

Milton Selectboard Meeting Minutes

July 6, 2015 6:00 P.M.

Municipal Building Community Room

Selectboard Members Present: Darren Adams, Chair (phone conference); Stuart King, Vice Chair (meeting director); John Bartlett, Clerk; Kenneth Nolan, Member; John Cushing, Member

Selectboard Members Not Present: None (Adams exit after proposed Town Manager announced)

Staff Members Present: Paul Bohne, Interim Town Manager; Joanne Davis, Finance Director; Amanda Pitts, Zoning Administrator, Celeste Lang, Selectboard Assistant; Don H. Turner Jr., Fire & Rescue Chief

Others Present: Courtney Lamdin, Milton Independent and Ec. Development Appointee; Lori Donna, Planning Commission Appointee; David Conley, Development Review Board Appointee; Lloyd Gilbert, Gordon Gilbert, Donna Barlow Casey, Town Manager Appointee; Ed Robinson; Chris Cadwell;

- I. **Call to Order** – King called meeting to order at 6:01
- II. **Flag Salute** – King led the attendees in a Salute to the Flag. Adams joined session via phone.
- III. **Agenda Review**- King asked if any opinion on adjusting agenda few contracts in executive session. Proceed to hearing and then executive session.
- IV. **Public Forum** – King asked if anyone here to speak on item not presented on agenda – none.
- V. **Public Hearing (continued) under Interim Zoning Conditional Use Application 37 Centre Drive-Gordon and Margaret Gilbert, Owners/Applicants.**

King swore in those presenting testimony at 6:04: Lloyd Gilbert, Gordon Gilbert, Amanda Pitts, Lori Donna

King summarized the applicants are requesting Interim Zoning Conditional Use approval from the Selectboard according to the effective Interim Zoning Bylaw for a proposed 5' x 60' new public warehousing (self-storage) building located at 37 Centre Drive, described as SPAN# 11286, Tax Map 27, Parcel 9-14. The property contains six existing storage buildings and a carport. The subject, property contains a total of 1.49 acres and is located within the "Downtown Business (DB1)" Zoning District.

Selectboard asks advisor opinion of interim zoning application.

Lloyd Gilbert reiterated

- Not new project but expanding existing which meets all conditions under Conditional Use and Zoning Ordinance.
- Not detrimental to traffic or pedestrian or residential.
- Request Board further consideration to have Administrative Amendment to existing site plan as opposed to hearing with Development Review Board, saves 1-2 months time.

45 King asked if any Board comments. Adams questioned response from planning commission any
46 other background why it's not consistent other than it doesn't fit with interim zoning – no
47 specific reason listed. Nolan stated Planning Commission stated several not consistent with
48 town plan thus reaching conclusion. Donna indicated judgment in summary not consistent with
49 interim plan of health, safety & welfare. Bartlett asked used for any other purpose? Fine tuning,
50 timing prior to interim zoning taking place? L Gilbert not new. At meeting no one spoke in
51 opposition, no one spoke in favor of interim planning. Public good. All current units full, 90%
52 Milton residence and satisfying need in Milton, providing income. If new use and vacant land
53 understands would prefer high-rise but this already exists.

54

55 Donna explained Planning Commission letter voted on, e-mailed and decision:

- 56 • “if it's not there, it's new, and if it's not on any other plans, it's new”.
- 57 • Expand not vision-would prohibit potential of other opportunities.
- 58 • Dis-incentive of redevelopment.

59 Bartlett questioned commercial additional tax revenue theoretical vs. practical. G Gilbert 30
60 units behind with no storage those individuals would go out of town if no opportunity. Donna
61 unknown redevelopment tax revenue vs. expansion and tax revenue. Question posed to
62 planning commission. Commission request deny at this time consider part of zoning. Eye on
63 vision – new is new. Review “expansion” vs. new which is best to utilize space to grand list value.
64 Synergy between other business help existing businesses vs. void. Planning commission to reject
65 at this time until meet with new planning consultant caution against use don't believe proper at
66 this time.

67 King read Planning Commission points to have on record. Asked if any other testimony?

68 Nolan if envision end state under zoning laws and apply as existing facility under new zoning
69 regulations would this be allowed? – Pitts nonperforming use apply to DB district considered
70 non conformant use apply to review board for additional expansion. L Gilbert lot vacant 6-7
71 years before built on. According to new laws no storage units in center of town.

