



**Town of Milton – Selectboard Meeting
43 Bombardier Road, Milton VT 05468
In Person and/or via Zoom – Community Room
Monday, October 24, 2022 at 6:00 p.m.**

MINUTES

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

Selectboard Members Absent: None

Staff Members Present: Don Turner Jr., Town Manager; John Bartlett, HR and Operations Director; Brittany Tradup, Executive Assistant to the Town Manager (remote); Amber N. Baker, Finance Director; Cymone Haiju, Planning & Development Review Director; Jenna Tucker Eugair, Recreation Director; Tom Elwood, Water/Wastewater Superintendent (remote); Eric Gallas, Highway Superintendent; Nicholas Prussock, Public Works Engineer;

Others Present:

William McSweeney; David Rugh; Diane Barrows (remote); Michael Frett, The Islander

I. Call to Order

D. Adams called the meeting to order at 6:00 p.m.

II. Flag Salute

D. Adams led the attendees in the Pledge of Allegiance.

III. Agenda Review

D. Turner requested to add the roof replacement of the water treatment center. D. Adams added it to the end of the agenda.

IV. Public Forum

None.

V. Consent Agenda

- Approval of Selectboard Meeting Minutes of 10/03/2022
- Approval of Warrant #8

Motion made by M. Morgan to approve the Consent Agenda, with a second by B. Steady. Motion approved unanimously.

VI. ARPA Applications Presented to Selectboard

Don Turner, Jr., Town Manager

D. Turner read the following memo outlining next steps in the process. B. Tradup presented binders to the Selectboard members containing application summaries, scoresheets, a link to the full application packets and guidelines for scoring.

Memo: ARPA Award Process – Next Steps

To: Milton Selectboard

Date: October 24, 2022

From: Don Turner, Milton Town Manager

Re: ARPA Application Scoring and Award Process – Next Steps

Background:

The Town of Milton has received American Rescue Plan Act (ARPA) funds totaling \$3,237,504.22. The Selectboard has appropriated/encumbered \$1,049,553.00, which leaves **\$2,187,951.22 remaining to be appropriated/encumbered.**

At the Selectboard meeting on July 5, 2022, a process was adopted to assist the Selectboard in deciding how Milton's ARPA Funds will be spent. The process is intended to provide the Selectboard an objective and transparent format to compare possible uses for the funds, and to encourage individuals/organizations outside of the Town to present ideas. It leaves room for all members of the Selectboard to participate while still deciding on the use of the funds as a function of the board as a whole.

Entities seeking funds (outside of Town departments) were asked to complete and submit an application by a deadline of October 17th at 4 p.m. Departments within the Town have also submitted proposals for project funding. **The total dollar amount requested is \$7,370,745.00, with \$1,802,101.00 from outside entities and \$5,568,644.00 from Town departments (including Selectboard-appointed committees).**

Next Steps:

- **October 24 (Regular Selectboard Meeting):** All application packets have been compiled and distributed to all Selectboard members for review. Each member received a binder containing a project summary and scoresheet for each project and a scoring rubric. A link to the full application packets will be emailed to Selectboard members. Each Selectboard member will be asked to review all applications prior to the November 7th meeting.
- **November 7 (Regular Selectboard Meeting):** A public review of the applications will be held, during which Selectboard members will be given the opportunity to discuss each application and ask applicants questions. Each applicant will be allowed 5 minutes (3 minutes to present their application and 2 minutes to answer questions from the Selectboard). Following this meeting, each Selectboard member will use the information gathered to score each application in the scoring spreadsheet provided.
- **November 14, end of day:** Selectboard members will return application packets and completed scoresheets to the Town Manager's office to be compiled and ranked.
- **November 21 (Regular Selectboard Meeting):** A final scoresheet will be presented to the Selectboard, ranked in order of total consolidated scores. The Selectboard will use this as a guide to deliberate and decide on the use of the remaining funds.

