

**Town of Milton**  
**BOARD OF SELECTMAN MEETING**  
**August 2, 2021**

**ATTENDANCE:**

**Members:** Claudine Burnham (Chair), Andrew Rawson

**Staff:** Chris Jacobs -Town Administrator, Julius Peel

**Public:** Brian Boyer, Kim Libby, Roger Libby, Judi Lover, Richard Lover, Betsy Baker

Claudine Burnham, Chair, opened the public session at 6:00PM.

**1.) Pledge of Allegiance:** Claudine Burnham, Chair, led the meeting in the Pledge of Allegiance.

**2.) Public Comment:**

There were none.

**3.) Announcements and Community Calendar:**

Ms. Burnham read from a letter submitted by Jonathan Swisher and Penny Simone, regarding Mr. John Katwick and the Remick family. This letter thanked Mr. Katwick for helping to find the cemetery where his ancestor is buried and the farmhouse built back in 1830. He praised Mr. Katwick with his kindness, knowledge and information of the town. He is a tremendous asset to the town and its history.

**4.) NEW Business – Discussion and Possible Actions:**

**a.) Request to award paving bid for work at the Milton Mills Library:**

Ms. Betsy Baker, Library Director, has talked with Pat Smith regarding paving issues at the library. Mr. Smith looked at the area and agrees there are safety hazards including lost pavement edges, trip hazards and other issues / defects. He recommended the area which is currently paved to be resurfaced. Mr. Smith has received three quotes for the work: Sunday Paving (\$6,700), S&S Paving (\$6,700) and Durell Paving (\$12,000). Mr. Smith suggested the monies could come from the Municipal Buildings Capital Reserve Fund. Mr. Jacobs recommends because there is sufficient monies available from the overall budget, to first use monies from that source. Mr. Rawson agrees to taking from the overall budget for payment. Ms. Baker understands that Mr. Smith has a recommendation to which contractor to use.

Mr. Rawson made a motion to expend \$6,700 to the Sunday Paving & Sealing, Wolfeboro, with funding from the Operational budget. Ms. Burnham seconded the motion. All were in favor; the motion was approved.

**b.) Request to award auditing services for FY2020:**

Mr. Jacobs presented a letter agreement from Melanson CPA which is the town's auditing firm. This agreement is for the audit which is currently underway.

Ms. Burnham made a motion for the town of Milton to award fiscal operating services for FY2020 to Melanson of Merrimack NH for the amount of \$18,750. This funding shall come from the operational budget and does comply with the town's purchasing policy under Section 5.2.10 where legal and professional services are exempt. Mr. Rawson seconded the motion. All were in favor; the motion was approved.

## 5.) OLD Business:

### a.) Junkyard Permit Renewal for Libby Junkyard (continued from July 19, 2021 mtg):

Mr. Jacobs explained that much information has been shared between the town and the Libby Junkyard. Photos have been compiled and date stamped which has allowed for comparisons.

Ms. Libby, along with Roger Libby, were in attendance and provided chronology of events regarding the salvage permit request. Ms. Libby did want it known that part of the overall extension process was granted solely due to COVID issues.

Ms. Libby reviewed the photos that Mr. Peel took at the last inspection taken place in July of 2021 and compared those with photos previously taken in 2020. Ms. Libby raised several points:

- 1.) First photo comparison – in response to a comment to the truck and van being new to the property, in fact, they are not net items (they are personal property).
- 2.) 2<sup>nd</sup> photo – there are no changes. No additional material were brought onto the property – conceded there is brush growth.
- 3.) From previous BOS – increase driveway width to 12 feet. Measurements across the entire driveway were taken – while there are a few “tight” areas, most areas along the drive are 12’3”.
- 4.) Agreed in the past few years, not a whole lot of material had been removed from the property. Due primarily to a house fire (2016) and subsequent focus on rebuilding (from 2016-2018). Requested yearly renewal from BOS in 2018. At that time the board had many questions that they were unaware of. A request for continuance was granted. The BOS had also requested the previous TA to identify an independent contractor to do another inspection as a 2<sup>nd</sup> opinion. The report indicated specific items to fix and Best Management Practices (Good housekeeping requirements).
- 5.) As Best Management practices are self-auditing, results are submitted along with the renewal application. They have been unable to meet BMP for a variety of reasons.
- 6.) Since the extension, at the BOS request, an inspection has been done, all have viewed the report and photos.

