



TOWN OF MIDDLEBURY

Board of Selectmen

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March 25 2024 at 10:30 am
TOWN CLERK'S OFFICE
MIDDLEBURY, CT

MINUTES

Board of Selectmen

Monday, March 18, 2024 – 6:30 p.m.
Town Hall Conference Room

Marybeth Lubinski, Esq.
TOWN CLERK

Start – 6:30 p.m.

End – 8:00 p.m.

Present:

Edward B. St. John, First Selectman
J. Paul Vance, Selectman (Via ZOOM)
Jennifer Mahr, Selectman
Robert Smith, Town Attorney
Curtis Bosco, Zoning Enforcement Officer
Paul Michaud, Michaud Law Firm
Vincent Cipriano, Board of Finance, Chairman
Peggy Gibbons, Conservation Commission member
Paul Anderson, P&Z Commission, alternate

Terry McAuliffe, Economic Development
Liana St. Germain, Recording Clerk
Marj Needham, Middlebury Bee Intelligencer

Also Present

Giordano Santos
Robert Nerney
Don Andrews
Sheila Smith
Richard Smith
Linda Van Wagenen

Call to Order with Pledge of Allegiance

The meeting was called to order by the First Selectman at 6:30 p.m. with the Pledge of Allegiance.

Approval of the March 4th, 2024, Meeting Minutes

First Selectman St. John **MOTIONED** to approve the minutes from March 4th, 2024, **SECONDED** by Selectman Vance.

Selectman Mahr noted corrections. The first correction was the spelling of the Middlebury Bee Intelligencer; Intelligencer was missing the "r." Page three, the sentence "Selectman Mahr noted that the charter's requirement for the Board of Selectmen to direct legal action doesn't mean that the Board of Selectmen should discuss and decide together." Selectman Mahr stated this was a question and should have ended with a question mark. Selectman Mahr stated further down on the same page, and she starts reading in the middle of that sentence, "you are basically going to hamstring our legal ability to protect the town of Middlebury from a lawsuit which you were in parcel to filing." Selectman Mahr stated that she is unsure what the correct word is; possibly, it should state what you were a part of. On page four, towards the end, Selectman Mahr read, "First Selectman St. John noted that we have a town budget, we are *procreated* an X number of dollars." Selectman Mahr noted that procreated is not the correct word. Recording Clerk St. Germain listened back to the meeting audio and found the correct word to be "appropriated." Selectman Mahr noted that that same word repeats on page nine. Selectman Mahr also stated on page nine, where she is referencing the Region 15 Budget, that she was talking regarding the Cost Sharing Grant in the impact on Middlebury; Selectman Mahr noted that that was her mistake. Selectman Mahr said she meant to speak about the Excess Cost Grant, which sounds much like the Cost Sharing Grant. So, the Excess Cost Grant goes to Region 15, and if the Governor's Budget goes through, the Region would lose about \$620,000. As for the Cost Sharing Grant, we're slated for \$1.9M, but if the Governor's changes go through, we'll receive \$2.18M.

First Selectman St. John stated that the changes are so noted. Unanimous approval.

Tax Rebates

Nissan Infiniti LT LLC - \$618.26
Nissan Infiniti LT LLC - \$518.74
Nissan Infiniti LT LLC - \$155.81
Nissan Infiniti LT LLC - \$287.76
Nissan Infiniti LT LLC - \$142.98
Nissan Infiniti LT LLC - \$142.98
Nissan Infiniti LT LLC - \$277.76
Toyota Lease Trust - \$115.01
Nadim & Nora Abourjeili -\$114.62

First Selectman St. John **MOTIONED** that these tax rebates take their usual course, **SECONDED** by Selectman Mahr. Unanimous approval

Appointments

First Selectman St. John **MOTIONED** to appoint Brian Shaban (R) as a member of the Zoning Board of Appeals, **SECONDED** by Selectman Vance.