VII. Local Cannabis Control Commission

Cymone Haiju, Planning & Development Review Director

C. Haiju introduced this item, explaining what the commission is and how it would function. She presented the following resolution:

Form the Local Cannabis Control Commission of the Town of Milton

WHEREAS, Title 7, Chapter 33 of Vermont State Statues was Amended in 2020 to provide for the safe, equitable, and effective regulation of Adult-Use Cannabis; and

WHEREAS, 7 VSA § 863(b) provides that a municipality that hosts any cannabis establishment may choose to establish a cannabis control commission; and

WHEREAS, a Local Control Commission may issue and administer local control license for cannabis establishment within the municipality; and

WHEREAS, the commission may condition the issuance of a local control license upon compliance with any bylaw adopted pursuant to 24 VSA §4414 or ordinance regulating signs or public nuisances adopted pursuant to 24 VSA §2291; and

WHEREAS, the Local Control Commission may suspend or revoke a local control license for a violation of any condition placed upon the license pursuant to 7 VSA §863(b); and

WHEREAS, prior to issuing a cannabis establishment license the State Cannabis Control Board must ensure that an applicant has obtained a local control license if a municipality as established a Local Control Commission;

THEREFORE, BE IT RESOLVED, that the Milton Select Board has voted affirmatively to form a Local Cannabis Control Commission effective as of the date of this resolution October 17-24, 2022. *(Date corrected during the meeting)*

BE IT FURTHER RESOLVED, that the Local Commission will be comprised of members of the Milton Select Board.

BE IT FURTHER RESOLVED, that the Local Cannabis Control Commission of the Town of Milton will:

- a) Review information provided by the State Cannabis Control Board;
- b) Review information provided by applicants for the approval or denial of a local control license;
- c) Will communicate approval, denial, or conditions placed on the local control license to licensees and to the State Cannabis Control Board; and
- d) Comply with the provisions of 7 V.S.A. § 863 and Cannabis Control Board Rule 2.14.

Motion made by C. Taylor to accept the resolution to form a Cannabis Control Board and dedicate the Selectboard to be that board, pending the changes of the date from October 17, 2022 to October 24, with a second by B. Steady. Motion approved unanimously.

VIII. Warn Unified Development Regulations (UDR), Town Plan, and Zoning Map Public Hearings
Cymone Haiju, Planning & Development Review Director

C. Haiju introduced this topic as presented in the following memo, and she provided an overview of the proposed amendments. She also reviewed the approval process and required next steps. There was some discussion about the timing of the hearings and when the changes go into effect.

TO: Milton Select Board

FROM: Cymone Haiju, Planning and Development Review Director

DATE: October 24, 2022

RE: Amendments to the Town Plan, Zoning Map, and Town of Milton Unified Development Regulations

The Town of Milton is considering making revisions to its Town Plan, Zoning Map, and Unified Development Regulations. The Milton Planning Commission held a public hearing to consider these proposed amendments on Tuesday, October 11, 2022 at 6:00 p.m. and is submitting this report to the Select Board with the purpose to provide an overview and answer statutory questions. The request is to hold public hearings with the following recommended timeline, given legal requirements:

December 5, 2022 – Town Plan, Zoning Map, and Unified Development Regulations (All 3)

January 9, 2022 – Town Plan (Requires 2 public hearings)

Motion made by M. Morgan to warn two (2) public hearings, one on December 5 for the Town Plan, Zoning Map, and Unified Development Regulations, and the second on January 9 for just the Town Plan, with a second by C. Taylor. Motion approved unanimously.

IX. Recreational Facilities Grant Acceptance

Jenna Tucker Eugair, Recreation Director

J. Tucker Eugair announced to the Selectboard that the Recreation Department was awarded the State of Vermont Building Communities Recreational Facilities Grant in the amount of \$20,000. The Recreation Department applied for this grant to fund the resurface the tennis courts and also convert one tennis court to 7 pickleball courts. Tucker Eugair provided an overview of the other funding sources and budget information.

