

**Town of Milton**  
**Selectboard Meeting Minutes**  
**November 17, 2014 at 6:00 PM Regular Meeting**  
**Municipal Building Community Room**

1     **I.     Call to Order**

Attendee Name	Title	Status	Arrived
Darren Adams	Chair	Present	
John Gifford	Vice Chair	Present	
John Bartlett	Clerk	Present	
Brenda Steady		Present	
Stuart King		Present	

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**Staff Members Present:** Brian Palaia, Town Manager; Ann Janda, Management Fellow; Brett Van Noordt, Police Chief; Katherine Sonnick, Planning Director; Jake Hemmerick, Town Planner; Roger Hunt, Public Works Director; and Robert Ware, Assistant to the Assessor

**Others Present:** Patrick Baxter, Toole Design Group; John Dempsey, Toole Design Group; Judy Kinner, Conservation Commission Chair; Bonnie Pease, Conservation Commission; Jay Maurice, Conservation Commission; Dan Gaherty, Conservation Commission; George McRae, Business Owner; and Robert Brisson, Business Owner.

13     **II.    Flag Salute**

14     **III.   Agenda Review**

15     Palaia asked to review a portion of the Manager’s Update first and take F as the first item.

16     **IV.    Public Forum**

17     George McRae said that when he came to a previous Selectboard meeting, the Selectboard suggested he go through the Development Review Board (DRB) regarding his issue. McRae said he did that and he doesn’t think the DRB is going to make a clear decision. He also feels that the new ordinance regarding the I2 district is unfair and he feels that he is personally being targeted. McRae also said he doesn’t like the label Recycling Yard for his business because he doesn’t think it is an appropriate term for what he does.

23     **V.     Appointments and/or Resignations**

24     **VI.    New Business and Department Items**

25     **A) Zoning Ordinance Amendments Public Hearing**

26     Planning Director Katherine Sonnick presented an overview of the changes in the proposed zoning ordinance amendments. In particular, the Planning Commission looked at studies having to do with adult businesses and found that they reduce property values and increase crime. The Planning Commission Chair, Lori Donna, noted that one study found that even one adult book store can lower property values by 20%. Sonnick said that because of First Amendment rights, we can’t totally disallow them though, so it is necessary to find an area that works. The Planning Commission looked at the I2 District, but that use doesn’t fit with the current definition for that district. Sonnick said the Planning Commission is considering the DB1 district with limitations. The Planning

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Commission also suggests changing certain requirements to “shall” rather than “should” so they are more of a directive. This will make requirements less vulnerable to legal challenges. Adams asked the Planning Commission to incorporate the changes to sections 804 and 803.12 in preparation for another public hearing on December 15.

Adams opened the hearing for questions. George McRae asked about the accessory use regulations. He believes recycling yards should be considered accessory uses. He also said he does not want sexually oriented businesses in the DB1. He would rather see that type of business in the I2 district. Bob Brisson said he has an appeal in to the DRB for a recent decision they made. He said he had an unfortunate experience with the term “should” instead of “shall”. The term “should” isn’t legally defensible. This makes it impossible to enforce any of the rules we currently have. Brisson also expressed his difficulty with the zoning changes to mixed use, which he said is causing residential developments to encroach on his commercial business. Adams closed the public hearing at 8pm.

Adams motioned to set a second public hearing for December 15 at 6pm with a report showing the edits to 803 (site plan review) and 804 (changing “should” to “shalls”) and looking at the several sections discussed in tonight’s meeting, second by King.

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<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Darren Adams, Chair
<b>SECONDER:</b>	Stuart King
<b>AYES:</b>	Adams, Gifford, Bartlett, Steady, King

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Steady motioned to ask the Planning Commission to revisit recycling yards as an accessory use after this round of amendments, second by Gifford.

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<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Brenda Steady
<b>SECONDER:</b>	John Gifford, Vice Chair
<b>AYES:</b>	Adams, Gifford, Bartlett, Steady, King

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**B) Sidewalks, Pathways, and Upper Main Street Scoping Study Presentation**

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Palaia said this scoping study is being paid for with a VTrans grant through the Regional Planning Commission (RPC). The areas the study is looking at are already in our plans. VTrans requires the scoping study in order to apply for a construction grant. Patrick Baxter and John Dempsey from Toole Design Group gave an overview of the study and different design options. He said they will discuss alternatives with staff in greater detail and then come back to present those alternatives at a future meeting.

