

1 **Regular Selectboard Meeting**  
2 **Tuesday, June 11, 2024**  
3 **Meeting Minutes**  
4

5 Members Present: Andy Hooper, Heather Seeley, Dan Brown, Isabel Gogarty, Farhad Khan, and  
6 Fred Dunnington. Brian Carpenter was absent.  
7

8 Staff Present: Town Manager Kathleen Ramsay, Assistant Town Manager David Sophrin, Public  
9 Works Planning Director Emmalee Cherington, Chief of Police Jason Covey and via Zoom, Ilsley  
10 Library Director Dana Hart.  
11

12 Also Present: Other interested parties.  
13

14 **1. Call to Order**  
15

16 The meeting was called to order at 7:00 p.m. by Vice-Chair Hooper.  
17

18 **2. Approval of Agenda**  
19

20 Gogarty moved to approve the agenda, and Khan seconded the motion.  
21

22 Hooper said there was a need for an Executive Session, but there were no other changes.  
23

24 The motion carried with 6 in favor, 1 absent and the agenda was approved. **MOTION PASSED.**  
25

26 **4. Approval of Consent Agenda**  
27

28 Khan moved to approve the consent agenda, and Gogarty seconded the motion.  
29

30 **3a - Approval of Minutes of Selectboard Meetings**

- 31 • Selectboard - Meeting Minutes - 5.28.2024 (Draft)
- 32 • Selectboard - Annual Retreat - Meeting Minutes - 5.29.2024 (Draft)
- 33

34 **3b - Acceptance of Recent Selectboard Subcommittee Meeting Minutes**

- 35 • Energy Committee - Meeting Minutes - 5.22.2024 (Draft)
- 36

37 **3c - Applications for State 1<sup>st</sup>, 2<sup>nd</sup>, & 3<sup>rd</sup> Class Liquor Licenses, Tobacco-Related Licenses,**  
38 **Catering, Outside Consumption and/or Entertainment Permits**

39 Since the last Selectboard meeting, the Town Clerk has received one new renewal license  
40 request from a local business: *Green Mountain Market* (367 East Main Street) - 2<sup>nd</sup> Alcohol  
41 License, Tobacco License  
42

43 **3d - Consent Agenda Placeholder**  
44

45 **3e - Public Assemblage Permit Applications - MUHS All-Class Reunion & MUHS Bike/Run/Walk**  
46 **Event**

47 Lisa Shaw, has submitted a permit application on behalf of the Middlebury Union High 2<sup>nd</sup>  
48 Annual Middlebury Tiger Reunion to be held on 7/27/2024 from 3 pm to 11 pm at Memorial  
49 Sports Center, this reunion event is for all alumni of MUHS and alcohol will be served at the  
50 event. The MUHS All-Class Reunion - Class of 1989 is seeking a separate permit for a  
51 Bike/Run/Walk event on 7/27/2024 that will be circling around the village area, and using  
52 parking at the Courthouse, Memorial Sports Center, and Mary Hogan Elementary School. The  
53 event will run from 7:30 am to 11:30 am.

54  
55 **3f - Clean Water State Revolving Loan Fund - South Street Project (Step 3) - Application for**  
56 **Funding**

57 The Public Works Department is preparing to submit this application to the State of Vermont's  
58 Water & Wastewater Revolving Loan Funds program, requesting \$498,200 to help fund the final  
59 phase of the South Street infrastructure project which has included new waterlines, separated  
60 storm and sewer lines. This last phase will involve construction of storm and sewer lines  
61 between Porter Fields Road and South Main Street. This part of the project is estimated to start  
62 in November of 2024 and be completed by December of 2025.

63  
64 **3g - Consent Agenda Placeholder**

65  
66 **3h - Town Manager's Report**

- 67 • TM Report - Current Correspondence - Received 5/25 – 6/5/2024
- 68 • TM Report - FY24 General Fund Budget Report - May 31, 2024 YTD
- 69 • TM Report - FY24 EQ, WA, WW Fund Budget Report - May 31, 2024 YTD

70  
71 There were two changes to the retreat minutes of May 29, 2024.

