

TOWN OF MILTON

PROCEDURAL BYLAWS OF THE DEVELOPMENT REVIEW BOARD

ARTICLE I - PURPOSE

1. The purpose of these Bylaws is to assist the Town of Milton Development Review Board (hereinafter referred to as the "Board") with carrying out its duties, meeting its responsibilities, and avoiding misunderstandings by establishing rules of procedure. By identifying what is required of the hearings, recordkeeping, and Board determinations, cases may be handled more effectively and efficiently, resulting in greater protection for the Town and more equitable treatment for applicants.

ARTICLE II - GOVERNING RULE

1. The Board shall be governed by the provisions of *Chapter 117, Title 24, of the Municipal and Regional Planning and Development Act*, the *Town Charter*, the *Town's Administrative Code*, all other applicable State statutes, local laws, and ordinances, and these *Bylaws*.

ARTICLE III - OFFICERS AND DUTIES

1. The Board shall organize and elect, by majority vote of all members present and voting, a Chairperson, a Vice- Chairperson, and a Clerk annually at the first regularly scheduled meeting subsequent to annual appointments by the Town of Milton Selectboard.
2. The Chairperson shall call and preside at all meetings and hearings of the Board, decide all points of order and procedure, and appoint any subcommittees that may be found necessary.
3. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence.
4. The Clerk shall monitor the audience "sign-in sheet" at each meeting.
5. Members shall avail themselves of training opportunities annually.

ARTICLE IV -MEETINGS

1. A regular meeting of the Board shall be held on the second and fourth Thursday of each month to consider applications (subdivision plans, site plans, boundary line adjustments,

variances, conditional uses, and appeals of administrative decisions) and other related business.

2. The Board may schedule work sessions and joint meetings with other boards and commissions to complete its work. The Board may schedule special meetings regarding any related matter as it sees fit.
3. All meetings of the Board shall be properly warned and noticed in accordance with the *Vermont Open Meeting* law and the *Town Charter*.
4. The Town Planner, or designee, shall notify members as soon as possible concerning any cancellations or special meetings.
5. Members shall notify the Town Planner as early as possible, if unable to attend any meeting. In circumstances when the Town Planner is unavailable, members shall notify the Planning Department.
6. A quorum shall consist of a majority of the designated strength of the Board.
7. The order of business at all regular meetings of the Board shall be as follows, unless otherwise re-assigned by the Chairperson:
 - A. Call to Order
 - B. Attendance
 - C. Additions /Deletions to Agenda
 - D. Public Forum
 - E. Applications/Oath to Planning Staff and Interested Persons/Disclosure of Potential Conflicts of Interest
 - F. Planning Staff Report
 - G. Other Business
 - H. Approval of Minutes
 - J. Deliberative Session
 - K. Adjournment
8. The Board shall have the right to enter into Executive Session in accordance with *Title 1*

V.S.A., Section 313.

9. The Board shall have the right to enter into Deliberative Session in accordance with *Title 1 V.S.A., Section 312.*
10. The Chairperson may appoint subcommittees for work session items. Such subcommittees may contain less than three (3) Board members, in which event the following rules shall apply:
 - A. Such subcommittees may be facilitated by the Planning Staff
 - B. Members of the community, with no voting privileges, shall be encouraged to participate.
 - C. The subcommittee shall arrange for meeting times convenient to its members.
11. Reports of subcommittees shall be approved, approved with conditions, or disapproved by the majority vote of the Board members present and voting.

ARTICLE V - ATTENDANCE

1. A provision for continued service on the Board by any member shall be a good attendance record.
2. Any member with unexcused absences for three (3) consecutive regular meetings may, by majority vote of the entire Board, be recommended to the Select Board for removal from the Board.
3. Absences will be excused by majority vote of the members present at any meeting. Valid excuses shall include: sickness, vacation, professional obligations, family or personal business, military service, emergencies, and other municipal business.
4. Members are expected to attend a minimum of fifty percent (50%) of all Special, Joint, and Work Session meetings within any twelve (12) month period of tenure.
5. A Board member shall be excused from that portion of a meeting where a conflict of interest on any scheduled topic exists or is perceived to exist. Disclosure of the specific content of a conflict interest shall be at the discretion of the Board member.
6. Planning Staff shall annually present Board attendance to the Board and Town Manager prior to annual appointments by the Town of Milton Selectboard.

