



# TOWN OF MIDDLEBURY - SELECTBOARD SPECIAL MEETING

Thursday, February 29<sup>th</sup>, 2024

## AGENDA NOTES

[VIEW FULL MEETING PACKET](#)

7:00	1. CALL TO ORDER	Presenter: <b>BRIAN CARPENTER, SELECTBOARD CHAIR</b>	Action: --
	2. APPROVAL OF AGENDA	Presenter: <b>BRIAN CARPENTER</b>	Action: <b>DECISION</b>
	3. APPROVAL OF CONSENT AGENDA	Presenter: <b>BRIAN CARPENTER</b>	Action: <b>DECISION</b>

### 3a - Approval of Minutes of the February 13, 2024 Selectboard Meeting

- 3a - [Selectboard Meeting - Meeting Minutes - 2.13.2024 \(Draft\)](#)

### 3b - Acceptance of Recent Selectboard Subcommittee Meeting Minutes (if any)

- 3b - [Infrastructure Committee - Meeting Minutes - 2.28.2024](#)

### 3c - Applications for State 1<sup>st</sup>, 2<sup>nd</sup>, & 3<sup>rd</sup> Class Liquor Licenses, Tobacco-Related Licenses, Outside Consumption Permits, and/or Entertainment Permits (if any)

Since the last Selectboard meeting, the Town has received State renewal applications from five businesses in town, including: the Jiffy Mart in East Middlebury (alcohol/tobacco), the Swift House on Stewart Lane (alcohol), the Midway Gas Station on Court Street (tobacco), the Middlebury Natural Foods Co-Op on Washington Street (alcohol), Vermont Hard Cider on Exchange Street (alcohol), Kinney Drugs on Court Street (alcohol), and the Two Brothers Tavern on Main Street (alcohol, outside consumption). Details for each request are available in the attached document.

- 3c - [CY2024 Liquor & Other State License Renewal Requests - Town Spreadsheet](#)

### 3d - Approval of Grant & Subgrant Agreements for State Wastewater Pretreatment Grants - WhistlePig Whiskey

This proposed grant agreement between the State of Vermont and the Town of Middlebury is for the installation of a new automated pH adjustment system with a subaward to WhistlePig Whiskey, to allow for the safe discharge of wastewater to the Town's treatment facility.

- 3d - [WhistlePig Pretreatment Grant Application with State](#)
- 3d - [WhistlePig Pretreatment Grant Application - Additional Application Information](#)

### 3e - Acceptance of Report from Policy Review Committee

- Following the recent 2.22.2024 Policy Review Committee, the members are seeking Selectboard support to also work on a new policy topic: reforming the Town's parking ticket appeals policy, at the request of the Police Department. The Committee will work with the staff from the Police Department to develop a possible new process for this Town function, if approved.
- 3e - [Policy Review Committee - Update to Selectboard - 2.2024](#)

### 3f - Consent Agenda Placeholder

### 3g - Consent Agenda Placeholder

### 3h - Town Manager's Report

Sally Holland has submitted her resignation as the Town of Middlebury's representative to the Addison County Regional Planning Commission.

- 3h - [Member Resignation from Addison County Regional Planning Commission](#)
- 3h - [TM Report - Current Correspondence - Received 2.10.24 to 2.22.2024](#)
- 3h - [TM Report - FY24 Budget Report - 1.31.2024 YTD \(Equipment, Wastewater, Water\)](#)
- 3h - [TM Report - FY24 Budget Report - 1.31.2024 YTD \(General Fund\)](#)
- 3h - [Resignation of Means Woods Trustee](#)
- 3h - [TM Report - Departmental Budget Reports - FY24 YTD - 1.31.2024](#)

### Suggested Potential Motions *(choose one)*

- "I move to approve the Consent Agenda, as presented." OR
- "I move to approve the Consent Agenda, with the movement of Item(s) \_\_\_\_\_ to the regular agenda for further discussion."

