

Town of Milton
Board of Selectmen Meeting
February 20th, 2019
Milton Town Hall

Board of Selectmen Attendance: Chairman Ryan Thibeault, Vice Chair Erin Hutchings, Andy Lucier, Interim Town Administrator; David Owen, Recording Clerk; Danielle Marique

Public Attendance: Nancy West, Glenn Baily, Humphrey Williams, Timothy Long, Janice Long, Cubbi Lirette, Alexx Manaireo, Paul Steer, Dale Sprague, Bruce Woodruff, Kathy Wallingford, Bob Carrier, Russell Neal, Richard Krauss.

Meeting call to order

R. Thibeault welcomed all in attendance reciting the pledge.

Public Comment

P. Steer: Expressed concern regarding possibility of construction of a covered bridge replica on Townhouse Road for the NH/ME Bridge.

H. Williams: Stated the new Town website does not have the YouTube videos posted or linked for any past meetings.

New Business:

- **Approval of Motor Vehicle Registration Fees Abatement (M. Beauchamp/D. Owen)**
D. Owen stated as a routine abatement the Town Clerk has reported to him that the State has reimbursed their portion of this residents unused vehicle registration, the resident is requesting the Town to follow with its own reimbursement.
Motion: E. Hutchings moved to approve the abatement and refund of \$262.00 to Joseph Keegan for his unused vehicle registration. A. Lucier seconded. 3-0
- **Annual Wastewater Operator Contract Renewal (Dale Sprague)**
D. Sprague reported the 2019 wastewater budget request reflected a 3% contract salary increase over 2018. A. Lucier questioned the backup contractor in D. Sprague's absence. D. Sprague stated the normal back up is Charles Tiffany of Farmington.
Motion: A. Lucier moved to approve and authorize the Board's chairman to sign a Wastewater Department Agreement with Dale Sprague for the term of May 1, 2019 through April 30, 2020 in the amount of \$34,645.00. R. Thibeault seconded. 3-0
- **Approval of Town Planner to serve as Spokesperson for Bridge Projects (Dave Owen)**
D. Owen stated he was in the process of reviewing the status of the bridge projects and the coordination with the State, recommending Town Planner, Bruce Woodruff, to represent the Town in the projects.
Motion: R. Thibeault moved to designate Town Planner Bruce Woodruff as the Town's liaison with the NH Department of Transportation relative to Milton's bridge projects. A. Lucier seconded. 3-0

- **Approval of Town Planner to Serve as Spokesperson for Transportation Advisory Committee for Strafford Regional Planning (Dave Owen)**

D. Owen stated the Town representative for the Transportation Advisory Committee has been vacant for over a year of time and recommends Town Planner Bruce Woodruff to fill the vacancy.

Motion: R. Thibeault moved to appoint Town Planner Bruce Woodruff as Milton's representative to the Transportation Advisory Committee of the Strafford County Regional Planning Commission. A. Lucier seconded. 3-0

- **Sale of Old Fire Station 460 White Mountain Highway (Dave Owen)**

D. Owen stated there has been a purchase and sale agreement drawn with attorney general consent from January. After this was put on the agenda to discuss an email from the Town Attorney was received regarding legality of the sale. It stated there are two State statutes regarding sales of Town owned properties;

RSA 80:80 refers to tax titled properties which was amended recently to allow the use of a real estate broker.

RSA 41:14a contains an exclusion for properties received as a gift or donation and cannot be sold with the use of a realtor, excluding the ability for the Town to sell the property.

D. Owen stated after discussion with the Town Attorney it was explained that the Town Administrator was provided a drafted warrant article in January of 2018 discussing and outlining the legal ability of the Town selling the gifted property. D. Owen stated this drafted warrant article was not presented to voters in 2018 or in 2019 and the Town does not have the legal ability to sell the property currently in the present situation. D. Owen explained per Town Attorney discussion there are two options; the Town could host a special Town meeting for the discussion and vote of the sale or to put it as a warrant article as originally discussed for the 2020 Town vote. E. Hutchings questioned the ability of selling by an auction or sealed bid. D. Owen stated that may be of option. E. Hutchings stated there was a bid offer previously accepted and is the same persons as the current interested buyer. R. Thibeault stated the bid offer was not previously approved by the Attorney General. Expressed concern stating the embarrassment to the Town with the inconsistency of this project. Stated this was not fair to the Town, residents, the real estate broker or the interested buyer and questioned the approximate costs for a special election vote. D. Owen stated it would mostly depend if there was a fall election that could be coordinated and combined with or if it would require its own voting date. A. Lucier questioned if any other options were available. D. Owen explained municipalities can only do what legislature allows, and that New Hampshire is not a 'Home Rule' state and must follow what is allowed by law. R. Thibeault requested review of special town vote costs and the avenue of it and reevaluate the options after costs were approximated. A. Lucier questioned if the property needed to come off the market. D. Owen stated the Town technically has no authority to sell the property at present. E. Hutchings questioned what NH Municipal legal teams' opinion would be if it varied from the Town Attorneys. D. Owen stated he would look into what NH Municipal Legal team suggests as legal options.