72 Line 59: should read "Islam Society of Vermont"

73 Line 149: changed to read "Natalie Peters previously attended..."

74  
75 Brown questioned the maintenance operations line item in the Manager's Water Fund Budget  
76 Report. He said the budgeted amount was \$321,000 and he wondered if the expenditures-to-  
77 date figure was really \$925,000 and would that create a shortfall in the budget. Ramsay said  
78 that was for all the repairs from the water surge and the other repairs throughout the year, and  
79 we're still working out where we are with the fund balance in the Water Budget.

80  
81 Hooper called the motion and the motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

82  
83  
84  
85  
86

**4. Citizen Comments**

87 Judy Wiger-Grohs said at the last meeting she asked for a follow-up at this meeting regarding  
88 concerns of the incidents that had happened on the Town Green. Brown asked Wiger-Grohs if  
89 she was aware of all the groups that were working on these issues and all the work they're  
90 doing to help these individuals, and said he wasn't aware of any incidents other than what was  
91 mentioned on Front Porch Forum. Ramsay said she's been watching the Town Green and it's  
92 been well lit, and nothing has been going on.

93  
94 Wiger-Grohs was also concerned about the group of individuals that gather in the parking lot  
95 behind the library, and Ramsay told her there are several social service agencies that reach out  
96 to these people on a regular basis.

97  
98 **5. Recommendations on Water & Wastewater Budgets & Rates for FY2025**  
99

100 Emmalee Cherington joined the board and said we're still trying to reconcile these two budgets  
101 from the storm events last summer and we have seen a few FEMA payments come in, but they  
102 only cover minimal expenses. She said for the July storm, FEMA will reimburse us 100% for a  
103 portion and then it will drop down to 75%, but for the August storm we'll see funding from the  
104 Federal Highway Administration, VTrans and the Town's insurance and then go to FEMA. She  
105 said when these reimbursements come in, it will take care of most of the budget deficit.  
106 Hooper asked Cherington if we had an amount we knew would be coming back to the Town,  
107 and she said we were waiting to hear from the Town's insurance company which is dealing with  
108 many other claims from that time. Ramsay said we just heard that the insurance would cover  
109 100% for properties that were not previously in flood zones, and Cherington said that will cover  
110 most of our wastewater losses.

111  
112 Water Budget  
113

114 Cherington reviewed the proposed Water Budget and said there were some issues at the Town  
115 Well last summer and then the water problems earlier this year heightened awareness of some  
116 of the concerns in the system that we need to address, so we're going to start trying to tackle  
117 some of those concerns. She said on the revenue side, we're looking at about a 13% increase.  
118 She said she'd also increased water tap-on rates and meter sales slightly to reflect what we've  
119 been seeing annually.

120  
121 She said on the expense side, one of the major drivers is the hiring of a 4<sup>th</sup> employee in the  
122 Water Department, along with the increase in benefits for all of the employees. She said 2 of  
123 the 4 employees are new, so there will be some training expenses. She went over the items  
124 covered in the maintenance budget

125  
126 Dunnington pointed out that the increase in rates was because of the expenses incurred and  
127 the work we need to do. Cherington agreed and said the end goal is to make the improvements  
128 needed to the system, so we need to start building towards those, and we've increased our  
129 Capital Improvements Budget by 15% to start some of these projects, such as an additional well

130 for redundancy, and a valve study to see which valves are not operational. She said she has a  
131 number of grant applications out for the water storage tank, and if that project happens, it will  
132 be a great benefit to the Town to have that extra days' worth of storage.

133  
134 Cherington said she is proposing increasing the in-town flat rate from \$68 to \$82 per quarter,  
135 and \$74 to \$89 for out-of-town users per quarter. She said the usage rate would increase from  
136 \$4.05 to \$4.40 per 1,000 gallons for in-town users, and from \$4.32 to \$4.72 per 1,000 gallons for  
137 out-of-town users. She said she tried to keep a balance, but this is difficult since the estimates  
138 are based on 9,300 gallons per quarter, but some use less and some use more. She said the  
139 average in-town user will see an annual increase of around \$70, and the annual increase for  
140 out-of-town users would be around \$74.

