



**Town of Milton**  
**BOARD OF SELECTMEN MEETING**  
**August 15, 2022**

**ATTENDANCE:**

**Members:** Claudine Burnham (Chair), Humphrey Williams, Matt Morrill

**Staff:** Chris Jacobs -Town Administrator, John Gagner – Town Clerk, Patrick Smith -Public Works, Chief Nick Marique - Fire Department, Chief Richard Krauss- Police Department, Bruce Woodruff – Town Planner.

**Public:** Kym Libby

Claudine Burnham, Chair, opened the public session at 6:05PM.

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

2.) **Public Comment:**

There were no public comments.

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

1. Saturday, August 20<sup>th</sup>, NH Farm Museum is holding the Truck and Tractor Day from 10-4PM. There will be an amazing display of trucks, tractors, wagons, and antique cars. Our very own fleet of tractors from the mid-1900's will be on display for the kids to sit and climb on. Refreshments will be available. Featured musician for the day will be the Moose Mountain String Band.

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

a.) **Department Head Reports:**

**John Gagner – Town Clerk:**

July – collected \$75,000 revenue through motor vehicle registrations with ~\$30,000 to the state. Continue to work with the Police Department involving overdue dog licenses. Beach passes – collected ~\$1,200. Collected ~\$787,000 in tax payments. On July 22, in accordance with NH law, executed liens. Closely monitoring the budget allocation for the Part-Time workers. Reminder the next election is September 13<sup>th</sup> if a resident needs to register to vote or apply for absentee ballot. The sample ballots are now posted online and in town hall. Currently working on tax deeding and will bring to a future meeting. Mr. Williams – will schedule a meeting with Mr. Gagner about the Part-Time employee line as the line-item is

already at 107%. Mr. Gagner said it's really difficult to be out of the office because he is required by law to have a Deputy Town Clerk in his place and have no budget to pay this position. Mr. Williams said if there is an instance where the Deputy Town Clerk must be in, that is a different situation. Mr. Gagner – since the last discussion, he has not scheduled any part-time employees which creates a burden for him.

**Pat Smith – Public Works:**

They have been cutting brush from overhanging limbs, continued with truck maintenance, state inspections for the highway trucks, and general grounds maintenance. CR Willeke from DOT Bureau Planning/Community Assistance stopped by to look at the bridges. He told Mr. Smith the state of Maine has reached out to the DOT to replace the Church Street Bridge in Milton Mills. Also looked at Winding Bridge. Mr. Smith was under the impression that we missed the date to apply to be on the 2026 replacement list. He was told New Hampshire has additional monies for projects with the plan to look at the Top 60 bridges in NH. Mr. Willeke wants to meet with the Town Administrator to discuss what Milton's interests are going forward. In addition, they looked at Town House Bridge. Ms. Burnham mentioned she spoke with Mr. Joe Kenney who mentioned there are extra state monies available. Mr. Smith said he has talked with him previously; at that time Mr. Kenney indicated the Hopper Road Bridge is owned by the state of Maine; Mr. Smith also said he talked with a representative from Acton a few years ago who said they were going to be replacing the bridge at their expense.

**Chief Nick Marique – Fire Department:**

July 1<sup>st</sup> – they switched dispatch centers to Strafford County. Everything is working out so far. There is still a full-time vacancy; only received 1-2 applicants for the latest posting process. Over the weekend, they were not able to fill all the shifts so there were a couple of open shifts. No calls were missed. It's important this position be filled. Dover and Concord are also in the hiring process which has a trickle-down effect on smaller departments. The Ladder Truck's waterway has been leaking for a while. The seal kit to repair is \$5,600. With the ~40 hours of labor needed to fix the total cost of repair will be ~\$7,000. They recently held a water rescue class as they have seen an increase in lake rescues over the past few years. Ten students participated in the class. He would like to purchase additional gear to use in the rescues. He met with the Fire Chief in Farmington to discuss an automatic aid agreement. If Farmington would have a serious call, such as a cardiac arrest or accident, Milton would send the ambulance to the scene. This would work in reverse if Milton needed the response. They are planning on a 60-day trial and will review at the end. Overall the call volume is up with ~40 calls YTD.