4. CITIZEN COMMENTS	Presenter: <b>BRIAN CARPENTER</b>	Action: <b>DISCUSSION</b>
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### ITEM SUMMARY

Citizen Comment agenda item is an opportunity to raise or address issues that are not otherwise included on this agenda.

### POTENTIAL MOTIONS

Suggested preamble if the Board anticipates a high level of participation:

- "Next on the agenda are Citizen Comments. This is an opportunity for community members to briefly comment upon, or share their concerns about, items that are not on tonight's warned Selectboard agenda."
- "Because comments under this part of the agenda are about issues that are not before the Board for discussion this evening, we are not in a position to discuss them in depth or try to resolve them now. We will, however, enter your comments into the public record for this meeting and, if appropriate, refer your concerns to the Town Manager for further action."
- "Please keep your comments to less than two minutes. We will provide you with a 15-second warning as the time limit approaches."

7:05	5. AGENDA PLACEHOLDER	Presenter: --	Action: --
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7:10	6. UPDATES ON ILSLEY LIBRARY RENOVATION/EXPANSION PROJECT & RELATED REQUESTS	Presenters: <b>DANA HART, LIBRARY DIRECTOR &amp; JOE McVEIGH (IPL100 PROJECT TEAM)</b>
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6a. CONTINUED DISCUSSION ON LIBRARY PROJECT FUNDING STRATEGY, INCLUDING USE OF LOCAL OPTION TAX REVENUES FOR PART OF DEBT SERVICE PAYMENTS ON LIBRARY CONSTRUCTION BOND	Presenter: <b>KATHLEEN RAMSAY, TOWN MANAGER</b>	Action: <b>DISCUSSION</b>
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### ITEM SUMMARY

Follow up to the initial discussions at the 2.13.2024 Selectboard about funding options for the Ilsley Library renovation/expansion and the opportunity to utilize revenues from the Local Option Tax to support a portion of the capital costs/debt service for the Library Project.

The packet includes an impact analysis of what a 20-year or 30-year bond for the Library project would cost in a property tax increase, per \$100,000 of property value.

### PRIMARY DOCUMENT

- 6a - [Tax Impact of 20-Year & 30-Year Bonds - 2.14.2024](#)

<b>6b. APPROVAL OF AMENDED MOU WITH FRIENDS OF LIBRARY - ADDING PROVISION REGARDING HANDLING OF DONATIONS TO CAPITAL CAMPAIGN</b>	Presenters: <b>DANA HART &amp; JOE McVEIGH</b>	Action: <b>DISCUSSION &amp; DECISION</b>
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**ITEM SUMMARY**

As a part of the Ilsley Library’s ongoing capital campaign to support the proposed renovation/expansion of the Ilsley Public Library, the ‘Friends of Ilsley Public Library’ (Friends Group) and the Library are seeking to amend their existing Memorandum of Understanding to allow the Friends Groups to accept donations on behalf of the capital campaign. Any donations/gifts received by the Friends Groups for this purpose will be disbursed to the Town into a specific capital budget account.

**PRIMARY DOCUMENT**

- 6b - [Addendum to MOU with Ilsley Public Library Trustees and Friends of Ilsley Public Library - 1.12.2024](#)

**POTENTIAL MOTION**

- “I move to approve the proposed amendment to the existing memorandum of understanding between the Friends of Ilsley Public Library and the Ilsley Public Library Trustees, to facilitate the accepting and transfer of donations in support of the Library’s ongoing capital campaign.”

<b>6c. APPROVAL OF LETTER OF INTENT WITH NATIONAL BANK OF MIDDLEBURY - REGARDING USE OF DUCLOS BUILDING AS TEMPORARY LIBRARY LOCATION</b>	Presenters: <b>DANA HART &amp; JOE McVEIGH</b>	Action: <b>DISCUSSION &amp; DECISION</b>
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**ITEM SUMMARY**

Representatives from the Ilsley Library and the National Bank of Middlebury have drafted a proposed letter of intent to allow the Library to use the Duclos Building, located at 30 Main Street in downtown Middlebury, as the temporary home of primary library operations during the renovation/expansion of the 75 Main Street site, should the upcoming bond vote for the library project pass.

