

TOWN OF MIDDLEBURY, VERMONT

SELECTBOARD POLICY BOOK



TABLE OF CONTENTS

BOARDS, COMMITTEES AND COMMISSIONS	
Conflicts of Interest.....	1000
Board & Commission Member Recognition	1025
Appointment of Selectboard Committees.....	1050
GENERAL GOVERNMENT	
Trade of Town Vehicles.....	2000
Town Meeting Petitions	2025
Municipal Fees	2050
VCDP Municipal Policies and Codes	2075
Appropriation of Aid to Health & Human Services Programs.....	2082
MUNICIPAL FINANCE	
Interfund Borrowing	3000
Tax Sales	3025
Payment of Bills.....	3050
Required Approvals for Journal Entries	3075
Accounts Receivable Abatements	3100
Purchasing	3125
Renewable Energy Purchase Policy.....	3150
Tax Stabilization	3151
Contract and Bid Security	3175
PERSONNEL	
Personnel	4000
PLANNING & ZONING	
Use and Maintenance of the Property Base Maps (1982 Original)	
Updates and Revisions to Town Parcel Maps (Tax Maps) – PROPOSED	5000
PUBLIC SAFETY	
False Alarms	6000
Towing Charges	6025
Police Services.....	6050
Police Records Fees	6075
Police Department Contract Work for Regular and Special Officers	6100
Fees Related to Dog Control.....	6125
Liquor License Applications	6150
Liquor License Renewals	6175
Liquor Control Board Action - Issuance of Permits	6200
The Recommendation of Suspension or Revocation of Liquor Licenses	6225
Issuance of No Trespass Orders	6250
Placement of Signs on Public Property	6275
Writings & Markings on Public Property.....	6300
Use of Handheld Portable Electronic Devices	6325
Texting While Driving	6350
Public Use of Seymour Street Fire Station.....	6375
Use of Fire Department Vehicles	6400
Hazardous Response Fees.....	6425
Permitting Exemptions to the Ordinance for the Regulation of Noise.....	6450
Use of Town Sidewalks for Restaurant Food and Beverage Service.....	6475
PUBLIC WORKS - HIGHWAY	
Maintenance of Class 4 Roads	7000
Locating Streetlights.....	7000
PUBLIC WORKS - SEWER	
Out-of-Town Sewer Connections	8000
Fees for Industrial Charge Permit	8025
Handling of Septage.....	8050
PUBLIC WORKS - WATER (Under Review)	

BOARDS, COMMITTEES AND COMMISSIONS

**Town of Middlebury
Selectboard Policy**

Conflicts of Interest

Public officials, as well as all public employees, should safeguard their ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial, social, and political relationships and transactions which may compromise or give the appearance to a reasonable person of compromising their objectivity, independence or honesty.

Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), the Select Board of Middlebury, Vermont hereby adopts the following policy concerning conflicts of interest.

Article 2. Purpose. The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public official of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved. It is also the intent of this policy to insure that all decisions made by municipal officials are based on the best interest of the community at large.

Article 3. Definitions. For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

1. A direct or indirect personal interest of a public officer, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the officer or before the public body in which he or she holds office or is employed;
2. A direct or indirect financial interest of a public officer, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the officer or before the public body in which he or she holds office or is employed;
3. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue; or
4. A situation where a public officer has not disclosed ex parte communications with a party in a quasi-judicial proceeding.
5. Conflict of interest does not arise in the case of votes or decisions on matters in which the public official or employee has a personal or pecuniary interest in the

outcome no greater than that of other persons generally affected by the decision, such as adopting a bylaw, policy or setting a tax rate.

B. Appearance of Impropriety means conduct which tends to undermine public trust by creating the perception that a government office has been used improperly.

C. Emergency means an imminent threat or peril to the public health, safety or welfare.

D. Official act or action means any legislative, administrative or judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.

E. Public body means any board, council, commission or committee of the municipality.

F. Public interest means an interest of the community as a whole, conferred generally upon all residents of the municipality.

G. Public officer or public official means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the municipality.

H. Quasi-judicial proceeding means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, the result of which is appealable by a party to a higher authority.

Article 4. Disqualification.

- A. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- B. A public officer shall not personally, or through any member of his or her household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the public body in which the officer holds office or is employed.
- C. In the case of a public officer who is an appointee, the public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter.
- D. Public officers shall not accept gifts or other offerings for personal gain by virtue of their public office that are not available to the public in general.
- E. Public officers shall not use resources not available to the general public, including but not limited to town staff time, equipment, supplies, or facilities for private gain or personal purposes.

Article 5. Disclosure. A public officer who has reason to believe that he or she has or may have a conflict of interest but believes that he or she is able to act fairly, objectively and in the public interest in spite of the conflict of interest shall, prior to participating in

any official action on the matter disclose to the public body at a public hearing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest. Nevertheless, the person or public body which appointed that public officer retains the authority to order that officer to recuse him or herself from the matter, subject to applicable law.

Article 6. Recusal. A public officer shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:

1. Any person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself;
2. A public officer who has recused him or herself from a proceeding shall not sit with the board, deliberate with the board, or participate in that proceeding as a board member in any capacity;
3. If a previously unknown conflict is discovered, the board may take evidence pertaining to the conflict and, if appropriate, adjourn to a short deliberative session to address the conflict; and
4. The board may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the board. The board may then resume the proceeding with sufficient members present.

In the case of a public officer who is an appointee, the public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter, subject to applicable law.

Responsibility to Act: It is not always right to avoid an act simply because it will appear wrong. The appearance of impropriety should not be used as an excuse for inaction or refusing to moderate a position. In some cases a public officer should be willing to confront criticisms and endure unfair denunciations.

Article 7. Enforcement; Progressive Consequences for Failure to Follow the Conflict of Interest Policy. In cases where the conflict of interest procedures in Articles 5 and 6 have not been followed, the select board may take progressive action to discipline an offending public officer. In the discipline of a public officer, the board shall follow these steps in order:

- A. The chair shall meet informally, in private, with the public officer to discuss possible conflict of interest violation.
- B. The board may meet to discuss the conduct of the public officer. Executive session may be used for such discussion, in accordance with 1 V.S.A. § 313(4). The public officer may request that this meeting occur in public. If appropriate, the board may admonish the offending public officer in private.

- C. If the board decides that further action is warranted, the board may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.
- D. Upon majority vote, the board may request that the offending public officer resign from the board.

Article 8. Exception. The recusal provisions of Article 6 shall not apply if the legislative body of the municipality determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

Article 9. Effective Date. This policy shall become effective immediately upon its adoption by the Middlebury Select Board and shall supersede and replace all previous policies as pertains to Conflict of Interest.

Adopted: February 25, 2014

**Town of Middlebury
Selectboard Policy**

Board & Commission Member Recognition

The Town of Middlebury will recognize board and commission members upon their completion of service (including service as an alternate board member) with a Certificate of Appreciation signed by the Select Board. Any further recognition will be up to each individual board/commission and done so at their discretion and expense.

Adopted: May 19, 2015

**Town of Middlebury
Selectboard Policy**

Appointment of Selectboard Committees

The Selectboard may, from time to time, appoint committees of the Board to focus on specific municipal functions, special projects and/or other issues of broad community interest. Working under individual charters established by the Board, such committees do not function independently but, rather, serve in an advisory capacity, offering non-binding project and policy recommendations for the Selectboard's consideration in furtherance of key Board objectives.

Adopted: August 13, 2019

GENERAL GOVERNMENT

**Town of Middlebury
Selectboard Policy**

Trade of Town Vehicles

The Board approves of a policy whereby no vehicles shall be traded without the matter coming before the Selectboard for final decision; and the Board will make the final decision on which vehicle shall be traded.

Adopted: January 27, 1977

**Town of Middlebury
Selectboard Policy**

Town Meeting Petitions

The Selectboard will warn all advisory petitions, except those that recommend action that contradicts state or federal law, if they are signed by not less than five percent of the registered voters of the town and are submitted to the Town Clerk no less than forty days before the day of Town Meeting. All articles so warned and placed on the agenda shall be decided by Australian ballot unless the petitioners request that the issue addressed in their petition be decided by a vote at Town Meeting.

In the event that the Selectboard decides that an action recommended by a petition is in contradiction to the law, it will state its decision and the reasons for it in an appendix attached to the warned agenda of Town Meeting.

Adopted on July 10, 2007

**Town of Middlebury
Selectboard Policy**

Municipal Fees

The Middlebury Selectboard delegates to the Town Manager authority for setting and adjusting non-refundable transaction fees necessary to cover the Town's administrative costs, including:

- Application fees for Board of Zoning Adjustment and Planning Commission
- Construction and Development Fees (this is a fee schedule, not a policy)
- Fees for Industrial Charge Permit
- Handling of Septage

Fee schedules would be created and maintained by the individual departments promulgating them.

This general delegation to the Town Manager does not apply to municipal fees relating to the Police and Fire Departments.

Such authority shall not extend to fees specifically established and controlled by State Statute.

Adopted:

Amended: 10/25/2022

VCDP Municipal Policies and Codes

Consistent with the provisions of the Vermont Community Development Program, and federal law, the (check one) Town City Village of Middlebury has adopted the following policies and codes:

Equal Employment Opportunity Policy (required by 24 CFR 570.904 and modeled on the State of Vermont's State Government EEO Plan for FY 2017):

A. It is the policy and practice of this municipality to assure that no person will be discriminated against, or be denied the benefit of any activity, program, or employment process, in any area of employment, including but not limited to recruitment, advertising, hiring, promotion, transfer, demotion, lay off, termination, rehiring, rates of pay, benefits, development opportunities, and/or other compensation. This municipality is strongly committed to non-discrimination and equal opportunity in all employment actions for qualified persons without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identification, or disabling condition. It is the policy of this municipality to provide a workplace that is free of harassment for being a member of a protected class, and this municipality prohibits retaliatory action for any protected activity. With this in mind, the following policy is set in place.

1. This municipality shall consider all qualified applicants for available positions without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability, provided the individual is qualified to perform the work available. Attempts will be made to contact known sources of minority and women potential applicants to maximize the participation of such applicants.
2. All recruitment advertisements will include the municipality's commitment to Equal Employment Opportunity, and job specifications/descriptions should be reviewed periodically and properly identify job-related requirements.
3. EEO posters shall be placed and maintained in conspicuous locations.
4. Advancement to positions of greater responsibility is based on an individual's demonstrated performance.
5. Compensation, benefits, job assignments, layoffs, employee development opportunities, and discipline shall be administered consistent with federal and state laws, and without bias to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability.
6. Executive, management and supervisory level employees have the responsibility to further the implementation of this policy and ensure conformance by subordinates.
7. Any municipal employee who engages in discrimination of a member of a protected class or unlawful harassment may be subject to appropriate discipline.
8. Any supervisory or managerial employee who knows of unlawful discrimination or harassment in the workplace, and fails to take immediate and appropriate corrective action, may be subject to disciplinary action.

B. The municipality is committed to its Equal Employment Opportunity Policy, and as part of the Equal Employment Opportunity Plan will:

-
1. Recruit, hire, upgrade, train, and promote in all job classifications without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability;
 2. Base employment decisions on the principles of Equal Employment Opportunity and with the intent to further the municipality's commitment to workplace diversity;
 3. Ensure that all other personnel actions such as compensation, benefits, municipal-sponsored training, educational tuition assistance, social and recreational programs shall be administered without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability;
 4. Provide reasonable accommodations for applicants and/or employees with disabilities, which will enable them to successfully perform the essential job functions;
 5. Ensure that employees and applicants are not subjected to intimidation and/or harassment, threats, coercion, or discrimination because they have filed a complaint, assisted or participated in an investigation or any other activity, or opposed any act or practice made unlawful;
 6. Investigate claims of discrimination and unlawful harassment in the workplace; and
 7. Promote inclusion and diversity in all levels of the workforce.

Fair Housing Policy (required by 24 CFR 570.904 and modeled on 24 CFR Part 6):

The policy set forth herein applies to all housing programs, both present and future, funded through the Vermont Community Development Program.

A. This municipality will not, directly or through contractual, licensing, or other arrangements, take any of the following actions on the grounds of race, color, national origin, religion, or sex:

1. Deny any individual any facilities, services, financial aid, or other benefits provided under any VCDP-funded program or activity;
2. Provide any facilities, services, financial aid, or other benefits that are different, or are provided in a different form, from that provided to others under any VCDP-funded program or activity;
3. Subject an individual to segregated or separate treatment in any facility, or in any matter of process related to the receipt of any service or benefit under any VCDP-funded program or activity;
4. Restrict an individual's access to, or enjoyment of, any advantage or privilege enjoyed by others in connection with facilities, services, financial aid or other benefits under any VCDP-funded program or activity;
5. Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirements or conditions that the individual must meet in order to be provided any facilities, services, or other benefit provided under any VCDP-funded program or activity;
6. Deny an individual an opportunity to participate in any VCDP-funded program or activity as an employee;

-
7. Aid or otherwise perpetuate discrimination against an individual by providing VCDP-funded financial assistance to an agency, organization, or person that discriminates in providing any housing, aid, benefit, or service;
 8. Otherwise limit an individual in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other individuals receiving the housing, aid, benefit, or service;
 9. Use criteria or methods of administration that have the effect of subjecting persons to discrimination or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to persons of a particular race, color, national origin, religion, or sex; or
 10. Deny a person the opportunity to participate as a member of planning or advisory boards.

B. In determining the site or location of housing, accommodations, or facilities, this municipality will not make selections that have the effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination on the ground of race, color, national origin, religion, or sex. This municipality will not make selections that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of this policy.

C. This municipality will not, directly or through contractual, licensing, or other arrangements, solely on the basis of handicap:

1. Deny a qualified individual with handicaps the opportunity to participate in, or benefit from, any VCDP-funded housing, aid, benefit, or service;
2. Afford a qualified individual with handicaps an opportunity to participate in, or benefit from, any VCDP-funded housing, aid, benefit, or service that is not equal to that afforded to others;
3. Provide a qualified individual with handicaps with any VCDP-funded housing, aid, benefit, or service that is not as effective in affording the individual an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
4. Provide different or separate VCDP-funded housing, aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps from that provided to others unless such action is necessary to provide qualified individuals with handicaps with housing, aid, benefits, or services that are as effective as those provided to others;
5. Aid or perpetuate discrimination against a qualified individual with handicaps by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any housing, aid, benefit, or service to beneficiaries in the recipient's federally assisted program or activity;
6. Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards;

-
7. Deny a dwelling to an otherwise qualified buyer or renter because of a handicap of that buyer or renter or a person residing in or intending and eligible to reside in that dwelling after it is sold, rented or made available; or
 8. Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the housing, aid, benefit, or service.