141  
142 Cherington said we're in the middle of our Asset Management study, and the engineers will be  
143 ready to present that to the Infrastructure Committee and Selectboard in August, and then we  
144 can plan a path going forward, but she feels this budget gets us started.

145  
146 Dunnington said the Infrastructure Committee looked at how our water and sewer rates  
147 compare to other Vermont communities, and we are nowhere near the highest, but it's difficult  
148 to compare water rates to other communities since each community has different needs. He  
149 said the key is to build resiliency into the system by taking steps that ensure the reliability of the  
150 supply and lessen the time a system is down, and work towards preventing unusual situations  
151 that happened earlier this year.

152  
153 Wastewater Budget

154  
155 Cherington said she worked with Wastewater Superintendent Bob Wells to come up with this  
156 budget, and Wells is suggesting increasing septage, gray water and sludge rates that have not  
157 increased since 2017.

158  
159 She said benefits are one of the major drivers, along with training a new employee to become  
160 certified, and increased maintenance costs. She said there are also funds set aside for future  
161 upgrades to the wastewater facility. Ramsay said when we made our last \$410,000 bond  
162 payment on the 2000 wastewater facility, we level funded that amount going forward so the  
163 rates wouldn't be unnaturally lowered, and to help reduce the bond needed for the future  
164 upgrades.

165  
166 Cherington said there is a big difference in calculating the wastewater rates, since the major  
167 industrial users are removed from the equation because their load is so different than the  
168 residential properties. She said with the sewer rates, increasing the flat rate seemed like the  
169 best fit, so is proposing increasing it from \$40/quarter to \$52/quarter and increasing the usage  
170 rate from \$7.41 per 1,000 gallons to \$7.55 per 1,000 gallons. She said that created the most  
171 balance and industrial discharge rates will add an additional \$1.4 million into the equation but  
172 aren't calculated into the residential rates.

173  
174 Resident Ross Conrad suggested one way to reduce costs was to eliminate the fluoride in the  
175 water, since residents get fluoride through other sources. Ramsay said she would make a note  
176 to look at that for next year.

177  
178 Seeley moved to approve the recommended Town Water and Wastewater Budgets and related  
179 rates for FY2025. Gogarty seconded the motion. The motion carried with 6 in favor, 1 absent.

180 **MOTION PASSED.**

181  
182 **7. Vermont Gas System Request - Easement Request Across Town Property for a Service Line**  
183 **to St. Stephen's Episcopal Church (3 Main Street)**

184  
185 Nancy Malcolm, representing St. Stephen's Church, said this request is for an easement across  
186 the Town Green to enable Vermont Gas to install natural gas to the Church. She gave a brief  
187 history of St. Stephen's Church and how it came to be constructed on Town land 200 years ago  
188 and she said it's heavily used by many organizations at no cost, and it's an integral part of the  
189 community.

190  
191 She said they understand that climate change is a serious issue, and they take it very seriously,  
192 and then gave a summary of the various ways they have improved the efficiency of the church  
193 through the use of solar, heat pumps, better windows and additional insulation. She said their  
194 oil burners are at the end of their life, so they have found natural gas is an option that would  
195 reduce their costs and their carbon footprint. She said the installation of this gas line would  
196 take about 2 days to bring the line to the church.

197  
198 Dunnington asked if they'd be doing a directional bore, since the underground power lines to  
199 the gazebo are not shown in the plan submitted. John Tenny, who will manage the project for  
200 Silver Maple Construction, said the line would be a directional bore and they've already been  
201 working with Dig Safe to outline what is buried on the Green., and the engineers will be plotting  
202 all they find on the plans. Tenny said the Church has a major drainage and water plan for the  
203 entire building that will begin in the fall when all the activities on the Green are over.

