



## Town of Milton

43 Bombardier Road, Milton VT 05468

**Due to COVID-19, there is not a physical location for this meeting**

**The Town of Milton encourages participation by telephone.**

### **Teleconference/Virtual Regular Selectboard Meeting**

**Tuesday, January 19, 2021 at 6:30 PM**

### **MINUTES**

**Selectboard Members Present:** John Palasik, Chair; Michael Morgan, Vice Chair; Chris Taylor, Clerk; Brenda Steady, Member; John FitzGerald, Member

**Staff Members Present:** Don Turner, Jr., Town Manager; Sheila Mooney, TM Executive Assistant; Michaela Foody, Director of Public Safety; Sheryl Prince, Town Clerk; John Bartlett, Director of Admin/Facilities/HR/IT; Jessica Morris, Director of Finance

**Others Present:** Buddy Mueller; Thomas Prendergast, Jr.; Lisa Rees

#### **I. Call to Order**

J. Palasik called the meeting to order at 6:00 p.m.

#### **II. Flag Salute**

C. Taylor led the attendees in the Pledge of Allegiance.

#### **III. Agenda Review**

Add item to approve Special Warrant #16 in the amount of \$237,503.98 and related Resolutions.

#### **IV. Public Forum**

J. FitzGerald will meet with Green Mountain Power to look into grants for electric vehicle charging stations in Milton.

#### **V. Consent Agenda**

- **Approval of Selectboard Regular Meeting Minutes of 01/04/21**
- **Approval of Warrant #15**
- **Supplemental Warrant – Quarterly Town Water and Sewer Bills**
- **Approval of Warrant #16**

**Motion made by J. FitzGerald to approve the Selectboard Regular Meeting Minutes of January 4, 2021 with a second by M. Morgan M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

**Motion made by J. FitzGerald to approve Warrant #15 in the total amount of \$234,996.78 with a second by M. Morgan. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

**Motion made by J. FitzGerald to approve the Supplemental Warrant – Quarterly Town Water and Sewer bills in the total amount of \$1,948.48 with a second by B. Steady. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

**Motion made by C. Taylor to approve Warrant #16 in the amount of \$237,503.98 with a second by M. Morgan. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

**VI. All Hazards Mitigation Plan Update Memorandum of Understanding**  
*Michaela Foody, Director of Public Safety*

County-Wide All Hazards Mitigation Plan

WHEREAS, the Town of Milton Department of Public Safety, being approved by Milton Select Board on November 18, 2019 to continue participation in a county-wide All-Hazards Mitigation Plan, has worked with the Vermont Department of Public Safety in obtaining a FEMA grant for updating the 2017 Chittenden County Multi-Jurisdictional All-Hazards Mitigation Plan; and,

WHEREAS, said Grant (PDMC-PLm-VT-2019-004) has been awarded to the State of Vermont Department of Public Safety on July 28, 2020 to update base plans and individual annexes for each participating Jurisdiction within Chittenden County; and,

WHEREAS, said Grant will provide a total award amount of \$128,000, \$96,000 (75%) of which will be covered by Federal funds and \$32,000 (25% match) will be the responsibility of the participating jurisdictions; and,

WHEREAS, the Town of Milton will be responsible for no more than \$1,882.35 of said 25% match, paid to the Vermont Department of Public Safety in quarterly intervals; and,

WHEREAS, the Town of Milton Department of Public Safety has been requested to sign a Memorandum of Understanding between the State of Vermont Department of Public Safety and the Town of Milton dated January 19th, 2021; and,

WHEREAS, work on the All-Hazards Mitigation Plan and Annex will begin in January 2021 with plan approval for all annexes no later than the current plan expiration date of March 5, 2022.

THEREFORE, be it resolved, by the Selectboard of the Town of Milton that the Town Manager, or his designee, is authorized to execute the Memorandum of Understanding for the Chittenden County Multi-Jurisdictional All-Hazards

Mitigation Plan and to distribute the Town of Milton's portion of the participating jurisdictions fees, with a maximum total of \$1,882.355.