Selectman Mahr requested a motion to table this appointment. Selectman Mahr noted that insufficient qualifications were submitted. All that was submitted was a letter by the town committee with just their names. First Selectman St. John stated that the Democratic Town Committee was nice enough to submit all the people with all the information and that this is not standard practice. Selectman Mahr noted that if the Board of Selectmen chooses who to put on a committee, how would the Board know who is the better-qualified candidate? Selectman Vance stated that the confidence is in our Republican Town Committee (RTC). It vetted the individuals who applied for the job and then picked who they felt were the two best candidates to fill a republican seat. Selectman Vance stated that Mr. Shaban is an individual who resides in town and is known in town, and the town committee has selected him to serve. First Selectman St. John stated that town committees typically handle all the screening, and we don't usually receive any of that information.

Selectman Mahr is **AGAINST** and stated that the process has changed for the third time.

Discussion and Consideration

Solar Array Presentation – Michaud Law Group

Attorney Paul Michaud from Michaud Law Group introduced himself and said his law group specializes in renewable energy development and has been for about seven years as a separate firm. Attorney Michaud stated his firm was asked to help the town of Middlebury bring solar to town. The Firm has been working on it for about a year. Attorney Michaud noted that on behalf of the town, they did a competitive RFP (Request for Proposals) and presented all the town's buildings and some of the town's land. Attorney Michaud stated that four proposals were received, three of which were for building tops, the main one being the two buildings at the town's Public Works Department (DPW). Eversource has solar auctions twice a year. Attorney Michaud stated that they did apply for the recent auction and are waiting for the results, and if they win, that will allow an off-take contract for the rooftop on those two buildings at a competitive price. First Selectman St. John stated that the town has been discussing solar for about three years and has been through these processes several times, especially DPW, which is the perfect location for rooftop units. First Selectman St. John noted

when Michaud Law Group was authorized on behalf of the town to start the search for solar options, one thing that changed was that the town was going to go ground-based, which the town was not initially looking into or talking about. The initial proposal was buildings and carports; some were ground-based, but not what was being presented at today's meeting. First Selectman St. John advised that this is town property as well. Attorney Michaud stated the analysis was that most of our town buildings are too small for solar except for DPW. Attorney Michaud noted that the analysis and the competitive bid process and what happened is that when the solar companies came in and analyzed the town, they all arrived at the same conclusion. This town is best suited for ground mount. First Selectman St. John asked Zoning Enforcement Officer Curt Bosco about the requirements of zoning and wetlands regulations. ZEO Bosco stated that for municipal projects, our zoning regulations allow, special except, other towns call them a special permit, for a municipal project. It would go before the Inland/Wetlands Commission first. Then the Planning and Zoning Commission to seek the approval of P & Z. First Selectman St. John noted that Longmeadow Elementary School and Timex have solar array on their properties. (Attorney Michaud showed a map on the TV; see attached.) Attorney Michaud stated the proposed project is approximately one megawatt. The property is about 60 acres, but the project only takes up about 5 acres. First Selectman St. John noted that this property was originally part of the Ridgewood project and was to be developed into an 18-hole golf course. More property is south of the service/emergency access road, totaling over 100 acres. First Selectman St. John noted that the land was given to the town when the golf course was not built. Attorney Michaud stated Trittech Americas LLC is proposing this. They are a major solar company that has put in about 100 megawatts in Connecticut. This project is designed like they did in Branford, CT, where they incorporated the solar system with recreational. To the north, a walking trail will go through the parcel. Attorney Michaud noted the homes in the area will have no visual impact. Attorney Michaud stated the benefits for the town are that the town would essentially be 100% clean/green because the system's output will produce more clean energy than the town uses.