204  
205 Khan asked why they have to go through the Town Green, and Tenny said Vermont Gas isn't  
206 available on Main Street due to the construction of the railroad tunnel and all the infrastructure  
207 in place there. Tenny said the Church is trying to be as efficient as possible, but the sanctuary  
208 of the church is too large an area to use heat pumps, so with the support of Efficiency Vermont  
209 they propose to use natural gas for that area.

210  
211 Ross Conrad suggested other options the Church could use instead of natural gas, but said what  
212 troubles him, is the short amount of time left for us to reduce our use of fossil fuel to save the  
213 environment. He said he is troubled that the Town would give Vermont Gas free access to Town  
214 land, and the Town should charge them the normal rate for the right-of-way and the Town  
215 should not be subsidizing them.

216  
217 Khan said the Town doesn't charge other utility companies, so how can we charge Vermont Gas,  
218 and Conrad said the installation of other utilities benefits the town way more than natural gas.  
219 He said the main benefit to the church will be saving some money, and then went on to list all  
220 the ways fossil fuels harm the environment.  
221  
222 Hooper said his understanding that the value of the distribution system that Vermont Gas pays  
223 property taxes on each year, so he believes the Town's position is they are paying for their use of  
224 the land.  
225  
226 Tenny said St. Stephen's isn't denying climate change, they are simply changing one fossil fuel  
227 for another more efficient fossil fuel that burns cleaner, so in that regard it will help the  
228 community, and they'll do more with renewable sources where possible.  
229  
230 Conrad said he's not saying to not grant the easement, he simply wants the Town to charge for  
231 it, and if they don't, he will be compelled to get signatures on a petition to force the Selectboard  
232 to put in on a ballot and let the townspeople decide. He said the town could also ask the voters  
233 on the ballot if all future easements from Vermont Gas should be charged. He feels this is a  
234 serious question that we need to do more to address.  
235  
236 Malcolm asked if Ross's issue could be a separate agenda item at another meeting, since she felt  
237 it was different than what they were asking for. Hooper said that made sense and they all  
238 understood what Conrad was asking for, and the Town has previously charged for easements  
239 across Town land for a recent sewer easement, so it's not unheard of.  
240  
241 Seeley said in this instance there is a change in how this particular area is used, so she thinks it's  
242 worth considering, but she would like to know what uses would be limited because of the gas  
243 line. Ramsay said some easements state the gas company would move the line if in the future  
244 that area was to be used for development.  
245  
246 The Board discussed how to proceed with the matter, and Dunnington questioned whether  
247 charging for the easement would solve anything or send any kind of message. Brown said  
248 we're going to allow the Church to get gas, the Board just needs to decide how to do that.  
249  
250 Khan said we don't want to delay the project, and Conrad said if the Town asks Vermont Gas to  
251 pay for the easement there would be no delay, but there will be a delay if the Town grants the  
252 easement without charging Vermont Gas, because then he'll circulate a petition enforcing a  
253 vote and that will delay the project. He said this isn't against the Church, it's directed at  
254 Vermont Gas.  
255  
256 Khan moved to approve the proposed easement deed between the Town of Middlebury and  
257 Vermont Gas Systems, Inc. for the purpose of installing a natural gas service line to Saint

258 Stephen's Episcopal Church, subject to the required State notice period. Brown seconded the  
259 motion.

260  
261 Brown wondered if the Board wanted to modify the motion to say we'd look into this. Ramsay  
262 said approving the easement tonight would require the Town to file the 24 VSA1061 Notice,  
263 which requires the terms of the easement to be included in the Notice. Seeley said if the Board  
264 approves the easement tonight, it would be the easement presented to them and would not  
265 include a purchase price, and that's what would go into the 30-day Notice.

266  
267 The Board discussed how to proceed, and whether to amend the motion to add a phrase about  
268 Fair Market Value, or to vote down the current motion and do a new motion. Some wanted to  
269 table it and come back to the next meeting in two weeks.

270  
271 Hooper called a vote for the motion as presented, and the vote was 3 in favor (Khan,  
272 Dunnington and Hooper), and 3 opposed (Seeley, Brown and Gogarty), so the motion failed.