**Motion made by J. FitzGerald to authorize the Town Manager, or his designee to execute the Memorandum of Understanding for the Chittenden County Multi-Jurisdictional All-Hazards Mitigation Plan and to distribute the Town of Milton's portion of the participating jurisdictions fees, with a maximum total of \$1,882.35 with a second by M. Morgan. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

**VII. Conservation Commission Application Approval**

*Thomas Prendergast, Jr.*

**Motion made by M. Morgan to approve Thomas Prendergast, Jr. to a four (4) year term on the Conservation Commission with a second by J. FitzGerald. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

**VIII. Town Meeting Election**

- **Mail Out Ballots versus Post Cards**
- **Date for Second Town Meeting**

*Sheryl Prince, Town Clerk*

*Don Turner, Jr., Town Manager*

**Motion made by M. Morgan to mail post cards to all registered voters; the postcards will inform voters of the vote and give voters the option to request an absentee ballot be mailed to them with a second by B. Steady. M. Morgan, Yes; C. Taylor, No; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, No. Motion Approved.**

**Motion made by M. Morgan to have Town Meetings on Monday, February 8, 2021 and Monday, March, 2021 both via Zoom with a second by J. FitzGerald. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

**IX. Ballot Article - Paving \$400,000**

*Don Turner, Jr., Town Manager*

Don Turner, Jr., Town Manager gave an overview of the ballot article regarding paving and asked the Selectboard if the following proposed article should appear on the ballot:

ARTICLE IV

Shall the Town of Milton raise Four Hundred Thousand Dollars (\$400,000) through an increase in ad valorem property taxes, with the funds raised to be used to pay for highway resurfacing, with any monies not expended used for the same purpose the following year?

**Motion made by M. Morgan to add Article IV \$400,000 for paving to the ballot with a second by B. Steady. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

**X. Ballot Article Milton Grange – 5 Year Tax Exemption Status**

*Don Turner, Jr., Town Manager*

Don Turner, Jr., Town Manager gave an overview of the ballot article regarding the 5 year tax exemption status for the Milton Grange and asked the Selectboard if the following article should appear on the ballot:

ARTICLE V

Shall the voters of the Town of Milton exempt from real estate taxes, pursuant to 32 V.S.A., section 3840, the property of the Milton Grange, located at 135 River Street, in the Town of Milton, Vermont for a period of five (5) years?

**Motion made by C. Taylor to add Article V – 5 year tax exemption status for the Milton Grange to the ballot with a second by M. Morgan. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

**XI. Warning for Annual Town Meeting**

*Don Turner, Jr., Town Manager*

Don Turner, Jr., Town Manager gave an overview of the Warning for the Annual Town Meeting.

The Selectboard agreed to wait until the Public Hearing on January 28, 2021 before deciding whether to add the proposed Charter amendments to the Warning for the Annual Town Meeting.

**XII. Resolution- Town of Milton Capital Improvement Borrowing**

Don Turner, Jr., Town Manager read the following Resolution:

TOWN OF MILTON  
RESOLUTION  
CAPITAL IMPROVEMENT BORROWING

WHEREAS, at meetings of the Selectboard of the Town of Milton (the “Town”) at each of which at least a majority of the Selectboard was present and voting, which meetings were duly called and held on January 15, 2018 and January 30, 2019, as appears of record, it was found and determined that the public interest and necessity required the making of certain public highway improvements, and it was further found and determined that the cost of said improvements would be too great to be paid out of ordinary annual income and revenue of the Town, and that proposals to provide such improvements and incur debt of the Town to pay for the same, should be submitted to the legal voters at the March 6, 2018 and March 5, 2019 annual meetings thereof, and it was so ordered, all of which action is hereby ratified and confirmed; and

WHEREAS, pursuant to the foregoing action, the Selectboard caused to be issued Warnings for annual meetings to consider certain proposals described in Article V of the January 15, 2018 Warning for the Town's March 6, 2018 annual meeting and Article VI of the January 30, 2019 Warning for the Town's March 5, 2019 annual meeting, which Warnings are duly recorded in the records of the Town; and

WHEREAS, said Warnings were recorded, published and posted, and said meetings were duly held on the date, at the place and at the time appointed, and proposals to make said improvements and incur debt therefore were voted in the affirmative; and

WHEREAS, the Selectboard has been and is now carrying forward the authorized improvements to completion and funds are needed to meet accruing costs of the same; and

WHEREAS, in order to have funds available to defray the cost of improvements as aforesaid, the Selectboard has arranged to borrow \$2,695,000 from Union Bank, with such borrowing evidenced by two Capital Improvement Notes (the "Notes"), which Notes do not refund or replace an obligation previously issued for the same purpose.