Motion made by M. Morgan to accept the Recreational Facilities Grant in the amount of \$20,000 for resurfacing the tennis courts and converting one tennis court into 4 pickleball courts, with a second by B. Steady. Motion approved unanimously.

X. Chittenden County Health Equity Grant Application

Jenna Tucker Eugair, Recreation Director

J. Tucker Eugair provided background information on the grant opportunity from Vermont Public Health Institute, which is designed to address the ongoing issue of social isolation, specifically in rural areas of Chittenden County. This grant is aimed toward populations that are most at risk, one of which is the senior population. The Recreation Department is requesting permission to apply for \$15,705, to be put toward 6 months of free programming for adults ages 55 and older. This would cover all expenses, including transportation, instructors, etc.

Motion made by M. Morgan to give Recreation Department permission to apply for the Vermont Public Health Institute Chittenden County Health Equity Grant in the amount of \$15,705 to be put toward programming for adults 55 and older, with a second by J. FitzGerald. Motion approved unanimously.

XI. USTA Tennis Grant Application

Jenna Tucker Eugair, Recreation Director

J. Tucker Eugair provided background on how the Recreation Department has been working with USTA over the past 6 months through a program that provides consulting with regard to tennis programming, courts, etc. The Recreation Department is now eligible to apply for funding through this program and is requesting permission to apply for a USTA Tennis Grant for \$7,500, to be put toward the Tennis Court Resurfacing Project.

Motion made by B. Steady to give permission to the Recreation Department to apply for the USTA Tennis Grant for \$7,500 to be put toward the tennis court resurfacing project, with a second by J. FitzGerald. Motion approved unanimously.

XII. Water and Septage Fees

Tom Elwood, Water/Wastewater Superintendent

D. Turner provided a brief background, stating that the Public Works Department has been reviewing the cost to provide these services. The costs have increased significantly since the last time fees were set around 2013. T. Elwood provided further detail on the costs and how he arrived at the proposed fee changes. That process and the proposed changes were presented in the following memo and resolution.

Memo:

TO: Wastewater Septage Fee Rates

FROM: Thomas Elwood

RE: Wastewater Septage Fee Notes and Rate Increase/Bulk Water Rates

DATE: October 24, 2022

Wastewater Ordinance Section 4.H. authorizes the Selectboard to establish by resolution wastewater usage, connection and other fees to defray the costs of design, construction, operation and maintenance and to finance debt of the wastewater system as approved in the budget.

The Wastewater staff has evaluated several neighboring town septage surveys, completed a cost analysis and calculated the newly recommended septage receiving rate. The new rate will allow the Town to rehabilitate the septage receiving station with much needed repairs and perform necessary preventative maintenance to ensure reliable operation of the septage receiving station.

Similarly, a rate analysis was conducted for the bulk water rates and sales as illustrated in the revenue calculation file. The Water Department feels a bulk water rate increase is not needed at this time.

Resolution – Water & Wastewater Rates & Fees Septage Receiving Rates

WHEREAS, the Wastewater Ordinance Section 4.H. authorizes the Selectboard to establish by resolution wastewater usage, connection and other fees to defray the costs of design, construction, operation and maintenance and to finance debt of the wastewater system as approved in the budget; and

WHEREAS, the Municipal Staff has reviewed the budget and the costs of planning, design, construction, operation and maintenance of the Wastewater Division, specifically the septage rate calculation.

WHEREAS, Revenue Calculation – Septage Rate has been created to standardize rates.

NOW, THEREFORE BE IT RESOLVED, by the Milton Selectboard to accept the fee rate calculation \$0.097 per gallon, Effective October 24, 2022.

BE IT FURTHER RESOLVED, that the Town Manager is authorized to enter into the Septage Receiving Agreements.