ARTICLE VI - CONFLICT OF INTEREST

1. Members of the Board and Planning Staff are governed by Section 701 of the *Town Charter*, which reads:

A. A member of any appointed or elected board or commission or appointed or elected person or any person employed by the Town or School District of Milton shall not solicit or receive directly or indirectly any gift or compensation for recommending or voting on any finding, ruling, decision or report, or voting to procure any service, thing or supply purchased with public funds.

B. Nor shall any such member or employee receive directly or indirectly anything of value by contract or otherwise from the Town or School District unless it is received:

(1) As a result of a contract accepted after a public bid in accordance with law.

(2) In public recognition of service or achievement.

(3) As regular salary or expenses allowed by law for official duties performed as a member of such board or commission.

(4) For employment otherwise authorized by law.

C. No Board or commission member shall vote on any contract or purchase in which he/she has a direct or an indirect interest.

2. Members of the Board are governed by Section 703 of the *Town Charter*, which reads:

A. No board or commission member has any legal powers or authority unless acting at a duly warned board meeting or acting for the board after it formally grants power to act on its behalf.

B. Any board or commission member shall attend all regularly scheduled meetings in so far as possible and review study materials about the issues to be considered on each agenda.

C. Any board or commission member shall maintain confidentiality of discussion conducted in executive session and of other privileged information.

D. Any board or commission member shall abide by board decisions regardless of how individuals voted.

- E. Any board or commission member shall listen to legal counsel and constructive criticism to protect the Town and school system from liability.
 - F. Any board or commission member shall refer complaints, requests, and concerns to the Town Manager or School Superintendent or other appropriate staff member.
 - G. Any board or commission member or elected or appointed official shall use the chain of command and avoid making commitments or promises that compromise Town and school system.
 - H. Any board or commission member or elected or appointed official shall listen to the recommendations of other board or commission members or elected or appointed officials and staff before making decisions and provide advice and counsel to improve the Town and school system.
- 3. Board member shall not vote on any issue in which he/she has a direct or an indirect interest or conflict.
 - 4. Any Board member who knowingly participates in a portion of a meeting where an established conflict of interest on any scheduled topic exists may, by majority vote of the entire Board, be recommended to the Select Board for removal from the Board.

ARTICLE VII - RECORDS

- 1. A file of all material and decisions relating to each case shall be kept by the Planning Staff in the Department's Office as part of the records of the Board.
- 2. All records of the Board shall be public. Legal documents, such as mylars, deeds, covenants, memorandums of municipal action, and minutes, shall be kept on file in the Town Clerk's Office. All records shall be available for inspection by any person upon request.
- 3. Minutes of meetings shall be distributed by the Planning Staff to the SelectbBoard, Development Review Board, Planning Commission, Town Manager, Town Clerk, Assessor, Technical Advisory Committee, Planning Director, Town Planner, and Zoning Administrator.
- 4. Planning Staff shall make the Board aware of training opportunities funded by the Selectboard.