Don Andrews asked, in terms of storage, what does the storage capacity look like for the solar array? Attorney Michaud noted that this will not have storage; the energy goes into the grid, and Eversource uses it within the whole grid. The state is currently in the process of putting in storage locations. Attorney Michaud noted that under the program, the town gets credited for all the kilowatt hours produced by this system on town land. Attorney Michaud stated that being a ground mount concentrated in one area makes it much more cost-effective for the town and the state. Attorney Michaud noted that many towns don't like rooftop units due to insurance and leaking issues. Here, this will be on the ground; it will be owned by a third-party solar energy company. They will be responsible for building it, owning it, maintaining it, insurance, and all the property tax on that land, and there will be no financial/legal liability to the town. Attorney Michaud stated Trittech, who bid on this to use the property, will give a lump sum payment of \$250,000.00 for this project, and that's one stream. In the second stream, the town would receive annual lease payments, and the current going rate is \$17,000.00 per year. That'll come out to about \$340,000.00 for the 20-year life of the project. There are also property taxes that they would pay the town. Attorney Michaud noted that it is difficult to state precisely what the value is now, but most of the agreements for a project this size show these rates. Selectman Mahr requested that Attorney Michaud review the process. Selectman Mahr noted that a third-party company owns the project that happens to be sitting on town land. Attorney Michaud said they would lease the land from the town with easements. Selectman Mahr stated that the payments, or the lump sum, is a one-time payment. Attorney Michaud noted that that would pay the town for the beneficial accounts for twenty years. Selectman Mahr said that there are two processes for this. There is the leasing of the land and getting paid for that, and then there's the fact that it's generating enough energy for our electricity. But will the

town receive an electric bill, will the town be credited, and what will the town be expecting? Attorney Michaud stated that the way the program works is the town's procurement doesn't change. The town will still receive an electric bill and will continue to procure as the town always has. First Selectman St. John stated as an example that if the town pays \$200,000 in annual expenses for electrical costs, despite this project, will the town continue to pay that amount? Attorney Michaud noted that that's correct. First Selectman St. John questioned, where would the savings for the town be? Attorney Michaud stated that it's not savings for the town; it's the town saying that they want to sponsor this project, and agreeing with this program allows the town to be compensated.

Giordano Santos stated that the developer would receive all the benefits of this program. There are other ways to do a solar project that will benefit the town. Mr. Santos stated that for someone to walk in here and state that we are going to give you \$250,000.00, and there is no other benefit to the town other than their "green," which is a terrible deal for the town of Middlebury. Mr. Santos stated that if the town develops a system themselves, have a company come in and build this system. The town would then benefit for the twenty years, including all the tax benefits the developer is receiving that the town can sell on the open market.

Attorney Michaud stated that they would be more than happy to assist if the town is interested in building its own and has the four to six million dollars to do so. They just assisted Stafford Springs in doing a project like this.

Mr. Santos stated that money is available from the Green Fund and other sources to do a project like this. The town can also receive the money in the same place where the developer is going to get it.

Bob Nerney stated that he was under the impression that Michaud Law Group was a consultant for the town. Was this group hired by the town?

First Selectman St. John clarified that the town has been approached by many over the years. The Michaud Law Group was brought in about two years ago, and they were authorized to get RFPs. Mr. Nerney asked if they were the selected consultants for the town. First Selectman St. John noted that no agreement was signed. Selectman Mahr advised that an RFP was signed with them.

Mr. Nerney asked if there is a proprietary interest between the Michaud Law Group and the selected vendor.

Attorney Michaud stated that a competitive RFP was put out and that RFPs were received from several vendors. One of the vendors does happen to be a client of the law group.

Selectman Mahr stated on the subject of the RFP that the only pieces still living are the panels on the two buildings at DPW.

Mr. Santos asked about excess producible energy; who benefits from it?

Attorney Michaud explained that it's not excess energy. The legislature rolled out this program implemented by PURA because the state now has a policy requiring all new energy to be carbon-free. All the old gas power plants are closing, and they are trying to slowly replace them with cleaner energy, which is the long-term plan.

Mr. Santos asked if they checked for capacity.