D. This municipality will not, directly or through contracting, licensing, or other arrangements, use age distinctions or take any other actions that have the effect, on the basis of age, of:

1. Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a VCDP-funded program or activity; or
2. Denying or limiting individuals in their opportunity to participate in any VCDP-funded program or activity.

Use of Excessive Force Policy (42 USC sec. 5304(I)):

This municipality (1) prohibits the use of excessive force by its law enforcement agencies against any individuals engaged in nonviolent civil rights demonstrations; and (2) prohibits its law enforcement agencies from physically barring entrance to or exit from a facility or location that is the subject of a nonviolent civil rights demonstration.

Policy on the Use of VCDP Funds for Federal Lobbying (Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352 and 43 CFR part 18, New Restrictions on Lobbying. Submission of an application also represents the applicant's certification of the statements in 43 CFR part 18, appendix A, Certification Regarding Lobbying):

This municipality will not allow the use of VCDP funds to pay any person for the influencing or attempting to influence an officer of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement.

Code of Ethics for Administration of Vermont Community Development Program (24 CFR 570.489(h)):

The following code of ethical conduct for public officials, employees and/or affected contractors covers all aspects of the VCDP, whether or not specifically cited.

1. Goods and services shall be procured in a manner which maximizes free and open competition.
2. Officers and employees shall not participate in any decision concerning matters in which they

have a financial interest.

3. Conflicts, and the appearance of conflicts, of interest shall be avoided in order to assure public confidence in the operations of governments.
4. Every effort will be made to actively recruit woman-owned or minority-owned businesses and to provide opportunities for local residents and businesses, consistent with Section 3 of the Housing and Urban Development Act of 1968.
5. All procurement actions shall be conducted in public and all records related thereto will be open to public review.

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.) requires Grantees to certify and assure the Department that they will establish a formal written policy that informs employees that the manufacture, distribution, possession and use of illegal drugs in the workplace are prohibited, and an ongoing drug-free awareness program.

If this municipality does not already have a drug-free workplace policy that is at least as robust as the following, it hereby establishes that:

As an employer, the {Municipality} is responsible for maintaining safe, efficient working conditions for its employees by providing a drug-free workplace. Therefore, municipal employees shall not engage in the unlawful manufacture, distribution, possession or use of controlled substances (drugs) on the job or on any municipal work site.

1. The illegal use, possession, sale, distribution, or manufacture of controlled substances in or on property belonging to the municipality will not be tolerated and is considered to be grounds for review and termination of employment at the discretion of the employee's supervisor.
2. Any employee of the municipality who has a controlled substance dependency, or any other controlled substance-related problem, shall immediately seek professional assistance or counseling.
3. Any employee of the municipality who is convicted of violating any criminal drug statute must inform his or her supervisor within 5 days after the conviction. The criminal conviction of any employee of this municipality for the use, possession, sale or distribution of a controlled substance may be considered grounds for review and termination of employment at the discretion of the employee's supervisor.
4. If an employee who is convicted of violating any criminal drug statute works in a federally funded program, the municipality shall notify the agency that provides the federal funding within ten (10) days of the municipality's receiving the notice of the conviction. In the case of the Vermont Community Development Program, notify the Department of Housing and Community Development.
5. Any employee on municipal premises who appears to be under the influence of, or who possesses illegal or non-medically authorized drugs, or who has used such drugs on municipal

premises, may be temporarily relieved from duty pending further investigation.

6. If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.
7. All current and future employees shall be informed of this policy and shall acknowledge in writing their understanding and acceptance of this policy.

Subrecipient Oversight Monitoring Policy (required by Uniform Guidance, 2 CFR Part 200):

The policy set forth herein must be adopted by all municipalities using VCDP funds. Adoption of this policy certifies the Grantee shall be responsible for oversight monitoring of grant funds that are dispersed to a sub-recipient, to ensure the funds are properly managed.

To ensure such funds are managed according to the agreements and requirements of the granting agency, the Municipality will designate a municipal individual responsible for subrecipient monitoring. At a minimum, this will include:

1. Closely monitoring and reviewing the requisition of funds to the funding agency on a regular basis;
2. Reviewing the Subrecipient's financial management systems, internal control procedures, separation of duties, ensuring that different individuals review the invoices for payment and accuracy, from someone who writes the check, to someone who authorizes or signs the check, to someone who reconciles the Bank statements;
3. Reviewing the Subrecipient's procurement policies to ensure that they meet the requirements of 2 CFR Part 200, Uniform Federal Guidance;
4. Reviewing Labor Standards, if applicable, and the appropriate wage rates; securing payrolls and reviewing them for accuracy, and in the event there are any errors securing proof of restitution;
5. Ensuring that contractors are being paid appropriately, and lien waivers and other releases are secured from the contractors;
6. Closely monitoring the progress of the funded project through the review of required progress reports; and
7. Obtaining and reviewing the independent audit if required for the sub-recipient (expenditure of \$750,000 or greater in one fiscal year); or the municipality may determine that its own single audit may be expanded to include the scope of federal funds expended at the subrecipient level; or the subrecipient may be eligible to have a program specific audit.
8. Authorized representatives of the Secretary of the Agency, the Secretary of HUD, the Inspector General of the United States, or the U.S. General Accounting Office shall have access to all books, accounts, records, reports, files, papers, things, or property belong to, or in use by, any Subgrantee or Subrecipients pertaining to the receipts of VCDP funds as may be necessary to make audits, examinations, excerpts, and transcripts.

Whistleblower Protections:

A. The Municipality shall not discriminate or retaliate against a municipal employee or agent for engaging in the following:

1. Providing to a public body a good faith report or good faith testimony that alleges an entity of municipal or state government, a municipal employee or official, or a person providing services to the municipality under contract has engaged in a violation of law or in waste, fraud, or abuse of authority, or an act threatening health or safety.
2. Assisting or participating in a proceeding to enforce the provisions of this policy.

B. Neither the Municipality nor any municipal officer or employee shall attempt to restrict or interfere with, in any manner, a municipal employee's ability to engage in any of the protected activity described in subsection (a) of this policy. Employees are not required to report misconduct to the municipality or its agents prior to reporting to any governmental entity and/or the public.

C. Neither the Municipality nor any municipal offer or employee shall require employees or agents to forego monetary awards as a result of such reports.

Texting While Driving Policy (Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving) requires Grantees to certify and assure the Department that they will establish a formal written policy that informs employees that text messaging while operating a municipal vehicle is prohibited, and to conduct initiatives that encourage voluntary compliance with the municipal policy while off duty. If this municipality does not already have a such a policy that is at least as robust as the following, it hereby establishes that:

This municipality (1) prohibits the practice of texting while driving by its employees in municipal vehicles; and (2) requires its employees to adhere to Vermont statute, 23 V.S.A. § 1095b. "Handheld use of portable electronic device prohibited."

Adoption

Adopted by the Legislative Body on the 23rd day of August, 2022.

LEGISLATIVE BODY

Brian Carpenter, Chair
Lindsey Fuentes-George, Vice Chair
Heather Seeley
Farhad Khan
Dan Brown
Esther Charlestin
Andy Hooper

**Town of Middlebury
Selectboard Policy**

**Policy for the Appropriation of Aid to Health & Human Services Programs
for the Benefit of Middlebury Residents**

PURPOSE: Under 24 V.S.A. § 2691, at a meeting duly warned for that purpose, a town or incorporated village may appropriate such sums of money as it deems necessary for the support of Health & Human Services programs and facilities within that town for its residents. Health & Human Services programs, for which a town or incorporated village may appropriate sums of money, include: transportation, nutrition, medical, child care, and other rehabilitative services for persons with low incomes, senior citizens, children, disabled persons, drug and alcohol abusers, and persons requiring employment to eliminate their need for public assistance.

PROCEDURE: Health & Human Services agencies seeking new funding must submit a petition requesting an appropriation in accordance with 17 V.S.A. § 2642(a). Such petition must be signed by at least five percent (5%) of the legal voters of the Town of Middlebury and filed with the municipal clerk not less than 40 days before the day of the annual town meeting, where the article will then be voted on by Australian ballot. The petition should be in substantially the following format. The article is required to be formed as a question that may be answered either “yes” or “no” by the voter. No article may contain persuasive language in support of the request.

Petition of Legal Voters of the Town of Middlebury		
<p>We, the undersigned legal voters of the Town of Middlebury, hereby petition the Selectboard to add the following article to the warning for the annual town meeting to be held on Tuesday, March __, 20__:</p>		
<p>Shall the Town appropriate [amount of request] to [name of Health & Human Services agency], for [brief description of the purpose of the proposed appropriation] in accordance with 24 V.S.A. § 2691?</p>		
Print Name	Address	Signature
_____	_____	_____

Agency representatives are encouraged, and may be required, to attend a Middlebury Selectboard meeting to explain the appropriation request and answer questions. The Selectboard reserves the right to reject, amend, or edit any petitioned article that does not meet the requirements of 17 V.S.A. § 2642(a) and 24 V.S.A. § 2691. Petitions submitted after the statutory deadline for town meeting will not be honored.

Once a Health & Human Services agency’s appropriation request has been approved at an annual town meeting, the Selectboard will include the appropriation as a recurring line item in Town budgets presented to the voters in successive years, provided the agency is fully responsive to the Town’s annual request for pertinent financial and program information regarding the services provided to Middlebury residents. The Selectboard’s ability to continue funding each appropriation at the level originally approved by the voters may vary from year to year based on the need to balance competing budget priorities with taxpayer affordability.

An agency wishing to request an increase to previously approved funding will be required to appear before the Selectboard to substantiate the need and, if supported by the Board, present its case to the voters at town

meeting. By statute, if a requested increase in funding is not supported by the Selectboard, an agency retains the right to petition the voters directly.

On a rotating schedule not to exceed five years for any agency, the Selectboard will bring previously approved Health & Human Services appropriations before the voters at town meeting to consider re-authorization.

By statute, the Selectboard reserves the right to bring before the voters, on its own motion, any appropriations for Health & Human Services it deems in the best interest of Middlebury residents.

The foregoing policy is hereby adopted by the Selectboard of the Town of Middlebury, Vermont, this 9th day of February, 2016, and is effective as of this date until amended or repealed.

Adopted: February 9, 2016

MUNICIPAL FINANCE

**Town of Middlebury
Selectboard Policy**

Interfund Borrowing

Interfund loans of less than \$25,000 for term of less than 90 days and within the current fiscal year, are authorized to be made by the Treasurer. No interest is to be charged for these loans. Loans will be repaid as soon as possible.

Interfund loans of over \$25,000 and less than 180 days and within the current fiscal year, are authorized by the Town manager. Interest rate charged shall be equal to commercial/governmental loan interest rate.

Interfund loans for greater than 1 year shall require Selectboard approval, interest rates equal to commercial/governmental loans, be accompanied by appropriate loan documents fully executed by Selectboard, Town Manager and Treasurer.

Adopted: July 22, 1975

Amended: March 24, 2015

**Town of Middlebury
Selectboard Policy**

Tax Sales

- 1) Delinquent taxes will be considered eligible for Tax Sale when either one or both of the following criteria are met:
 - a) Delinquent taxes are over \$500.00, and/or
 - b) Taxes are more than one year delinquent

- 2) Once the Selectboard has acted upon the submitted list, the delinquent tax collector shall:
 - a) Notify each individual on the list, by return receipt request, of the tax sale decision and inform the individual of the date when actual tax sale procedures will commence. This date should be not less than one month after the date of the initial notification.

 - b) All mortgage holders and lien holders should also be notified at this time.

 - c) Once the deadline date has expired and full payment has not been received, the delinquent tax collector shall proceed with the tax sale, following appropriate procedures specified in 32 V.S.A. 5252.

Adopted: June 16, 1981

Amended: December 27, 1994 **Effective** April 1, 1995

Amended: March 24, 2015

**Town of Middlebury
Selectboard Policy**

Payment of Bills

The Accounting Department shall submit to the Selectboard the Check Warrant for their review and approval prior to releasing vendor payments.

There are various cases where bills should be paid before the Selectboard has met to approve and sign the Warrant. By the adoption of this Policy, the Selectboard approves of the Town Manager and Treasurer issuing checks in these cases:

1. Payroll and payroll related deduction payments.
2. Payments where contractual agreements establish a specific payment schedule.
The Town may establish a payment schedule as part of a bid document or in order to obtain a lower price at time of purchase.
3. The payment of shipping charges.
4. To take advantage of discounts driven by receipt of a payment by a certain date.

Adopted: August 5, 1980

Amended: March 24, 2015

**Town of Middlebury
Selectboard Policy**

Required Approvals for Journal Entries

The authorization of a funds transfer within a department(s) shall come only from the Town manager and/or the Selectboard.

Adopted: August 27, 1999

Amended: March 24, 2015

**Town of Middlebury
Selectboard Policy**

Accounts Receivable Abatements

The Selectboard authorizes the Town Manager to abate Accounts Receivables that amount to \$200 or less. Criteria for abatement shall be "administrative error.'

Adopted: September 1, 1981

**Town of Middlebury
Selectboard Policy**

Purchasing

Section 1: PURPOSE. The purpose of this Purchasing Policy is to obtain the highest quality goods and services for the Town of Middlebury that are in the best interests of the Town, to exercise financial control over the purchasing process, to clearly define authority for the purchasing function, to allow fair and equal opportunity among qualified suppliers, and to provide for increased public confidence in the procedures followed in public purchasing.

