

Milton Selectboard Meeting Minutes

May 4, 2015 6:00 P.M.

Municipal Building Community Room

Selectboard Members Present: Darren Adams, Chair; Stuart King, Vice Chair; John Bartlett, Clerk; Kenneth Nolan, Member; John Cushing, Member

Selectboard Members Not Present: None

Staff Members Present: Paul Bohne, Interim Town Manager; Roger Hunt, Public Works Director; Joanne Davis, Finance Director; Brett Van Noordt, Police Chief; Kym Duchesneau, Recreation Coordinator; Ben Nappi, Recreation Assistant

Others Present: Courtney Lamdin, Tom Moreau, CSWD; Evan Barquist, Shayne Lynn; CVD, Bridgette Connolly; CVD, Jake Perkenon, CVD; Jesse Stowell, SunEdison; Barrett LaChance, SunEdison; Curt Carter, Cynosure; Frank Cioffi, Cynosure; Joe McClean, SPF; Amanda Lafferty, SPF

I. Call to Order – Adams called the meeting to order at 6:00 PM

II. Flag Salute – Adams led the attendees in a Salute to the Flag.

III. Agenda Review- none

IV. Public Forum- none

V. Public Hearing on CIP

Adams opened the public hearing at 6:02

Bohne stated this is a 5 year plan designed for purchases exceeding \$5,000. Expenditures must be approved by the Board and in the capital plan. Since the December meetings, staff met to advise changes and have provided those recommendations to the Board. Bohne stated action on the CIP can be delayed until the next meeting.

Cushing asked about the filing procedures and the process. Discussion as to whether it went to the Planning Commission or not before the Board received this document, and whether that was required and filed properly. Discussion regarding impact fees and internal borrowing. Nolan asked about fund balances for the accounts and made a request for each. Bohne said it will be emailed to the Board.

Discussion regarding the proposed grader purchase and the health care stabilization fund.

Adams closed the Public Hearing at 7:02

VI. Potential and/or Future Agenda Items- None

49 **VII. New Business**

50 **A) Budget presentation of the FY 2016 Chittenden Solid Waste District (CSWD)**

51 Tom Moreau, General Manager CSWD. Addressed the Board, reporting the revenues are
52 flat. They are at a 14 year low for trash generation in Chittenden County. Expenses are
53 up 4.8% - some of these are onetime expenses. Without calculating the onetime costs
54 it's a 2.1% expense increase. Capital expense improvements to the MURPH so recycled
55 glass can be clean enough for VTrans specs.

56 Bartlett motioned to approve the FY '16 CSWD budget. Nolan second. **Approved**
57 **unanimously.**

58 **Possible/Anticipated Executive Session per V.S.A. Title 1 Section 313**

59
60 Bartlett moved to find premature public knowledge about contract negotiations and
61 litigation would cause the Town or person to suffer a substantial disadvantage. Second
62 by Nolan. **Approved unanimously.**

63
64 Bartlett moved to enter into executive session to discuss arbitration and litigation under
65 the provisions of V.S.A. Title 1 Section 313. Second by King. **Approved unanimously.**

66
67 Staff members Paul Bohne and Erik Wells, along with Town Attorneys Amanda Lafferty
68 and Joe McClain of Stitzel, Page & Fletcher were asked to join.

69
70 Entered into Executive Session at 7:22 PM

71
72 Cushing motioned to close Executive Session at 8:45 PM. Second by Nolan. **Approved**
73 **unanimously.**

74
75 The Meeting Reconvened at 8:51 PM

76
77 **B) Consider approving the settlement in the H.W. Ventures appeal of a Development**
78 **Review Board Decision and authorizing the Town Attorney to sign the Stipulated**
79 **Agreement on behalf of the Town.**

80
81 Bartlett motioned to approve the settlement in the H.W. Ventures appeal of the
82 Development Review Board decision to authorize the town attorney to sign an
83 agreement on behalf of the Town. Second by Nolan. **Approved unanimously.**

84
85 Bartlett motioned to appoint Amanda Lafferty to represent the Town in the
86 environmental court hearing of J&M Sand, Inc. Second by Nolan. **Approved**
87 **unanimously.**

