

July 19 (Saturday), 2025. Activities and performances are planned for each day. This event calls for one event in Main Street on 7/19/25 for 5 hours, requiring street closure for that time period. Arrangements will be made for traffic control. Additionally, electricity from the Town gazebo will be utilized.

- 2025 Public Assemblage Permit - Addendum for Festival-on-the-Green
- 2025 Festival-on-the-Green - General Conditions (Signed Form)

3e - Consent Agenda Placeholder

3f - Consent Agenda Placeholder

3g - Town Manager's Report

- 2025 Town Meeting - Presenters List (Draft)
- Clerk of the Works - Library Project - Report No. 9

Brown had a correction to the minutes of January 28, 2025 meeting. He said he voted "no" on the motion to approve the 2025 Town Meeting Warning, so it should say "The motion carried with 5 in favor, 1 opposed (Brown), 1 absent (Hooper).

Gogarty and Dunnington both mentioned the great Clerk of the Works report on the Library Project prepared by Judith Harris.

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

4. Citizen Comments

There were no citizen comments.

5. Presentation - Ilsley Library/ReArch - Library Construction & Parking Impact

Chris Huston and Dana Hart joined the Board to present the construction area and parking layout during the library construction project. Huston said they'd be occupying the site in a little over a month, and said there have been multiple discussions on site logistics. He said this is urban construction, and they will be up against neighboring buildings, so they need to go over things very carefully.

They reviewed the site plan that shows the construction fence that will be installed around the building site, and Huston said that fence would be there through the entire time of construction for safety and security not only for the site, but the pedestrians and traffic around the site. He said they have allowed for the two ADA accessible parking spaces behind the Town Offices, but those won't be accessible until the upper lot construction has been completed.

Huston went over the site map and Hart said the plan had been reviewed by the Fire and Police Chiefs, Director of Public Works Engineering and the Assistant Town Manager.

Dunnington asked if it would be possible to run a conduit under the new parking lot for future use if an electrical vehicle charging station was ever installed, and Huston said it wouldn't be any problem, but they would need to know soon.

Seeley asked where the construction workers would park. Huston said all subcontractors have received these site plans and there are notes on the plan that state subcontractors cannot park in the lower parking lot. He said their plan is to have subs drop off their tools early in the morning, and then park somewhere offsite, but they have not designated a specific area. Huston said they would also be putting signs up to direct people where to go and how to access businesses.

6. Citizen Agenda Request - Mr. Ups Restaurant – Library Construction & Parking Impact

Vanessa Buck, co-owner of Mister Ups Restaurant, spoke of the difficulties in finding parking already, so the loss of the upper parking lot is concerning. She asked how the parking problems would be enforced, since there is not a parking attendant in the winter months.

There was a discussion on various ways to encourage people to park in the other under-utilized parking areas in town. Enforcement was discussed, and Chief Covey said there is a seasonal parking enforcement person that works through the summer, but there is not year-round enforcement. Seeley said perhaps they should look into hiring someone for the duration of the project to do enforcement, but Chief Covey said it would be a recruitment problem, since there were only 2 applicants when the position was advertised last year.

A lengthy discussion followed and there was a debate on whether the Parking Ordinance needed to be amended if this is only temporary. Chief Covey said there is a provision on temporary changes to the ordinance if it was deemed an "emergency" by the Town Manager. The other concern is the delivery trucks and their route to get in and out of the lower lot.

Seeley requested a letter be sent to the downtown businesses once we know if the parking ordinance will be changed, and request that employees park in more remote areas, as well as notify the public about the changes to the parking and traffic movement via text messages and on the website.

7. Green Mountain Power - Library Construction & Requested Easement

Dana Hart said Green Mountain Power (GMP) has requested this easement so they can begin their work on the library site. She said it has been reviewed by Town Counsel and his recommended changes were made by GMP, so it is now ready for the Board's approval.

Khan moved to authorize the Town of Middlebury to enter into an Easement Agreement with Green Mountain Power relating to the upcoming Library Construction Project. Seeley seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

8. Appointment of Downtown Improvement District Commission Members - Two Nominees

Sophrin said this was the follow-up to the Board's 1/28/25 nomination of Beth Bluestein and Bruce Baker to the Downtown Improvement District Commission (DIDC). He said the DIDC tax levy period comes to an end on June 30, 2025, so there needs to be the requisite number of signatures gathered to continue the District, and a budget and tax rate for the District needs to be developed and approved.