Section 2: DEFINITIONS

- a. Simplified Bid: the collection of two or more price quotes for a product or service that does not involve a publicly advertised Formal Bid process. Prices obtained from a vendor catalog or website shall be considered acceptable in lieu of a written price quote.
- b. Formal Bid: the solicitation of two or more price quotes for a product or service through the preparation and distribution of a written request for bids.
- c. Sole-Source Purchase: Procurement from a single source without obtaining multiple quotes or going through a Formal Bid process because it is automatically exempted or otherwise authorized by the Selectboard or Town Manager in accordance with this Policy. Unless it is specifically authorized by this Policy, a request for a sole source vendor for major or moderate purchases must be documented in writing identifying the basis of the request.

Section 3: PURCHASE AUTHORIZATION. It is understood that the Town Manager serves as the general purchasing agent for the Town of Middlebury (Section 127-704(j) of the Town Charter). No purchase of \$1,000 or more shall be made by any Town officer or employee without prior approval of the Town Manager. Purchases of products and services with a value between \$1,000 and \$9,999 may be made using a Simplified Bid process, as defined in Section 2.

Vendors shall be selected based on what is in the best interest of the Town, with cost; the quality of the goods and services offered; and the demonstrated ability, capacity, and skill of the vendor as the primary considerations.

Section 4: FORMAL BID PROCESS. All purchases of \$10,000 or more shall be subject to a Formal Bid process, as defined in Section 2, and shall require the approval of the Selectboard.

The bid process shall be initiated by the issuance of a request for bids prepared by the Town Manager or designated Town Department Head. Depending upon the nature of the purchase, bid solicitations may be 1) sent directly to known providers; 2) advertised in local media, appropriate industry publications and on social media; or 3) a combination of both. In all cases, Formal Bid requests shall be posted on the Town's website.

Section 5: PREPARATION OF THE BID PACKAGE. Bid specifications shall include:

1. Bid name.
2. Bid submission deadline.
3. Date, location, and time of bid opening.
4. Specifications for the project or services including quantity design, and performance features.
5. features.
6. Bond and/or insurance requirements.
7. Any special requirements unique to the purchase.
8. Delivery or completion date.
9. Notice of the right of the Town of Middlebury to reject any or all bids, if such action is deemed in the best interest of the Town.

Once a request for bids has been issued, the bid specifications will be available for inspection on the Town website and at the appropriate departmental office.

Section 6: BID SUBMISSION. All bids must be submitted in sealed envelopes, addressed to the Town in care of the Town Manager, and plainly marked with the name of the bid and the time of the bid opening. Bid proposals will be date stamped on the outside of the envelope immediately upon receipt. Any bid may be withdrawn in writing prior to the scheduled time for the opening of bids. Any bids received after the time and date specified shall not be considered and shall be returned to the bidder unopened.

Bidders shall bid to specifications and any exceptions must be noted. A bidder submitting a bid thereby certifies that the bid is made in good faith without fraud, collusion, or connection of any kind with any other bidder for the same work, and that the bidder is competing solely on his/her behalf without connection with or obligation to any undisclosed person or firm.

Section 7: BID OPENING. Every bid received prior to the bid submission deadline will be publicly opened and read aloud by the Town Manager. The bid opening will include the name and address of bidder; for lump sum contracts, the lump sum base bid and the bid for each alternate; for unit price contracts, the unit price for each item and the total, if stated; and the nature and the amount of security furnished with the bid if required.

Section 8: CRITERIA FOR VENDOR SELECTION. In evaluating bids, Town Department Heads and the Selectboard will consider the following criteria:

1. The best interests of the Town
2. Price
3. Bidder's ability to perform within the specified time limits
4. Bidder's experience and reputation, including past performance for the Town
5. Quality of the materials and services specified in the bid
6. Bidder's ability to meet other terms and conditions, including insurance and bond requirements
7. requirements
8. Bidder's financial responsibility
9. Bidder's availability to provide future service, maintenance, and support
10. Nature and size of bidder
11. Any other factors that the Selectboard determines are relevant and appropriate in connection with a given project or service
12. All other things being equal, additional consideration should be given to local vendors

The Selectboard reserves the right at its sole discretion to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein, to accept any bid even though it may not be the lowest bid, to call for rebids, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the Town's interest. The Selectboard reserves the right to investigate the financial responsibility of any bidder to determine his or her ability to assure service throughout the term of the contract.

Section 9: CHANGE ORDERS. If changes to bid specifications are made prior to the close of the bid process, the Request For Bids will be amended and notice shall be sent to any bidder who already submitted a bid, and a new bid process will be initiated. Once a bid has been accepted, if changes to the specifications become necessary, the Selectboard shall direct the Town Manager to prepare a change order specifying the scope of the change. Once approved, the selected contractor and an authorized agent of the Town must sign the change order.

Section 10: EXCEPTIONS

Sole-Source Purchases. For purchases of \$10,000 or more, requiring the Selectboard's approval, if the Selectboard determines that there is only one best possible source for a proposed purchase, it may, at its discretion, waive the Formal Bid process and authorize a directed purchase from that source. The Town Manager may do likewise for purchases under \$10,000. Town departments shall submit Sole-Source Purchase requests in writing, including a detailed explanation of the rationale for recommending a specific vendor. Department Heads should exercise appropriate due diligence when requesting a sole-source purchase to verify that the price offered is fair and reasonable.

Recurring Purchases. Town departments may, from time to time throughout the year, find it necessary to make recurring purchases of a product and service in the course of normal operations. If the total value of a recurring purchase of a product or service is anticipated to exceed \$10,000 during any fiscal year, the Formal Bid process shall be used. Once a bid has been accepted, all future purchases may be made from that bidder without necessity of additional bids, until such time as the Selectboard votes to initiate a new bid process. Additionally, if the Selectboard approves a recurring purchase as a sole-source procurement, it may, at its discretion, permit future purchases to be made from the same sole-source vendor for up to five years, or until it votes to initiate a new bid process.

The following recurring purchases are exempted from the Formal Bid process but still require approval from the Town Manager, per Section 3.

- a. Supplies needed for routine maintenance and repair of Town highway, water and sewer infrastructure
- b. Repairs to equipment
- c. Equipment repair supplies
- d. Brass valves and other fittings
- e. Fire Hydrants
- k. Utilities

Emergency Purchases. The Town Manager may award contracts and make purchases for the purpose of addressing a public emergency without initiating a bid process. Emergency expenditures may include immediate repair or maintenance of town property, vehicles, or equipment, if the delay in such repair or maintenance would endanger persons or property or result in substantial impairment of the delivery of important Town services.

Professional Services. The bid process shall not apply to the selection of providers for services that are characterized by a high degree of professional judgment and discretion including legal, financial, auditing, engineering, risk management, and insurance services.

Computer and Networking Purchases. The Town Manager may approve purchases made through the Town's designated IT support provider without initiating a Formal Bid process.

Adopted: August 21, 1973

Amended: November 21, 1978

Amended: June 18, 1991

Amended: December 9, 2003

Amended: December 9, 2014

Amended: January 11, 2022

**Town of Middlebury
Selectboard Policy**

Renewable Energy Purchase Policy

This policy presents a plan for the gradual replacement of vehicles and other equipment using fossil fuel to ones using local and renewable energy sources. It pertains to procurement practices and purchasing criteria. It is presupposed that the best time to replace fossil fuel powered vehicles and equipment (e.g. boilers, street lights, mowers etc.) with appliances that run on renewable forms of energy is when they have reached the end of their anticipated life expectancy and usefulness.

1. Whenever a Middlebury Department Head obtains and submits vendor quotes to purchase a vehicle or other equipment that will be powered by fossil fuels or fossil fuel sourced power, they will also obtain and submit vendor quote(s) for a comparable appliance/vehicle that can be powered by more renewable energy sources such as electricity sourced from renewable energy, biodiesel, or biomass such as wood chips or pellets. This policy also applies to the purchase of fuel and energy that is generated by fossil fuels.

2. Department Heads will also request that all vendors submitting proposals to provide the town with either a life-cycle analysis or an estimate of operation and maintenance costs of using their vehicle/equipment over an extended period of time (e.g. 20 years) using current fuel prices and a standard average number of operating hours per day. (e.g. heating system runs an average of 6 hours every day, or street lights are on for an average of 10 hours every night), and normal recommended maintenance schedules.

3. This information (initial cost, delivery and installation, cost of energy, cost of maintenance, life-cycle analysis) would then provide the Middlebury Select Board with the information needed to evaluate both the short and long-term economic benefits of converting the town's fossil fuel infrastructure to renewably powered alternatives at the time when purchasing decisions are being made and will allow the town to convert to renewable energy alternatives when it makes sense to do so. If this information is not provided, the Department head will provide the Select Board with an explanation why such information is not applicable.

Adopted: October 9, 2018

**Town of Middlebury
Selectboard Policy**

Tax Stabilization

I. Statement of Purpose

The voters of Middlebury have authorized the Selectboard to enter into tax stabilization agreements with new and existing commercial and industrial enterprises. The Selectboard accepts this authority, acknowledging the need to promote the stability and growth of commercial and industrial enterprises in Middlebury.

The Selectboard intends to use this tool judiciously to provide long-term public benefit to the community as a whole, and it will consider individual requests for tax stabilization in the context of how each request meets the following community goals:

1. To broaden and strengthen job and earning opportunities for Middlebury area residents.
2. To maximize and stabilize the Grand List of Middlebury.
3. To minimize the property tax burdens of residential and farm properties in Middlebury.
4. To promote the success and stability of the business and industrial community in Middlebury, and encourage the development and expansion of firms beneficial to the Town.
5. To preserve the Town's unique character, quality of life and general welfare of its citizens.

II. Authority

The authority of the Selectmen is derived from Title 24 V.S.A., '2741(b)(1) and the action of the voters of Middlebury at the Special Town Meeting of November 5, 1996 regarding the following warned article:

Shall the voters of the Town of Middlebury authorize the Board of Selectmen as provided in 24 V.S.A. 2741 to enter into contracts with those who are, or intend to become, industrial or commercial owners, lessees, bailees, or operators of such real or personal properties for the purpose of fixing and/or maintaining the valuation in the grand list, the rate or rates of tax applicable, the amount which shall be paid, the tax applicable at a percentage of the annual tax for a period not to exceed ten years?

Yes: 1,507 No: 1,016

The Selectboard is free to change or amend this Tax Stabilization Policy or revoke the policy in its entirety, as long as the authority granted by the voters remains with the Selectboard.

Adopted: February 25, 1997

Amended: March 24, 2015

**Town of Middlebury
Selectboard Policy**

Contract and Bid Security

For Contracts between \$0 and \$25,000

All contractors must provide proof of insurance.

Generally, no security will be required for contract amounts between \$0 and \$25,000. However, the Town may require security:

- For any contract which the Town deems said security is in the best interest of the Town.

AND/OR

- To comply with requirements for state and federal funding.

For Contracts between \$25,000 and \$75,000

Bid Bonds will not be required.

In lieu of the Performance, Payment and Guaranty Bond, the following security will be acceptable to the Town of Middlebury:

1. Certified check or Bank check for 10% of bid. Make checks payable to the Treasurer, Town of Middlebury

OR

2. Irrevocable Letter of Credit from a financial institution for 10% of bid.

Security to extend 60 days beyond project completion date.

For contracts between \$75,001 and \$100,000

The contractor will furnish the following bonds and the obtaining of these bonds is a condition precedent to the effectuation of the contract between Owner and Contractor:

- Bid Bond in the amount of 5% of the bid.
- Guaranty Bond in the amount to 100% of the contract price.
- Performance Bond in the amount of 100% of the contract price.
- Payment Bond – Labor and Materials – 100% of the contract price.

All bonds are to be executed according to instructions. The Town of Middlebury will furnish Bond forms.

Alternate Security:

1. In lieu of the bid bond the following security will be acceptable to the Town of Middlebury: Certified check or Bank check in the amount of 5% of bid. Make checks payable to the Treasurer, Town of Middlebury.

2. In lieu of the Performance, Payment, and Guaranty Bond, the following security will be acceptable to the Town of Middlebury:
 - a. Certified check or Bank check for 125% of bid. Make checks payable to the Treasurer, Town of Middlebury.

OR

- b. Irrevocable Letter of Credit from a financial institution for 125% of bid.

Security to extend 60 days beyond project completion date.

For Contracts of \$100,001 and over

The Contractor will furnish the following bonds and the obtaining of these bonds is a condition precedent to the effectuation of the contract between Owner and Contractor:

- Bid Bond in the amount of 5% of bid.
- Guaranty Bond in the amount of 100% of the contract price.
- Performance Bond in the amount of 100% of the contract price.
- Payment Bond - Labor and Materials – 100% of the contract price.

All bonds are to be executed according to instructions. The Town of Middlebury will furnish bond forms.

Adopted: October 9, 2013

PERSONNEL

Town of Middlebury Selectboard Policy

Personnel

Introductory Matters

Section 1: TITLE AND AUTHORITY

1.01 This policy shall be known as the Town of Middlebury Personnel Policy. It has been adopted by the Town of Middlebury Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122.

1.02 This personnel policy does not constitute a contract of employment. Employment with the Town of Middlebury (hereinafter the "Town") is *at will* and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, with or without notice. The selectboard reserves the right to amend any of the provisions of this personnel policy for any reason and at any time, with or without notice.

1.03 With the exception of those actions reserved herein, or reserved by the Town Charter to the Middlebury Selectboard, the responsibility for administering and enforcing the Personnel Policy shall rest with the Town Manager.

Section 2: PERSONS COVERED

2.01 For purposes of this policy, a full time employee is an employee who is scheduled to work at least 30 hours per week and a part-time employee is an employee who is scheduled to work fewer than 30 hours per week. This policy applies to full-time and part-time employees of the Town of Middlebury who work on a regular and continuing basis, with the following exceptions:

- Elected Officers and their statutory assistants (unless covered by a separate written agreement with the Selectboard)
- Seasonal and temporary employees (defined as an employee who works 20 or fewer weeks, in a job scheduled to last 20 weeks or less in a calendar year), and persons who provide the Town with services on a contracted basis.
- Members of Town boards, commissions and volunteers

2.02 Where a Collective Bargaining Agreement (CBA) conflicts with any specific language in this policy, the CBA will take precedence unless the policy provision is established in compliance with Federal or State law.

Section 3: SEVERABILITY

3.01 If any provision of this personnel policy or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the personnel rules which can be given effect without the invalid provision or application. For this purpose, this personnel policy is severable.