The expected duration of the Library’s use of the Duclos Building is expected to last from early 2025 and conclude in the summer of 2026. During the project, the Library operations will utilize the first floor of the building, serving as a general public space with access to core circulating collection materials, as well as computers/WiFi, library reference staffing support, and in-person programming. The site will be handicapped accessible through the adjacent first floor lobby of the single-story bank building next door.

As part of this letter of intent, the Library is committing to: covering the costs of preparing the Duclos Building for library occupancy, utility costs for duration of the use of the building, moving costs into/out of the building, and any costs of repairs associated with returning the space back to its original purpose. *The Bank will not be charging any rent for the Library’s use of the space.*

A more detailed occupancy agreement between the two parties will be developed in the future.

**PRIMARY DOCUMENT**

- 6c - [Letter of Intent with National Bank of Middlebury - Temporary Library Location](#)

**POTENTIAL MOTION**

- “I move to approve the draft letter of intent between the Town of Middlebury and the National Bank of Middlebury for the use of a part of the Duclos Building at 30 Main Street by the Ilsley Library as a temporary site of library operations during the future renovations/expansion of the 75 Main Street library site.”

<b>6d. APPROVAL OF SUBMISSION OF GRANT APPLICATION/LETTER OF SUPPORT - VERMONT STATE DEPARTMENT OF LIBRARIES FOR ILSLEY LIBRARY RENOVATION/EXPANSION PROJECT FUNDING</b>	Presenters: <b>DANA HART &amp; JOE McVEIGH</b>	Action: <b>DISCUSSION &amp; DECISION</b>
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**ITEM SUMMARY**

The Ilsley Library has prepared a grant application to the State of Vermont Department of Libraries seeking capital funding support for the proposed library renovation/expansion project. As part of the overall estimated project budget of \$16,955,000, the Library is seeking \$1,500,000 from this Capital Project Grant program. The full application is included in the meeting packet.

**PRIMARY DOCUMENTS**

- 6d - [Letter of Support from Selectboard for Library Grant \(Draft\) - 2.29.2024](#)
- 6d - [U.S. Treasury Capital Projects Fund for Libraries - Capital Grant Application - 2.21.2024](#)

**POTENTIAL MOTION**

- “I move to approve the submittal of the proposed grant application by the Ilsley Library, and the accompanying letter of support from the Selectboard, to the Vermont Department of Libraries for \$1,500,000 in capital grant funding to support the proposed Library renovation/expansion.”

<b>7:30</b>	<b>7. PRESENTATION FOR ANNUAL TOWN MEETING - MONDAY, MARCH 4, 2024</b>	Presenter: <b>KATHLEEN RAMSAY</b>	Action: <b>DISCUSSION &amp; DECISION</b>
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**ITEM SUMMARY**

**PRIMARY DOCUMENTS**

**POTENTIAL MOTION**

<b>7:45</b>	<b>8. POLICY REFORM PROPOSAL - BID &amp; CONTRACT SECURITY POLICY &amp; ROADWAY PAVING</b>	Presenter: <b>EMMALEE CHERINGTON, PUBLIC WORKS-PLANNING DIRECTOR</b>	Action: <b>DISCUSSION &amp; DECISION</b>
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**ITEM SUMMARY**

The Town of Middlebury’s Policy Review Committee reviewed and approved the proposal from Public Works regarding a proposed reform to the current Town ‘Bid & Contract Security Policy’ and roadway paving. This policy reform idea was originally raised by the Public Works Department. *The new proposed policy language is the last section of the attached related document.*

