

Town of Milton
Board of Selectmen Meeting
January 23, 2017
Milton Town Hall
Meeting Minutes

In Attendance: Selectmen Chair Tom F. Gray, Selectmen J. Michael Beaulieu, Andrew O. Rawson, Town Administrator Heather Thibodeau.

Public in Attendance: Deborah Wilson, Mary Mcarthy Lane, Jill Guptill, Mark Guptill, Wayne Sylvester, Stan Nadeau, Robert Myrut, John McPhedran (Maine DEP), Virginia Long, Doug Shute, Cindy O'Tash, Bob Carrier, Dana Coull, Norm Turgeon, Stan Panish, Ryan Thibeault, Tom McDougall, Lynette McDougall, Larry Brown, Amy Smagula (NH DES), Peg Hurd, Christine Torno (Lebanon Selectmen), Royce Heath (Lebanon Selectmen), Paul Nadeau Sr. (Lebanon Selectmen), Brenda Pabon (Recording Clerk).

Chairman Gray called the meeting to order at 6:00 pm.

New Business-Discussions and Possible Actions:

- **Birthdays:**

Tyler Taatjes (Fire Department) Kaitlin Taatjes (Fire Department), Cole Poth (Fire Department), Augustus Howland (Library), Mike Beaulieu (Selectmen), Randy Nadeau (Fire Department), Sean Remick (Fire Department).

- **Meeting with Lebanon Board of Selectmen, discussion of Bridge between Lebanon, ME and Milton, NH:**

T. Gray stated that last he knew Nancy Mabel said that the bridge was in the Q for 2021. The Town of Milton's Bridge fund has approximately \$141,000.00. The town of Milton is responsible for 20% of half the cost of the Bridge, the State of NH picks up 80% of half the cost.

D. Wilson (From Lebanon) stated that they have recently heard that the State of Maine has moved up the work schedule for the bridge to 2018-2019. T. Gray stated that they would need to verify it with the State of NH. A. Rawson stated that it would be good if it was moved up, with it being closed there are numerous safety issues and concerns with traveling increasing on the back roads. L. Brown stated that a pedestrian walk way on the new bridge would be good. V. Long stated along with L. Brown's comment a bike lane would be great as well. C. Torno (Lebanon Selectmen) stated that the bridge being closed is a huge safety issue for both Milton and Lebanon Maine, more for Lebanon than Milton due to Milton being the first responders for Lebanon closer than Lebanon would be for Milton. B. Myrut stated that he worries about, no matter what bridge gets put in, is the kids jumping off it, he feels that it would be good to consider a covered bridge over using 10 foot high chain link fencing, it is more expensive, but the kids jumping off the bridge gets dangerous. M. Beaulieu stated the kids jump off all the bridges from Milton to Lebanon, B. Myrut stated that is true but they can't do it off a covered

bridge with walls. T. Gray stated that the Town is limited on what they can do as the state has a big say in it.

Old Business

- **Discussion of European Naiad:**

N. Turgeon (President of the TTPA) summarized the European Naiad. He talked about how invasive this plant is. It is an annual plant that dies in the fall and grows again in early July. He stated that basically it takes over the lake which can make the lake useless for boating, fishing and swimming. There is a potential for serious economic impact, loss of tourism, tax revenues to the towns from a reduction of the water front properties. He stated that they need to get it under control, he feels it is controllable but it will be costly and it is not something that you're going to get rid of in one year it will require an effort every year for possibly several years possibly generations. The hope is that if they attack it every year they can keep it under control so that there is no increase in the growth each year. He stated that last year the work that was done to control it, it was to use divers assisted with suction harvesting machinery to work in the large dense area of about forty acres up on the North end of Northeast Pond. On the Lebanon side of Northeast Pond was where the mother load was. Work was funded by both Maine DEP and NH DES, both states have invasive aqueduct species programs that helped coordinated activities and find and fight invasive aqueduct species. J. McPhedran (Maine DEP) and A. Smagula (NH DES) are present at this meeting tonight, they spent \$30,000 with the Diver assisted harvesting. \$20,000 was funded by the State of Maine and \$10,000 was from the state of NH. They attacked a large dense area and the last report he got was that they ended up at the end of the year getting only 40%. It is almost impossible to go in and attack that much area with divers. Herbicide is the way to go in and attack that much area. There was a hand out given to everyone which gives a summary of information on past and current infestations of European Naiad which was put together by Amy Smagula (NH DES) and John McPhedran (Maine DEP). This hand out talks about the Herbicide that they plan to use. The reason it was not used last year is because was because of an ordinance in the town of Milton that indicated that the spraying of herbicides could not take place unless it was approved by a town meeting vote. At the end of this year they learned that that particular ordinance does not apply because they are not using a spraying type of application. It will be introduce into the pond by a hose that is under the water that is over the target plants.