Section 4: BIENNIAL REVIEW

4.01 The Personnel Policy shall be reviewed every two years by Town staff and/or other parties designated by the Selectboard, and a report summarizing recommended amendments, if any, prepared for the Board's consideration.

Equal Employment Opportunity Statement

Section 5: EQUAL EMPLOYMENT OPPORTUNITY

5.01 The policy of the Town is to provide equal opportunity to all employees and applicants without regard to race, color, religion, ancestry, sex, sexual orientation, gender identity, age, nationality origin, place of birth, marital status, disability, veteran's status, HIV status, pregnancy, genetic information or any other category of person protected under state or federal law.

Work Schedules and Fair Labor Standards Act (FLSA) Information

Section 6: HOURS OF SERVICE

6.01 A typical work week shall be forty (40) hours per week, Monday through Friday, unless otherwise specified based on job title. Supervisors may alter work schedules and require employees to work additional hours that may exceed forty hours in a given week, as circumstances require to meet the needs of the Town. Supervisors shall also have the authority to approve variations from the regular work schedules when requested by an employee, so long as such flexible scheduling is not detrimental to the Town's interests.

6.02 All employees are expected to be in attendance during their scheduled work hours. Employees who will be absent from work are expected to notify their supervisor in advance whenever possible. Employees who are unable to work due to injury or illness are expected to notify their Supervisor as soon as possible, but no later than 30 minutes prior to their scheduled start time.

Section 7: OVERTIME

7.01 In accordance with the federal Fair Labor Standards Act, the Town compensates all non-exempt employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Holidays, sick time, and vacation days do not count as hours worked for purposes of calculating either overtime or compensatory time eligibility.

7.02 The FLSA does not require overtime compensation for employees employed in executive, administrative or professional capacities as defined by the FLSA.

7.03 All overtime for non-union employees must be approved by the appropriate Department Head prior to being worked, with the exception of those situations wherein an employee is on call to respond to emergency situations.

Workplace Policies

Section 8: PROBATIONARY PERIOD

8.01 All new employees will be required to complete a six-month probationary period. The purpose of this probationary period is to determine whether the employee is suited for the job. During the probationary period, an employee may be terminated at any time at the sole discretion of the Town Manager. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

Section 9: CONFLICTS OF INTEREST

9.01 Every employee of the town shall carry out his or her job in a way that ensures that neither the individual employee nor any other employee of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust will be preserved. All decisions made by municipal employees shall be made based on the best interest of the community at large rather than the interests of any particular individual or employee.

9.02 An employee shall not participate in any official action if he or she has a conflict of interest in the matter under consideration. A "conflict of interest" shall mean a direct or indirect personal or financial interest of the employee, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the employee or before the municipality.

9.03 An employee shall not personally, or through any member of his or her household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the municipality.

9.04 An employee shall not use resources not available to the general public, including but not limited to town staff time, equipment, supplies, or facilities for private gain or personal purposes.

9.05 An employee may accept a nominal gift or gratuity in connection with an action associated with their official duties on behalf of the town with an estimated monetary value not exceeding \$20 once per calendar year, with the understanding that employees may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the town. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services corruptly, directly or indirectly, ask, demand, exact,

solicit, seek, accept, receive or agree to receive for the employee or another person, any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services with the exception of items of a de minimus nature valued \$20 or less (such as vendor booth “freebies”).

Section 10: OUTSIDE EMPLOYMENT

10.01 The primary occupation of all full-time employees shall be with the Town. Employees may not engage in any outside business activities during their scheduled work hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest.

10.02 Prior to accepting any outside employment, employees will disclose their intent to do so in writing and obtain prior clearance from the Town Manager that such employment does not constitute a conflict of interest.

10.03 A conflict of interest means a direct or indirect personal or financial interest of an employee, his or her close relative, household member, business associate, employer or employee. A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

Section 11: POLITICAL ACTIVITY

11.01 No employee may use his or her official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public office, or demand or solicit from any individual direct or indirect participation in any political party, political organization or support of any political candidate. Employees are prohibited from using Town facilities, equipment or resources for political purposes and from pursuing political activities while working.

11.02 This personnel policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as these views are clearly articulated as being those of the individual and not of the Town, and these activities do not interfere with the individual’s ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this personnel policy to be construed as prohibiting, restraining or in any manner limiting an individual’s right to vote with complete freedom in any election.

Section 12: NEPOTISM

12.01 The Town – in recognition of the potential for a conflict of interest to occur in the workplace where a close relative is responsible for supervising or evaluating the work performance of another close relative – prohibits the hiring or transferring of relatives, when doing so will result in a close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate supervision of another close relative.

12.02 A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

Section 13: ALCOHOL AND DRUG USE

The Town intends to maintain a drug-free workplace and workforce. The use of alcohol or illegal drugs and the abuse of prescription drugs are not tolerated in the workplace or at work-related events.

As a Town employee, you are prohibited from working, or presenting yourself for work, while under the influence, or severe after effects, of illegal drugs, controlled substances, and/or alcohol. This policy is designed to promote our goal of providing a safe, healthy and productive work environment. This policy covers all employees, including drivers and other employees who also are subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

It is the policy of the Town to prohibit the manufacture, distribution, transfer, display, transportation, sale, dispensation, possession, consumption or use of illegal drugs, controlled substances, and/or alcohol by Town employees at the workplace and/or during working hours. Prohibited behavior includes manufacturing, distributing, transferring, displaying, transporting, selling, dispensing, possessing, consuming, using, or being under the influence of illegal drugs, controlled substances, and/or alcohol during work hours, on work premises, while engaged in work activities away from work premises, or during work-related events.

For the purposes of this policy, the term “illegal drug” includes both: (a) all state and/or federally controlled substances, including look-alike and designer drugs, and drug paraphernalia, and (b) prescription medications that have not been prescribed for current use by an authorized medical practitioner or that are being used contrary to the prescribing medical practitioner’s instructions. Controlled substances include but are not limited to the following substances: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepine, methadone, methaqualone, and propoxyphene.

Violations of this policy may subject employees to disciplinary action, up to and including termination of employment and referral for prosecution. The Town also may provide information and recommendation to participate in an appropriate drug assistance or rehabilitation program.

Prohibited Conduct:

The following actions are prohibited in the workplace, on municipal property, while using municipal equipment, or during any time period in which you are on municipality business:

- Possessing, consuming, or using illegal or controlled substances, as defined by federal, state, and local statutes. (Controlled substances may be taken pursuant to a properly issued prescription, provided the controlled substance is taken as and in the amount prescribed and so long as the medication does not adversely affect the employee’s ability to perform the essential functions of his or her job).
- Distributing, transferring, displaying, transporting, selling, or possessing with the intent to distribute illegal or controlled substances.
- Possessing or using drug paraphernalia except when used for legal substances and in a legally prescribed manner.
- Being under the influence of illegal or controlled substances as demonstrated by actions and/or other evidence.
- Growing and/or manufacturing any illegal drug or controlled substance.
- Possessing or using alcohol.

- Being under the influence of alcohol.

The illegal use of prescription drugs is also prohibited. If an employee is legally taking prescription drugs that affect the employee's ability to safely perform any of the essential functions of his or her job, his or her supervisor or the [Town Manager/Selectboard] will determine whether or not the employee should continue to perform his or her functions until concerns regarding safety can be addressed. Medical certification may be required.

Employees may be disciplined, up to and including termination, for violations of this policy.

In addition to this policy, employees who operate commercial motor vehicles (CMVs) for the Town are also subject to the provisions of the Town's CMV Drug and Alcohol Policy.

Section 14: TOBACCO USE

14.01 In recognition of the hazards that tobacco poses to the health of employees, and in accordance with 18 V.S.A. §§ 1421 et seq. and §§ 1741 et seq., the Town hereby prohibits employees' use of tobacco in any form, including electronic cigarettes, in all publicly-owned buildings, offices and enclosed areas, and in all Town vehicles.

Section 15: PUBLIC RECORDS

15.01 Any written or recorded information that is produced or acquired by a Town employee in the course of Town business is a public record, subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention rules and disposition schedules for municipal records. Although the Town discourages the use of personal computers, devices, or accounts to conduct Town business (see Section 20, above), the use of a personal computer, device, or account does not prevent an otherwise public record from being subject to public inspection and copying. In the uncommon event that an employee uses their personal computer, device, or account to conduct Town business, the record created, sent, or received should be forwarded by the employee to the employee's Town computer system, or otherwise captured and retained as a Town record. All employees are required to respond in the manner prescribed by Vermont's Public Records Law regardless of where a Town public record may be stored. All employees must provide any Town public records stored in their personal computers, devices, or accounts that are responsive to a public records request.

Personnel Matters

Section 16: PERFORMANCE EVALUATIONS

16.01 Employees may be subject to job performance evaluations at least annually or at such times and in such manner as deemed by Town Policy. The results of such evaluations will be submitted to the employee, the employee's supervisor, the Town Manager and will become a part of the employee's personnel file.

Section 17: PERSONNEL RECORDS

17.01 Personnel records will be maintained for each employee of the Town. In accordance with Vermont's Public Records Law, any employee or the employee's designated representative may inspect

or copy his or her personnel file at a mutually agreeable time during regular office hours. The Town reserves the right to have its representative present at the time its files are examined or copied.

Section 18: EMPLOYEE EXIT INTERVIEWS

18.01 Full-time and regular part-time employees who leave the payroll may request an exit interview with the Town Manager or his/her designated representative, to offer feedback on their employment experience with the Town. Employees who report directly to the Town Manager may request an exit interview with the Chair or Vice Chair of the Middlebury Selectboard. The Exit Interviews will be conducted at a mutually agreeable time and place before the employee's final day of employment.

Use of Town Assets

Section 19: USE OF TOWN EQUIPMENT

19.01 Except as provided in Section 20, the use of Town equipment or property for personal use is strictly prohibited. Employees should have no expectation of privacy regarding anything stored in or on Town-owned property or Town-owned equipment, including but not limited to desks, filing cabinets, lockers, and vehicles. Employees should expect that such areas may be searched at any time to retrieve work-related materials or to investigate violations of work-place rules.

19.02 Marked Town Vehicles approved by the Town Manager for assignment to a Department Head shall be restricted to use for Town business and when on call. Passengers, other than Town employees, shall not be permitted in Town vehicles without prior authorization from the Town Manager.

Section 20: USE OF TOWN COMPUTER SYSTEM

20.01 The Town computer system is to be used by employees for the purpose of conducting Town business. Occasional, brief, and appropriate personal use of the Town computer system is permitted, provided it is consistent with this policy and does not interfere with an employee's job duties and responsibilities.

20.02 Employees should have no expectation of privacy regarding anything created, sent or received on the Town computer system. The Town may monitor any and all computer transactions, communications and transmissions to ensure compliance with this policy and to evaluate the use of its computer system. All files, documents, data and other electronic messages created, received or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law.

20.03 Employees may not introduce software from any outside source on the Town's computer system without explicit prior authorization from their supervisor. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.

20.04 Employees who have a confidential password to access the Town's operating system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person.

20.05 Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of uses of the Town computer system which are prohibited:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening;
- Communications of sexually explicit images or messages;
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non job-related solicitations during or after work hours;
- Access to Internet resources, including web sites and news groups, that are inappropriate in a business setting;
- Any other use that may compromise the integrity of the Town and its business in any way.

20.06 For purposes of this section, "computer system" means all smart phones, computer-related components and equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, software, internal or external communication networks, the world wide web (www), the Internet, commercial online services, bulletin board systems, back up systems and the internal and external e-mail systems accessed via the Town's computer equipment.

20.07 Nothing in this policy will be interpreted or applied in a manner that interferes with employee rights to organize, form, join, or assist labor organizations, to bargain collectively through representatives of their choosing to the extent allowed by law, or to engage in other concerted activities for the purpose of addressing the terms and conditions of employment.

Employee Benefits

Section 21: ELIGIBILITY FOR BENEFITS

21.01 The Town offers an extensive benefits package. The individual benefit descriptions in Sections 18 through 20 indicate whether part-time employees are eligible (defined in Section 2 of this policy as employees working fewer than 30 hours per week on a regular and continuing basis.)

21.02 The Town offers group insurance plans to full-time employees. A current list of plans is included at the end of this policy as Addendum A. Detailed information about the plans is available from the Town Manager's Assistant.

21.03 The Town reserves the right to change insurance carriers, or to add, delete or amend health insurance plans in its sole discretion. The Town also reserves the right to change the amount or percentage of the Town's contribution toward the premiums for any group health insurance plan. Employees will be provided with advance notice of any changes in their plans or the premium contribution rate.

Section 22: HOLIDAY LEAVE AND PERSONAL DAYS

22.01 The Town observes the following holidays each year. Full-time and part-time employees will receive paid holiday leave for the number of hours that they are scheduled to work on the day that the holiday falls. *

- New Year's Day (January 1)
- Martin Luther King Jr.'s Birthday (3rd Monday in January) – LIBRARY STAFF ONLY
- Presidents Day (3rd Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Columbus Day (second Monday in October)
- Veterans' Day (November 11) – EXCEPT LIBRARY STAFF
- Christmas Eve (December 24) – LIBRARY STAFF ONLY
- Thanksgiving Day (4th Thursday in November)
- Day after Thanksgiving (4th Friday in November) – EXCEPT LIBRARY STAFF
- Christmas Day (December 25)

22.03 Holidays falling on a Saturday will be observed the preceding Friday. Holidays falling on a Sunday will be observed the following Monday. Holidays that fall during an employee's vacation leave will not be charged as vacation leave

22.04 All full-time employees are entitled to 16 hours of personal time, at their current rate of pay, each fiscal year (July 1st – June 30th). New full-time employees must begin work prior to December 31st in order to accrue personal time within that fiscal year. Personal time must be used in the fiscal year it is earned and the time off arranged in advance with the employee's supervisor. Personal time will be granted provided it does not cause an interruption of the essential operations of the Town.

22.05 A request to take unpaid leave from employment for the purpose of attending town meeting must be made at least 7 (seven) business days prior to the date of the town meeting, to the employee's supervisor. Such leave will be granted provided that it does not cause an interruption to essential operations of the Town.