273  
274 Hooper said this would be brought up again at the next meeting with advice from staff on what  
275 an appropriate amount would be. There was discussion about delaying this project, and the  
276 threat of a longer delay if Conrad submitted a petition. If a petition were filed to hold a vote,  
277 Ramsay said a Town Meeting is warned, or it could be incorporated into a scheduled vote, and if  
278 the timing was right, it could be included in the State primaries in August. Tenny said even if  
279 the vote wasn't held until the General Election in November, it would not be harmful to the  
280 schedule of the Church's capital improvements.

281  
282 Malcolm recommended that the Policy Review Committee create a policy on this matter and get  
283 all sides of the argument.

284  
285 This will be discussed further at the June 25<sup>th</sup> meeting.

286  
287 **8. Request to Transfer Unused Funds from MPD FY24's Operating Budget to P**  
288 **Purchase a Drone**

289  
290 Chief Covey back in February he had made a presentation to the Board for the Police  
291 Department to implement its own drone program, and the Board supported the proposal. He  
292 said the idea had been to apply for federal grants and then perhaps purchase a drone in the fall.  
293 He said since he made that presentation to the Board, two officers have obtained their FAA  
294 licenses and have been using their own personally owned drones for 3 deployments. He said  
295 the use of these drones is strictly regulated and controlled by Statute as to when law  
296 enforcement can use drones.

297  
298 He said the Department has unused funds due to the vacancy of the parking enforcement  
299 position until the new person began in May. He said that program is budgeted for \$16,000 per  
300 year, so only about \$4,000 of that will be used through the remainder of the fiscal year, which

301 would more than meet their need to purchase the drone they have chosen to best meet their  
302 needs, which costs \$9,800. He said they are looking for Board approval to use those  
303 unallocated funds from the parking enforcement position to purchase the drone.

304  
305 Covey described the most recent use of the drone to locate an elderly person who had  
306 wandered away from a care facility. He said it was getting dark and the drones they've been  
307 using do not have thermal capabilities, but if they'd have had thermal imaging, they would have  
308 found him several hours before they did. He said the drone they have chosen does have  
309 thermal imaging capabilities. He said the one they've chosen is less money than the one they  
310 proposed back in February, but it is easier to use and can operate in poor weather conditions  
311 when the more expensive one can't, and it's easier to deploy.

312  
313 Seeley said she supported this, but she wondered what the life of the equipment is. Covey said  
314 he's sure overtime will become obsolete, but he isn't sure. He said batteries might be an issue,  
315 and just wear and tear on the equipment, but he really doesn't know.

316  
317 Khan asked what other uses they have, and Covey said they are very limited. He said they can't  
318 use them for surveillance or facial recognition technology, and they have to file a report with  
319 the State on when the drone is used and for what. He said there are some instances where they  
320 will need a search warrant in some instances.

321  
322 Seeley moved to approve the reallocation of \$12,076 in budgeted funds in the FY24 MPD  
323 operational budget towards the purchase of a UAS drone for departmental use for \$9,821.10.  
324 Gogarty seconded the motion.

325  
326 Seeley then amended the motion to approve the reallocation of \$9,821.10 in budgeted funds in  
327 the FY24 MPD operational budget for the purchase of a UAS drone for departmental use.  
328 Gogarty seconded the amended motion. The motion carried with 6 in favor, 1 absent. **MOTION**  
329 **PASSED.**

330  
331 **9. Next Steps for Ilsley Library Renovation/Expansion Project**

332  
333 **9a. Organization Chart & Explanation of Roles for Project**

334  
335 Joining the Board was Library Director Dana Hart, Clerk of the Works Judith Harris and Chris  
336 Huston of ReArch Company, the construction company for the library project.

337  
338 Hart explained the organization chart as the project rolls into the next phase, and it will consist  
339 of the Administrative Team, which includes herself representing the library/Trustees/staff,  
340 Huston representing ReArch, and Harris representing the Town. She said the Ilsley 100 Project  
341 Team will continue to meet periodically and will stay informed and offer high level feedback and  
342 serve as community ambassadors.