- **Snowmobile Club Winter Beach Access (Andy Lucier)**

A. Lucier questioned if the Board of Selectmen has authority to allow yearly winter access to the

Town Beach or if it was something the Recreation Department and/or Recreation Commission decides. E. Hutchings responded that the beach is Town property; therefore, the Board of Selectmen has jurisdiction over it. R. Thibeault questioned if the allowance of access would need an ordinance. R. Neal stated in the past and current policy is that with landowner's written permission they are able to set dates for the year to access the trail system thru private as well as public property. D. Owen requested the form the Snowmobile Club currently uses for landowner access permission so everything can correctly be put in place. R. Neal stated if the trails close earlier than the date specified they would simply close and secure the beach gates to restrict access.

Motion: A. Lucier moved to allow the Snowmobile club access to the Town beach from December 15th, through April 15th continually each consecutive year with signed landowner permission paperwork. R. Thibeault seconded. 3-0

- **RFP For Legal Services**

D. Owen presented the proposed RFP for Legal Services as the Board of Selectmen have requested. He stated while the Board has the right to seek a new legal counsel if it so chooses, the Board may want to consider that it will take a new legal counsel considerable time to get up to speed on all the various issues currently and that there are associated costs with a transition of this size. E. Hutchings questioned if the current counsel was intended to be for short term. R. Thibeault stated Mitchell was agreed for a short term with an RFP to be completed after 3 months' time, a considerable more amount of time has passed from the original three months.

Motion: E. Hutchings moved to authorize the Interim Town Administrator to issue the Request for Proposals for Legal Services with an ending date of April 1, 2019. A. Lucier seconded. 3-0

Old Business:

- **Review and Approve Adjusted 2019 Town Warrants (Dave Owen)**

D. Owen stated the adjusted warrants based on the slight adjustments made at deliberative session were made and needed the Board's signature and approval.

Motion: R. Thibeault moved to accept and sign the adjusted 2019 Warrant Articles. E. Hutchings seconded. 3-0

A. Lucier questioned if the church changed its name when ownership changed recently. K. Wallingford stated she has no knowledge of the change but would review.

- **Review and Approve 2019 Voters Guide (Dave Owen)**

K. Wallingford stated the sample ballot is needed along with the School input for the voters' guide is still in need to complete the draft of the voters' guide.

Motion: R. Thibeault moved to approve the 2019 Voters Guide for distribution to Town residents. E. Hutchings seconded. 3-0

- **Discussion of Town Owned Properties Available for Disposition (Dave Owen)**

K. Wallingford stated she produced a categorized list of each Town owned property and specified the properties that are outside of the 3-year buyback timeframe. A. Lucier questioned if a vote was required to bypass the 3 year buy back ability or does the Town always have to wait, fearing the condition of the properties and views. K. Wallingford stated legal counsel would be involved and reviewed. The Town may have to pay the past owner any extra proceeds

from a sale after all expenses had been met and paid for. R. Thibeault suggested looking at each property case and then place properties in question for auction as it is the cleanest and quickest selling approach. D. Owen stated St. Jean Auction Services has been recommended to him. R. Thibeault stated stipulations could be set in place for each property. E. Hutchings stated the board previously put a RFP for Real Estate agents and suggested to have chosen agents list the properties. R. Thibeault stated suggesting properties are sold or auctioned as is and the Town would not be responsible for reconnecting any disconnected utilities for showings of property. K. Wallingford stated a couple of properties could be offered to their abutters as they are not viable lots to sell and request a lot merger upon the sale of property to finalize the process. R. Thibeault questioned the properties not at the 3 year selling mark, how is the value then determined. K. Wallingford stated legal counsel would be involved and would need to review but there are no set requirements on the sale rate or percentage increase of property value. R. Thibeault stated auctions are a fairer equal opportunity. If nothing comes of a property auction then a secondary plan would then be considered. A. Lucier questioned how to deal with the 3 year period. D. Owen stated if the 3 years have passed they are then free and available. A. Lucier questioned how to proceed and move forward. D. Owen stated a decision of each property would need to be made and if they were listing with a realtor, auction or sealed bidding. It is ultimately up to the board to decide. R. Thibeault suggested to go thru the list and evaluate each at auction level first. K. Wallingford stated in 2016 all properties sold at auction and all advertising costs and other associated fees were covered with the auction company. D. Owen stated the general public discussion was intended for all to know the status and the board's plans. R. Thibeault stated the property at 1121 White Mountain Highway and the School House Historical Society was tabled their efforts and decisions until further discussions with all involved. K. Wallingford stated that all tax cards were provided for each property, suggested that if questions come up, to bring them to her for explanation and prepare to discuss at the next meeting.