Dunnington moved to appoint Bruce E. Baker and Beth Bluestein to the Downtown Improvement District Commission to terms ending 2027. Seeley seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

9. Citizen Agenda Request - Ed Kemon - Geoengineering Concerns

Ed Kemon and his associate Laura joined the Board to discuss the hazards of geoengineering. He said aircraft that are flying overhead are dumping coal fired waste products that may be combined with other chemicals, but the fly ash exceeds the Environmental Protection Agency's (EPA) maximum contamination levels. He said this has been well documented throughout the state, and they'd like Middlebury to state they can't do that in our airspace.

Dunnington pointed out the Federal government has control of the air space above Middlebury, and Brown read from a government fact checking site that there is no proof that the government is spreading anything but the regular vaporization trails behind airplanes. Laura had a government report on where experiments are taking place and we don't know where they are happening, so we may never know the results of these experiments. Brown said he agrees that it's a problem, but no one has said they're seeding the sky.

Following some debate on this topic, Carpenter said the Board is not interested in taking this up and we have no control over the airspace above us. He said he feels it's more of a state of Federal issue, but it has to be someone who has the capacity to make a difference. He encouraged Kemon to reach out to the State legislature who might have a better chance of making a difference.

10. Town Encampment Policy - Policy Review Committee Recommendation to Selectboard

Sophrin said the Policy Review Committee was assigned the task of creating a policy regarding how people camp on public spaces. The Committee has met with the Public Health and Safety Committee and the Homelessness Task Force and talked to other towns

183 who have developed similar policies, and this draft policy is a result of these discussions,
184 and there is an accompanying MOU that was drafted with the help of Heidi Lacey of the
185 Charter House and Susan Whitmore from the Housing Coalition. He said it simply states
186 there are certain areas of public space where camping won't be allowed and there are
187 other town owned properties where a factor test may be applied.
188

189 Dunnington said he attended all the Policy Review Committee meetings when this was
190 discussed and was impressed with the process. He said the encampment behind the
191 library that was a problem this summer, and the way it was handled was really a test run,
192 and with consultation between the police and agencies they were able to relocate the
193 individuals and find them shelter as the weather turned cold, so he commends the
194 Committee for the work they've done.
195

196 Brown said he was impressed with the draft policy but questioned the 30-day time to
197 vacate a parcel when camping is not allowed on that parcel. Sophrin said that was at the
198 request of the agencies who said to act sooner might cause more problems, but there is a
199 provision that allows for removal sooner under certain circumstances.
200

201 Resident Dorothy Mammen questioned the need to restrict so many parcels, when there
202 may be some parcels where an encampment might not be a problem. Hooper explained
203 the reasoning behind the decision that it was more workable than trying to establish
204 allowable setbacks for an encampment on Town properties or from Town structures. He
205 said there was a lot of discussion about this and a desire to have an objective standard
206 where camping was allowed.
207

208 Dunnington said it references the parks included in the Daily Closing of Parks Ordinance,
209 but he thinks it would be better to not included "Town forest parcels", because there are
210 many forest parcels. He said the agencies asked us to say where camping wouldn't be
211 allowed, but to not say where it would be allowed so as not to encourage others to camp
212 on those parcels. He also suggested wording around camping near Town structures. He
213 said each individual case needs to be looked at and the prescription of what is to happen
214 should be at the discretion of the police and the agencies and read some suggested
215 wording for the policy regarding the Town Manager's ability to issue a citation to vacate
216 under certain circumstances.
217

218 Carpenter polled the Board on their thoughts. Brown said he was fine with it other than the
219 30-day timeframe to vacate that he mentioned earlier. Khan suggested something in there
220 regarding impacts on businesses. Seeley said she'd like to see it say you can't camp on or
221 obstruct any Town infrastructure, and she thought the policy was better than she'd
222 anticipated based on the history of the problem.
223

224 Gogarty said if you work together as a team and bring in the right partners you can create
225 something that is realistic and humane, and she is thankful to all who showed up to share
226 perspectives. Hooper said he attended a couple of Homeless Task Force meetings, and
227 they all spoke highly of the Town staff and police force.
228

Carpenter felt “forest land” was a little broad and if the discretion is flexible, we could open it up a little more, and he’d rather see them in forest land than near our infrastructure.

Mammen said she’d hate to see them have to move someone who is camping on a town parcel with a structure when there hasn’t been any problem. She also asked about something in the policy regarding sleeping in cars in parking areas.

Sophrin said this would go back to the Policy Review Committee to review these comments and it would be brought back to the Board.

11. Town Public Space - Honorary Plaque in Town Green - Selectboard Review

Sophrin said last summer the Board adopted a policy regulating the naming of public spaces, and it also covered requests for placement of honorary or memorial plaques that need Selectboard approval. He said subsequently, a request came into the Public Works Department to plant a tree and plaque on the Town Green and permission was given, and the Town Manager’s Office was unaware of this until it was brought to our attention in December. He said now the request is for approval after-the-fact, since the tree and plaque are already there.