343



344 Hooper said it looked like Harris is responsible for the geotechnical and materials testing teams,  
345 and those are things that sound very technical. Hart said Harris would be working with Huston  
346 on that, but they would be contracted directly by the Town. Huston they've already begun the  
347 process of retaining those folks, but typically they are provided 3<sup>rd</sup> party to the contractor so  
348 they aren't testing their own products, such as concrete and soil compaction.

349

350 **9b. Request for Approval - Submit a Grant Application to the Vermont Community**  
351 **Foundation's Walter Cerf Fund**

352

353 Hart said she is requesting approval to submit a grant application to the Vermont Community  
354 Foundation's Walter Cerf Fund for \$25,000 to go towards the project, and these funds would  
355 specifically go towards the preservation of the historic building.

356

357 Seeley said she would recuse herself from this vote since she is an employee of the Vermont  
358 Community Foundation.

359

360 Dunnington moved to approve the proposed grant application by the Ilsley Public Library to the  
361 Walter Cerf Community Foundation for \$25,000 to support the Library's ongoing capital  
362 fundraising effort. Khan seconded the motion. The motion carried with 5 in favor, 1 recusal  
363 (Seeley) and 1 absent. **MOTION CARRIED.**

364

365 **9c. Approval of Amendment to the Design/Build Contract with ReArch Company, Inc.**

366

367 Huston said there was wisdom in using a standard AIA 141 design build form of contract that's  
368 very familiar to the Town from past projects. He said that standard form was reviewed by legal  
369 counsel prior to the bond vote, and following a successful bond vote, it allows them to do a  
370 fairly simple amendment to the contract, which is what is before the Board this evening. He  
371 said there would be one more amendment after towards the beginning of 2025 after we go out  
372 for local and regional subcontractors, then they finalize the final scope of the work, the  
373 schedule and the cost, and that goes into the final amendment prior to construction. He said  
374 it's an iterative process in that it allows the Board to be informed of progress along the way,  
375 with the final checkpoint to make sure everything aligned with funds, permits and schedule.

376

377 Ramsay this has been reviewed by counsel and there were no concerns.

378

379 Khan moved to approve the proposed amendment to the contract with ReArch Company, Inc.  
380 relating to the Ilsley Library Renovation & Expansion project. Gogarty seconded the motion.  
381 The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

382

383 **9d. Approval of Bond Vote Election Validation Resolution**

384

385 Ramsay said this Validation Resolution is required because one of the final publications was  
386 missed in the paper, but we did have extensive publication of the notice. She said it was

387 published 4 times in the Addison Independent and posted in 6 different places around town,  
388 and there was an exceptional turnout for a small election. She said this needs to be passed by a  
389 two-thirds vote of the Selectboard and signed by the Town Clerk.

390

391 Seeley moved to approve the proposed Validation Resolution and certify the actions taken by  
392 the Town at the Special Town Meeting held on May 7, 2024. Gogarty seconded the motion. The  
393 motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

394

395

#### **9e. Clerk of the Works Reports #1**

396

397 Ramsay said this was solely provided for information, and these will be provided at least once a  
398 month.

399

400 Harris said this Clerk of the Works Report is intended to be a model, and she'd like the Board to  
401 review it and see if it provides the right amount of information needed when they need to make  
402 decisions.

403

404 Seeley asked Harris if she will be evaluating the choices going into the building to be sure they  
405 aren't items having a short lifespan or high maintenance costs. She said her concern is the flat  
406 roof and what the maintenance costs will be. Harris said that is part of her job, plus the Ilsley  
407 100 Project Team is still in place and they will be the sounding board for any major decision,  
408 since they remain the ambassador to the community. She said they will be apprised about  
409 selections being made and we'll rely on ReArch to provide the quality level that they provided in  
410 the specs.

411

412 Seeley said she'd rather spend more money up front for things like the flat roof, than to have to  
413 replace it in 5-years. Harris said when looking back at past Town projects, there was a steering  
414 committee originally, what is what the Ilsley 100 Team did, and that was followed toward the  
415 construction phase with more of a building committee as opposed to a steering committee. She  
416 said those building committee members included some steering committee members, but also  
417 brought in new people with expertise as we got towards the building phase, so we are open to  
418 change membership to get it more of a building committee.