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**C) Joint Meeting with the Conservation Commission**

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Judy Kinner began by reviewing the history of the Conservation Commission, which was established in 1994. She said their projects are focused on enhancing Milton’s natural resources. Recently, since they had been only a 3-person group, they have been focusing mainly on trails. Now that they have a larger group they can work on additional projects.

77 Gifford commented on how great the Lamoille River Walk was. Kinner said they recently  
78 received a grant to fund the design of new trails in the Town Forest. Then they will apply  
79 for a State grant to build the trails. Adams asked what they might need Selectboard  
80 support on. Kinner said they are working on a management plan for the Town Forest and  
81 Eagle Mountain areas and will need their review of that. Kinner also said they are  
82 working on maps of both areas and will need to find funding for that project. Palaia said  
83 the RPC may be able to help with getting the maps done.

84 **D) Review of Zoning Enforcement Policy**

85 Palaia stated that in 2012, we updated our zoning enforcement policy. At that time we  
86 built in some opportunities for residents and businesses to comply voluntarily before we  
87 send a notice of violation, which is then recorded in the land records. Zoning  
88 Administrator, Amanda Pitts, reviewed how the enforcement policy works. Part of that is  
89 asking for residents who make complaints to submit their name. The next step is to send  
90 residents who may have made a violation a voluntary compliance letter. If they come into  
91 compliance, then a notice of violation does not have to be sent. Planning Director,  
92 Katherine Sonnick, said they are also looking at ways to send friendly reminders because  
93 many people don't even know they are in violation of zoning regulations. Adams asked if  
94 the department has what they need for enforcement. Pitts said she thinks the policy is  
95 good, but specifically with junk motor vehicles, it would be helpful to have a specific  
96 definition for motor vehicle businesses. With the current definition those businesses fall  
97 under personal services, which is the same definition for a tailor and other diverse  
98 businesses. Palaia noted she has many other responsibilities that take her time. Palaia said  
99 that trying to enforce the number of cars in excess of the regulation is a moving target  
100 and impractical. He thinks that getting businesses to conform to their DRB approvals is  
101 more practical.

102 **E) Winter Operations Plan Briefing and Proposed Amendments**

103 Palaia stated that the significant change to the plan is how we handle replacing  
104 mailboxes. We are proposing to replace mailboxes if they are physically struck by a  
105 plow. In addition, Public Works Director, Roger Hunt, said another route was added for  
106 dirt roads because the treatment for those is different. He also said that this winter we are  
107 going to try using magnesium chloride when salt is being applied. We are hoping to save  
108 on salt costs and improve road conditions.

109 **King motioned to approve the Town of Milton Public Works Winter Operations**  
110 **Plan as presented, second by Bartlett.**

111	<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
112	<b>MOVER:</b>	Stuart King
113	<b>SECONDER:</b>	John Bartlett, Clerk
114	<b>AYES:</b>	Adams, Gifford, Bartlett, Steady, King

115 **F) Errors and Omissions Adjustments**

116 Palaia stated that there were a few more adjustments. Any changes made after June need  
117 to be approved by the Selectboard. Some are changes in values and some are errors in the  
118 record.  
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120 Gifford motioned to approve the resolution for Errors and Omissions as presented,  
121 second by Bartlett.

122	<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
123	<b>MOVER:</b>	John Gifford, Vice Chair
124	<b>SECONDER:</b>	John Bartlett, Clerk
125	<b>AYES:</b>	Adams, Gifford, Bartlett, Steady, King

126 **G) Amendment#3 to Repayment Schedule for Loan RF1-147-3 for Village Core Sewer**  
127 **Project**

128 Palaia said that the actual project came in slightly lower by about \$4,000.

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130 Gifford motioned to adopt the Resolution for the amendment to the Repayment  
131 Schedule for Loan RF1-147-3 for Village Core Sewer Project as presented, second  
132 by King.