J. McPhedran spoke a little about the herbicide and what the State of Maine has to do prior to the use of the herbicide.

T. Gray asked if the State of Maine has had any experience with the herbicide and what has the success rate been and have there been any side effects. J. McPhedran stated that they have not had any experience with this particular herbicide, but they have with other herbicides.

A. Smagula stated that the handout that was given included a lot of the information about the herbicide itself. She then spoke a little more about how it works and how it will affect the European Naiad and other plants that they are not trying to control. T. Gray asked where else has this herbicide been used before. A. Smagula stated almost every water body in the state of NH where they have had infestations.

V. Long asked since it may kill other plant species are there seeds of plants that are valuable food for other wildlife that they should be concerned about, and the second question is if you have a large massive amount of the Naiad that dies and starts to decompose how does that affect the water. A. Smagula stated that all of this was addressed in the handout so they can read it later, but to answer your question, not all the plants in the lake are going to be affected by the herbicide so you will not see a mass die off aquatic plant growth in the lake. They are only treating .07% so less than 1% of the overall water body. There was a map attached to the handout showing where the herbicide would be applied.

L. Brown asked what the flow rate was, they were unsure at this time. L. Brown stated that the question was given a flow rate of x of the meander through impounded waters, by the time it hits the bend is everything gone. A. Smagula stated yes they have tested all of that as they needed that information to get approvals.

L. Brown asked if they considered or has there ever been an infestation so severe that it was considered useful to drain the pond. A. Smagula stated that the towns do a deep drawn down and it did not really take care of the issue.

S. Nadeau asked if they have taken into account for where the wells are for the Milton Water District, he said that they have 5 wells and four of them are right on Rocky Point which is right off of Milton Pond which is before the Dam, so there is a good chance for that treatment to get into the those tanks. A. Smagula stated that during the permitting process all wells will have to be identified which will be the same for Maine, and risk would have to be factored in.

T. Gray asked what the time frame was on when they are planning on doing this and will it affect the summer camp. J. McPhedran stated that there has to be active growing plants to apply the herbicides. They found that the third week in July was a good time to start. It would not affect the summer camp as the treatment is going on at the other end of the lake.

V. Long asked if there was going to be more monitoring to find out if there are more places where there is more dense growth, and if more was found would it then be treated. N. Turgeon stated that there are volunteers that will be surveying the areas to be sure the treatment is getting to where it needs to be.

J. McPhedran spoke more about some of the different treatments they may use depending on what they find and what they think will work best at getting rid of the plant. R. Heath (Selectmen of Lebanon Maine) asked how well will the residence of the area being treated be notified and what will happen to the residence at the time of the treatment. J. McPhedran stated that they will notify all residence on the adjacent shore line and they have to post that this treatment is occurring, it will be posted at public access points and all notices to residents will be done by mail as well.

N. Turgeon asked if they had any idea what the cost is to do the treatment and the diver assisted suction harvesting. J. McPhedran stated that they have a bid that was for \$15,000 which includes the permitting process, he stated that it may be between \$10,000 to \$15,000 for the herbicides, they are not sure about the divers as they really don't know what will be needed at this time. N. Turgeon had made an estimated guess a while ago so that the Boards in both Maine and Milton could have a number. He had estimated that to do a good job this year it would be about a \$40,000 program. This is where the towns need to help by appropriating some funds to help with the cost. M. Beaulieu stated that the Town of Milton has a warrant article to raise and appropriate funds for this. A. Rawson stated that this does not just affect the people

around the lake, and when the town people come to the ballot in March it would be very wise for them to, on article 16, vote yes, it is for \$5,000 as they have to start somewhere, this affects the whole town of Milton. M. Beaulieu stated that it is not just the year round residents but also the summer residents who come up and enjoy our beach. M. Beaulieu asked if they had addressed the town of Acton Maine as there is a little piece of the lake that is in their town. N. Turgeon stated that there was surveying done there and there was nothing found.

M. Beaulieu asked what the difference was between a permit by intent and a permit by rule. J. McPhedran stated that Permit of intent is under waste discharge law and is a general permit and the permit by rule is the natural resource protection act.

M. Beaulieu asked A. Smagula if she was familiar with RSA 541, she stated that off the top of her head she is not sure, M. Beaulieu stated the RSA, it was for no chemicals including pesticides and herbicides by any kind shall be applied to ground turf except if applied by horticultural professionals, is that whom is applying the herbicides. A. Samgula stated yes that is correct, she stated that in NH they deal with chapter 600 rules which outline the process relative to aquatic permits. M. Beaulieu stated that we have already done small measures of combating this, there was equipment offered by the TPPA for the boat ramp where they treat the boats before going in and when they come out. A. Rawson spoke a little more about this. He discussed that they are going to have a better boat wash this year, they have been talking about charging a little extra to launch the boats, and they will see how it goes.