THEREFORE, BE IT RESOLVED, that the Selectboard and the Town Treasurer proceed forthwith to complete said transaction and issue said evidences of indebtedness to cover the same; and

BE IT FURTHER RESOLVED, that said evidences of debt when issued and delivered pursuant to this Resolution shall be valid and binding general obligations of the Town, payable according to the terms and tenor thereof from unlimited ad valorem taxes duly assessed on the grand list of taxable property in said Town, as established by law; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the Town and its Selectboard in, about, or concerning the expenditure of proceeds of the Notes evidencing the borrowing and the issuance thereof, are hereby ratified and confirmed; and

BE IT FURTHER RESOLVED, that to the extent proceeds of the Notes will be used to reimburse the Town for capital expenditures previously made for the improvements described herein, this Resolution shall serve as a declaration of official intent under Section 1.150-2 of the Treasury Regulations (or a republication of any previously made declaration of official intent) to effect a reimbursement in an amount not to exceed the total of all previous capital expenditures; and

We the undersigned Selectboard and Town Treasurer, hereby certify that we are the duly chosen, qualified and acting officers as undersigned, that the Notes, numbered R-1 and R-2, in the principal amount of \$1,695,000 and \$1,000,000 respectively, each dated January 27, 2021 and due January 27, 2041 and January 27, 2026, respectively, with an interest rate of 2.89% and 1.89%, respectively, payable as therein set forth and further

certify that the Notes are issued under and pursuant to this Resolution adopted at a duly noticed and warned meeting of the Selectboard of the Town held on January 19, 2021.

We the said Selectboard and Treasurer of the Town, hereby certify that we are the duly chosen, qualified and acting officers as undersigned, that the Notes are issued pursuant to authority, that no proceeding relating thereto has been taken other than as shown in the foregoing recital, that no such authority or action has been amended or repealed, and that there is no litigation threatened or pending in any state or federal court of competent jurisdiction seeking to enjoin either the issuance or Notes or the expenditures being financed by proceeds of the same.

We also certify that there has been full and timely compliance with all public procurement, solicitation and bidding laws, ordinances and regulations with respect to each of the transactions embodied in this Resolution.

We certify also that no litigation is pending or threatened affecting the validity of the Notes or the apportionment and assessment of taxes, if necessary, to pay the same when due, that neither the corporate existence nor the boundaries of the Town, nor the title of any of us to our respective offices, is being questioned or contested.

Further, we hereby certify to and covenant with Union Bank, its successors and assigns, including specifically the transferees, assigns, holders and owners of the Notes, that:

1. No proceeds of the Notes (including investment proceeds thereof) will be used (directly or indirectly) in any trade or business carried on by any person other than the Town nor used to make or finance loans to any person.

2. During the current calendar year, the Town will not issue debt of any sort aggregating to \$10,000,000.00 or more.

3. The Town will file when and as required by the Treasury Department or Internal Revenue Service information returns relating to the issuance of the Notes and all other obligations of the Town.

4. The Town will comply with, perform, maintain and keep each and every covenant, representation, certification and undertaking in the accompanying Tax Certificate, execution and delivery of which is hereby authorized.

**Motion made by J. Palasik to approve the Capital Improvement Borrowing Resolution as presented with a second by B. Steady. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

Don Turner, Jr., Town Manager presented the following Capital Improvement Note to the Selectboard:

Note No. R-1 \$1,695,000

Town of Milton  
Capital Improvement Note

Town of Milton, Vermont

January 27, 2021

For value received, the Town of Milton promises to pay to Union Bank, or registered assigns, the principal sum of:

ONE MILLION SIX HUNDRED NINETY-FIVE THOUSAND AND 001100 DOLLARS (\$1,695,000)

with interest at the rate of two and eighty-nine one hundredths percent (2.89%) per annum, calculated on the basis of an actual 365 day year from the date of original delivery of this Note, in twenty (20) equal annual installments of \$84,750 each, commencing January 27, 2022, and continuing on January 27 of each year through January 27, 2041, at which time all sums hereunder shall be due and payable in full, together with accrued interest on each principal payment date, with principal and interest payable in lawful money of the United States at the Main Office of Union Bank, in the Town of Morristown, Vermont. Principal and interest may be prepaid in whole or in part prior to the above maturity date.