- b.) **Discussion with the Town Clerk, Fire Chief and Public Works Director on methods to establish salaries in future budgets:** Mr. Williams explained the NH Municipal Association and under RSA laws, in order to pay these three positions (Town Clerk, Fire Chief, Public Works Director), it either should be done as a dedicated line-item in the budget or through a Warrant Article. Milton does not have dedicated line-items; the operating budget is considered a bottom-line budget. To have a dedicated line-items, each line-item would have to be voted on by the residents. Elected officials are not part of the employee pay plan. Mr. Williams acknowledged this was not thoroughly understood when the employee pay plan was developed. The three positions' salaries should be from election to election and up to the town to approve automatic

pay raises. Going forward, Warrant Articles will need to address this.

Regarding the Town Clerk position, there were some things that were never done including determining how the pay was to be taken care of – either through collective revenue or through a salary-type position. This will need to be addressed when working through the budget to move forward. To be addressed is identifying certification requirements for the position (and for all positions). For future elections need to look at what might happen if someone is elected with few, if any, of the required certifications or work experiences. Much of this was uncovered when we started looking at the different RSAs and pay plans to make sure the town is doing this the correct way. We acknowledge this has been done improperly in the past and agree this needs to be corrected going forward. We know there were concerns that the three positions would not be getting pay raises – that was never the case; we cannot pay in accordance with the pay plan itself. but rather in accordance with the position itself, as elected positions. Salaries will be honored.

John – based on precedent being set for years, the benefits described in the handbook given to the three positions – PTO, disability, retirement, etc. – what happens to all of this? Mr. Williams – this needs to be addressed in the right way. We are not saying the positions will not receive benefits; it has to be voted on individually. At no point has an elected official been a town employee – the problem is they have been treated as town employees. This also includes the library. In other communities there have been lawsuits filed. You will get the increases because that is the fair thing to do. However over the next four months we will figure this out and make sure going forward it's done the correct way and legal will need to be involved. There were no Warrant Articles in the past that addressed this. I think there was misunderstanding of past votes; now we need to make it right and not run into other issues.

Mr. Jacobs – this was advertised as a public hearing because compensation is not being set. The public is allowed to comment. Ms. Burnham – this could also help with understanding when we do move forward with Warrant Articles. Mr. Jacobs – this is part of setting FY2023 budget. Question for Chief Marique regarding research he had done through the NH Municipal Association regarding workman's compensation. Mr. Williams – NHMA states that salaries identified through Warrant Articles does not guarantee workman's comp. Mr. Jacobs – as a resident (not as TA) – concern for example of Pat Smith retires with 26 years of experience and through election someone with far less experience levels is elected, is that individual worth what the current person is getting paid because of less experience? That could be with any of the three elected positions. Why would a taxpayer want to pay someone new to the position the same salary with far less experience? And to repeat this has been handled improperly for the past 25 years. Kym Libby – using the new Town Clerk as an example – the previous Town Clerk had many years of experience – I understood the new Town Clerk needed training and certifications. How will this be explained to the taxpayers? Mr. Williams – that's why we are starting the discussion now, in public, and begin to work through it. The operating budget is a bottom-line budget and does not guarantee money will be spent specifically to that line-item. Warrant Articles are dedicated to a specific line-item. NHMA specifies salaries for all elected officials are to be through Warrant Articles or a dedicated line-item (a line-item voted specifically on through the town).