T. Gray asked about J. McPhedran mentioning a smothering mat and what is the success of that and does that kill the seeds and it seems to him it would be less costly. J. McPhedran stated that one of the things about using the mat is that it will kill all plants where the mat gets put down, he also stated that it was very labor intensive and quit expensive to do.

B. Myrut stated that Mr. Everett made a verbal commitment to add \$5 to the cause if Milton did the same. B. Myrut stated that he would like to hear from the Lebanon board as to what their recent positions are on this.

C. Torno stated that have had several discussions. They had a problem because they had what they assumed was a vote that they couldn't use herbicides because they had the no spray, but after talking to attorneys they found that they can use them. They are all on board as far as putting something on their ballot they are just not sure how much to put on their ballot. There next step is to discuss how much to put in a warrant article as they are working on their ballots now.

D. Wilson (Lebanon Resident) stated that when J. McPhedran had come out and spoke at the selectmen's meeting in Lebanon, She stated that J. McPhedran had originally been looking for a three year commitment and she is concerned that she is not hearing anyone speak about that. J. McPhedran stated he does not recall the three year commitment but stated that what is important is that they have a working relationship with the state the towns and the well-established lake association, everyone agrees that this is not a one, two year, or even three year, this is a long term commitment.

T. Gray stated that he can't speak for the entire town of Milton but he can say that based on the importance of the lake to the Town of Milton and Lebanon that commitment goes well beyond the three years.

M. Beaulieu stated that this has been understood a while ago and had been brought up in meetings that they know they have to combat this head on and that it was not going to go away,

so they use the word maintenance, they knew they were going to have to have a maintenance program to keep on top of this for as long as there is water in the lake.

D. Wilson stated that the town of Milton has discussed this more than the town of Lebanon so it is refreshing for her to hear that the town of Milton has this commitment.

M. Lane (Resident of Lebanon) she stated that most of the people in town know nothing about the Naiad, they just picked up paperwork from the last elections and that is all they know, so when this goes up for a vote most of the people are going to turn it down. M. Beaulieu spoke to C. Torno and informed her that the Lebanon planning board is thinking of doing a flyer, so couldn't that information be added to the flyer as this is a town wide flyer that is going out. M. Lane asked how it goes out, M. Beaulieu stated by mail. T. Gray stated it needs to be a joint effort and A. Rawson stated educate the tax payers. M. Lane asked how they do that, A. Rawson stated that the town must have a website that they can put information on it. A. Samgula stated that the handout that she gave everyone is electronically available in a PDF that they can use to spread around either by email exchange or posting to the towns website she stated she could include costs on that summary as well before it goes out.

L. Brown stated that the cost for treating with the mats seems quite high, a couple of things came to mind, fish weirs which direct fish into a particular pattern, nets which are angled so the V is pointing downstream to catch seed is that viable and on downstream once you get past the dam is the seed viable in running water of the salmon falls itself, will it last to get down as far as Somersworth, and finally we are trying to improve our boat washing station do you have criteria so that the wash water does not trickle back into the water. J. McPhedran stated that yes the mats are expensive if you hire a contractor. He stated that they have used screens in some instances but that does not mean it catches all of them. A. Samgula stated that these seeds are very very small, J. McPhedran said could seeds get downstream, yes, they have, they found some in Spaulding pond last year. Wash stations, A. Samgula stated that they have some basic guidelines but there are also new guidelines out there that deal with tiny little seeds or the microscopic animals, she stated that she could compile some guidelines for them.

B. Myrut stated that what they have now is a wash station that is above the wash house which is about 160 feet from the water line and it is two tiered and it is a sandy soil so anything that goes in is going to go into the sandy area, there is no direct access back into the lake.

M. Beaulieu stated that this was a really great meeting and they accomplished a lot. M. Beaulieu thanked the Lebanon Board of Selectmen for joining them tonight, he also thanked the two states Maine DEP and NH DES for joining them and the TPPA as well.

Approval of Minutes:

- M. Beaulieu motioned to approve as written the minutes from December 19, 2016, seconded by A. Rawson, all in favor, Motion carried 3-0
- M. Beaulieu motioned to approve with corrections as noted the January 9, 2017 minutes, seconded by A. Rawson, all in favor, Motion carried 3-0
Corrections as follows, Article 16 should be changed to a special warrant. On page 7 going onto 8 the discussion on Cash reimbursement policy for gift certificates the vote should not be all in favor it should be "motion carried 2-1".
- M. Beaulieu motioned to approve as written the minutes from January 17, 2017, seconded by A. Rawson, all in favor, all in favor, motion carried 3-0

Wayne Sylvester would like to join the conservation commission, the Board of Selectmen are going to swear him in tonight and then he can see Heather Thibodeau about getting the paperwork filled out.