88
89 **C) Contract between the Town of Milton and Sun Edison for installation of a solar project**
90 **at the Wastewater Treatment Plant property.**

91
92 The Board directed questions to Barrett LaChance of Sun Edison.
93

94 Nolan asked what the status is of the community solar project at the landfill site.
95 LaChance said Sun Edison is eager to move forward with both projects. They have done
96 their due diligence on the legality of the proposed community solar project size at the
97 landfill site. The end result is it does not look likely the community solar at the site will
98 be able to proceed with the sizing as originally discussed. Working with local council to
99 see about the possibility of putting two separate solar arrays at the landfill site with a
100 preliminary ruling by the public service board (PSB). Northern array on the capped
101 portion would have to serve municipalities and school districts and be a net metered
102 array like what is proposed at the wastewater plant. The Southern array would be a
103 scaled down community solar project. Not certain where that ruling will come out. Can
104 build case for 2 separate systems, no guarantee the PSB will side to build two systems at
105 site. Town could decide on single system sizing- either a smaller community solar, or an
106 array with the original size proposed where the power could only be sold to
107 municipalities or school districts.
108

109 Nolan asked LaChance to walk the Board through the Renewable Energy Credits (RECs)
110 and how those would be treated. LaChance said RECs are a tradable commodity and the
111 market standard is that 3rd party developers own renewable energy credits and sell as a
112 second source of revenue. The reason Sun Edison gave a very competitive rate on the
113 net metering agreement was the REC component. Sun Edison will look to monetize the
114 RECs. Does this by selling in long term contracts to utilities or energy users that have a
115 requirement to have a certain amount of energy come from renewable sources. When
116 the RECs are purchased they are retired as the purchaser can claim a certain amount of
117 their energy is coming from renewable sources. The Town cannot claim it is buying
118 renewable energy or offsetting carbon footprint- that is tied to the purchaser of the
119 RECs.
120

121 Bartlett moved to appoint Ken Nolan to represent the Selectboard in negotiations with
122 Sun Edison regarding the contract for the water/wastewater location. Second by King.
123 **Approved unanimously.**
124

125 **D) Presentation regarding the establishment by Champlain Valley Dispensary, Inc. of a**
126 **secured production, research and testing facility in Cynosure's Catamount Industrial**
127 **Park.**
128

129 Frank Cioffi of Cynosure said the intent is to lease building in Catamount Industrial Park
130 to the Champlain Valley Dispensary. Want to make sure Town is comfortable with
131 prospect. Believe follows all Town Zoning. Will not dispense at this location, it would be
132 for growing and research.
133

134 Shayne Lynne- Executive Director of Champlain Valley Dispensary said it currently serves
135 over 1,000 patients. It is regulated by the Department of Public Service (DPS). Currently
136 employ 25 employees who must all pass FBI background checks. Need to hire additional
137 50 staff members in coming years. Critical need Vermonters have for this program and
138 need to expand. No public allowed on site. DPS needs a letter from Milton recognizing
139 the Board was addressed and aware of Champlain Valley Dispensary in Town and the
140 site is in compliance with zoning regulations.
141

142 Bridgette Connolly- General Manager. In addition produce topicals and eatables. All
143 products securely packaged and labeled. Clients suffer from debilitating illnesses and
144 suffer from daily chronic pain.

145
146 Current facility is in South Burlington. Like this site, unlisted in private location. People
147 need ID cards to come on site. Have gone 2 years without incident. There is 24/7
148 security system by private company.

149
150 Cushing voiced concern over the language in the warning for the agenda item.

151
152 Discussion on driving and use of cannabis. No one would be picking up at site, and take
153 very seriously state laws prohibiting driving or being a passenger. Control steps for
154 security and regulations, Lynne and Connolly said.

155
156 Qualifications for medical marijuana discussed. Scheduling and appointments at
157 dispensaries. This would not be happening in Milton, only growing and research.