BE IT FURTHER RESOLVED, the Waste water Septage receiving rate will be increased from \$0.075 per gallon to \$0.097 per gallon.

Motion made by M. Morgan to adopt a wastewater septage receiving rate increase from \$0.075 per gallon to \$0.097 per gallon, for a \$0.022 per gallon increase, and address as needed in the future, with a second by C. Taylor. Motion approved unanimously.

XIII. Grange Purchase

Don Turner, Jr., Town Manager

D. Turner provided a brief background, stating that the Town has the first right of refusal in the option to purchase until October 31. The Grange Hall will not be used after October 31, whether or not the Town purchases it. If purchased, renovations will begin immediately. Programming by the Recreation Department has been moved at alternate locations.

Turner further stated that he has been in communication with the Grange regarding the price, and the lowest net price, accounting for the credit the Town will receive back according to the agreement, is \$257,146.38. Turner then presented the estimate he received for suggested renovation work, which totaled roughly \$570,000. The estimate is itemized so the Town can decide which work to move forward with.

XIV. Tandem Truck Acceptance of Bid

Eric Gallas, Highway Superintendent

E. Gallas introduced this item as presented in the following resolution. There was some discussion regarding possible expected price increases and availability.

2023 Tandem Axle Maintenance Vehicle Purchase Approval for Department of Public Works Highway Division

WHEREAS, the Administrative Code Purchasing Policy duly adopted by the Selectboard of the Town of Milton and amended October 5, 2020 requires competitive bidding and Selectboard approval for purchases over \$15,000 by the Town; and,

WHEREAS, the Town of Milton 2023 Tandem Axle Highway Maintenance Vehicle was put out to bid, with bids due on October 7, 2022; and,

WHEREAS, one (1) qualified bidder, known to supply trucks and/or specified equipment responded to said advertisement prior to bid opening. The Town received the following Two (2) bids whereas Allegiance Trucking was unsuccessful in submitting a bid by the required bid opening time:

R.R. Charlebois: **\$266,550.00**
Allegiance Trucking: **Unqualified**

WHEREAS, the successful qualified bidder being R.R. Charlebois, Inc. has made a bid of \$266,550.00 for a 2024 Freightliner as specified in said bid.

THEREFORE, BE IT RESOLVED, that the Selectboard of the Town of Milton authorize the Town Manager, or his designee to execute all necessary documents to purchase a 2024 Freightliner from R.R. Charlebois for an amount not to exceed \$266,550.00.

Motion made by M. Morgan to authorize the Town Manager, or his designee to execute all necessary documents to purchase a 2024 Freightliner from R.R. Charlebois for an amount not to exceed \$266,550.00, with a second by J. FitzGerald. Motion approved unanimously.

XV. Salt Purchase

Eric Gallas, Highway Superintendent

E. Gallas introduced this item as presented in the following resolution. There was some discussion about the price as it compares to previous years.

Winter Salt Purchase for the Department of Public Works Highway Division

WHEREAS, the Administrative Code Purchasing Policy duly adopted by the Selectboard of the Town of Milton and amended October 5, 2020, requires competitive bidding and Selectboard approval for purchases over \$15,000 by the Town; and,

WHEREAS, the Highway Division of the Department of Public Works needs to purchase winter salt; and

WHEREAS, there is \$190,000.00 in the Milton Department of Public Works Highway Division's FY2023 Budget for the purchase of winter salt; and

WHEREAS, the Town received the following bid:

- Cargill - \$86.00 per ton;

WHEREAS, the Town recommends awarding the bid to, Cargill, at \$86.00 per ton; the State bid price for the Vermont Town's in District 5.

NOW, THEREFORE, BE IT RESOLVED, by the Selectboard of the Town of Milton that staff has successfully satisfied the requirements of the Town of Milton Administrative Code and hereby awards Cargill the contract in an amount not to exceed \$190,000.00, and authorize the Town Manager, or his designee to execute the necessary documents related to the award of this contract.