72 Cushing interim zoning issue of we can't build and don't build because we restricted within TIF
73 district because of zoning. Concern build TIF district - how long before something in place.
74 Have someone ready to build. King year and half deadline. Donna confirmed 18 months goal -
75 aggressive. Suggest direct PC to do this as priority to do caution to specific instance, as real
76 value not set precedent. Value short-term vs long-term to give time to crucial areas of town.
77 Bartlett more accurate representation behind space will be filled as potential uses would be
78 helpful.

79

80 King questioned size vs. pre-existing footprint adding 2-3% per L Gilbert. Looks full. G Gilbert
81 Plan to go north boundary 5 x 5 units, insignificant to footprint.

82 Adams other than tearing down existing storage unit would developer be able to do anything
83 else with property other than storage units. L Gilbert - no.

84

85 King hearing no further evidence.

86

87 Motion by Bartlett to close public hearing. Adams second. No further discussion. Independent
88 roll -**Each approved.**
89 King closed public hearing at 6:40.

90 Bartlett made motion to approve the conditional use subject to the following conditions:

- 91 • Applicant shall receive all necessary approvals from the Development Review
92 Board before the Administrative Officer may issue a zoning permit.
- 93 • Applicant shall obtain a zoning permit before commencing any land development
94 on the subject property. If the following proposed condition is met, the
95 proposed development will not result in an undue adverse effect on all other
96 Town ordinances.
- 97 • Applicant shall receive all other applicable Town approvals and/or permits.

98
99 Second Adams

100
101 Further discussion. Nolan stated need to be careful of precedent, only considering
102 approval because of existing, already there, number come forward in future and leverage
103 against in future offerings. Bartlett agrees. Felt had to make motion in positive to give
104 individuals opportunity to disagree. Trust anything further down pike to address must be
105 bigger than this application.

106
107 Independent roll – **Each Approved.**

108
109 **VI. Announcement and contract ratification for the new Town Manager.**

110 King announced Donna Barlow Casey, in attendance, as selected candidate for Town
111 Manager. Still in discussion with contract negotiations but once concluded, effective start is
112 July 20th. Will be executive session later. Bohne, Interim Manager, agreed to stay through
113 week. – Thank you. Don Turner, Rescue & Fire Chief; and Brett Van Noordt, Police Chief,
114 both previous interim managers, will assist Erik Wells, Executive Assistant/ HR Coordinator
115 throughout on part-time basis.

116
117 Bartlett applauds Bohne keeping town operating and dedicating more than committed 25
118 hours during process. Appreciate service.

119
120 Adams expressed thanks to Bohne and congratulations to Casey stating assurance this is
121 what town needs to move forward and looking forward to working with you.

122
123 Adams excused self from session and terminated phone connection.

124 **VII. Appointments and reappointments to various Town Boards, Committees and Commissions.**

125 King called upon Lamdin for reappointment to Ec. Development Commission and
126 thanking for prior service. King stress important facet of town build with commercial
127 and economic value. Lamdin stated she has served six years and understands the
128 dichotomy of business contacts, different type of developers and suggestions to uses.

129

130 Motion made by Bartlett to appoint Courtney Lamdin, business rep to the Economic
131 Development Commission for a 3 year term ending in 2018. Second Cushing. **All Approved**
132

133 Further discussion – Nolan, not related specific to Lamdin but standard question where
134 these positions advertised? Bohne confirmed they all had been.
135

136 Motion made by Cushing to appoint Lori Donna to the Planning Commission for a 4-year term
137 ending in 2019. Second Barlett. **All approved.**
138

139 Further discussion - Nolan asked where she sees future? Donna stated was hopeful
140 board would take hard line so investors know what they are going to get when they
141 invest in town. Important to have clear definition of town direction. Other towns beat
142 us repeatedly to punch. Without clear direction nothing will change. Bartlett
143 expressed not to judge rejecting commission's opinion on the first one (item V) being
144 overturned as presented a unusual circumstance that won't set as precedent to Board
145 decisions of Commissions opinions. Ten more hope would trust result would be
146 different. Cushing stated Colchester -do it, Georgia -can do it but Milton can't do it.
147 Concerned this is money, this is important. If someone really wants that lot they will
148 tear it down, it's so small wouldn't even know it's there. Have to do something, how
149 important this is money to town. Appreciate all hard work and support and build in 18
150 months.