* Previously agreed-upon supervisory practices regarding holiday pay for staff hired prior to February 27, 2017 will be grandfathered under this provision.

Section 23: LONGEVITY PAY

23.01 Full-time employees, who have completed seven years of employment by December 1st, are entitled to longevity pay in recognition of their years of service. The annual payment will be made to each eligible employee by December 15th at the rate of \$325 for the first year, plus an additional \$25 per year, up to a maximum of \$825 per year.

Section 24: VACATION LEAVE

24.01 Full-time and part-time employees accrue vacation time on a monthly basis. The following annual rates of accrual are based on a 40-hour work week and prorated based on an employee's regularly scheduled hours.

- 0 through 12 months of employment accrues 80 hours per year.
- 13 through 60 months of employment accrues 96 hours per year.
- 61 through 108 months of employment accrues 120 hours per year.
- 109 through 156 months of employment accrues 144 hours per year.

- (e) 157 through 204 months of employment accrues 168 hours per year.
- (f) 205 months plus of employment accrues 200 hours per year.

24.02 An increase in the annual rate of accrual will occur on the employee's anniversary date of hire. Vacation is paid at the employee's current rate of pay at the time vacation time is used.

24.03 Vacation time may accrue up to the maximum number of hours the employee can accrue in a two-year period. Accrual stops if an employee has reached their maximum number of vacation hours and time must be used in order for accrual to restart.

24.04 A full time employee may, upon approval of the Town Manager, receive one half of the annual vacation time allotted and accrued to said employee in the form of a dollar amount based on the employee's current weekly wage or salary. Vacation time may only be sold once in a calendar year.

24.05 The Town does not wish to encourage extensive use of this procedure. It is generally believed that every employee needs time away from his or her work environment for their mental and physical well-being. However, the Town realizes in certain situations, this option should be available to an employee.

24.06 An employee who resigns from employment with the Town will be compensated for unused vacation leave, provided that the employee gives at least two weeks written notice of the resignation.

Section 25: SICK LEAVE

25.01 For the purposes of this Section of the Policy, the following definition shall apply: "eligible employee" means an employee or an elected official of the Town who: (a) is age 18 or older; (b) works an average of 18 or more hours per week during the year; and (c) is expected to work 20 more weeks in a 12-month period. This definition includes newly-hired employees and those who are still in their probationary period of employment. This definition does not include an individual who: (i) works on a per diem or intermittent basis; (ii) works only when he or she indicates that he or she is available to work; (iii) is under no obligation to work for the Town; and (iv) has no expectation of continuing employment with the Town.

25.02 Full-time and part-time employees will accrue sick time on a monthly basis. Calculation will be based on a 40-hour-per-week work schedule accruing 96 hours per year (8 hours per month), and prorated based on an employee's regularly scheduled hours. Sick time will be paid at the employee's regular rate of pay. An employee may use sick leave for a personal or family illness or injury.

25.02 An employee may use sick leave for the purposes below:

- The employee is ill or injured.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse/partner, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse/partner, or parent-in-law to an appointment related to his or her long-term care.
- The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse/partner, child, brother, sister, parent-

in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, “domestic violence,” “sexual assault,” and “stalking” shall have the same meanings as in 15 V.S.A. § 1151.

- The employee cares for a parent, grandparent, spouse/partner, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee’s workday is closed for public health or safety reasons.
- An appointment eligible for short-term family leave under the provisions of the Vermont Parental and Family Leave Act (21 V.S.A. § 472a).

25.03 Employees may carry over a maximum of 120 hours of accrued and unused sick time from one fiscal year to the next. Full-time employees, as defined in Section 2 of this Policy as, anyone regularly schedule 30 hours or more, who have accrued more than 120 hours of sick time as calculated as of May 31st each year will be paid for thirty three and one third percent (33 1/3%) of any hours over 120, at their current rate of pay, by the 15th of June of the same year. Part-time employees do not receive payment for unused accrued hours over the 120.

25.04 Upon separation from employment with the Town, an employee will not be compensated for unused sick leave.

Section 26: BEREAVEMENT LEAVE

26.01 Full-time and part-time employees may be excused for up to five days, with pay, for bereavement leave for the death of a close relative or extended family member. For part-time employees, bereavement leave pay only applies when leave is requested for a day that the employee has been scheduled to work.

26.02 If additional time off is needed, or if time off is needed for the funeral of a friend or a relative who is not an immediate family member as defined above, nor a domestic partner, nor member of an employee’s household, the employee’s supervisor may grant, on a case-by-case basis, the use of a reasonable amount of accrued sick leave, if available, or, if not, unpaid leave.

26.03 Pay for bereavement leave will be at the employee’s regular rate of pay.

26.04 If an employee does not use all of his/her eligible bereavement leave in a year, the employee may not carry the unused leave forward to the next year. Upon separation from employment, an employee will not be compensated for unused bereavement leave.

Section 27: PARENTAL AND FAMILY LEAVE

27.01 Eligible employees may receive leave as described the in the Family and Medical Leave Act (FMLA) and Vermont Parental and Family Leave Act (PFLA). These federal and state laws will determine employee eligibility, the qualifying reasons for such leave and the length of leave.

27.02 The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under FMLA or the PFLA. A request for leave must be made to the Town Manager. Where an employee’s leave request is covered by the PFLA and the FMLA, the Town will adhere to the law that provides the most benefits to the employee. If an employee is entitled to leave under both the PFLA and FMLA, the leave periods will run concurrently.

27.03 For the purposes of determining the twelve month period in which an employee may be entitled to PFLA and/or FMLA leave, the Town will use a rolling twelve-month period measured backward from the date an employee uses such leave.

Section 28: SHORT TERM FAMILY LEAVE

28.01 In accordance with the 21 V.S.A. § 472a, a full time employee who has been continuously employed by the Town for one year for an average of at least 30 hours per week may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to exceed twenty-four hours in any twelve month period for the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference;
- To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse/partner or parent-in-law to routine medical or dental appointments;
- To accompany the employee's parent, spouse/partner or parent-in-law to other appointments for professional services related to their care and well-being; or
- To respond to a medical emergency of the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse/partner or parent-in-law.

28.02 The Town may require that leave (including vacation and personal leave) be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. Before taking leave under this section an employee shall make a reasonable attempt to schedule appointments outside of regular work hours. An employee shall provide the Town with the earliest possible notice of the intent to take short term family leave, but in no case later than seven days before leave is to be taken, except in the case of an emergency where the required seven day notice could have a significant adverse impact on the family member of the employee.

Section 29: LEAVE OF ABSENCE WITHOUT PAY

29.01 A request to take unpaid leave from employment for the purpose of attending town meeting, must be made at least seven days prior to the date of the town meeting. Such leave will be granted provided that it does not cause an interruption of the essential operation of town government.

29.02 All requests for leaves of absence without pay for any reason other than those covered by federal or state law must be submitted in writing to the employee's supervisor, including the purpose for which the leave is requested, and may be granted at the discretion of the Town Manager. All leave requests must be for a definite period of time and include a specified date of return.

29.03 If a leave of absence without pay is granted for more than 30 days, the accrual of vacation, sick leave and holiday benefits shall cease on the 31st day of leave, as well as all employer contributions to fringe benefits. The employee may continue the employee's group health plan coverage by paying the required premium in accordance with the payment schedule established by the Town. Accrual of benefits will begin immediately upon the employee's return to work.

Section 30: MILITARY LEAVE

30.01 The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21 V.S.A. §§ 491 et seq. While an employee is on military leave, the Town will pay the employee the difference, if any, between the employee's base rate of pay and military pay for up to 15 days in a calendar year . Such leave will not be charged against a full-time employee's vacation time.

Section 31: JURY LEAVE

31.01 The Town will compensate employees for their service as jurors or witnesses, whether related or unrelated to their status as a Town employee. The Town will pay the difference between a full-time employee's jury pay and his/her regular weekly gross pay. In accordance with 21 VSA §§ 499, employees will otherwise be considered in the service of the Town for the purposes of, determining seniority, benefits, credit towards vacations, sick leave and other rights, privileges, and benefits of employment.

Section 32: CRIME VICTIM LEAVE

In accordance with 21 V.S.A. § 472c, eligible employees who are crime victims may be entitled to take unpaid leave for the following purpose of attending a deposition or court proceeding related to:

- a criminal proceeding when the employee has a legal right or obligation to appear at the proceeding;
- a relief from abuse, neglect, or exploitation hearing when the employee is the plaintiff
- hearings concerning an order against stalking or sexual assault, when the employee seeks the order as plaintiff.

A "crime victim" is a person who has:

- obtained a relief from abuse order against a family or household member;
- obtained a court order against stalking or sexual assault;
- obtained a court order against abuse of a vulnerable adult; or
- sustained physical, emotional or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as a crime victim in an affidavit filed by law enforcement official with a prosecuting attorney. This also includes the victim's child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim's spouse, provided that the individual is not identified in the affidavit as the defendant.

At the option of the employee, accrued sick leave, vacation leave, or any other accrued paid leave may be used.

Employee Conduct, Harassment and Discrimination

Section 33: CONDUCT OF EMPLOYEES

33.01 All employees are considered representatives of the Town and as such are expected to conduct themselves in a courteous, helpful and respectful manner in all their interactions with the public, other employees, and elected and appointed officials.

33.02 All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this personnel policy.

Section 34: EMPLOYMENT HARASSMENT AND DISCRIMINATION

34.01 The Town is committed in all areas to providing a work environment that is free from unlawful harassment and discrimination. Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, veteran status, any other category of person protected under federal or state law, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

34.02 Examples of harassment include the following: insulting comments or references based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, veteran status, disability, sexual orientation, ancestry, HIV status, place of birth; aggressive bullying behaviors; inappropriate physical contact or gestures, physical assaults or contact that substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment; retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment.

34.03 Petty slights, annoyances, and isolated incidents (unless serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

34.04 The Town will not tolerate unlawful harassment based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, veteran status, disability, sexual orientation, ancestry, HIV status, place of birth, or membership in a classification protected by law. Likewise, the Town will not tolerate retaliation against an employee for filing a complaint of harassment or for cooperating in an investigation of harassment.

34.05 All employees, including supervisors and other management personnel, are expected and required to abide by this policy. Employees who are found to have engaged in harassment may face disciplinary action up to and including termination. Any individual who believes that she or he has been the target of this type of harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

34.06 Employees are encouraged to bring any complaints alleging unlawful harassment or discrimination to the attention of the employee's Supervisor, who will arrange a meeting to discuss the matter. The meeting will take place as soon as reasonably possible, but in no case later than seven calendar days from receipt of notification. If the Supervisor is unable to resolve the matter during this meeting, the aggrieved party may submit to the Town Manager a written, signed complaint within seven additional calendar days. The Town Manager will then have an additional fifteen calendar days in which to conduct an investigation and to issue a report with recommendations to the Selectboard. The Selectboard will, within ten calendar days, notify the aggrieved party of its decision.

34.07 Complaints of harassment or retaliation may also be filed with the following agencies:

Vermont Attorney General's Office
Civil Rights Unit
109 State Street
Montpelier, VT 05609-1001
Tel: (802) 828-3171 (voice)
(802) 828-3665 (TTY)

Equal Employment Opportunity Commission
JFK Federal Building
475 Government Center
Boston, MA 02203
Tel: (617) 669-4000 (voice)
1-800-669-6820 (TTY)

34.08 These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe unlawful harassment occurred, they may take a case to court.

Section 35: SEXUAL HARASSMENT

35.01 Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town is committed to providing a workplace free from this unlawful conduct. All employees have the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of their gender. It is against the policies of the Town for any individual, male or female, to sexually harass another individual in the workplace. In accordance with 21 V.S.A. § 495h, the Town has adopted the following sexual harassment policy. All employees are required to read this policy before signing the employee acknowledgement form.

35.02 Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

35.03 Examples of sexual harassment include, but are not limited to, the following when such instances or behavior come within one of the above definitions:

- either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of an individual's body;
- touching or grabbing any part of an individual's body after that party has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask an individual to socialize on or off-duty when that person has indicated he/she is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- derogatory or provoking remarks about or relating to an employee's sex;
- harassing acts or behavior directed against a person on the basis of his or her sex;
- off-duty conduct which falls within the above definition and affects the work environment.

35.04 It is also unlawful to retaliate against employees for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment.

35.05 Any individual who believes that she or he has been the target of sexual harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

35.06 Employees who are found to have engaged in sexual harassment may face disciplinary action up to and including termination.

35.07 Any employee who wishes to report sexual harassment should file a complaint with:

Town Manager
Town of Middlebury, VT
77 Main Street
Middlebury, VT 05753
(802) 388-8100, ext. 201

or

Assistant Town Manager
Town of Middlebury, VT
77 Main Street

Middlebury, VT 05753
(802) 388-8100, ext. 222

35.08 Once the Town receives a complaint of sexual harassment, it will take all necessary steps to ensure that the matter is promptly and impartially investigated and addressed. If sexual harassment is found to have occurred, the Town will take appropriate action, ranging from a verbal warning up to and including dismissal.

35.09 Complaints of sexual harassment or retaliation may also be filed with the following agencies:

Civil Rights Unit
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001
Tel: (802) 828-3657 (voice)
(888) 745-9195 (Toll Free VT)
(802) 828-3665 (TTY)
Fax: (80) 828-2154
Email: ago.civilrights@vermont.gov
Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Equal Employment Opportunity Commission
JFK Federal Building
475 Government Center
Boston, MA 02203
Tel: 1 (800) 669-4000 (voice)
1 (800) 669-6820 (TTY)
1 (844) 234-5122 (ASL Video)
Fax: 617-565-3196
Email: info@eeoc.gov
Online: www.eeoc.gov

35.10 These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe sexual harassment occurred, they may take a case to court.

Progressive Discipline, Grievances and Termination Process

Section 36: EMPLOYEE DISCIPLINE

36.01 The Town has adopted a progressive discipline process to identify and address employee and employment-related problems. The Town's progressive discipline process applies to any and all employee conduct that the Town in its sole discretion, determines must be addressed by discipline.