Motion made by B. Steady to authorize the Town Manager or his designee to execute the necessary documents related to the award of the salt contract to Cargill in the amount of \$190,000.00. Second by M. Morgan. Motion approved unanimously.

XVI. Stormwater Discharge Regulations

Don Turner, Jr., Town Manager

D. Turner provided background on this item, including communication received from the legal counsel of Ridgefield Home Owners' Association. He introduced the Town's legal counsel, Dave Rugh, to provide more information.

Rugh explained the background on the law as it relates to this issue and discussed his recommended course of action for the Town. Rugh proposed that the Town enters into a maintenance agreement with the HOA's to establish the status quo and allow the parties to sign a notice of intent to the agency.

Rugh explained some funding opportunities that may be available to go toward the costs associated with these stormwater issues and also discussed what steps other municipalities have taken to address these issues. There was further discussion, and Rugh responded to questions from the Selectboard.

XVII. Construction Manager Contract

Don Turner, Jr., Town Manager

D. Turner provided background on this item and the process leading up to the proposed contract with Connor Contracting. He stated that the contract is still undergoing revisions to language, so he does not have it to present at the moment. However, he requested that the board elect to move forward with Connor Contracting as the Construction Manager for the new public works facility, subject to the attorney's final approval of the contract, in order to keep the project moving forward. The fees will not be affected by the final revisions; the revisions are related to language only.

Motion made by M. Morgan to authorize the Town Manager to establish a Construction Manager contract with Connor Contracting for the new public works facility, subject to legal counsel approval of the document. Second by C. Taylor. Motion approved unanimously.

XVIII. Roof Replacement for Water/Wastewater Treatment Center

Tom Elwood, Water/Wastewater Superintendent

D. Turner introduced this item, stating that in 2018, the Selectboard toured the Town facilities, and discussed the deteriorating condition of the roof at the Water/Wastewater treatment center. Several bids were obtained in 2019, but no decisions were made to move forward at the time. New bids were obtained in 2021, but unfortunately all contractors approached were too busy to do the work. Contractors were approached again this year, and only one contractor is available that could commit to doing the work before the snow. Turner requested approval to award the contract to Overhead Solutions for an amount not to exceed \$54,000.00 with a five year workmanship warranty and a 30 year shingle warranty for the water treatment plant located on McGrath.

Turner presented the following resolution:

Water Treatment Facility: McGrath Lane Roof Replacement

WHEREAS, the Administrative Code Purchasing Policy duly adopted by the Selectboard of the Town of Milton and amended October 5, 2020, requires competitive bidding and Selectboard approval for purchases over \$15,000 by the Town; and,

WHEREAS, the Municipal Staff solicited competitive quote proposals for roof replacement on the Town Water Treatment Facility from vendors on October 14, 2022, receiving proposals from Overhead Solutions, Top Notch Roofing, Inc. and AATek, Inc.;

WHEREAS, Municipal Staff certifies sufficient funds are available in the Water Department Budget (capital improvement account 50-10-410-700.00) and recommends awarding the contract to Overhead Solutions in an amount not to exceed \$54,000.00 with a five year workmanship warranty.

NOW, THEREFORE BE IT RESOLVED, by the Selectboard of the Town of Milton that Overhead Solutions successfully satisfied the requirements of the Town of Milton Administrative Code and authorizes the Town Manager to sign the necessary documents to secure a contract with Overhead Solutions to provide roof replacement in the Town Water Treatment Facility on McGrath Lane.

Motion made by M. Morgan to authorize the Town Manager to sign the documents necessary to replace the roof at the water treatment facility with Overhead Solutions in the amount of \$54,000.00. Second by J. FitzGerald. Motion approved, with M. Morgan, J. FitzGerald, B. Steady and C. Taylor voting "Yes" and D. Adams voting "No".