Chief Marique – dedicated line-item vs. line-item? Where is a definition for this? Where did it come from? I've never seen the town vote on specific lines and clarify is needed. Mr. Williams – the voters must vote on that item specifically which was not previously done. The issue now is how to address this, so voters understand specifically what they are voting on. Kym Libby – question for clarification – if during the next election there are two people running for the same position – one with more experience over the 2<sup>nd</sup> person – how do you explain this to voters especially regarding salaries? Ms. Burnham – the Warrant Article would state the salary ranges based on experience. Mr. Morrill – I'm interpreting this as having a detailed line in the budget (how it's being currently done) which according to NHMA would not be wrong. Ms. Burnham – however, for raises, there is a difference. Chief Marique – I agree with Matt and interpret it the same way and have been doing it this way. Mr. Williams – at no point has a voter specifically addressed an individual line-items; that's where the dedicated line-item comes into play and must be voted on at town meeting. Mr. Morrill – Yes, if the raises are at the beginning of the year. Mr. Williams – if you look at previous town meetings, at no point is there a voter on a specific line-item; they vote on the bottom line. I understand this has been done the wrong way for a long time, however we have to ensure going forward this is handled correctly. Other towns may do this differently. Other Towns have Warrant Articles for elected Fire Chiefs. Mr. Gagner – for the people at home – I'm not seeking a pay increase for the entire term. Mr. Williams – that is not what this discussion is about. The discussion is about how to carry this forward the right way, year to year. Chief Marique – RSA3073 states that no additional qualifications are needed for positions and municipalities do not have the power to add qualifications. Ms. Burnham – we are reaching out to other Tas and towns as we still need to get more information. We will correct this if a correction is needed and move forward. Mr. Gagner – if there is a correction needed, who do we hold accountable for doing it wrong all the years? Mr. Williams – we are not going back. Ms. Burnham – we are not focusing on the past; now that we know, we will correct and move forward.

c.) **Dawson Street Drainage Project Phase 1** – review and possible approval of change order 1 in the amount of \$44,092.21:

Mr. Jacobs – through emails with Mr. Saunders of Underwood Engineers and NH Earth Mechanics – they are trying to settle on 50% of what they originally asked for. Instead of the ~\$100,000 they are now asking for \$44,092.21. They are also asking for 133 days to complete work (this part is not that critical). Mr. Williams – we met with them (HW/CJ). If there was going to be an increase in ledge, that should come before, not after, the fact. They now are asking to increase the contract. However, they never came forward to ask for any increase at any point during that time frame. Bruce Woodruff – the contract includes the definition of ledge. Did the contractor call the town's consulting engineer to verify if the extra work was for some amount of ledge? If the answer is no, then the town should not pay for it. Mr. Jacobs – more ledge did have to be taken out than originally planned for. Because of the proximity of the water line the ledge had to be hammered (vs. drilling & blasting). This should have been a requested change order. Even with the excess ledge, it needs to be part of a change order dated July 29 and slated dated of completion was 4/15/2022. I understand there is extra ledge; however, they did not follow the process. The \$44,000 is not just for ledge; it does include request for suitable fill. I hold Mr. Saunders responsible for this who did the inspection work. Mr. Williams – you cannot come to us after and request additional money. This should have been done long before when they knew about it. Ms. Burnham – I'm in agreement with Mr.

Jacobs and not paying – they should have come forward as soon as they knew.

Mr. Morrill – I am torn and can understand both sides. Ms. Burnham questioned if there will be any impact on the 2<sup>nd</sup> phase of the project? Mr. Jacobs – there should be no impact. The contractor will not be pleased, and it is possible the next phase could result in higher costs or even no bidders on the next phase.

Mr. Smith explained he wasn't sure where everything was when the ledge showed up. What was discussed when first getting into the ledge, was around raising the pipe height to help lessen the amount of ledge needing to be removed. I agree with Chris Jacobs – this should have been in a change order. Chris – the change order's responsibility never laid with Pat. Mr. Williams - The lack of the change order until three months after project completion is not acceptable. There was more than enough time to address this earlier. This was also asked of them, and they said it wasn't needed. Mr. Jacobs – at some point it would have been more proper to ask for additional ledge.

Mr. Williams – They are asking for certificate of payment for \$98,498 which is ~\$50,000 more. They are due their payment. I agree with paying for the original contract for completion of work. I disagree with the added costs.