158
159 Bartlett asked about the organizations goals. Lynne said it all ties back to mission, have
160 seen results on reduction of pain killers. Plans are all with medical and not with the
161 recreational marijuana legalization discussion taking place at the State level.

162
163 Nolan and King were both impressed by the security at the South Burlington grow and
164 research site they visited.

165
166 Police Chief Van Noordt said he is against it because it is illegal under Federal law. Any
167 building can get broken into. Concerned with diversion of the product- sharing of the
168 drugs. Spoke with DPS regarding Champlain Valley Dispensary and heard good reviews,
169 and a couple small issues. DPS has impressive computer system that could tap into the
170 dispensary's system at any time. Stated new US President and Attorney General could
171 close down medical marijuana act and dispensaries. Spoke with Police Chief Whipple in
172 South Burlington. He said they respond to a couple alarms but the operation is very low
173 profile. Fielded a couple complaints from public regarding odor.

174
175 Van Noordt said for the record he is against this because against Federal law.

176
177 Cushing said opposed to it as a parent and grandparent.

178
179 Nolan said the benefit outweighs the risk in this situation.

180
181 Bohne will work with the Planning Department to make sure all zoning regulations are
182 followed and supply DPS with the requested letter.

183
184 **E) Better Backroads Grant**

185
186 Bohne said this to support a project to replace a failing culvert on Quarry Rd. that has to
187 be done. Hope is to get up to \$10,000 reimbursed through the grant.

188
189 Cushing motioned that the Town apply for the Better Back Roads Grant. Second by
190 Bartlett. **Approved unanimously.**

191 **VIII. Old Business**
192 **A. Update on the progress of the search process for a new Milton Town Manager**
193 Bohne said the Search Committee interviewed 10 out of the 51 who applied. 5
194 applicants were passed on and will be interviewed by Selectboard. These candidates will
195 be interviewed on Tuesday and Thursday night this week. Hopeful to identify finalists
196 and schedule final interviews soon after. Finalists would spend most of a day in Town
197 speaking with staff and touring facilities. Will look to set up a system for staff and
198 community to provide feedback on the candidates to aid the Board in their decision.
199

200 **IX. Minutes – To Approve With or Without Corrections**

201
202 Bartlett motioned to approve the April 6, 2015 meeting minutes as presented. Second by Nolan.
203 **Approved unanimously.**
204

205 **X. Warrant/Report #21 and Supplemental Warrants**

206
207 Bartlett motioned to approve Warrant #21 for a total of \$30,176.63. Second by King.

208
209 King asked for more clarity on general supplies purchases.

210
211 **Approved unanimously.**

212 **Possible/Anticipated Executive Session per V.S.A. Title 1 Section 313**

213
214 Bartlett moved to find premature public knowledge about real estate negotiations would cause
215 the Town or person to suffer a substantial disadvantage. Second by Nolan. **Approved**
216 **unanimously.**
217

218 Bartlett moved to enter into executive session to discuss real estate negotiations under the
219 provisions of V.S.A. Title 1 Section 313. Second by King. **Approved unanimously.**
220

221 Entered into Executive Session at 10:14 PM.

222
223 Bartlett motioned to close Executive Session at 10:40 PM. Second by Cushing. **Approved**
224 **unanimously.**
225

226 **XI. Adjournment**

227 Cushing motioned to adjourn at 10:43 PM. Second by Nolan. **Approved unanimously.**
228

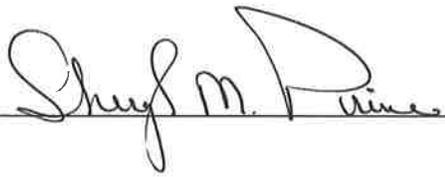
229 *These proceedings were live-streamed and filmed by LCATV and audio-recorded by the Town.*
230

231
232 **Respectfully Submitted,**
233  _____ Date: 5/18/15
234 **John Bartlett, Selectboard Clerk**

235
236 **Filed with Milton Town Clerk's Office on this** 19 **day of** May 2015
237

238

ATTEST:

A handwritten signature in cursive script, appearing to read "Sheryl M. Paine", written over a horizontal line.

Milton Town Clerk

239