Selectmen Comments:

- A. Rawson stated that the winter carnival is coming up and they are looking for volunteers if anyone is interested they can call Karen Brown the Rec Director at extension 8 at the town hall.
- A. Rawson would like to thank the Fire Chief for the move to the new Fire Station, it went without a hitch. There will be an open house there on Feb. 18th for all town residence.
- A. Rawson now they can sell the old fire station. M. Beaulieu stated that they had talked about hiring a commercial realtor, he stated that he has a realtor that is ready to put it on the market. A. Rawson stated that they were trying to figure out what it was worth first and then how they were going to move forward, they had talked about doing another auction with a minimum bid. T. Gray stated that the first thing is to get the value of the building. H. Thibodeau stated that they could talk to their assessor and see what she may suggest, M. Beaulieu stated to call the assessor and see if she can recommend anyone for this commercial property.
- M. Beaulieu stated they were thinking about waiting for the carpet installation till after town elections so that will limit the dirt and mud from being tracked through. H. Thibodeau stated that they could but they had a meeting last week and they talked about breaking it up into sections, there is a weekend that Michelle has to shut down for registrations which is right around winter caravel. The plan was doing the PCT first and then the carpet so that it is not all done at the same time because to do it all at the same time it would take 5 days. The other problem is that the money to do the carpet was encumbered so the money needs to be used in the first quarter. R. Thibeault stated that he thinks that Heather and the department heads should make the decision on when the carpet gets done and that the Board of Selectmen really don't need to be involved. M. Beaulieu stated that it was Department heads that got him involved and that he is going by their recommendations not his. A. Rawson asked if some of the important questions were asked, H. Thibodeau will check with him again.
- T. Gray talked about the new laws for the right to know votes taken while in non-public will need a roll call vote and will need to be recorded starting January 1st.

Public Comments:

- L. Brown stated that if you have files that go back 10 years you will find that the bat shop was for sale for \$244,000 as it was a prime site for RV dealership. The property that they presently own the Fire Department has been reduced in value since they did not choose to purchase at what would have been a good price, however it still has sewer, water and RT. 125 access. He stated that over in Farmington has a business incubation site, Milton might want to consider a long term benefit to the town of having a tourist visible venue on the main road offering both reasons to be in the area and for small businesses that need a place to hang a hat and develop themselves and that might be worth more long term than the \$105,000. P. Hurd stated that Rochester has done the same thing and she can check into that and see how they did. T. Gray stated that there are a couple of things on that, he said that if they rent out space the town now becomes the Land Lords and that is something in his opinion that they do not want, then if

someone does not pay their rent then they are chasing them and then legal issues could come up. It also needs a fair amount of work to make it useable. L. McDougall stated what about using it for the kids, as they have nothing now. T. Gray stated it needs a lot of work. L. McDougall stated that even if they have to tear it down and rebuild, M. Beaulieu stated that they would have to raise and appropriate the funds to do that. T. Gray stated that the location is not the best if it is to be used for kids as it is right on the highway.

- T. McDougall asked that for the deliberative session could be bring the recording equipment from the Town Hall to the school so that the sessions can be recorded. He feels they can pick everything up from the microphone. A. Rawson asked if that was something he could do, T. McDougall stated yes should not be a problem. The Board was fine with it.

Other Business that may come before the Board:

- M. Beaulieu asked Chuck Therrier to come to the BOS meeting in regards to the project on 175. The contingency is that he has not met all the contingencies that were required. H. Thibodeau stated that this might be a legal issue and maybe they should have the town attorney there when they talk about this issue. T. Gray stated that they will invite him back again with the town attorney. P. Hurd asked if they could explain what this issue is in regards to. T. Gray stated that Chuck is looking to gain access to Rt. 175 to put in a business up there for modular structures, there was some criteria that was laid out by our attorney and that is where we are at now. T. Gray stated that he agrees with H. Thibodeau that we could easily go down a road that we shouldn't right now without the attorney here to answer those questions. The town will set up a date with the town attorney and have Chuck come back at that time.

Adjournment

Motion to Adjourn at 7:48 was made by A. Rawson, Seconded by M. Beaulieu, All in Favor, Motion carried. 3-0

Respectfully submitted,
Brenda Pabon, Recording Clerk

Chairman Tom F. Gray

J. Michael Beaulieu

Andrew O. Rawson