

Town of Milton
Remote Board of Selectmen Meeting
July 6, 2020
Meeting Minutes

Electronic Meeting
Checklist During State Of Emergency

As Chair of the Milton Board of Selectmen, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12, this public body is authorized to meet electronically.

There is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order.

We are utilizing the following for this electronic meeting:

1. Conference call, for people who don't have the means to join via computer.

- a. All members of the Board of Selectmen have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary¹, participate in this meeting by dialing the **toll free phone number (844) 855-4444** and upon the prompt, enter Access Code **145672 and push # (pound sign)**, or by clicking on the following website address: <https://join.freeconferencecall.com/miltonta> (the online meeting ID is **miltonta**)

If anybody has a problem joining the meeting remotely, please call (603) 545-4956 or email: miltonta@miltonnh-us.com.

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting.

Erin Hutchings – present

Andrew Rawson – present

Matthew Morrill - present

¹ Public Participation is required only in the case of a public hearing or a quasi-judicial proceeding of a Planning Board or Zoning Board of Adjustment)

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➤ **6:00 PM - PUBLIC SESSION**

➤ **PLEDGE OF ALLEGIANCE**

➤ **NON-PUBLIC SESSION: RSA 91-A:3 II (a)**

➤ **PUBLIC COMMENT**

Please note that because this is a business meeting, and given the limitations of remote access, the Board will not be opening up public comment or discussion.

➤ **NEW BUSINESS— DISCUSSIONS AND/OR POSSIBLE ACTIONS**

1. Update Regarding Covid-19 (Novel Coronavirus) Operational Activities/Plans

Town Administrator Ernest Cartier Creveling gave an update. Things have generally been running smoothly except for the waiting lines. There was an incident today with a customer who refused to wear his mask in the building and also refused to fill out the contact tracing paperwork. He stated that if this kind of situation presents itself again, the Police Department should be called. Andrew Rawson stated that he thinks Town Hall should be opened to the public starting on Wednesday (July 6th). Matthew Morrill agreed, utilizing the same protocols in place now. There was discussion about letting people wait downstairs. TA Creveling explained that people did not seem to want to go downstairs. He further stated that on one hot day, people were allowed into the Selectmen's Chambers.

Andrew Rawson made a motion to open up full time to the public starting on Wednesday, which was seconded by Matthew Morrill. The roll call vote was UNANIMOUS, Erin Hutchings, yes; Andrew Rawson, yes; Matthew Morrill, yes.

2. IRA Miller's General Store – Tax Abatement Agreement in lieu of RSA 79-E application

Chair Hutchings explained that the Board had reached a consensus previously for a 5-year tax abatement agreement, however, Mr. Darling had sent in an e-mail requesting additional abatement years. Mr. Darling explained that the statute allows for up to two years for adding a dwelling unit and an additional time frame of up to 4 years for historical value of the rehabilitation for a total of up to 11 years of tax incentive. He further stated that he understood that it is at the Select Board's discretion. Mr. Darling had sent an e-mail requesting 9 years of tax abatement (attached). He stated that he did not understand why this did not qualify as an RSA 79-E project. Matthew Morrill stated that he was not on the Board when this all happened, but that by researching the statute and understands that the ball had been dropped on both ends. Mr. Darling explained that he has paperwork showing that he put in an application on 6/3/19, then followed up on 1/14/20. Town Administrator stated that it is clear that the community intended for this to be a 79-E project and that is the reason the Select Board is looking at a multi-year tax abatement agreement in lieu of RSA 79-E. He went on to explain that because the construction was already very close to or at substantial completion before the Town Meeting actually adopted the enabling legislation, there was not a valid way to apply RSA 79-E. He further stated that the application process should ideally have been completed prior to the start of construction. There were several very specific steps that community did not undertake and the statute clearly states that any tax relief granted had to be based on substantial completion of the structure that

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occurred after the governing body approves the application for tax relief. There appears to have been a basic misunderstanding of how to apply RSA 79-E on all sides. Mr. Darling stated that his project was the poster child for this program, as it was featured on the cover of the town report.

Mr. Rawson stated that he is thrilled with the work that was done on the building.

Selectman Rawson made a motion to approve eight years, which was seconded by Chair Hutchings. She asked Mr. Darling if that worked for him. He stated that it did. The roll call vote was UNANIMOUS, Erin Hutchings, yes; Andrew Rawson, yes; Matthew Morrill, yes.

Mr. Darling stated that now the yellow building has to be dealt with.