Attorney Michaud noted that the heat map did show capacity, but we won't know the exact capacity until Eversource does its system impact study.

Sheila Smith asked what happens to the panels after the twenty years? Attorney Michaud noted they are decommissioned, the solar takes them, and they are taken to a solar farm.

Selectman Mahr asked if the land would need to be cleared. Is it a forest? Who would be in charge of clearing this land? Attorney Michaud stated the solar company would be. Selectman Mahr asked if this would be visible from Route 64. ZEO Bosco noted that this will not be visible from any public road. ZEO Bosco stated this plan was finalized within the last week or so. It had to take into consideration wetlands

and topography. There is a low-lying area that is pretty level, which is where these array projects will be nestled. The next step will be to flag the area to show where everything will be.

Mr. Andrews is concerned about this being visible from the greenway.

First Selectman St. John suggests and requests further research. He stated he is very hard-pressed on the financial aspects of this as of today. ZEO Bosco noted that the reason for proceeding today was to introduce this project to the town. A lot more information will come forward. The company uses a tracking system that tracks the sun, so it's about 20 to 25% more efficient; as the sun moves, so do the solar panels.

Richard (Dick) Smith stated that we have heard about all the locations that have embraced solar array projects. Mr. Smith asked Attorney Michaud if they have had any that have not embraced and for what reason?

Attorney Michaud noted that a similar 1 megawatt was proposed in Bethany, but the town didn't like the location. The town offered another location, private property in a different part of town, which they preferred. So, a system is being built there, but not where it was initially proposed.

ZEO Bosco stated the challenge with a solar array with 1 megawatt, or under 1 megawatt, is finding a parcel of property that can meet all of the components, such as no wetlands, no core forests, no slope, and interconnectivity. Over the last two years since they have worked on this, only two locations were found in Middlebury, a town-owned property.

Ms. Smith noted that it doesn't sound like the town will benefit from this project.

Attorney Michaud reviewed the SAM program, which stands for State, Agricultural, Municipality, and this is how the town can participate in the project.

Economic Development Commission (EDC) – Present Town Video

Terry McAuliffe, former chairman of the Economic Development Commission, is now Secretary. The chairman is now Jesse Langer. Mr. McAuliffe gives a background on Mr. Langer. Mr. Langer is an attorney and has been a Middlebury resident for eight years. Mr. McAuliffe noted the way Mr. Langer joined EDC was by submitting a resume and letter of intent in February of 2022 and sitting in on meetings for several months back then because, at that point, there were no openings. Mr. Langer was then appointed as a member in September of 2022. Mr. McAuliffe noted that the idea that he sat in on his own as the EDC does not have alternates, and Mr. Langer was able to become familiar with everything going on within the EDC, which was a great way for him to get on board.

Mr. McAuliffe handed out a sheet titled "Business Video Backgrounder" (see attached) that outlines what they were trying to do, why they did it, and the choices that were made. Mr. McAuliffe gives a history of when this was first mentioned. Back in December of 2017, Anthony Minchella, who was a commissioner at that time, proposed finding a student with a drone to do a flyover. In September 2018, he was authorized to use \$300, and they did have someone do a flyover of the MRA, the soccer fields, and Meadowview Park. Mr. McAuliffe noted that although the material obtained was a lot of beautiful things, attracting businesses would cost a lot more than a student could do. Mr. McAuliffe said that we had an estimate for about \$20,000 back then and stated that in October of 2023, we started filming. Mr. McAuliffe said that for all the individuals featured in the video, no money was taken from any of them; we also picked who was going to be in the video; they did not come to us; they were chosen because we thought they were good business entrepreneurs, the kind that Middlebury wants. They were also selected because they responded with useful comments when we did our surveys in 2017 and 2022. Mr. McAuliffe stated he was glad that everyone they chose agreed to be in the video. One of the individuals who agreed to be in the video was Dr. Dean Yimoyines. Dr. Yimoyines came in several

different times to discuss how to promote the video; how to promote “Middlebury”. He gave two suggestions: to make Middlebury a destination and to let people know they have arrived. Mr. McAuliffe noted so, who is the video for? The video is for people who don’t know Middlebury and who probably have never been to Middlebury. We want to give them a good impression, show them success stories, and let them find the information on the town website. (At this point, the video was presented)

First Selectman St. John opened the floor for comments.