Mr. Williams motioned to deny payment of the increased costs of \$44,092.21. Mr. Morrill seconded the motion. All were in favor; the motion to deny was approved.

- d.) **Dawson Street Drainage Project Phase 2** – review and possible approval of report contract to produce 30% plans in the amount of \$100,000:

Mr. Jacobs explained Underwood have drawings at 10% and want to move them to 30%. All engineering calculations occur at this phase – pipe size, location, estimates of work value, etc. Once that is done, the next phase will move from 30% to 100%. All of the design money is put into this 30% phase. This is called the Report phase. They must justify to NH DES that the design is justified and prudent due to ARPA funds and Clean Water Act funds. This phase is quoted at \$100,000. The only issue with the contract is lack of borings. There is nothing indicated for subsurface exploration; they will rely on historical documents. Neither proposal includes subsurface borings. Mr. Williams questioned if it should be recommended for them to go back and add that in? Mr. Jacobs indicated this would be a good idea, however, this will probably increase the cost.

Mr. Williams motioned to approve moving this to the 30% mark with the addition of the test borings. Mr. Morrill seconded the motion. All were in favor; the motion was approved.

- e.) **Dawson Street Drainage Project Phase 2** – review and possible approval of design contract to produce 100% plans and bid same in the amount of \$22,300:

Mr. Jacobs – this is to move it to 100% drawings. There are no issues with this.

Mr. Williams motioned to approve \$22,300 toward planning of the final phase. Mr. Morrill seconded the motion. All were in favor; the motion was approved.

f.) **Public Hearing** – Headstart Building purchase:

Mr. Jacobs – this request came from many comments heard from town residents that the BOS never had any discussion about the purchase. Back in 2020 there was interest expressed when Ms. Betsy Parker approached the BOS and informed them of the decision to get out of the Headstart business. At that time, she asked if the BOS had any interest in possibly purchasing the building. The town currently owns the land beneath the building. The lease agreement indicated if and when they did get out of the Headstart business, all subsequent improvements return to the town. This includes parking lot, lights, crosswalks, septic system, etc. The town is not purchasing the land and the building. The town owns the foundation upon which the building sits. The town is enforcing the lease signed in 2004. The way to do this is to acquire the deed.

Some potential questions town residents may have:

1.) **What will the building cost to purchase?** We expect the building to cost between \$1,000 to \$2,000. This will be to cover the legal expenses regarding the deed.

2.) **How old is the building?** The building is ~17 years old.

3.) **What repairs, if any, will the building require?** Last year heating system was replaced and repaired walls (due to water damage). There are no other known repairs needed at this time.

4.) **How will the building be used?** There are four major rooms and a kitchen. Two rooms will be used as meeting rooms; the two additional rooms could be used for a senior center and recreation programs. The kitchen could be used to support the senior center, as a warming center during cold snaps, etc. Multiple town meetings could be conducted and streamed simultaneously. All town functions would be located at this building. Local elections could be held at the building (not federal elections).

5.) **What renovations/improvements are needed for the building?** Four major rooms need wired for internet access, security doors need replaced, phone system wiring, some plumbing work, may take some interior walls down, toilets and sinks replaced. Plan would be to add a new combination sign/message board located along Rt. 125. The building would need a stand-by generator. Funds originally used to purchase the building can now be used toward renovations, along with ARPA funds.

6.) **What is the overall benefit of moving to the Headstart building?** It is handicap accessible – no ramps, lots of exits.

7.) **Why can't the Town Hall remain in the current building?** The current building requires a lot of work including roof repair, heating system, water leakage, lack of handicap accessibility, limited office and meeting space.

8.) **What will happen to the current building if it's no longer used for town offices?** For the first year, the lower level could possibly be used for recreation programs. After that the building would be closed with all programs moved to the new building. The Community Action Program of Strafford County expressed interest in redeveloping the property into multi-unit senior housing project (this would also include the parking lot area). The housing project would be operated through CAP with assistance from federal funding. Milton is definitely needing this type of housing.