ARTICLE VIII - PROCEDURES

1. Motions shall be worded in the affirmative in order to be considered proper. Negatively worded motions shall be considered out of order.
2. Motions shall carry only when they receive an affirmative vote of no less than a quorum of Board members.
3. A polled vote shall be taken on all final approvals for subdivisions, site plans, boundary line adjustments, variances, conditional uses, and appeals of administrative decisions.
4. A polled vote shall be taken on any motion when called for by a Board member.
5. *Roberts Rules of Order Newly Revised* shall determine procedural matters unless otherwise specifically set forth in these *Bylaws*.
6. Meetings shall commence promptly at 7:00 p.m. or as soon thereafter as a quorum of Board members is present.
7. Interested parties shall be recognized for comment at the discretion of the Chairperson.
8. Opportunity for comment by interested parties shall be afforded by the Chairperson prior to the close of a hearing.
9. The time for adjournment shall be no later than 10:00 p.m. The time limit may be extended by a majority vote of Board members present
10. To be considered for review at a specific meeting of the Board, a complete application must be delivered to the Board through the Planning Office. The Town Planner, or designee, shall determine if all application materials necessary have been submitted. When all application materials have been submitted, the Town Planner, at his/her discretion shall schedule the application at the next future regular Board meeting. The Town Planner shall use discretion in scheduling meeting topics, and shall not include more applications within any given evening if such volume will extend the meeting beyond 10:00 p.m. while allowing for transaction of routine Board business.

ARTICLE IX - ASSIGNMENT OF ALTERNATES

1. No more than 2 alternates shall serve on the Board for any one application.
2. Alternates will have no regular assignments on the Board
3. The assignment of an alternate to the Board will come from an alphabetical roster list. The assignment will begin with the first alternate in alphabetical order and rotate through the list until all alternates have served and the rotation will be repeated.

4. The purpose of alternates is to maintain a full Board, or as close to full as possible during public meetings. The duty of the alternates is to attend public hearings where a regular Board member or members are unable to attend for any reason. If a regular member must recuse him or herself from an application, the alternate will be called to serve on the Board for that application only. For an ill or otherwise completely absent regular Board member, attendance of the alternate shall be for the complete agenda.
5. An alternate that is called upon to serve shall be required to be part of the Board until a decision is made on that application. This includes attending deliberative sessions and the continuance of the public hearing if it has been tabled or recessed.
6. The Chairperson of the Board shall appoint an alternate to serve on the Board by selecting an individual from the roster as provided in paragraph three (3) above whenever, based on one of the conditions identified in paragraph four (4) above, the Chairperson deems it appropriate to appoint an alternate. If the Chair does not appoint an alternate when one of the conditions identified in paragraph four (4) above occurs, a majority of the members of the DRB present and voting may appoint an alternate.
7. An alternate that has not been called upon to serve on the Board by the Chairperson may attend public meetings and hearings and participate in discussions. Alternates may not make motions or vote on agenda items for which they have not been called upon to serve.

ARTICLE X - RULES OF CONDUCT

1. At all warned or noticed hearings of the Board, or at any Board meeting involving the presence of members of the community, the following rules of conduct shall be applied:
 - A. The Chairperson shall direct the applicant or person setting forth a proposal, Planning Staff, and all (interested) parties who wish to speak on the proposal, to step forth and take an oath to tell the truth, Applicant will then be asked to present such application or proposal.
 - B. The Chairperson shall then ask persons present who have comments with regard to the application or proposal to step forward, give their name, and make their comment. The applicant or person setting forth the proposal shall then be given an opportunity to respond before the next person is asked to step forward. All comments from Planning Staff, applicants, and interested persons shall be directed to the Chairperson.
 - C. After all persons have been heard, the Chairperson shall open the discussion to the members of the Board. Such discussion shall occur in an orderly fashion, with no more than one person speaking at any given time.

D. If more questions from persons present result from the discussion, the Chairperson shall repeat the procedure as set forth in item B above.


ARTICLE XI - AMENDMENTS

1. These rules may be amended at any regular meeting of the Board by an affirmative vote of a quorum of the Board provided that such amendment has been presented in writing to each member of the Board at least five (5) working days preceding the meeting at which the vote is taken.

Adopted December 11, 1997, and amended this 24th of August, 2017


Bruce Jenkins, Chairperson



Robert Brisson


Henry Bonges, Vice-Chairperson

Karen Trombley, Alternate


Julie Rutz, Clerk

Filed with the Town Clerk's Office this 25 of August, 2017


Sheryl Prince, Town Clerk