Mr. Smith said it was a great video; he wouldn’t open up with the gas station.

Mr. McAuliffe said they previewed the video several times and decided not to airbrush the town. If the town has gas stations, we’ll show them. It’s an artist’s choice. Mr. McAuliffe noted that no one read scripts. Mr. McAuliffe and the videographer Joe Colombatto asked questions, and the individuals responded. Both Mr. McAuliffe and Mr. Colombatto put together the responses for the video.

Mr. Andrews asked if most developers come to the First Selectman or ZEO Bosco.

Mr. McAuliffe stated that the EDC is an appointed commission with no office within the Town Hall. So, when individuals come to town, they either come to the Selectmen’s office or ZEO Bosco. Individuals don’t usually come to the EDC, but if they do, they are advised to go and meet with the First Selectman.

Update – Ice Cream Truck

Selectman Mahr stated that the Ice Cream Truck was in town last Friday. Selectman Mahr noted a follow-up article in the Republican American today (3/18/24), which we can say had a very “sweet” ending. Selectman Mahr stated that she has also checked in with the Director of Parks and Recreation, Betsy Anderson. The Ice Cream Truck should be back on Saturday, 03/23/24, for the Easter Egg Hunt.

Selectman Mahr wanted to clarify her NO vote on the appointment. Selectman Mahr said that she submits that the Board of Selectmen makes the decision on who they put on boards and commissions. In order to do that, having all of the relevant information about the choices that are offered, and that’s our decision. That should be recommended with a full package from the various places that it comes with. If someone is Unaffiliated and has to apply, they would apply through the Selectmen’s office. They are required to give a resume and an explanation. Selectman Mahr noted that she doesn’t see why the RTC didn’t have to follow the same process that we have been trying to establish. Selectman Mahr will continue to say this about the process: it is not about the individuals offered because she had no information to make a choice.

First Selectman St. John stated so noted.

Public Comments

Linda Van Wagenen stated to follow up on what Selectman Mahr stated. As the appointment process was taking place, she was somewhat confused about how one gets to serve the town of Middlebury. Ms. Van Wagenen noted that she has submitted resumes. She was a longtime Republican until recently changing affiliation. When she switched parties, she did submit resumes to the correct person and received no further information. Ms. Van Wagenen served as Chairman of the Woodbury Zoning Commission for over 20 years. In Woodbury, Zoning is an elected position. Ms. Van Wagenen stated that she heard Selectman Vance go into great detail about the Democrats that were nominated and yet heard nothing about the two gentlemen who were chosen to be appointed this evening. This is confusing to someone who wants to serve the town, how one actually navigates the process.

First Selectman St. John stated that if you’d like to serve the town, the first place to go is to fill out what’s on the town website, submit the information, and we’ll forward it to the respective groups.

Ms. Van Wagenen stated once that happens and two names are submitted, how does the board choose between those two names? Does the town committee say we prefer this one, but we're providing you with another name just in case. First Selectman St. John noted that the respective town committee handled the screening. Ms. Van Wagenen said she understood that, but all they gave you were two names, and you voted on one name with what criteria. Ms. Van Wagenen stated that that's the piece that she doesn't understand.

Robert Nerney stated the town is looking at a lot of litter after this winter. Mr. Nerney noted that the Director of Parks and Recreation did a phenomenal job organizing volunteers last year. First Selectman St. John advised that this will also be happening again this year. First Selectman St. John stated that the town has an employee who goes around and picks up this trash.