419

420 Brown asked Huston if it was true the building was designed with the maintenance costs  
421 involved, and we'll be provided with a "playbook" at the end. Huston said what Seeley brings  
422 up is really critical, and on all of ReArch's municipal public projects, it's their responsibility when  
423 recommending a higher cost option to decision makers, that the reason it costs more is because  
424 it has a longer life span, and they'll be doing that on a range of materials in and outside of the  
425 project.

426

427

#### **10. Information about Plans to Rebuild Green Mountain Power's Existing Overhead Line Running through the Old Town Road Corridor**

428

429

430 Tim Jones, the Program Manager for Green Mountain Power’s distribution group, along with  
431 Kyle Watson, the Operational Supervisor for Middlebury, and Mike Christian, the Distribution  
432 Designer for this project joined the Board for this presentation.

433  
434 Jones said they’re proposing to upgrade their existing line on Route 125. He said currently it is  
435 an overhead configuration, and they are proposing to rebuild the line that runs from Upper  
436 Plains Road through the Forest Service Road 296 to the gated access at Old Town Road.  
437 Currently it is an overhead, 3-phase line and is the main feed of the region, and they are  
438 proposing to build it underground where possible. He said they are currently in the approval  
439 special use permit process with the Forest Service, and they hope to have it go to Public Notice  
440 in a couple of weeks. He said it’s about a 10,000-foot linear rebuild, and described the type of  
441 machine and equipment they will be using to install this line and said the line will also allow  
442 room for telecommunications and future users. He said they are currently installing a similar  
443 line in the Dover, Vermont area in a difficult wooded area, so if anyone wanted to go and visit  
444 that project and see the machine in action, they could facilitate that with that district.

445  
446 Jones said Addison County is looking to upgrade that old road as an emergency bypass road for  
447 Ripton, so they hope to get their infrastructure installed prior to any of the road work happens.  
448 He said he hopes to be permitted by the end of summer and hopes to start  
449 this year, but it might be the spring of 2025.

450  
451 Hooper asked if they worked with VTrans about the work in the right-of-way, but Jones said this  
452 project is not in the State’s right-of-way, it will be in the Town’s right-of-way.

453  
454 Jones described the process for installing the line underground, and said it will cost somewhere  
455 over \$1.5 million, and Green Mountain is hoping to use this process to install underground  
456 power in more and more locations around the State.

457  
458 **11. Addison County Solid Waste District (ACSWD) - Update on District Operations**

459  
460 District Manager for ACSWD Teri Kuczynski joined the Board. She said the district is made up of  
461 21 towns in Addison County and they just adopted their 2024 annual budget, but they kept it to  
462 a 2.5% increase. She said they lost \$168,000 in recycling fees last year due to higher processing  
463 fees and the recycling markets have a lot to do with that. She said they hoped to save funds  
464 since they are taking single stream recyclables to the Chittenden County District with a new  
465 hauler, and they’re already seeing some savings.

466  
467 Kuczynski said the most questions they get now are about the new regional residential solid  
468 waste transfer station. She said they closed on the property off Campground Road in New  
469 Haven in February of 2026, and described what will be accepted there and how it will be set up,  
470 and they hope to open in August. She said Phase 2 will expand the types of products they’ll be  
471 able to process at this facility. She said so far, they have not had to borrow any funds for this  
472 facility, and they do not plan on passing the fees on to the member towns.

473  
474 She said the State's new 5-year plan will be coming out and then ACSWD will have to amend  
475 their plan to comply with the State's.

476  
477 **12. Request for Reimbursement for Basement Flooding on January 23, 2024**  
478

479 Merrill Baker-Médard, daughter of Mike Baker, was present to present her father's request. She  
480 said the water hammer on the Town's system happened on January 22, and it blew out her  
481 father's water meter and flooded his basement with 8" of water. She said he does have  
482 homeowners' insurance that covered some of it, but he is asking the Town to reimburse him  
483 \$2,862 for his deductible that he doesn't feel he has to pay.