Motion: A. Lucier moved to table Town owned property discussion until the next Board of Selectmen meeting. E. Hutchings seconded. 3-0

Meeting Minutes

Motion: E. Hutchings moved to approve the February 4th, 2019 meeting minutes. A. Lucier seconded. 3-0
A. Lucier moved to approve the February 9th, 2019 meeting minutes from the Town Deliberative session
E. Hutchings seconded. 3-0

Public Comments

H. Williams: Questioned if a sealed bid or auction would be of option to sell the Town owned gifted property.

Questioned the Atlantic Broadband discussion update. D. Owen stated a representative will be attending the March 18th, Board of Selectmen meeting for discussions.

T. Long: Questioned the total of properties owned by the town under tax deed were beyond the 3 year exception. E. Hutchings stated 14 properties.

Questioned where the list of election candidates were accessible.

Questioned if the school house was presented to the NH Farm Museum as a possibility of new

ownership. R. Thibeault stated that option was looked into but the school house was not classified as agricultural so it did not meet the Farm Museum requirements.

A. Monasterio: Stated as the interested buyer of the old fire station felt it was unfortunate the circumstances of the legalities of the sale and thanked the realtor as she felt she has provided great work not only for the Town but for the buyers as well. Stated she has purchased real estate in all avenues and suggests auctions as they are the cleanest easiest and quickest approach to sell any property.

L. Brown: Expressed concerns with the school house. Thanked members for the planned detailed clarity on process of events. Suggestion of \$1 sale with stipulations for escrow bond for repairs.

R. Neal: Questioned what the Town is paying a legal team for if there are so many missing links. Suggested to keep track of action items so things do not continually get missed. Suggested to accept sealed bids for the old fire station for the asking price of the Attorney Generals request.

Administrator Comments

D. Owen stated the Town Clerk has requested the Board of Selectmen is intentions for attendance for the Town Election. R. Thibeault and E. Hutchings responded that they will be present for the day. A. Lucier stated that he will be in attendance after 4pm

Reported that MRI has sent a request for challenge statements for the Town Administrator requirements specifying any skills and interests. R. Thibeault added that they are also requesting Town resident feedback and input and link for more information is posted to the website.

Reported Atlantic Broadband representative will be attending the March 18th, 2019 Board of Selectmen meeting.

Reported the Great Bay Water Quality request has been received, no dates are currently available.

Reported the DPW Director reported to him that his department is running low on salt with beliefs of having enough to get through March but will need to adjust his budget afterwards.

Reported the assessment contract which is a part of the complete Avitar contract for 2019 is past due and needs to be signed and accepted separately though it is a part of the full contract. K. Wallingford reported discussion with past Town Administrator Heather Thibodeau and Avitar have been continual the board should have previously reviewed this. Board of Selectmen stated unanimously this is the first they have seen or been made aware of this part of the contract and that no communication was received from past Town Administrator and requests review of contract prior to signing the contract.

Reported State Aid Bridge construction agreement requires a signature of acceptance even though there is no current funding and reports of 2026 would be the earliest available.

Requested the Board sign the correct No Through Trucking Ordinance that was currently passed as the incorrect document was signed originally.

Requested as a matter of housekeeping the Board sign the payment request from the previously approved motor vehicle abatement payment.

Selectmen Comments

A. Lucier: Questioned the video recordings being posted to the website believing the discussion was up to two years' worth of previous material would be automatically updated to the website from the old website. H. Williams stated there are not currently any videos linked to the Town website. R. Thibeault stated he believed there will be a separate folder for video postings.

A. Lucier requested representative coverage for himself until 4pm March 12th if anyone was interested please contact him.

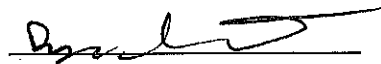
E. Hutchings: None

R. Thibeault: None

Motion: A. Lucier moved to adjourn the public meeting and continue in nonpublic session 91-A 3II (a) E. Hutchings seconded. 3-0

Next Board of Selectmen Meeting Date: *Monday March 4th, 2019*

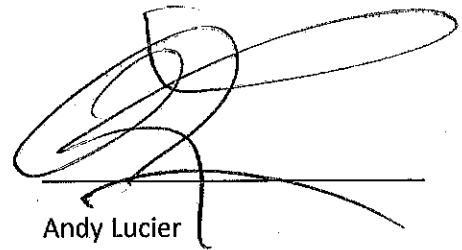
Respectfully submitted;
Recording Clerk,
Danielle Marique



Chairman Ryan Thibeault



Erin Hutchings



Andy Lucier