36.02 Under the Town's progressive discipline process, an employee may be subject to disciplinary action, up to and including termination, for violation of the provisions of this personnel policy and/or failure to maintain an acceptable level of performance. The Town may take prior disciplinary action into

consideration when disciplining or terminating an employee. Violations of different rules may be treated as repeated violations of the same rule for purposes of progressive discipline.

36.03 Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. The Town also reserves the right to impose discipline for off-duty conduct that adversely impacts the legitimate interests of the Town. The Town reserves the right in its sole discretion to bypass progressive discipline and to take whatever action it deems necessary to address the issue at hand. This means that more or less severe discipline, up to and including termination, may be imposed in a given situation at the Town's sole discretion.

36.04 The Town also retains the right to unilaterally eliminate positions or reduce the work hours of a position or positions due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons.

36.05 The Town will normally adhere to the following progressive disciplinary process, but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension; and (4) termination.

36.06 Employees are prohibited from engaging in conduct listed below and may receive discipline, up to and including termination, for doing so. This list has been established to provide examples of behavior that could warrant a range of disciplinary sanctions. Appropriate levels of discipline may be based on the severity of employee conduct. This list is not exhaustive.

- Engaging in any illegal activity.
- Refusing to do assigned work or failing to carry out the reasonable assignments of a Supervisor.
- Being inattentive to duty, including sleeping on the job.
- Falsifying a time card or other record or giving false information to anyone whose duty is to make such record.
- Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.
- Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community standards and expectations of public employees.
- Engaging in any form of harassment including sexual harassment.
- Misusing, misappropriating, or willfully neglecting Town property, funds, materials, equipment or supplies.
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty.
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Stealing or possessing without authority any equipment, tools, materials or other property of the Town or attempting to remove them from the premises without approval or permission from the appropriate authority.
- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
- Willful violation of Town rules or policies.

Section 37: GRIEVANCES

37.01 This section does not apply to instances of discrimination or harassment, as those instances are covered in Sections 34 and 35.

37.02 The rights in this section are conferred on full-time employees only. Any such employee with a grievance should first discuss the grievance with his immediate supervisor, or department head. Notes should be taken by the department head to establish a record of the conversation. If the discussion does not satisfactorily resolve the grievance of the employee, the employee may follow the Formal Procedure for Grievances, as set out below:

37.03 Formal Procedure for Grievances:

- (A) The grievance must be presented by the employee to the department head in writing. The department head will forward the grievance to the Town Manager.
- (B) The Town Manager may respond to the grievance as she or he sees fit.
- (C) The employee may request to meet with the Selectboard in executive session to discuss a grievance, once it has been reviewed by both the appropriate department head and the Town Manager. The Selectboard will respond to the employee's request as soon as practical after consulting with the Town Manager. If deemed necessary and appropriate, the Selectboard may schedule a meeting with the employee, which meeting may take place in executive session if deemed necessary and appropriate. The Selectmen may support or modify the action of the Town Manager.

Section 38: EMPLOYEE TERMINATION PROCESS

38.01 The Town has adopted an employment termination process. Most often, employee conduct that warrants termination results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, termination may result from conduct that falls outside of those identified areas. The Town need not utilize this termination process but may take whatever action it deems necessary to address the issue at hand.

38.02 The Town also retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours for some or all employees due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons. In such case, this termination process does not apply.

38.03 Probationary employees are not subject to the Town's termination process. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

38.04 An employee being considered for termination will be provided with written notice. The notice will contain a brief statement of the reasons termination is being considered and the date, time and place of a pre-termination meeting with the Town Manager.

38.05 At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employee may submit a written response to the pre-termination notice not later than the scheduled date of the meeting.

38.06 Within seven calendar days of the date of the meeting, the Town Manager will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide the general reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the Selectboard by giving written notice of such request to the supervisor within seven days. The employee will be informed that the employee's failure to make a timely request for a post-termination hearing will result in such hearing being waived.

38.07 If a request for a post-termination hearing is made, the Selectboard will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the Selectboard. The notice will inform the employee of his or her right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence.

38.08 At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on his/her behalf. The Selectboard will make such determinations as may be necessary in the event of evidentiary objections or disputes. When the hearing is adjourned, the Selectboard, under the authority granted by 1 V.S.A. § 312(e), may consider the evidence presented in the hearing in deliberative session.

38.09 The Selectboard will render a written decision within fourteen days after close of the hearing, unless otherwise agreed upon by the parties.

ADOPTED by the Middlebury Selectboard, February 27, 2017

AMENDED: February 28, 2018

AMENDED: April 9, 2019

ADDENDUM A – EMPLOYEE BENEFIT PLANS

HEALTH INSURANCE

The Town offers employees the Blue Cross CDHP Plan – a \$2,750/\$5,500 Individual/Family Deductible. The Town contributes to a Health Reimbursement Account (HRA) \$2,200 towards the \$2,750 deductible for a single person, and \$4,400 of the \$5,500 deductible for a two-person/family.

A description of this plan is included in the packet to give you an overview of coverage.

For Union employees, the Town pays the following percentage of premiums:
(These contributions are subject to change, as negotiated with the union.)

88% Single
84% Two person
84% Family

For non-union employees, the Town pays the following percentage of the premium:
(These contributions are reviewed annually and are subject to change.)

100% Single
90% Two person
90% Family

Health Equity

The Town contracts with Health Equity to administer our Health Reimbursement Plans and Flex Spending Accounts. Employees are provided a debit card to be used to purchase prescriptions and to pay doctor and hospital bills.

FLEX SPENDING ACCOUNT

Employee may have a pre-tax deduction from their pay go into a medical and/or dependent care flex spending account. These monies may be used for qualified medical expenses and for child care/dependent care services.

DELTA DENTAL

The Town offers a dental plan through Northeast Delta Dental. The plan is a basic plan that covers 100% of preventative/diagnostic procedures and 60% of other procedures up to \$750 per person. There is no cost to the employee for this benefit.

VISION CARE

At no cost to the employee you and your family have vision care coverage through VSP (Vision Service Plan). This plan covers your exam cost and a portion of your lenses and frames. You may use a portion of the Health Reimbursement Account the Town contributes towards your health insurance to cover the balance of the cost not covered through VSP.

LIFE INSURANCE / DISABILITY INSURANCE

The Town carries a life insurance policy on each full time employee in an amount equal to their annual salary. There is no cost to the employee and the policy terminates at the time the employee leaves the employment of the Town.

Employees also have disability insurance and long-term disability insurance that will cover a portion of their pay for the while out on extended sick leave.

RETIREMENT

The Town contributes to the employee's retirement plan through the Vermont Municipal Employees Retirement System (VMERS).

AFLAC

The Town is pleased to offer employees the option of purchasing AFLAC supplemental insurance plans for you and other family members through payroll deductions. These plans are at the expense of the employee and the plans offered are:

- Personal Cancer Protection Plan,
- Personal Hospital Intensive Care,
- Personal Accident Expense, and
- Life Insurance

For further information contact Beth Dow in the Town Manager's Office at 458-8002 or bdow@townofmiddlebury.org.

PLANNING & ZONING

**Town of Middlebury
Selectboard Policy**

Updates and Revisions to Town Parcel Maps (Tax Maps)

The Town Parcel Maps (tax maps) are used by the Planning and Zoning Department and Town Assessor's Office as the primary tool for determining property boundaries, dimensions and area. These maps are updated on an annual or biennial basis by digitizing recent official surveys recorded with the Town Clerk into an ArcGIS format.

It is the Selectboard's policy that a survey meeting the criteria below can be used to update the Town parcel maps. The information contained on that survey (e.g. acreage, lot dimensions, easements and rights-of-way) supersedes the information on the Town Parcel Maps if the survey meets the following criteria:

1. The survey has been certified by a land surveyor currently licensed to operate in the State of Vermont and has been duly recorded in the Land Records in the office of the Town Clerk.
2. The date of the survey is more recent than the date of any other surveys containing conflicting information.
3. The survey does not re-subdivide combined lots, unless the property owner can show evidence of the lots having been purchased as separate deeds in the past.
4. The survey does not create new easements or rights-of-way, unless reviewed and approved by the Administrative Officer.
5. The survey does not create new lots, unless the survey pre-dates the subdivision regulations or was approved and properly recorded as a subdivision.

In accordance with 24 VSA §4463, if a property received subdivision approval and the final mylar was not recorded with the Town Clerk within 180 days of approval, that subdivision approval is void and the survey would not be eligible for use in updating the Parcel Maps. The property owner would need to re-apply for subdivision approval in accordance with the procedures set forth in the Town of Middlebury Zoning and Subdivision Regulations.

While a survey not meeting these criteria cannot be used to update the Town Parcel Maps, these rules do not preclude a property owner from recording a survey not meeting these criteria with the Town Clerk in the Land Records.

Adopted: October 25, 2022

PUBLIC SAFETY

**Town of Middlebury
Selectboard Policy**

False Alarms

SECTION I - PURPOSE

The erroneous or mistaken use of alarm systems as well as malfunctions and intentional misuse of these systems has resulted in increased service calls by the Middlebury Police and Fire Departments, thereby diverting public safety resources and creating a hazard to the members of the departments and the general public.

SECTION II - DEFINITIONS

201. Alarm Systems: Any assembly or equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry, robbery, fire or other emergency summoning an urgent response by the police and/or fire department. This definition EXCLUDES Bank Robbery Alarms.
202. False Alarm: Any activation of an alarm system by error, mechanical failure or intention where no illegal entry, robbery, fire other emergency exists that requires an urgent response by the Police and/or or Fire Department
- 202.1 Error Mistake: Any action by any person, firm, or corporation or other entity owning, occupying or operating any dwelling, building, or place or any action by an agent or employee of said firm, corporation or other entity which results in the activation of an alarm system where no emergency exists.
- 202.2 Malfunction: Any unintentional activation of any alarm system caused by a flaw in design, installation or maintenance of the system. This shall not include any activation caused by violent conditions of nature or other extraordinary circumstances, not reasonably subject to the control of the alarm user.
- 202.3 Intentional: Any intentional activation of an alarm system when no burglary, robbery, fire or other emergency is in progress.
- 203 Bank Robbery Alarm: An alarm at a bank or financial institution that must be triggered manually to notify the police that a robbery is occurring or has occurred.
- 203.1 Police Response Protocol: Given the hazardous nature of responding to bank robberies, the police have developed a protocol for the department and banks on handling bank alarms. The protocol may be updated or amended periodically.

SECTION III - REGULATIONS

301. No false alarm shall be sounded in any dwelling, building or place where no burglary, robbery, fire or other emergency exists, which results in the response of the Middlebury Police or Fire Department.
302. Any person testing any alarm system including Bank Robbery Alarm systems must first notify the Middlebury Police /Fire Department dispatch of such test and receive approval

for the same. On conclusion of the test, the person must likewise notify dispatch that the test has concluded along with the status of the alarm. Failing to notify dispatch will subject the alarm holder to intentional false alarm penalties.

303. Bank Robbery Alarms resulting in police response, when bank employees follow the Police Response Protocol, will not be considered false alarms for the purpose of assessing any fee for response.

SECTION IV - ERRORS, MISTAKES OR MALFUNCTIONS: PENALTIES

401. One (1) to three (3) false alarms per calendar year, no charge. After the third false alarm a written warning shall be sent to the person, firm, corporation or other entity owning, occupying or operating the dwelling, building or place wherein said alarm system is installed.
402. The fourth (4) false alarm and every subsequent false alarm that calendar year will be charged at a rate of twenty-five dollars (\$25) per incident.
403. False Bank Robbery Alarms – Failure to follow Police Response Protocol: For each false robbery alarm where bank employees do not follow the established Police Response Protocol to the satisfaction of the responding officer(s) the bank will be charged at a rate of \$50 per occurrence.

SECTION V - INTENTIONAL: PENALTIES

501. Any person who tests an alarm system without first notifying the Middlebury Police or Fire Department and obtaining approval for the same, shall be subject to a fine of one hundred dollars (\$100).
502. Any person who knowingly or intentionally activates any alarm system when no emergency situation exists shall be fined one-hundred dollars (\$100) and shall additionally be subject to prosecution as provided by law.

SECTION VI - SEVERANCE CLAUSE

601. If any section, sentence, or phrase of this policy shall for any reason be held invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity or any other section or remaining portion of this policy.

SECTION VII - REPEAL OF PREVIOUS POLICY

This policy supersedes Selectboard Policy adopted September 29, 1981, which became effective November 2, 1981, and revised November 15, 1988.

SECTION VIII - ADOPTION

Adopted by the Middlebury Selectboard on February 14, 2012.

SECTION IX - EFFECTIVE DATE

February 14, 2012

**Town of Middlebury
Selectboard Policy**

Towing Charges

When it becomes necessary for a police officer to authorize the removal of a vehicle such related costs will become the obligation of the owner of the vehicle.

On an annual basis, the Town will obtain quotations from interested towing services. The quotation will contain:

- Proof of liability insurance held by the towing service.
- A statement of standard towing fees; a statement that the towing service is available on a 24 hour a day, 365 day a year basis.
- A statement declaring normal response times following receipt of a call by the police; telephone number (s); and towing capability.

Towing services that meet the criteria established by the Police Department for 24 hour, 365 days a year towing will be placed on a list, established alphabetically, and notified by rotation. This rotation list will be used for towing as authorized by Town Ordinance and for accident towing, absent requests by involved parties. The rotation list will be in effect only when the Town provides police dispatching. At times when dispatch is provided by another agency, a single towing service will be selected as the primary towing service. If unavailable, other services from the rotation list may be notified.

Should a towing service fail to arrive on the scene within 30 minutes of notification, that service will forfeit the call and the next service in the rotation will be called.

A-towing service may be dropped from the rotation list following excessive complaints of damage or theft from towed vehicles, failing to respond within the 30-minute time frame an unreasonable number of times, and charging excessive or unreasonable fees.

The Town may contract with individual towing services for the removal of junk, abandoned, or nuisance vehicles. The Town may select a towing service outside the rotation for the purpose of towing vehicles for investigation, internal purposes, or forensic processing.

The cost to redeem the vehicle towed due to a violation of a local regulation will include the entire cost of the tow, plus \$15, which will cover Town expenses.