Paul Anderson stated that they encourage neighborhoods to collect trash. This usually happens around Earth Day but can be done anytime throughout the year. If your neighborhood collects trash and you leave all the bags in one centralized location and you call in, a town employee will come and collect those bags.

Executive Session

None

Adjournment

First Selectman Edward B. St. John **MOTIONED** to ADJOURN the meeting at 8:00 p.m.; **SECONDED** by Selectman Mahr. Unanimous approval.

The next meeting is slated for Monday, April 1, at 4:00 p.m.

These minutes are submitted subject to approval.

Respectfully Submitted,

Liana St. Germain

Recording Clerk

GENERAL NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL ELEVATIONS ARE TO FINISH GRADE UNLESS OTHERWISE NOTED.
4. ALL CONCRETE SHALL BE 4000 PSI STRENGTH.
5. ALL REINFORCEMENT SHALL BE #4 BARS UNLESS OTHERWISE NOTED.
6. ALL STRUCTURES SHALL BE CONCRETE ON GRADE UNLESS OTHERWISE NOTED.
7. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
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10. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.

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NEW CONCRETE

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	CONCRETE	100	YD	2500	250000
2	REINFORCEMENT	100	YD	1700	170000
3	FORMWORK	100	YD	340	34000
4	LABOR	100	HR	170	17000
5	EQUIPMENT	100	HR	170	17000
6	PERMITS	1	LOT	17000	17000
7	INSURANCE	1	LOT	17000	17000
8	CONTINGENCY	1	LOT	17000	17000
9	TOTAL				350000

PROPOSED SOLAR PHOTOVOLTAIC ARRAY

DATE: 10/15/2010

SCALE: 1" = 100'