This Note is being issued to finance the construction of highway improvements pursuant to a resolution adopted by the Selectboard of the Town of Milton at a meeting thereof duly noticed, called and held on January 19, 2021, and pursuant to vote of the Town of Milton at a duly convened meeting thereof held on March 6, 2018.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuance of this Note have been done, have happened and have been performed in regular and due form as required by law and that the full faith and credit of the said Town of Milton are hereby irrevocably pledged for the payment of this Note.

**Motion made by J. Palasik to approve the Capital Improvement Note R-1 In the amount of \$1,695,000 with a second by M. Morgan. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

Note No. R-2 \$1,000,000

Town of Milton  
Capital Improvement Note

Town of Milton, Vermont

January 27, 2021

For value received, the Town of Milton promises to pay to Union Bank, or registered assigns, the principal sum of:

ONE MILLION AND 00/100  
DOLLARS (\$1,000,000)

with interest at the rate of one and eighty-nine one hundredths percent (1.89%) per annum, calculated on the basis of an actual 365 day year from the date of original delivery of this Note, in five (5) equal annual installments of \$200,000 each, commencing January 27, 2022, and continuing on January 27 of each year through January 27, 2026, at which time all sums hereunder shall be due and payable in full, together with accrued interest on each principal payment date, with principal and interest payable in lawful money of the United States at the Main Office of Union Bank, in the Town of Morristown, Vermont. Principal and interest may be prepaid in whole or in part prior to the above maturity date.

This Note is being issued to finance the construction of highway improvements pursuant to a resolution adopted by the Selectboard of the Town of Milton at a meeting thereof duly noticed, called and held on January 19, 2021, and pursuant to vote of the Town of Milton at a duly convened meeting thereof held on March 5, 2019.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuance of this Note have been done, have happened and have been performed in regular and due form as required by law and that the full faith and credit of the said Town of Milton are hereby irrevocably pledged for the payment of this Note.

**Motion made by J. Palasik to approve the Capital Improvement Note R-2 In the amount of \$1,000,000 with a second by M. Morgan. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

TOWN OF MILTON  
TAX CERTIFICATE  
CAPITAL IMPROVEMENT BORROWING

We, the Town Treasurer and at least a majority of the Selectboard of the Town of Milton, Vermont (the "Issuer"), hereby certify and represent as follows with respect to the aggregate \$2,695,000 Capital Improvement Notes numbered R-1 and R-2, of the Issuer (the "Notes"), which Notes are dated January 27, 2021 and are payable as therein set forth:

1. The Issuer is issuing and delivering the Notes simultaneously with the delivery of this Certificate.
2. We are the officers of the Issuer charged by law with the responsibility for issuing the Notes.



3. The Notes are being issued for the purpose of defraying the cost of making necessary highway improvements authorized by the Issuer at the 2018 and 2019 annual meetings thereof.

4. The entire amount borrowed by the issuance of the Notes, together with all of such, if any, amounts previously raised or borrowed for the same purpose, does not exceed the total cost of such current expenses less all other funds available for the purpose, and all of the proceeds of the Notes have been or are expected to be needed and expended for such expenses within three (3) years from the date of the first borrowing for these expenses.

5. A substantial binding obligation to pay the expenses being financed by the Notes has been made. Payment of the expenses financed by the Notes is expected to proceed hereafter with due diligence.

6. The Notes are not being issued to refund an obligation previously issued for the same purpose described in paragraph (3).

7. Any real and personal property, acquisition of which has been financed by the Notes, has not been and is not expected during the life of the Note to be sold or otherwise disposed of for consideration.

8. It is expected that any earnings or net profit derived from investment or deposit of the proceeds of the Notes, including transferred proceeds, any accrued interest received upon the sale of the Note and any premium received on the delivery thereof, will be expended for current expense payment purposes within the period stated in paragraph (4) above to the extent such funds are not commingled for accounting purposes in the general funds of the Issuer with tax and other substantial operating revenues.

9. The Issuer has not created and does not expect to create or establish any debt service fund, bond payment reserve, sinking fund, or other similar fund pledged to the payment of the Notes or from which it is expected that payment of the Notes would be made.