3. Jones Brook Clean-up/Restoration Discussion

Selectman Rawson stated that he has spoken with John Katwick about the Town-owned Jones Brook Clean-up and that he has volunteers ready and willing to help clean it up. Chair Hutchings asked who would maintain it. Mr. Rawson stated that once it's cleaned up, we'll figure that out.

Andrew Rawson made a motion to have John Katwick spearhead the project and that anyone with any interest in helping should contact the town administrator. The motion was seconded by Matthew Morrill. The roll call vote was UNANIMOUS, Erin Hutchings, yes; Andrew Rawson, yes; Matthew Morrill, yes.

4. Vote to Authorize Tax Exempt Drawdown Basis Tax Anticipation Note for Fiscal Year 2020

The town administrator explained that when the Covid-19 crisis began, nobody knew how it was going to impact revenue. He described a survey that was conducted by New Hampshire Municipal Association, the results, which were based on a very short window, illustrated a real chance that there could be a shortfall in revenues. He explained that given school payments, accounts payable and other obligations, that sometimes, like a regular business, needs an infusion of working capital. A tax anticipation note is a short-term loan to cover cash shortages. This particular note is a drawdown, good for a year, which you only have to use and therefore pay interest, if it's absolutely needed.

The motion was read by Selectman Morrill (continued next page):

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Matthew Morrill made a motion to , “Vote to Authorize \$3,750,000 Tax Anticipation Note for Fiscal Year 2020,” be approved in the form presented to this meeting, and that an attested copy of said Vote be included with the minutes of this meeting.

VOTE TO AUTHORIZE \$3,750,000 TAX ANTICIPATION NOTE FOR FISCAL YEAR 2020

1. That the Board of Selectmen (the “Board”) of the Town of Milton (the “Town”) authorizes the Town Administrator and the Town Treasurer, acting singly, to arrange with a financial institution for the issuance and sale of a tax anticipation note of the Town for fiscal year 2020 in the principal amount of up to \$3,750,000, on a drawdown basis and on such other terms as the Town Administrator or Treasurer, in his or her discretion may approve, and any prior such arrangement is ratified and confirmed;
2. That under and pursuant to the provisions of RSA 33:7 and Town Meeting approval of Article 6 of the March 12, 1994 Annual Town Meeting Warrant (authorizing indefinitely the issuance of tax anticipation notes), the Board and the Treasurer are authorized to borrow in anticipation of tax receipts for fiscal year 2020 in the name of the Town of Milton the sum of up to \$3,750,000 and to issue general obligation securities of the Town in a principal amount not to exceed \$3,750,000 to evidence such borrowing (the “Note”); and to execute and deliver the Note, signed by a majority of the Board and countersigned by the Treasurer, under the seal of the Town, as applicable, dated on or about July 7, 2020, in such form as the Board and Treasurer may approve; and that the appropriate officials of the Town are authorized to execute and deliver on behalf of the Town such documents and certificates as may be required in connection with such borrowing;
3. That the Treasurer is authorized to covenant on behalf of the Town that (i) no part of the proceeds of the Note shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Note to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, (the “Code”), and (ii) the proceeds of the Note shall not be used in a manner that would cause the Note to be a “private activity bond” within the meaning of Section 141 of the Code; and that the Note, as applicable, is designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of said Code; and that the Treasurer is authorized to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Note, to take all other lawful actions necessary to ensure the interest on the Note will be excludable from gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Note to become includable in the gross income of the owners thereof.

The motion was seconded by Selectman Rawson. The roll call vote was UNANIMOUS, Erin Hutchings, yes; Andrew Rawson, yes; Matthew Morrill, yes.

OLD BUSINESS

5. Request for a One-year extension for Completion of Project on Tax Deed Auction Property Located at 1121 White Mountain Highway (Issuance of Certificate of Occupancy)

Chair Hutchins explained that Mr. Fritsinger purchased the property at tax deed property auction in 2019. He has made a lot of project and Chair Hutchings was of the opinion that an extension

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ought to be granted. Selectman Rawson agreed. Selectman Morrill said he'd rather see a 6 month extension, as the Coronavirus has been a 5-month delay. Chair Hutchings stated that the permit expires in October. Chair Hutchings explained that there had been a delay after the auction because the attorneys were managing the closings and there were delays.

Selectman Morrill made a motion to grant a 6-month extension, with a review of progress at that time. Andrew Rawson seconded it. The roll call vote was UNANIMOUS, Erin Hutchings, yes; Andrew Rawson, yes; Matthew Morrill, yes.