151 Donna expressed she is a "passionate community planner" and respect boards decisions
152 but hope community has willpower to change to get investment.
153

154 King to introduce Conley – Served seven years previously on DRB. Conley wanted to
155 commend board for previous case (V) considering people who previously come to
156 Milton not much of impact growth, new process, size, and current existing. King
157 thanked for service stated he sat in previous meetings and impressed with research,
158 comments extensive and conclusions complete. Milton has come a long way in last five
159 years with sidewalks, restaurants, elderly places.
160

161 Motion made by Bartlett to appoint David Conley to the Development Review Board for a 3-
162 year term ending in 2018. Second Nolan. **All approved.**
163

164 **VIII. New Business and Department Items Paul Bohne, Interim Town Manager and staff**

165
166 A) FY 2015 preliminary year end budget status presented by Interim Town Manager and
167 Joanne Davis, Finance Director

168 Bohne stated General Fund would end with significant surplus. Review department
169 budgets some not as tight as might as been but still ending with surplus for town going
170 forward. Davis continue to work with moving parts not significantly change result.
171 Additional revenues for water & wastewater not billed yet. Water dept. end up with a
172 deficit due to significant costs: freeze ups, OT, and equipment charges what actual
173 unknown accrued for billings – significant loss. Tax rate set lower than budgeted should
174 be closer than \$219K for property taxes. Cushing confirmed previous two years board
175 set rate lower than what he, then Treasurer, recommend.

176 King questioned if any issues with Grand List. Bohne stated legislature passed
177 affordable housing by \$2.4 million, will see if has major impact, too early to tell. Bartlett
178 questioned if suggest to be more conservative this year with budget.

179 Bohne said Grand list, Veterans exemptions, etc. factors in decision for impact and see
180 school impact with information to make decision. Cushing confirmed will have Grand
181 List first meeting in Aug. to distribute bills desire before 15th. Stated Revenues not
182 accurate.

183
184 Nolan questioned Select Board professional line item – audit? Bohne audit and training
185 finance dept. Previously discussed \$260K transferred still remains in reserve funds –
186 leaving? Yes Davis confirmed, will not continue that practice. Water dept. Revenue
187 rates 34% below budget. Davis stated one more quarter to be billed in July but accrued
188 in FY’15. Bartlett realize potential savings from water district – need to quantify if
189 effective or not. Bohne said should be 10-15% discovering leaks.

190
191 Bohne & Cushing discussed tighter budget and surplus having a rainy day fund available.
192

193 **IX. Application of various restricted funds for related uses**

194
195 Bohne discovered since merger Village to town, Village coffers sit on town books with
196 restrictions. Purpose to use intended to clear off books. Capital funds to refurbish
197 ambulance, fire & rescue. General Resolution to dissolve those funds prepared to consider.
198

199 Motion made by Bartlett to approve expending a fund in the amount of \$5,783 restricted for
200 “Milton Village Fire Department Equipment Fund” for a thermal imaging camera,
201 to approve expending a fund in the amount of \$526 restricted from the Riley Fund for a
202 thermal imaging camera, to approve expending \$1,184.27 restricted as “Reserve Rescue” for
203 a scoop stretcher and full body splint as a result of an upcoming change to the state EMS
204 protocols. To approve expending \$71,474.34 assigned for “Emergency Medical Services” for
205 the ambulance conversion. Second Cushing.

206
207 Further discussion - Bartlett scoop & stretcher – one size fits all. Turner yes. Smaller boards
208 for children. Nolan questioned first three are reserve funds and last items capital fund from
209 village. Discussion of where it came from.

210
211 King suggested rescind above motion and hold discussion on the 4th item for further clarity.
212

213 Bartlett restated above motion to include first 3 items only. Cushing second.
214 Further discussion. Discuss source of 4th item further at next meeting. **All approved.**

215
216 Bohne stated resolution still is OK without 4th item.

217
218 As side Bartlett questioned matching donation funds for signage if coordinating with new
219 signs previously approved. Turner confirmed coordinating. Unlike Police, Rescue does not
220 stand alone.

221
222 Turner expressed thanks for board support for 4th of July use of facility and fireworks
223 display. All agreed huge display and great community turnout.
224

225 **X. Removal of the Designation for the Health Insurance Stabilization Fund**

226 Bohne stated Fund started in 2012 with uncertainty to health premiums, what state was going
227 to do, Obama Care etc. Intent of HRA funds to support employees in healthcare, if had a

228 surplus would be put into this fund. \$22K surplus first year, \$190+K surplus as of FYE '15. HRA
229 budgeted more than needed. Trend has been stable and has not increased since '12.
230 Recommend resolution to put reserve back in to general fund as unrestricted surplus or it will
231 keep sitting on books. King asked Cushing's opinion agreeing with action.
232