XIX. Update from Town Manager and Board Members

Don Turner, Jr., Town Manager

- Turner will be participating in a VTRANS Meeting to discuss reducing the speed limit on Route 2 tomorrow, October 25, at 1 pm.
- SSTA ridership continues to run above our budgeted amount. The slight modifications made last month did not significantly reduce the total fees. The Town's share this month is \$1260.41 our budgeted amount is \$800 per month for the Town's share. Turner has received requests for additional rides that have been denied to date.
- Solar projects at old landfill and waste water plant update: Kirt did receive a new option agreement from Norwich. They were trying to force a final lease which made no sense at this point in time. Turner marked the option up, ran it by Joe McLean and sent it back to them. An agreement is getting closer. Norwich indicated to Turner they have sent their consultants out to the sites already to beat the winter weather, which is good.
- The Economic Development Commission (EDC) meeting and Fall social will take place on Wednesday, October 26 at 4:30-6PM. Just a reminder: Maquam Barn & Winery at 125 Duffy Rd. has agreed to host. There will be a brief meeting followed by business/social networking and a tour of the winery. Wine service will be available and there will be refreshments.
- The Town recently learned that there had been an error in calculating full-time rescue employees holiday pay. Michaela working with legal counsel discussed this error and corrected it in the last payroll. The total payout was \$11,671.65. This impacted 7 current and former employees. The Town is also aware that the per diem payroll line is likely to be overspent in the coming months.
- The Town has had only one applicant for the Public Works Director position. Unfortunately the applicant was not qualified for the position.
- A preview of the website upgrades will be available 11/3 for both the staff and Selectboard to review.
- The Town will be having the annual holiday light parade on Friday, December 16, 2022, from 6-8 p.m.
- 72 Cherry Street sewer connection has been completed. Turner called to talk with Mike Lewis to insure he was satisfied. He called back and was extremely pleased with the way the Town lived up to the commitment and the contractor.
- The November 7th regularly scheduled Selectboard meeting will be in the fire station meeting room due to the General Election being held in the Municipal Building.

XX. Executive Session – Real Estate, Pending Litigation and Personnel

Motion made by J. FitzGerald to find that premature knowledge about Real Estate, Pending Litigation and Personnel would cause the Town or person to suffer a substantial disadvantage. Second by C. Taylor at 8:02 p.m. Motion approved unanimously.

Motion made by J. FitzGerald to move enter into executive session at 8:02 p.m. to discuss Real Estate, Pending Litigation and Legal under the provisions of 1 VSA 313 (a)(2) and 1 VSA 313 (a)(1) of the Vermont Statutes; to include the following; Selectboard members: D. Adams, M. Morgan, C. Taylor, J. FitzGerald and B. Steady; Town Manager, Don Turner, Jr.; Director of HR and Operations, John Bartlett; and Legal Counsel, Dave Rugh. Second by M. Morgan. Motion approved unanimously.

No action was taken as a result of the Executive Session.

**Motion made by C. Taylor to close executive session at 9:02 p.m., with a second by M. Morgan.
Motion approved unanimously.**

XXI. Adjournment

**Motion made by J. FitzGerald to adjourn the meeting at 9:04 p.m., with a second by M. Morgan.
Motion approved unanimously.
Meeting adjourned by D. Adams.**

All documents pertaining to this meeting may be viewed using the following link:
<https://miltonvt.box.com/s/7e1e7k73w6xvqky4crctv8qp9h3btln>

A video recording of this meeting can be found at the following location:
<https://miltonvt.box.com/s/xgo79kx3l0tq4rn1s1w8vagr6b4h5a0w>

Respectfully Submitted,

Brittany Tradup

APPROVED MINUTES:

 _____ Date: 11/7/2022
John FitzGerald, Clerk

Filed with the Milton Town Clerk's Office on this 9th day of Nov., 2022.

ATTEST: Kirsti Beers, Milton Town Clerk