- **Background:** Bonds protect the Town’s interests in the event of a significant deficiency with the quality of work. Typically, the bond provides a guarantee for deficiencies discovered within 1 year of installation. Because roadway paving is a surficial treatment and concerns are easily visible to the trained eye at the time of application, it allows for a deficient area to be removed and improved upon (immediately) with significantly fewer impacts than buried infrastructure.
- **Proposed Change:** DPW is requesting that the bond requirement be exempted from the Town Bid & Contract Security Policy, specifically for roadway paving projects. This would not extend into other projects where paving is a component of a larger infrastructure improvement. Language would be in the paving contract to require a minimum 12-month guarantee. This would allow the project to perform through at least one winter.
  - This proposed change to the Town’s Bid & Contract Security Policy would remain in place for *one year*, allowing the Town to see the impact of this proposal not only on project bidded costs but also the outcome of the paving work under these new contracting terms.
- **Reasoning/Examples:** The current Town process of requiring bonding greatly increases the contract price and also limits the parties able to bid. For example, last year’s contract was awarded to Champlain Construction, who sub-contracted with D&F Paving. Many smaller companies, such as D&F, are entirely qualified but not able to bond for projects. This requires vendors to act as a subcontractor even though they are performing the majority of the effort. In addition to the cost of the bond, Champlain Construction marked up the work to be provided by D&F. This additional cost could have been put into further paving efforts.

Because of the relatively short-term time frame associated with the annual calendar for soliciting bids for roadway paving, Public Works is seeking approval from the Selectboard for this reform in time for the upcoming Town paving contracts.

**PRIMARY DOCUMENT**

- 8 - [Proposed Policy Reform - Bid & Contract Security Policy \(Draft\)](#)

**POTENTIAL MOTION**

- “I move to approve the proposed change to the Town of Middlebury’s Bid & Contract Security Policy relating to roadway paving contracts.”

	<b>9. AGENDA PLACEHOLDER</b>	Presenter: --	Action: --
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	<b>10. AGENDA PLACEHOLDER</b>	Presenter: --	Action: --
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	<b>11. APPROVAL OF CHECK WARRANTS</b>	Presenter: --	Action: <b>DISCUSSION/DECISION</b>
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**POTENTIAL MOTION**

- "I move to approve total expenditures in the amount of \$\_\_\_\_\_ consisting of \$\_\_\_\_\_ for accounts payable, and \$\_\_\_\_\_ for payroll, for the period of \_\_\_\_\_."

	<b>12. SELECTBOARD MEMBERS CONCERNS</b>	Presenters: <b>SELECTBOARD MEMBERS</b>	Action: <b>DISCUSSION</b>
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	<b>13. EXECUTIVE SESSION - EVALUATION OF A PUBLIC EMPLOYEE</b>	Presenter: --	Action: --
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**POTENTIAL MOTION** *(when Executive Session is needed)*

In accordance with Vermont's Open Meeting Law, the following motion is in order prior to entering into Executive Session:

- "Motion to enter into executive session related to the evaluation of a public officer or employee, as allowed under Title 1, Section 313(a)(3)."

	<b>14. ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION</b>	Presenter: --	Action: <b>DISCUSSION</b>
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<b>8:15</b>	<b>15. ADJOURN</b>	Presenter: <b>BRIAN CARPENTER</b>	Action: <b>DECISION</b>
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**INFORMATION ON RECENT & UPCOMING TOWN COMMITTEES/OTHER RELATED MEETINGS**

- Addison County Regional Emergency Management Committee - [Meeting Minutes](#) - 2.14.2024
- Planning Commission - Meeting [Agenda](#) & Minutes - 2.15.2024
- Energy Committee - Meeting [Agenda](#) & Minutes - 2.21.2024
- Diversity, Equity, and Inclusion Working Group - Meeting [Agenda](#) & [Minutes](#) - 2.21.2024
- Policy Review Committee - Meeting [Agenda](#) & [Minutes](#) - 2.22.2024
- Conservation Commission - Meeting Agenda - 2.26.2024
- Town of Middlebury - Annual Town Meeting - 3.4.2024, 7pm
- Town of Middlebury - Annual Town Election - 3.5.2024, 7am-7pm