SSOLLI
SOLAR SOLUTIONS

12345 MAIN ST
CITY, STATE ZIP

PHONE: (555) 555-5555
FAX: (555) 555-5555
WWW.SSOLLI.COM

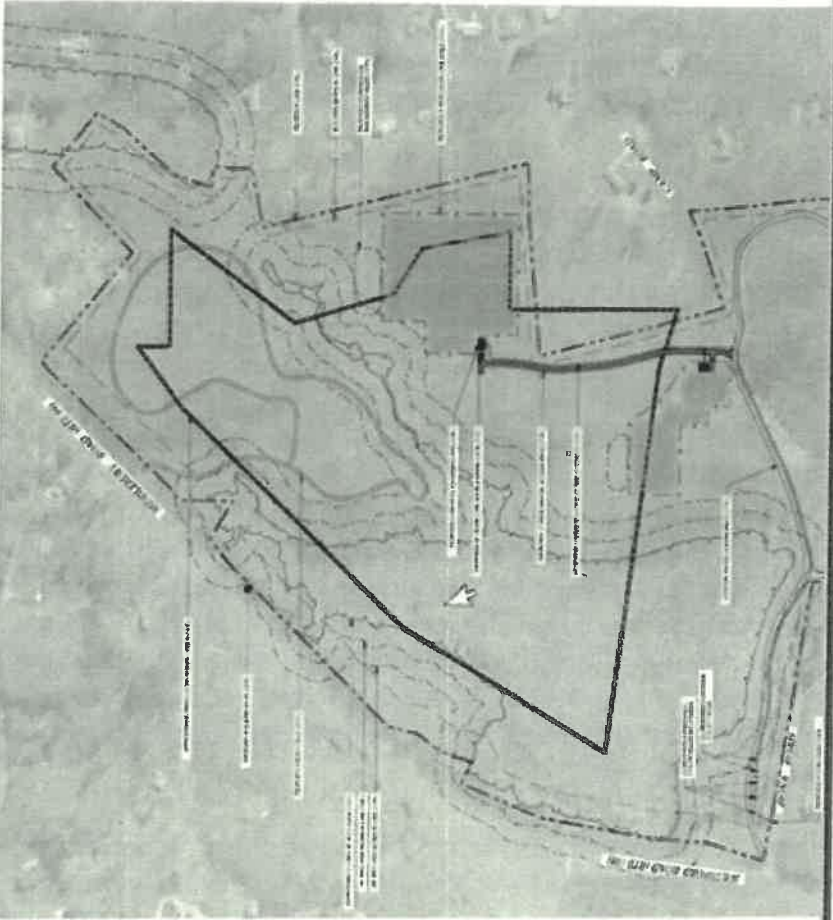
Upfront Lump-sum Payment: \$250,000

Annual Lease Payments: \$17,000

\$340,000

Annual Tax Payments Levelized: \$17,500

\$350,000





TOWN OF MIDDLEBURY
Economic Development Commission
Office of the First Selectman
1212 Whittemore Road, Middlebury, CT 06762

Business Video Backgrounder

Video Title: "Should you consider Middlebury Connecticut for your business?"

Catchphrase: "Make Middlebury a Destination"

Objectives: The video positions Middlebury, Connecticut as a top destination for upscale businesses, emphasizing its unique charm, scenic beauty, and historic appeal. It highlights the town's proximity to Waterbury's hospitals, offering advantages for medical and related businesses. The focus is on maintaining Middlebury's small-town quality of life, attracting businesses that align with community values and support economic growth while preserving its identity.

Target audience: Targeting entrepreneurs, high-end medical professionals, and owners of boutique shops and specialty services, the video appeals to those seeking an upscale location and valuing community quality. It introduces Middlebury's charm and strategic advantages to those unfamiliar with the town, aiming to attract innovators interested in opportunities that meet their high standards and contribute to the local economy.

Featured in the video: In the video, we feature Middlebury leaders who stand out in the business world. First Selectman Edward B. St. John welcomes new businesses and shows how the town supports them. Curt Bosco, the Zoning Enforcement Officer, talks about the town's zoning rules to help potential businesses. Kimberly Laflamme Valimont highlights the medical campus and professional buildings her dad, Robert Laflamme, developed, showing growth in healthcare and business. Sue Cummings, who owns "Meet Me Here" restaurant, is a local success story. Brian Godin of Godin Property Brokers shows how Middlebury can pull in big commercial projects. Dr. Dean Yimoyines, his son Dean Jr., and daughter-in-law Rachel have turned old buildings into high-end places, blending Middlebury's history with new growth and adding to its economic appeal.

Why were these businesses chosen: Robert Laflamme, Dean Yimoyines, Sue Cummings, and Brian Godin were selected due to their active roles in Middlebury's economic development. Their participation in EDC meetings and constructive feedback to the EDC's Business Surveys highlight their commitment to the town's growth. As influential community figures with a direct impact on economic initiatives, they were the natural first choices for the EDC marketing video, embodying Middlebury's dynamic economic progress.

Business Video Backgrounder

Narrative-driven focus: The video tells Middlebury's story through the experiences of local people, not just numbers. This way, it builds a stronger connection, showing off the town's spirit and what makes it special. It makes viewers feel closer to Middlebury by sharing stories of people working to improve the town and highlighting the great opportunities for business and community life.

With only 6 minutes, the video sticks to these personal stories instead of drowning in too many details, making it more interesting and touching. If viewers want more numbers, they can check the town's website.

Development Team Collaboration: Joseph Colombatto of Video Heritage Productions, based in Kent, CT, was responsible for the direction and production of the EDC video. His involvement encompassed initial planning, script development, editing, music selection, and voiceover coordination. Terrence McAuliffe, former Chairman of the EDC and owner of Tribury Media, LLC., assumed the role of executive producer, overseeing the project's overall planning, topic selection, and the crafting of the script and video sequence. Both Colombatto and McAuliffe have a history of collaboration, having previously worked together on Middlebury's Bicentennial Video in 2007.

Costs: The cost of the video to the town was \$7,250. None of the featured businesses contributed financially to the video or provided food and beverages. Those costs, along with other ancillary expenses, were covered by Tribury Media, LLC.