484  
485 Ramsay said this claim was sent to the Town's insurance company, and it was their  
486 determination that the Town wasn't legally liable for this, and a letter was sent to State Farm  
487 Insurance relaying the same information. Baker-Medard said they were told that an appeal to  
488 the Selectboard was their last stop, and her father does feel the Town has some responsibility.

489  
490 Dunnington asked if there was a period of time between when the hydrant blew and when her  
491 father's meter burst, and Baker-Medard said they don't really know, but the damage to her  
492 father's water meter was described by plumbers and Town staff as classic water hammer  
493 damage.

494  
495 Dunnington said it was up to each homeowner how much of a deductible they have on their  
496 insurance, and the Board has to look at setting a precedent. Baker-Medard said her father is not  
497 looking for money to cover the lost items in the basement, but she sees the point about the  
498 deductible. Dunnington says he sympathizes with them on a personal basis, but as a Board  
499 member the Town has to find a legal principal way to do this, but this will involve discussion  
500 about this in an Executive Session. Baker-Medard said she believes her father would be happy  
501 with some sort of gesture by the Town would heal his feeling for justice.

502  
503 Hooper said Ramsay would be in touch with them regarding the results.

504  
505 **13. Follow-Up to 5.2024 Selectboard Retreat - Further Discussion on Downtown Parking &**  
506 **Increased Advertising/Presence in Addison Independent**

507  
508 Postponed due to the lateness of the hour.

509  
510 **14. Approval of Check Warrants**  
511

512 Dunnington moved to approve total expenditures in the amount of \$644,291.65 consisting of  
513 \$494,777.47 for accounts payable, and \$149,514.18 for payroll, for the period of 5/29/24 to  
514 6/11/24. Seeley seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION**  
515 **PASSED.**

516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558

**15. Selectboard Member Concerns**

Khan said was disappointed in how the easement discussion went and how it was handled.

Dunnington said he shares Khan’s concerns.

Seeley thought it was a good example of democracy and they had a good discussion and not just approving everything all the time. She said she thinks sometimes they’re persuaded by the people present, and previously there has been someone from Vermont Gas here and there wasn’t anyone tonight.

Gogarty suggested MUHS Class of 2024 and the Summer Market for their great markets they’ve held.

Brown said Table 21 funded the markets this summer. As far as the easement, he thinks they did the right thing.

Hooper thought it was interesting and he has rarely felt that a conversation is out of his control before. He also apologized for his presentation from the Policy Review Committee at the last meeting. He didn’t feel he didn’t present it as diligently as he should have.

**16. Executive Session - Anticipated – Contracts**

Seeley moved to enter Executive Session to find that premature general public knowledge regarding probable litigation to which the Town would be a party and contracts would clearly place the Town at substantial disadvantage because the discussion will divulge the Town’s strategy in such probable litigation and contract negotiations. Dunnington seconded the motion. the motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

Seeley further moved to enter into executive session (with the inclusion of the Town Manager and Assistant Town Manager) to discuss probable litigation and contracts as allowed under Title 1, Section 313(a)(1)(e). Gogarty seconded the motion. The motion carried with 6 in favor, 1 absent. **MOTION PASSED.**

The Board entered into Executive Session at 9:35 p.m.

**17. Action on Matters Discussed in Executive Session**

The Board exited Executive Session at 9:51 p.m. upon motion by Khan, seconded by Gogarty.

Seeley moved to authorize the Town Manager to sign the proposed memorandum of agreement between the New England Police Benevolent Association Inc, Local 423 and the Town of

559 Middlebury. Gogarty seconded the motion. The motion carried with 6 in favor, 1 absent.  
560 **MOTION PASSED.**

561

562

### 18. Adjournment

563

564 The meeting adjourned at 9:52 upon motion by Khan, seconded by Dunnington.

565

566 The next meeting of the Middlebury Selectboard is June 25, 2024 in the Town Offices.

567

568 Respectfully submitted,

569 Beth Dow

570

571

572

573

574

575

576

577