10. The Issuer has not been notified of any action by the Commissioner of Internal Revenue to disqualify it as an issuer whose arbitrage certificates may be relied upon.

11. No part of the proceeds derived from the issuance and sale of the Notes nor the expenditures financed by the proceeds of the Notes, shall be:

- a. Used, loaned or otherwise made available to any person or other entity, other than the Issuer or a governmental body, so as to cause the Notes to be classified as private activity bonds or arbitrage bonds, as those terms are defined under the Internal Revenue Code of 1986;
- b. Used directly or indirectly in a trade or business by any person other than the Issuer or another municipal entity;
- c. Loaned to any person directly or indirectly other than the Issuer;

- d. The subject of any contract, lease or agreement of any sort having a term of one year or more and calling for the payment by the Issuer of consideration other than a flat fee;
- e. Expended to finance the construction, alteration or renovation of any improvement the use, occupancy, availability or beneficial enjoyment of which shall be restricted among public users thereof or for which preferential, different or unique fees, rates, assessments or charges shall be levied;
- f. Invested in such a manner or for such a period or at a yield to result in the rebate of interest earnings thereon to the United States under any public law now or hereafter in effect.

12. The Issuer shall furnish to the United States, or any agency, department or instrumentality thereof, in a timely fashion, such information as may be required by law with respect to all evidences of debt now or hereafter issued by the Issuer. A copy of IRS Form 8038-G which has been filed contemporaneous with the issuance of the Notes is appended hereto as Exhibit A.

13. Neither the proceeds of the Notes, nor any earnings derived from the investment thereof, shall be expended for the purpose of paying any costs associated with the issuance of the Notes.

14. The Notes will not be refunded or otherwise paid, defeased or secured by the proceeds of any form of debt issued by the Issuer, if the manner of such payment, refunding or security, results in the Notes being classified as "private activity bonds" or an "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, and the Regulations promulgated thereunder by the U.S. Treasury (collectively, the "Code").

15. The proceeds of the Notes will not be used in a manner that will cause the Notes to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 103(c), 141 and 148 of the Code.

16. The Notes are declared to be "qualified obligations" under Section 265 of the Code.

17. The Issuer hereby adopts or re-adopts the Tax Exempt Obligation Post Issuance Compliance Procedures appended hereto as Exhibit B.

This Certificate is executed and is being delivered pursuant to Section 1.148(b)(2)(i) of the Regulations promulgated under Section 148 of the Code.

**Motion made by J. Palasik to approve the Tax Certificate in the amount of \$2,695,000 with a second by J. FitzGerald. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

### **XIII. Town Manager's Update**

- The Town has received a clean audit;

- Police, Fire and EMS have received their first COVID-19 shots.
- The Town is beginning the assembly of the ice rink in Bombardier Park
- Marty Branch has been hired to work part-time for the Facilities Department.
- Police and Rescue have been very busy with domestic calls and mental health issues
- The Winter/Spring Recreation Program Guide is in digital format only
- The Highway crew did a great job plowing this past weekend.
- The River Street pressure sustaining valve project replacement received \$188,250 of principle forgiveness. The total project is estimated to cost \$251,000. The Town will bond for the remaining \$62,750 and the project should be completed by the end of 2021.
- For clarification purposes, the Town contracted with CCRPC Planner, Regina Mahoney for a number of months on an interim-basis while we searched for a new Planner. Upon hiring a new Planner, Cymone Haiju, Regina continued to work per diem to assist Cymone with UDR revisions. In November, she worked 11.25 hours and in December she worked 8.75 hours.

**XIV. Executive Session**

An Executive Session was not held.

**XV. Motion to Adjourn**

**Motion made by M. Morgan to adjourn the meeting with a second by J. FitzGerald. M. Morgan, Yes; C. Taylor, Yes; B. Steady, Yes; J. FitzGerald, Yes; J. Palasik, Yes. Motion Approved Unanimously.**

J. Palasik adjourned the meeting at 8:26 p.m.

Respectfully Submitted,  
Sheila Mooney

APPROVED MINUTES:

Chris Taylor, Selectboard Clerk Date: 02/01/21

Filed with the Milton Town Clerk's Office on this 3 day of February, 2021.

ATTEST: Sheila Mooney, Milton Town Clerk