Ms. Libby indicated they are requesting additional time for clean-up with the goal of being a workable facility again. They had been asked by a previous BOS to erect a fence which they did. Ms. Libby stated since 2018 there are 17 times where salvage has been removed; she acknowledged this is not a high number as they continue to experience much difficulty finding vendors/contractors/laborers who are able to take the materials; currently there is a backlog with contractors some not available until November of 2021 to January of 2022.

Comments regarding July 7<sup>th</sup> inspection report submitted by Julius Peel and Brian Boyers.

- 1.) While Roger was unable to attend the inspection, he has been available to answer questions.
- 2.) The memorandum sent by Mr. Jacobs references the July 7<sup>th</sup> inspection as the 5<sup>th</sup> inspection of the property. Ms. Libby indicated she never received a previous inspection report, only a

93 packet of pictures (as this inspection was conducted by Chief Krauss, Chief Marique, Brian  
94 Boyers and former TA Mr. Creveling, she questions if this may not be really an official  
95 inspection). They had worked with former TA Mr. Creveling to determine what could be done.  
96 3.) While the current BOS has read the reports, she is unsure if previous BOS read the reports.  
97 4.) Ms. Libby indicated they are doing the best they can. As a very small entity, they are doing  
98 everything all on their own. She believes the BOS has sympathy for what they are doing and  
99 requests the BOS give a conditional extension based upon current report (items have been fixed  
100 based on previous reports) – they are aware of what needs to be fixed. She again stressed they  
101 are not currently receiving any items onto the property. Their focus is on the removal of  
102 materials from their property. They would like to continue to function in clean-up mode and  
103 continue to have good standing with the town. They would agree to regular inspections.  
104

105 Ms. Burnham stated while she appreciated the background information supplied, she  
106 questioned the point of applying for renewal permit if they are not currently functioning as a  
107 salvage yard. She also questioned the issue of items remaining to be addressed. There remain  
108 10 items from the 2018 report that must be corrected.  
109

110 Mr. Rawson stated he is very familiar with the reports and information provided and believes  
111 this would fall under RSA236:112 (unauthorized junkyard) and while referencing the July 7, 2021  
112 inspection report, Mr. Jacobs requested a point of order and stated the document referenced is  
113 a draft board should first decide if this is a “Go” or “No Go.” Mr. Rawson stated the report from  
114 July 7<sup>th</sup> indicates nothing has changed since last year’s inspection (and previous years). Ms.  
115 Libby acknowledged there continue to be some items with no changes but there are other  
116 changes which have occurred – items has been removed. Mr. Rawson explained he can only go  
117 by the report and his opinion is that nothing has changed between inspections. Ms. Burnham  
118 said it’s time to move forward with this. There are ten items to review and compare and the  
119 BOS will use the inspection reports and photos for their decisions. Based on the report, Ms.  
120 Burnham doesn’t know how a renewal permit could be approved.  
121

122 Mr. Rawson indicated he was ready to make a motion to deny the permit renewal. He  
123 questioned Ms. Libby as to how much time they would require to rectify all items and get up to  
124 code before another inspection. Ms. Libby again stated they would continue to work on all the  
125 items from the report and would not be receiving any new material onto the property. Mr.  
126 Rawson again questioned how long would they anticipate needing to rectify all items from the  
127 report. He then stated again he was ready to make a motion. Mr. Jacobs called for a point of  
128 order. While he respects there is a motion ready to be voted upon and is in complete  
129 concurrence with what has been stated, it’s his opinion and asked why do they need a permit if  
130 they are not really functioning as an ongoing business at this point? It could be considered a pile  
131 of junk and not a business. A junkyard permit is used to operate a junkyard commercially as a  
132 viable entity. He agrees with the motion on the floor which is to deny the renewal permit. As a  
133 next step he would be asking the code enforcement officer to draw up a Cease & Desist notice.  
134 Part of the Cease & Desist is to bring the property up to compliance. There are certain  
135 environmental issues as this property is up from Jones Brook and located above the ponds. You  
136 can build in a length of time associated with the Cease & Desist. Mr. Jacobs recommended the  
137 BOS move forward with denial of the renewal application. He also feels it will take a long time  
138 to cleanup the property. Ms. Burnham questioned if a specific time amount should be added to

the Cease & Desist. Mr. Jacobs recommends having a discussion internally to include the code enforcement officer and town attorney. He would then bring this back to a future BOS meeting with the length of time added to the Cease & Desist. Ms. Libby questioned the draft document previously referenced. Mr. Jacobs stated this referenced Article 6 of RSA 236:112. Mr. Jacobs also explained this would allow them to clean-up the property and move forward. The document would not preclude them from coming back into business once corrections have been implemented and applying for a junkyard permit.