During the year, the expense and fees shall be deposited into a revolving account. At the end of each year the revolving account will be closed and charges/fees shall be brought into the general fund as either a revenue or an expense.

Fee set by Selectboard: 9.15.1992

Administrative Rule - Manager: 9/22.1992

Amended: 4.13.1998

**Town of Middlebury
Selectboard Policy**

Police Services

I. Police Escorts

A. A fee of \$50.00 will be charged by the Town to provide Police escort service to any bank or other commercial enterprise.

B. Before any escort service can be provided, the bank or other commercial enterprise shall enter into a "Hold Harmless Agreement" with the Town which will protect the officer involved should a claim result from incidents occurring while the service is being rendered.

C. Services will be provided only when the officer is accompanied by a designated employee of the user of this service.

Adopted by the Selectboard: 9.29/1981

Effective Date: 1.2.1981

Amended: 10/25.2022

**Town of Middlebury
Selectboard Policy**

**Police Records Fees
Fee Schedule**

Current Schedule Reflects January 2013 Statutory updates

A. Text Reports

\$2.00 (two-dollars) per document up to 10 pages

\$.50 (fifty-cents) per page after 10 pages.

\$.75 (seventy-five cents) per double-sided page, regardless of the number of pages.

A page is any part of a document, including a cover sheet, dividers, indices, etc., in addition to text pages.

Middlebury residents with proof of residency: The fee is waived for 1 copy of a report on an incident or accident they were a party to. Requests from others, though they may represent a resident, require the full report fee, as do any third-party requests.

Media are exempt from records fees when requesting documents under freedom of information.

B. Photographs

\$5.00 (five dollars), plus the vendor cost of reproducing the photographs to the nearest whole dollar.

C. Analog (Video/Audio tapes) and Digital (CD/DVD/other) Recordings

All recordings: \$45 (forty-five dollars) per media.

D. Non-Text Documents

(This includes charts; maps; certification documents; drawings; technical manuals; inspection, maintenance, testing and repair documents – enlarged or otherwise reproduced, as well as any notebooks or other binding material)

\$5.00 (five dollars), plus the vendor cost for production to the nearest whole dollar.

E. Postage & Handling

Actual cost rounded to the higher half-dollar. Add postage and handling to the reproduction fees.

F. Forms

Forms, such as permit applications, ticket appeals and accident forms are exempt from fees.

Adopted: March 26, 2002

**Town of Middlebury
Selectboard Policy**

Police Department Contract Work for Regular and Special Officers

Purpose: To establish guidelines and a uniform fee for the private contracting of police services.

Definition: Contract work, or extra duty work, is defined as any work performed by a Middlebury Police Officer, acting in the official capacity as a Middlebury Police Officer, by contract with any person, firm, or organization other than the Town of Middlebury, for a specific service, for which said person, firm or agency pays to the Town a stated fee for work performed.

Provisions:

1. Contract work shall be agreed to only with the approval of the Chief of Police. All contract work is subservient to the needs of the Town and the Police Department and shall not be committed unless all Town/Departmental needs are adequately filled.
2. Contract work shall not take place outside of the Town limits.
3. Town front line vehicles shall not be committed to contract work.
4. Charges for contracted Police services shall be at the contracted pay rate, including FICA, W/C and Unemployment. A minimum of four hours pay at the established rate shall be charged.
5. Neither the Town or the contractor shall be liable for retroactive payments to the Police Officers who perform contract work beyond the expiration of one union contract and prior to agreement to a subsequent contract.
6. Payments
 - a. Full time Police Officers shall be paid at the rate of time and one-half their normal rate of pay for all contract work, with a minimum payment of 4 hours. After the initial four hours the pay shall be for actual time worked at a rate of time and one-half.
7. The Chief of Police shall be responsible for the submission of bills for such contract work on a monthly basis.
8. A revolving account shall be maintained in the Bookkeeping Department to pay salaries to officers who have performed contract work. Excess fees in the account shall be used to 1) offset costs in maintaining the account, 2) to cover contingencies in the event of default by the contractor, 3) to cover any wages paid to police officers whose time and a half rates exceed that of the highest paid Patrol Officer, and 4) to compensate Town for FICA expenses.

9. All unspent funds in the revolving account shall close at the end of the calendar year.
10. Continued contract work shall not be made available to contractors who have not been prompt in payment to the Town.

Adopted: 10.1.1991

Amended: 4.14.1998

Amended: 10.25.2022

**Town of Middlebury
Selectboard Policy**

Fees Related to Dog Control

A person claiming a dog from the pound shall pay the following fees:

1. To compensate the Town for its reasonable expenses in enforcing the ordinance, a fee of \$10.00 will be charged. Should the dog be impounded after 6:00 p.m., an additional \$5.00 will be added to this enforcement fee.
2. For dogs impounded more than once in a 1 (one) year period of time, the following assessments will be made:

2nd offense – \$20.00
3rd offense – \$25.00
4th offense – \$30.00

An additional \$5.00 will be added for dogs impounded after 6:00 p.m.
3. Daily boarding fee of \$6.00
4. All fees for licensing and rabies shots.
5. When the owner of an impounded animal requests that the dog be delivered, a fee of \$25.00 will be charged.
6. All other necessary charges and expenses incurred by the pound keeper while the dog is impounded.

Adopted: 20 April 1982
Effective: 30 May 1982
Amended: 18 Sept. 1990
Effective: 19 Sept 1990
Adopted: 10 Dec. 2002
Adopted: 10 Jan. 2003
Amended: 10.25.2022

**Town of Middlebury
Selectboard Policy**

Liquor License Applications

This policy is adopted to clarify the Town's method of reviewing liquor license applications.

The procedure which will be followed by the Selectboard in reviewing liquor licenses will be as follows:

1. Applicant submits application on State form, at least three weeks prior to time he expects Board action;
2. Application is referred to Police and Fire Department for an advisory opinion;
3. The Board of Selectboard may call a public hearing to gain public reaction to an application if they feel it is `necessary;
4. The Board of Selectboard shall take action on the application and forward it to the Vermont Liquor Control Commission.

Adopted: March 28, 1972

**Town of Middlebury
Selectboard Policy**

Liquor License Renewals

Liquor Licenses are renewed on an annual basis to be effective April 1 to March 31.

The procedure which will be followed by the Board of Selectboard in reviewing liquor license renewals will be as follows:

I. Liquor License Renewal Forms

1. Liquor License Inspection forms will be submitted to the Chief of Police prior to February 1.
2. Liquor License Inspection forms will be reviewed by the Police and Fire Chiefs, or their designated representatives.
3. Liquor License Inspection forms shall be returned to the Town Clerk with an advisory opinion by the Police and Fire Chief on whether or not to grant a liquor license renewal, prior to the March meeting of the Board of Selectboard when renewal forms are reviewed.

II. Inspections

1. Establishments seeking liquor license renewals may be subject to a premise inspection by the Police and Fire Chief, or their designees between January 1 and March 1.
2. Inspections shall be conducted with the license holder or his/her representative.
3. Should a liquor law violation or any unsafe or hazardous condition be found during an inspection, it shall be noted in the comments sections of the renewal form. The license holder will be put on notice as to the nature of the violation or unsafe/hazardous condition and to take corrective action.
4. A follow up inspection shall be conducted to insure that corrective measures have been taken.
5. In instances where corrective action has not been taken, the inspector (s) shall report such to the Board of Selectboard when review of the renewal application is made in March.
6. Should the Police and Fire Chief, or their designees, render contradictory opinions on whether or not a license should be renewed, the basis for their opinions shall be stated on the form for review by the Board of Selectboard.

Adopted: March 28, 1972

Amended: November 11, 1980

Amended: November 11, 1997

**Town of Middlebury
Selectboard Policy**

Liquor Control Board Action - Issuance of Permits

I. Request for Catering

Caterer's permit is defined in State Statute 7 VSA Chapter 1, as a permit issued by the liquor control board authorizing the holder of first and third class licenses for a restaurant or hotel premises to serve malt or vinous beverages or spirituous liquors at a function located on premises other than those occupied by a first, first and third, or second class license to sell alcoholic beverages.

The issuance of that permit shall be reserved to the Selectboard acting in their capacity as Local Control Board.

The Town Manager shall be delegated to approve catering permit applications. The Town Manager, may, at his/her discretion refer applications for consideration by the full Select Board.

Catering permits, having received prior "blanket approval" by the Selectboard, can be used at specific locations approved by the Town Manager.

Adopted: February 5, 1991

Adopted: December 19, 2000

II. Application for Special Event Permit

Special Event Permits can be issued to holders of a liquor license who are engaged in the manufacture and bottling of liquor as defined in state law.

Such events are confined to a specific area; adequately staffed and controlled/maintained at all times; granted for no more than one day at a time except under special circumstances; subject to all laws and regulations that apply to first and third class licenses; and, separate toilet and lavatory facilities should be available for both men and women during the event.

The approval of the Application for Special Event Permit shall be delegated to the Town Manager.

Adopted: October 10, 1995

**Town of Middlebury
Selectboard Policy**

The Recommendation of Suspension or Revocation of Liquor Licenses

1. The Police Department or Fire Department shall investigate permittees or licensees upon receipt of a complaint that a violation of the terms and conditions of a Liquor License has occurred. The Police Department and Fire Department may also make routine inspections to determine whether the permittees or licensees are complying with the terms of the Liquor License.
2. If a violation of the terms of a Liquor License has been observed by the Police Department or Fire Department after conducting such investigations or routine inspection, then the Town Manager shall notify the permittee or licensee that a violation has been observed and to advise the permittee or licensee of what corrective action must be taken on his, her or its part.
3. If the Police Department or Fire Department observes a second violation against the same permittee or licensee after investigating a complaint or upon routine inspection, then the Selectboard, in their capacity as control commissioners, shall notify the permittee or licensee of the violation of the conditions pursuant to which such permit or license was granted and set a time and place for a Hearing to consider a recommendation for the suspension or revocation of the permit or license.
4. After the Hearing and a determination that the permittee or licensee has violated the terms and conditions of his license, the Town Manager shall request on behalf of the Control Commission a Hearing by the State Liquor Control Board.
5. This policy does not preclude any action taken for violation of laws and other regulations.

Adopted: June 8, 1976

**Town of Middlebury
Selectboard Policy**

Issuance of No Trespass Orders

A. "No Trespass Orders" may be issued by the Town Manager, or Acting Town Manager, to individuals using Town-owned property under the following circumstances:

1. When the behavior of an individual is abusive or threatening to others who may be using, or may wish to use, the Town owned parks.
2. When such behavior is deemed to infringe upon another's rights to have free access and enjoyment of Town Parks.
3. When an individual willfully destroys or damages the grounds, structures, or utilities in a Town owned park.

B. Areas to be included within this authority are: the Town Green, Court Square, Cannon Park and Triangle Park.

C. The Parks and Recreation Director, or, in his/her absence, the Town Manager shall have such authority at the following locations: Recreation Park, Middlebury Community Center (former American Legion) and Wright Park.

D. Such authority shall not be delegated or assumed to be delegated to others within Town Government.

Adopted: August 12, 1997

Effective: August 12, 1997

Amended: 10/25/2022

**Town of Middlebury
Selectboard Policy**

Placement of Signs on Public Property

This policy applies to signs that are placed by private individuals or organizations, that call attention to an event, organization, business, sale, or other activity, where such signs are placed or located within the public rights of way or on Town or State property in the Town of Middlebury (signs on private property require a permit under the Middlebury Zoning Ordinance).

NOTE: No license/permit shall be issued for placement of any sign on the Main/Cross Streets Roundabout or the splitter islands on the approaches to the same, nor on the splitter islands south of Court Square on Court Street.

“Sign” includes any card, poster, notice, yard sale sign, sandwich board “A” sign, flag, pennant or banner, balloon(s) or other outdoor advertising devices defined in Section 772 of the Middlebury Zoning Ordinance.

This policy does not apply to:

- A. Official traffic control or highway regulatory signs.
- B. Street name signs or public place name directory /guide signs that have been approved by vote of the Middlebury Selectboard and are maintained by the Town (examples: Mary Hogan School, Middlebury Union High School, Police)
- C. Any Main Street wire banner as licensed by the Middlebury Business Association.
- D. Signs on the premises of a public event having a valid Public Assemblage Permit issued by the Town Manager, during the time of the event.

REMOVAL OF UNAUTHORIZED SIGNS

The Town Manager, Zoning Administrative and Enforcement Officers, Police Department and Public Works Department are authorized to remove and dispose of any sign in a public right of way or on Town property that does not display a license number and approval in accordance with this policy.

POLITICAL CAMPAIGN SIGNAGE

10-VSA-Chapter 21 allows temporary political campaign signs to be maintained in the town right of way for up to 2 weeks. Unauthorized signs can be removed by the Town as long as they are (1) within 24.75 feet of the centerline of the road, and (2) actually within the public right of way.

LICENSE FOR TEMPORARY SIGNS FOR COMMUNITY EVENTS

Following are examples of traditional community events for which temporary directory signs may be licensed:

- Farmer’s Market
- Middlebury College public events, including: Athletic events, Concerts, performances, exhibits, lectures and conferences, Graduation, Alumni / Reunions / Parent’s Weekend Orientations/welcome for new students, Language School etc.
- Red Cross Blood Drive

- High School dinners, games, performances

The above list is not all-inclusive; a license authorizing one or more signs for the above events, or similar events, shall be obtained from the Planning & Zoning Office. Upon approval, the Office shall assign a license number and mark or affix a sticker on each approved sign.

Standards for license of temporary public event signs:

1. Safety for pedestrians, bicycles and vehicles. No sign shall be placed on a public sidewalk or in the traveled way or shoulder of any street. No sign shall obstruct visibility for vehicles, pedestrians or bicycles or otherwise constitute a safety hazard.
2. Interference with traffic control signs. No sign shall cover or interfere with traffic control signs. (21 VSA § 495a and 23 VSA §1025)
3. Defacing or damage to Town signs, posts, light poles. No sign shall be taped, screwed, bolted or otherwise attached to Town signs, traffic or street signposts, light poles or utility poles. (13 VSA §301)
4. Minimizing clutter. It is the policy of the Town to generally discourage use of public rights of way and Town property as advertising media. Other forms of media exist for advertising such as newspapers, radio, newsletters, email and direct mailings etc. Local/area residents familiar with local event locations do not need additional directory signs – the locations can be advertised in such other media. Organizations promoting events to defined groups of participants should mail a location map to the pre- registered enrollment or group. However, a minimum aid to direct tourists and visitors not generally familiar with Middlebury event locations is in the public interest.