233 Bartlett made motion to remove the Health Insurance Stabilization Fund as a component of
234 the designated fund balance so that it will be considered part of the Town's unassigned fund
235 balance. Nolan second. No further discussion. **All approved.**
236

237 XI. Old Business

238 A) Contracts between the Town of Milton and Sun Edison for installation of solar projects at 239 the Wastewater Treatment Plant property and the former Town landfill. 240

241 King asked if need Executive Session and Bohne suggested they do so.
242

243 Bartlett move to find that premature public knowledge about Real Estate and Human
244 Resources would cause the Town or person to suffer substantial disadvantage under the
245 provisions of V.S.A. Title 1 Section 313. Cushing second.
246

247 Further discussion - Nolan questioned discussion points: Town Manager contract, Sun Edison,
248 items for litigation and personal issues. Bohne confirmed.
249

250 **All Approved.**
251

252 Bartlett made motion to enter into Executive Session to discuss Real Estate under the
253 provisions of V.S.A. Title 1 Section 313a2 and to discuss Human Resources under provisions of
254 V.S.A. Title 1 Section 313a3. Nolan second. **All Approved.**
255

256 King invited into Executive session: Board, Interim Manager, Prospective Town Manager, and
257 Town Attorney at 7:41PM
258

259 Motion made by Bartlett to close Executive Session. Second Cushing. All approved. Closed
260 executive session at 8:52PM.
261

262 King reopen Selectboard meeting at 8:57PM. Chris Cadwell from Green Peak Solar based out of
263 Waitsfield who arrived late for public session requested to introduce himself. Said he has been
264 working with Ed Robinson re: solar project on his property in Milton. Contact info:
265 ccadwell@greenpeaksolar.com<<mailto:ccadwell@greenpeaksolar.com>>, 415-730-9075.
266 Website www.greenpeaksolar.com<<http://www.greenpeaksolar.com>>
267
268

269 Return to Agenda XI A

270 Motion made by Bartlett to authorizing the Town Manager or Town Attorney to execute
271 Options to Lease portions of the Wastewater Treatment Plant and former Town landfill
272 properties to Sun Edison for the proposed installation of solar fields at those two
273 properties, Leases on the same two properties, the Net Metering contract and any
274 permits necessary to carry out the project on behalf of the Town after final review of
275 agreements is complete by Town Attorney. Second Nolan. **All approved.**
276

277 Revisit Item VI
278 Bartlett made motion to approve the contract for the new Town Manager, Donna
279 Barlow Casey, effective July 20, 2015. Cushing Second.
280
281 Further discussion – Each board member gave comment to process and welcome Casey
282 to new partnership with many agenda items ahead.
283 **All approved.**

284 **XII. Reconsideration - none**

285

286 **XIII. Manager's Report**

287

288 Bohne – mention restoration project award \$50K to Town of Milton for new multi use path in
289 Town Forest. Working on process for future searches agree to circulate among search
290 committee.

291

292 **XIV. Potential and/or Future Agenda Items**

293

294 **XV. Minutes of the Selectboard Meeting of June 15, 2015 and of the special Selectboard meeting**
295 **of June 23, 2015 and June 29, 2015.**

296

297 Motion by Cushing to approve said minutes. Bartlett second. **All Approved.**

298

299 **XVI. Warrant/Report # 1**

300

301 Bartlett reviewed corrected Agenda from #26 to #1 as first of FYE '16

302 A few items of mention, in random order:

303

304 - DJ Tree Service & Logging, \$10,800 - "removal of 14 high-risk trees (10 Middle Rd, 1 Maple on
305 Everest, 1 Elm on Hardscrabble, 1 dead pine on Lake Rd)"

306

307 - NEMRC - Ed travel on May 8, 12, 21, 26, June 17, 18 - each travel charge = 2 hours x \$62.50 so
308 total for 6 trips = \$750

309

310 Bartlett made motion to accept Warrant report #1 in the amount of \$63,161.01. Cushing
311 second. **All approved.**

312

313 Nolan inquiry tree service being one time or multiple services. In future make sure staff
314 understands when approval required.

315

316 **XVII. Adjournment**

317

318 Bartlett made motion to adjourn. Second by Cushing. **All approved.**

319 King adjourned meeting at 9:12PM.

320

321

322

323

324

325 These proceedings were live-streamed and filmed by LCATV and audio-recorded by the Town.

326

327 Respectfully Submitted,

328

329

330 _____ Date: _____

331 John Bartlett, Selectboard Clerk

332

333 Filed with Milton Town Clerk's Office on this _____ day of _____, _____

334

335

336 ATTEST: _____ Milton Town Clerk

DRAFT