Hooper felt through no one’s fault we failed to follow the process, so he doesn’t feel we should remove the tree and plaque. Khan didn’t want to approve the request until the Board had more information on the individual being memorialized.

Carpenter said the reason the plaque and tree is there is because of the individual’s connection to the College, so perhaps it could be moved to the College campus. He felt there were local people far more deserving of a memorial on the Town Green.

Seeley said she was not approving the motion. She said the Board could not approve it, so then if anyone asks about it we can say it was not approved by the Board.

Brown said according to the policy, this individual does not qualify in any way, so he wouldn’t support it and felt we should work with the College to see if it can be moved.

Carpenter said the Board needs more information and we should talk to the College about moving it there.

12. Determining Next Selectboard Meeting Date

Sophrin said the next regular Board meeting scheduled for February 25th, conflicts with the Addison Central School Board Annual Meeting, so in the past the Board has rescheduled their meeting so as not to conflict.

Following a discussion of possible dates and times, and who would be available, it was finally decided to leave the meeting at its regular day and time of Tuesday, February 25th at 7:00 p.m.

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276 **13. Ethics Procedure & Enforcement Ordinance - State of Vermont**
277 **Act 171 Requirement**
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279 Sophrin said the State of Vermont adopted Act 171 (H.875) in the summer of 2024,
280 establishing a Municipal Code of Ethics framework for local governments throughout the
281 state, and at the January 28th meeting the Board appointed the Town Manager as the
282 Ethics Liaison to the State. He said an additional component of that Act includes an
283 obligation that each municipality adopt an Ethics Complaint Investigation & Enforcement
284 Ordinance spelling out the procedures of the State Law. He said before the Board is a
285 boilerplate ordinance from the Vermont League of Cities and Towns that has been edited
286 for Middlebury.

287
288 Seeley moved to approve the draft Ethics Investigation and Enforcement Ordinance,
289 subject to a public hearing and final vote by the Selectboard, which will take place at the
290 3/11/2025 Selectboard meeting. Gogarty seconded the motion. The motion carried with 7
291 in favor. **MOTION PASSED.**

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293 **14. Citizen Agenda Request - Update on Installation of**
294 **Public Health Vending Machines**
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296 Danielle Wallace, Director of Turning Point Center of Addison County reported to the Board
297 that their organization has received a grant to install two public health vending machines at
298 their property at 79 Court Street. She said these machines would dispense Narcan, the
299 narcotic overdose medication, along with other items such as bug spray, sunscreen and
300 socks. She said these machines would be located on their porch.

301
302 Carpenter asked how much for a dose of Narcan, and Wallace said they get it for free, but
303 it is around \$50 in the drug stores. She said they have been distributing Narcan at events
304 in the community this past summer and they've been pleased with the way it has been
305 received by everyone.

306
307 **15. Approval of Check Warrants**
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309 Hooper moved to approve total expenditures in the amount of \$937,216.61, with
310 \$794,457.05 for accounts payable, and \$142,759.56 for payroll, for the period 1/29/25
311 through 12/11/25. Khan seconded the motion. **The motion carried with 7 in favor.**
312 **MOTION PASSED.**

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314 **16. Board Member Concerns**
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316 Gogarty said she would not be at the next meeting because she has been asked by the
317 Vermont Federal delegation to go to Washington to advocate for public health initiatives.

318
319 Dunnington said he was concerned about the Federal funding freeze impacting our capital
320 projects. Pruhenski said he had been communicating regularly with Public Works Director

of Engineering Emmalee Cherington about this, and at this point we just don't know the answer to that.

Hooper said he'd recently had lunch with former St. Albans legislator Cory Parent, and he had spoke very highly of Cherington from when she worked in St Albans.

17. Executive Session

Khan moved to find that premature general public knowledge regarding probable litigation, to which the Town would be a party, would clearly place the Town at a substantial disadvantage because the discussion will divulge the Town's strategy in such probable litigation. Hooper seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

Khan further moved to enter into executive session with the inclusion of the Town Manager, Assistant Town Manager, and Wastewater Superintendent, to discuss probable litigation, as allowed under Title 1, Section 313(a)(1)(E). Seeley seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

The Board entered into executive session at 8:55 p.m.

18. Action on Matters Discussed in Executive Session

The Board exited Executive Session at approximately 9:05 p.m. and Hooper moved to authorize the Town Manager to proceed with contractual remediation efforts at the Public Works treatment plant. Khan seconded the motion. The motion carried with 7 in favor. **MOTION PASSED.**

19. Adjournment

The meeting adjourned at approximately 9:07 p.m.

The next regular meeting of the Middlebury Selectboard will be February 25, 2025 in the Town Offices.

Respectfully submitted,
Beth Dow