.10 for payroll, for the period September 14, 2022 through September 27, 2022. Fuentes-George seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

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14. Board Concerns

Khan welcomed Gogarty to the Board.

Hooper said he is glad to see paving happening on Washington Street. Seeley said we were ahead of schedule on the Washington Street Water Line project, but she isn't sure the same can be said for the Colonial Drive project.

Fuentes-George also welcomed Gogarty.

15. Adjournment

Khan moved to adjourn, seconded by Seeley and the meeting adjourned at 9:07 p.m.

The next meeting of the Middlebury Selectboard will be on Tuesday October 11, 2022 in the Town Offices.

Respectfully submitted,
Beth Dow