133	<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
134	<b>MOVER:</b>	John Gifford, Vice Chair
135	<b>SECONDER:</b>	Stuart King
136	<b>AYES:</b>	Adams, Gifford, Bartlett, Steady, King

137 **H) Schedule of Proposed Budget Process for FY2016**

138 Palaia said that we will be introducing the Town Manager's and Capital Budget Plan on  
139 December 15. This will include a summary of all the elements of the budget. There will  
140 be a public presentation, and then a final meeting will happen on January 26 to prepare  
141 the budget for Town Meeting. He said that Pre Town Meeting is March 2 and Town  
142 Meeting is March 3.

143 **VII. Old Business**

144 **VIII. Reconsideration**

145 **IX. Manager's Update**

146 VTrans and Hourglass Intersection

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148 A phone meeting is scheduled for this Wednesday to go over cost estimates with the  
149 consultant. I will report back on the status of this project in my next update.

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151 Police

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153 Police Chief Brett Van Noordt said he is concerned about the number of recent break-ins and  
154 burglaries. There have been 40 so far this year. The average for Milton is 70. In 2008, there  
155 were 77. Currently his department is looking at people of interest, and reviewing evidence.  
156 This time of year more people experience depression, so drug addictions become worse. The  
157 holidays can also create opportunities for buglers, with packages in cars. The majority of  
158 incidents are daytime break-ins. Drug use in Milton and other towns is consistent with a year  
159 ago. Van Noordt also pointed out that the police don't rule out people from outside of Milton.  
160 Adams asked about the case in Colchester and how it could affect Milton. Van Noordt said

161 that any cases that Officer Kinney was involved in could be questioned. The Chief said we  
162 are also currently reviewing Milton's evidence room policy. Milton is going to use the UVM  
163 Police Force policy as a standard. Adams asked if there was a camera focused on that door.  
164 Van Noordt said no, but maybe there should be. He said there is a fob key that records  
165 everyone who goes in there.  
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167 The remainder of the Manager's Update was deferred.

168 **X. Potential and/or Future Agenda Items**

169 **XI. Minutes - To Approve With or Without Corrections**

170 **1) Selectboard - Regular Meeting - Nov 3, 2014 6:00 PM**

171	<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
172	<b>MOVER:</b>	John Gifford, Vice Chair
173	<b>SECONDER:</b>	John Bartlett, Clerk
174	<b>AYES:</b>	Adams, Gifford, Bartlett, Steady, King

175 **XII. Warrant/Report - To Approve With or Without Corrections**

176 **1) Warrant Report #10**

177 Bartlett reviewed the FY15 Warrant/Invoice Report #10 for Board orders in the amount  
178 of \$281,294.38. Bartlett noted some items of interest:

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- 180 • \$187,767 to RR Charlebois for new tandem axle dump truck, included credit of \$19,000  
181 for trade-in of 2002 International
- 182 • \$1,721.50 to Tenco Industries for repair sidewalk plow

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184 **Bartlett moved to approve Warrant #10 for a total of \$281,294.38, second by Steady.**

185	<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
186	<b>MOVER:</b>	John Bartlett, Clerk
187	<b>SECONDER:</b>	Brenda Steady
188	<b>AYES:</b>	Adams, Gifford, Bartlett, Steady, King

189 **2) Supplemental Warrant - Act 80 TIF**

190 \$11,000 TIF payment

191 **Bartlett moved to approve the Supplemental Warrant for Act 80 TIF, second by**  
192 **Steady.**

193	<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
194	<b>MOVER:</b>	John Bartlett, Clerk
195	<b>SECONDER:</b>	Brenda Steady
196	<b>AYES:</b>	Adams, Gifford, Bartlett, Steady, King

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

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**XIV. Adjournment**

Adams moved to adjourn the meeting at 9:35p.m., second by King. **Approved Unanimously**

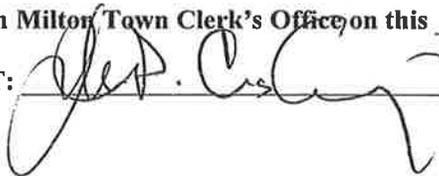
*These proceedings were filmed by LCATV and audio-recorded by the Town.*

**Respectfully Submitted,**

 \_\_\_\_\_ **Date:** 12/1/14

**John Bartlett, Selectboard Clerk**

Filed with Milton Town Clerk's Office, on this 2nd day of December, 2014

**ATTEST:**  \_\_\_\_\_ **Milton Assistant Town Clerk**