In approving and managing temporary event directory signs, the Planning & Zoning Office shall balance the need to minimize clutter and avoid excess advertising, with the need for public directions to visitors.

Appeals from license denials or other actions under this policy shall be to the Town Manager and ultimately to the Selectboard, whose decision shall be final.

The following policies and conditions shall apply to all signs licensed under this policy:

1. Duration. Signs shall be licensed to specify the location(s), size, type and specific periods of time of display, which shall be limited to not more than 3 days prior to an event and shall be conditioned to ensure removal immediately after the event (by end of day).
2. Number of signs per event to be minimized. Generally the directory sign should be sited at the nearest critical intersection or turnoff to the event.
3. No vested rights granted; revocation. Approval of a license under this policy or the placement of signs under prior practice shall not vest any private rights; the Town reserves the right to revoke any license granted, in the case of repeat violations of this policy, or if for any reason revocation is directed by the Selectboard.

Nothing herein shall limit the right of the Town to take additional legal action and recover costs

of enforcement and damage to Town sign poles, signs, light poles etc. and to seek other relief as allowed by law.

Adopted and Approved: May 2009

**Town of Middlebury
Selectboard Policy**

Writings & Markings on Public Property

Permanent writings and markings on public property by members of the public are prohibited. Town staff will promptly remove or cover-up any markings that do appear.

Adopted: August 25, 2020

**Town of Middlebury
Selectboard Policy**

**Compliance with 23 V.S.A. § 1095b
Use of Handheld Portable Electronic Devices**

It is the policy of the Selectboard that employees of the Town of Middlebury must comply with Vermont Statute 23 V.S.A. § 1095b, prohibiting the use of handheld portable electronic devices while operating a municipal vehicle.

Adopted: August 23, 2022

**Town of Middlebury
Selectboard Policy**

Texting While Driving

In accordance with Executive Order 13513 - Federal Leadership on Reducing Text Messaging While Driving (October 2009) - employees of the Town of Middlebury are prohibited from texting while operating a municipal vehicle.

Adopted: August 23, 2022

**Town of Middlebury
Selectboard Policy**

Public Use of Seymour Street Fire Station

The Board of Selectboard hereby adopts a policy that the Seymour Street Fire Station will not be used for any public function except those relating directly to the operation of the Fire Department.

Adopted: March 28, 1978

Amended: 10/25/2022

**Town of Middlebury
Selectboard Policy**

Use of Fire Department Vehicles

The use of the Town's Fire Department vehicles will not be permitted for private purposes of citizens or individual members within the department. Such uses are those that are unrelated to the fire-fighting mission of the Department and include, but are not limited to, the filling of private swimming pools.

Adopted: August 10, 1999

Effective: Immediately

**Town of Middlebury
Selectboard Policy**

Hazardous Response Fees

1. The Middlebury Fire Department shall assess fees to the person or persons, firm, corporation or other responsible entity to recover reasonable direct expenses incurred as a result of its response to and recovery of a hazardous chemical or substance incident. All funds collected shall be deposited with the Town Treasurer.
2. Reasonable direct expenses shall include vehicles, firefighters and any other equipment/supplies directly related to the cleanup.
3. Fees:

Fire Vehicles

Engine 1	-	\$125/hr.
Engine 2	-	\$125/hr.
Engine 3	-	\$100/hr.
Hose	-	\$ 50/hr.
Utility 1 or 2	-	\$ 50/hr.
Firefighters	-	\$ 20/hr./firefighter
Equipment/Supplies	-	Actual Cost

There is a one hour minimum on all charges.

Adopted: 1/25/2000

Effective: 1/25/2000

Amended: 10/25/2022

Town of Middlebury Selectboard Policy

Permitting Exemptions to the Ordinance for the Regulation of Noise

Purpose: To create an opportunity for social and civic events to occur during established Quiet Hours while still reasonably limiting the adverse effects of noise on others.

Scope: This policy establishes an exemption permitting process for noise from events or activities occurring on private or public property during Town 'Quiet Hours', as specified in the Ordinance for the Regulation of Noise, Article II, Section 201. The permit allows events with certain levels of noise to occur within these 'Quiet Hours' but does not permit excessive noise or disturbances, per the Ordinance for the Regulation of Noise Article II, Section 200.

'Event Noise Exemption Permit' Application: The organizer or host of an activity, event, or celebration (herein are referred to as the 'event') which occurs during the 'Quiet Hours' as specified in Article II, Section 201 of the Ordinance for the Regulation of Noise, may apply for a permit for a limited exemption from the provisions of the noise ordinance. The completed application for this noise exemption must provide:

- The date(s) and time range of the event;
- The specific location of the event;
- Description of the event (including name of event, if available);
- The name and contact information of the on-site host or entity; &
- The applicant's plan to minimize excessive noise during the event.

Event Noise Exemption Permit Approval: The Town Manager shall make the final decision on whether or not to issue an exemption permit for the event, based on the prior history of noise disturbances from the applicant and/or the anticipated negative impact on neighbors in reasonable proximity to the proposed location of the event. The Town Manager may seek input and advice from relevant Town department heads prior to making a decision. In the case of a denial of a permit, the applicant may appeal to the Selectboard.

Public Assemblage Permit Pre-Requirement: A public assemblage permit is also required, in addition to this noise exemption permit, when the assemblage is to occur on Town property.

Revocation of Event Noise Exemption Permit: A permit may be instantly revoked by the Police if during the event, there is excessive noise or disturbances, as reported by an interested third party, cannot be controlled or quelled by the host as warned by the police. An interested third party is a person in reasonable proximity to the event, who is adversely affected by the noise or disturbance.

Adopted: April 4, 2023

**Town of Middlebury
Selectboard Policy**

Use of Town Sidewalks for Restaurant Food and Beverage Service

A PURPOSE

The purpose of the sidewalk service permit is to allow the use of Town sidewalks for food and beverage service while ensuring the public safety, health, and general welfare of the community.

B PERMIT REQUIRED

1. No sidewalk seating or service is allowed without an Outdoor Dining permit.
2. Permit application must be submitted to the Office of the Town Manager on the prescribed form. Application forms are available on the town website and upon request. The permit application shall include, but not be limited to, the following:
 - a. Hours of service; Days of the week
 - b. Site plan indicating placement of tables and chairs in relation to buildings, vehicle parking, vehicle travel lanes, the sidewalk and any proximate structures.
 - c. Business name and address
 - d. Contact person's name, telephone number and email address
 - e. Certificate of Insurance listing the Town of Middlebury as additional insured
 - f. Copy of liquor license, if applicable
 - g. Anticipated start and end dates for proposed use
3. Unless a permanent agreement is in place for use of the Town right-of-way for an outdoor dining area, an outdoor dining permit shall be obtained and renewed on annual basis running with the calendar year. The Town reserves the right to seasonally restrict the permit to the first Sunday in April through the 3rd Saturday in November. Outdoor dining areas shall not impact winter maintenance activities.
4. Permits are subject to approval by the Town Manager.
5. Applications which include the service of alcoholic or malt beverages are also subject to the regulations of the Vermont Department of Liquor Control and the Selectboard. Use of outdoor dining areas for consumption of cannabis or cannabis-infused products is prohibited unless otherwise pre-empted by State law.
6. Outdoor dining must remain in compliance with all other applicable state regulations and town ordinances.
7. Applicant shall agree that they make no property rights claim as to the portion of the Town of Middlebury right-of-way or property, and the Town makes no warranty as to the suitability, convenience or duration of this permit.
8. Permits for sidewalk service may be revoked or suspended for:
 - a. violations of this policy and/or conditions of the permit;
 - b. conflict with other state and local regulations or permit requirements;
 - c. conflict with other permitted public events;
 - d. Town maintenance or repair operations

9. Permits may be temporarily revoked by the Police Chief, Fire Chief, and/or Director of Public Works-Operations as necessary for response to emergencies and maintenance needs.

10. In most cases, a zoning permit is also required for outdoor dining uses. Please inquire with the Department of Planning and Zoning (802) 388-8100 x226. Zoning prohibits the display of advertising on outdoor umbrellas.

C GENERAL CONDITIONS - PERMIT APPLICATION

1. The permit will be reviewed and approved by the Police Chief, Fire Chief, and the Director of Public Works-Operations.

2. Applicant is responsible for securing the furniture after hours. There shall be no claim or burden on the town for loss or damage to furniture or other fixtures or loss resulting from improper use of fixtures. Applicant must provide a Certificate of Insurance to the Town Manager's office listing the Town of Middlebury as additional insured.

3. A minimum 5-foot unobstructed way must be maintained for town sidewalks. This clearance is exclusive of light poles, sign poles, decorative emplacements, ramps, stoops or other structures. Barricade requirements by the Department of Liquor Control for outdoor service of alcohol must not reduce the minimum sidewalk clearance.

4. Outdoor seating will not interfere with means of ingress/egress to any building; such ingress/egress must measure not less than 44 inches.

5. Outdoor seating on sidewalks proximate to angle or head-in parking, absent protective bollards or other structures, shall have sufficient curb height to mitigate runaway vehicles from striking persons seated at sidewalk service areas.

6. An application for any outdoor signage and advertising shall be submitted through the Office of Planning and Zoning, and only permitted in compliance with the Zoning Regulations Section 772. No flags or other attention-getting devices or signage are permitted in the outdoor seating area. Permitted freestanding signs (ex. sandwich boards) must be located outside pedestrian walking and brought indoors at the close of business each day. Umbrellas shall not have advertising, writing or logos other than those which identify the permitted business.

7. All outdoor dining will conform to Town noise ordinance quiet hours. Quiet hours shall be observed after 8pm for uses without outdoor music or table service.

8. Applicant is responsible for ensuring customers and employees do not lock bikes, strollers, etc. to street trees. Barriers may be required for tree protection. Applicant is responsible for replacing street trees that have been damaged due to mistreatment by staff or customers.

9. A zoning permit must be obtained for outdoor lighting fixtures, which shall not be projected toward the street. Applicant will supply all power for outdoor lighting and equipment.

10. Applicant is responsible for providing waste and recyclables containers in the seating area if not attended by waitstaff. Containers shall be emptied as necessary and not allowed to overflow. Applicant is responsible for removal of waste and litter occurring as a result of service as well as cleanup of any spilled liquids. Nothing shall be discharged to catch basins.

Adopted: February 27, 2023

PUBLIC WORKS - HIGHWAY

**Town of Middlebury
Selectboard Policy**

Maintenance of Class 4 Roads

1. No improvements or maintenance shall be made or done to any Class 4 road without the specific authorization of the Selectboard;
2. No Zoning permit requiring the use of a Class 4 road as an access to a dwelling unit or any use requiring regular access should be approved by the Zoning Administration Officer without specific approval of the Selectboard and the Planning Commission;
3. The Selectboard will require a written recorded agreement prior to authorizing any use of a Class 4 road as access to a dwelling unit or any use requiring regular access.
4. The Selectboard may require a user of a Class 4 road to agree to pay all maintenance costs of the road or improve the road to Town development standards.

Adopted: April 15, 1975

**Town of Middlebury
Selectboard Policy**

Locating Streetlights

The Town Manager or her/his designated representative is hereby authorized to sign with Green Mountain Power (GMP) for the location of streetlights on Town highways and property.

Adopted: June 3, 1975

Amended: 10/25/2022

PUBLIC WORKS - SEWER

**Town of Middlebury
Selectboard Policy**

Out-of-Town Sewer Connections

Section I - Purpose

In order not to influence the development decisions of its neighboring Towns; to avoid future legal responsibility for providing sewer to persons who are not residents of Middlebury; and to ensure that the needs of Middlebury residents can be met from available resources, the following policy is hereby adopted.

Section II. - Policy

No additional out-of-town sewer connections (tap-ons) shall be allowed to the Middlebury sewer system, except by express written approval of the Selectboard. This policy shall not apply to any tap-on previously authorized by written agreement.

Adopted: July 18, 1989

Amended: 10/25/2022

**Town of Middlebury
Selectboard Policy**

Fees for Industrial Charge Permit

To augment costs for the administration of the Town Industrial Discharge Permit, the following fees are hereby established:

CLASS I - Industrial Permit - Utilized for all uses which are not food related and are distinct from sanitary sewage.

CLASS II - Food Service Permit - Utilized for all uses related to commercial or institutional food preparation.

The assessment of the fee for Class I and Class II permits shall cover Town costs for an initial site visit, two inspections and routine sampling. Should additional sampling be required due to non-compliance, costs will be passed along to permit holder.

Adopted: August 15, 1989

Amended: 10/25/2022

**Town of Middlebury
Selectboard Policy**

Handling of Septage

The Town of Middlebury will accept septage delivered to the Middlebury Wastewater Treatment Plant on Industrial Drive under the following terms and conditions:

1. The septage content is subject to all requirements/prohibition enumerated in the Town of Middlebury Ordinance Regulating the Use of Public and Private Sewer Systems.
2. The acceptance of septage from a commercial or industrial facility is subject to prior approval by the Superintendent. Such approval may require prior testing.
3. Prior to any septage delivery, all haulers shall be registered with the Town through the Wastewater Superintendent and also with the State.
 - a. Registration shall be renewed on an annual basis.
 - b. All haulers shall carry the appropriate insurance and provide proof of insurance at the time of registration.
4. Hours of Acceptance. Septage may be delivered to the Treatment plant during the following hours:
 - a. Monday - Friday - 7:00 AM - 3:30 PM
 - b. Saturday - 7:00 AM - 9:00 AM
 - c. Sundays and Holidays the Wastewater Treatment Plant does not accept septage.
5. While at the treatment plant, haulers shall observe the operating procedures established by the Superintendent. Haulers shall be responsible for the accurate reporting of all deliveries.
6. A usage fee will be assessed per 1,000 gallons of gray water, septage and sludge processed.

Amended: 10/25/2022

PUBLIC WORKS - WATER (Under Review)