Based on the above motion set forth by Mr. Rawson (line #120), Ms. Burnham seconded the motion. All were in favor; the motion was approved.

Mr. Libby was requested approval to ask a question regarding guidance and how to proceed? As Mr. Jacobs stated, they will be in compliance when no junk is left and the property is in a field state and address the 10 items issued from the inspection report. Upon leaving the meeting, Ms. Libby requested that within two weeks of this meeting, they receive in writing the Cease & Desist order. Mr. Jacobs agreed to that timeline.

b.) **Update on 39 Ripley Street:** Mr. Jacobs sent a package of information to the town attorney asking them to review and provide guidance and things to do. They sent a memo which was included in the BOS packet of information. The memo pointed out that the referenced address is an unpermitted campground which is a zoning violation and the property owner would need a special exception allowing them to continue. In addition, according to section 3.5 of the Zoning table, this would be considered a second dwelling on the lot. Additionally, if rooms are being rented out, this would also qualify as a unpermitted rooming house, and considered a zoning violation. The trash located on the property is considered a health issue. The town attorney concurred and found a number of concerning items from zoning to health. The property owner has not responded to any certified correspondence sent from the town. Two legal notices had been sent. The first notice was sent to an incorrect address. The second notice was then sent to a current address which is the actual street address of 39 Ripley Road, with no response. The next move will be issuing a Cease & Desist order, hand delivered by Brian Boyers. Because this is more of a zoning and health issue, next steps after that could be carried out by the health officer, coding officials, which would lead to an administrative search warrant (handed down by court). Mr. Rawson indicated he is on board with the recommendations and would like this situation to be rectified. Mr. Jacobs will continue to keep this item on the BOS agenda. It's important the town residents understand that issues such as this are taken seriously.

#### 6.) Other Business that May Come Before the Board:

There was no other business.

#### 7.) Approval of Minutes:

##### Non-Public Minutes:

None

##### Public Minutes:

**July 26, 2021** – Ms. Burnham made a **motion to accept the 7/26/2021 Public meeting minutes.** Mr. Rawson seconded the motion. The motion was accepted.

185 **8.) Public Comments Relative to Current Meeting Topics:**

186 A member of the public thanked the BOS for their patience exhibited earlier in the meeting.

188 **9.) Expenditure Reports & Financial Reports:**

189 There were no expenditure reports for this meeting.

191 **10.) Town Administrator:**

192 a.) Mr. Jacobs is moving forward with the budget process. He indicated most departments  
193 have submitted their budget proposals. He will provide assistance to several departments  
194 including highway, grounds & building, and the transfer station. His goal is to have all  
195 information ready for BOS review by mid-August.

196 b.) Regarding the sewer / wastewater treatment plant. There is a leak in the liner. The Dept of  
197 Environmental Services has requested another monitoring well be installed down from the  
198 potential leak area is to help determine the extent of the leak. He does not currently have the  
199 approved agreement but indicated an amendment to the Wright-Pierce contract which would  
200 add \$5,000 to the original contract. DES needs to review the contract prior to the BOS  
201 accepting the contract. This should probably be on the August 16<sup>th</sup> BOS meeting.

202 c.) Mr. Jacobs shared the news that Milton Solar LLC has submitted their rental and shared  
203 revenue checks. Thanks to the town attorney for helping him work through this process.

204 d.) Mr. Jacobs will be on vacation the week of August 9<sup>th</sup>. He is recommending the BOS  
205 approve Julius functioning as Interim TA in his absence.

207 **11.) Selectmen Comments:**

208 Mr. Rawson thanked everyone for participating in the July 26<sup>th</sup> BOS meeting discussing goals  
209 submitted from town residents. There were a lot of great ideas submitted and he is ready to  
210 start moving forward. He also thanked all the employees / staff who work very hard; he  
211 recognized that departments are under-staffed.

212 Ms. Burnham also thanked everyone who attended July 26<sup>th</sup> meeting and provided public  
213 input on goals.

216 **12.) Adjournment:**

217  
218 Ms. Burnham made a motion to adjourn the public meeting to enter the Non-Public Meeting.  
219 Mr. Rawson seconded the motion. All were in favor; the motion passed. The public meeting  
220 adjourned at 7:20PM.