6. Status of following tax deeded structures: 20 Dawson, 79 Charles and 565 White Mountain Highway: Selectman Rawson asked where the Town was with 565 White Mountain Highway. Creveling stated that the final notice was posted on the building and should be ready sometime in August. Chair Hutchings asked about the other two. Creveling said that the files need to be looked at to ensure that all of the noticing has been employed correctly, before the properties are put up for sale. Andrew Rawson wants all three out for sale at once, once 565 White Mountain Highway clears. Selectman Morrill wants to know about the other town-owned tax-deeded properties. Selectman Rawson suggested contacting all of the abutters to any landlocked parcels the town owns.

7. Possible Conservation Commission Appointment
TA Creveling explained that Wayne Sylvester wished to relinquish his appointment as an alternate for the Conservation Commission as there is currently a vacancy.

Erin Hutchings made a motion to accept Paul Blanc's resignation from the Conservation Commission and to appoint Wayne Sylvester to take his place as a regular member. The motion was seconded by Andrew Rawson. The roll call vote was UNANIMOUS, Erin Hutchings, yes; Andrew Rawson, yes; Matthew Morrill, yes.

➤ **OTHER BUSINESS THAT MAY COME BEFORE THE BOARD**

8. Open submissions for Select Board Vacancies and Announcement of Applicant Names

Chair Hutchings stated that she had envelopes for candidates for the open Select Board seat. The three candidates were Mr. Lawrence Brown, Claudine Burnham and Humphrey Williams. The Board will meet on Wednesday, July 8th.

➤ **APPROVAL OF MINUTES**

- 06-15-2020 MINUTES

Andrew Rawson made a motion to accept the minutes of June 15th, as written. The motion was seconded by Erin Hutchings. The roll call vote was UNANIMOUS, Erin Hutchings, yes; Andrew Rawson, yes; Matthew Morrill, yes.

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- 06-30-2020 PUBLIC AND NON-PUBLIC SESSION MINUTES

Andrew Rawson made a motion to accept both the public and nonpublic session minutes of June 30th, as written. The motion was seconded by Erin Hutchings. The roll call vote was UNANIMOUS, Erin Hutchings, yes; Andrew Rawson, yes; Matthew Morrill, yes.

➤ EXPENDITURE REPORT

Expenditure report was reviewed. Areas of concern were Workers Compensation Line, which Selectman Morrill pointed out was over by \$2,000 and Fire Department mileage line. TA Creveling stated that only \$1 was appropriated, so it wouldn't take much to show a larger percentage of over-expenditure. The miscellaneous line in the Fire Department also seemed over-expended by a large amount. Creveling said that he would talk to the Fire Chief.

➤ ADMINISTRATOR COMMENTS

- GOFERR GRANT REIMBURSEMENT RECEIVED IN THE AMOUNT OF \$16,321.22. TA CREVELING EXPLAINED THAT THERE WERE ITEMS IN THERE FOR WHICH THE TOWN CAN GET REIMBURSED ONLY 25% FOR BECAUSE FEMA WILL COVER THE OTHER 75% LATER IN THE YEAR.

➤ SELECTMEN COMMENTS

SELECTMAN RAWSON READ A THANK YOU LETTER FROM JENN PRATT, WHO ASKED HIM TO READ IT.

Selectman Rawson made a motion to give conditional offers of employment for two gatekeepers to hire for the recreation department. The motion was seconded by Erin Hutchings. The roll call vote was UNANIMOUS, Erin Hutchings, yes; Andrew Rawson, yes; Matthew Morrill, yes.

Erin Hutchings thanked everyone, as this night was her last night as a Select Board member. She wished Selectmen Rawson and Morrill good luck in choosing her replacement. Vice Chair Rawson thanked Erin for her service to the Town of Milton.

Chair Hutchins made a motion to adjourn. The motion was seconded by Andrew Rawson. The roll call vote was UNANIMOUS, Erin Hutchings, yes; Andrew Rawson, yes; Matthew Morrill, yes.

MINUTES RESPECTFULLY SUBMITTED BY: ERNEST M. CARTIER CREVELING, TOWN ADMINISTRATOR

BOARD MEMBER	PARTICIPATION			APPROVED			
	Physically Present	Attending Remotely	Not Attending	YES	NO	ABSTAIN	Signatures
Erin Hutchings	X						
Andrew Rawson	X						
Matthew Morrill	X						

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