9.) **Would the town sell the property to CAP?** This has not yet been discussed. In order to do this, to help secure federal funding, the town may be asked to contribute to the project. If the building were sold, the revenues would be used to help offset taxes at that time.

Kym Libby – it should be explained originally the town may have had to cover ~\$191,000 to pay

for the building. The former grant was forgiven.

Mr. Jacobs – if there are other questions, email him. Ms. Burnham requested this information be placed on the website.

**g.) Local Economic & Community Plan meeting on September 18<sup>th</sup>:**

Ms. Burnham – although there is no current Economic Committee, moving forward we are planning to hold a meeting for businesses and residents to discuss ideas and suggestions. This will be held at the Milton Town House.

**h.) Fire Chief Nick Marique – ambulance:**

Chief Nick Marique met with the CIP a few weeks ago and subsequently reached out to ambulance dealers. Currently the time frame for a new ambulance is 24-36 months. He is requesting permission to bid and order an ambulance to get into the queue. By doing this, it would leave enough time to discuss funding. Currently they are bidding 2025 chassis (waiting for another 6 months would be bidding on 2026 chassis). Prices continue to increase; from March to April/May of 2022, the price increased \$20,000. If an order is placed now, we would lock into the current pricing and gives two years to determine funding.

If the purchase cost is \$350,000 - \$30,000 is in the Ambulance Capital; Revolving account balance is \$160,000; secure a grant again for \$50,000; would leave \$110,000 to come up with over the next two years. We could also look into lease numbers. Concern with waiting and pushing this out further; there is increasing wear and tear on the current ambulance. This could put us into a position if there is issue with maintenance issues on the ambulance. The order can be cancelled up to the moment it goes onto the line. He would like to order this before the end of the year.

Mr. Williams – thanks for putting this information together. It's important to look at next year's budget and first understand the impact of next year's budget before making a decision on how to proceed.

Chief Marique – we don't have to commit to funding; this could be converted to lease option. Have at least one year to figure out the funding. Ms. Burnham – it sounds like it would not hurt to place the order.

Bruce Woodruff – the CIP does need to know if Chief Marique is going to ask for money in 2023; the original plan indicates there is no money requested for 2023.

Mr. Williams – in September, departments will be making their budget presentations. It makes sense to revisit this right after the presentations in September. Mr. Jacobs indicated there is a possible third option. It's important to remember you cannot enter into a lease/purchase order and hold a future BOS/Budget accountable. You can pre-order as long as money is not appropriate toward that. There are possible monies from the Highway Block grant and Municipally Owned Bridge allocation funds – while these monies cannot be used as a supplement to the overall budget, they could help relieve pressure on other parts of the budget. There may be other ways of funding.

Mr. Morrill questioned what the process would be. Chief Marique – first thing would be the overall design and pricing and anticipated specs ready to go out to bid in November. Mr. Morrill said he does not see the issue with having Nick to start moving forward now. The price would be looked in and the order can be cancelled up to the point it hits the assembly line.

Chief Marique – the only fluctuation would be with a Ford chassis as that price cannot be held. Will make sure this is in the bid document. There is no harm in calling and starting the process. Mr. Jacobs likes the idea of a pre-order and having two budget cycles to determine funding. Mr. Williams agreed with getting the quotes, bids and specifications. Legally we cannot order at this point. Getting specifications is not the same as a commitment.

Mr. Williams motioned to approve Chief Marique move forward to get specifications. Mr. Morrill seconded the motion. All were in favor; the motion was approved.

i.) **Planner Bruce Woodruff – Milton – Maine Bridge:**

Bruce Woodruff – this involves the Town House Road in Milton and New Bridge Road in Lebanon. There does not seem to be a lot of overall coordination happening in NHDOT. We received an email from a NHDOT accountant on August 4<sup>th</sup>. The email indicated the project was underway and asked for payment from the town. Included was an invoice for \$279,000. The municipal agreement (Section 2) said the town does not have to pay the money all at once. The amount required now amounts to \$62,700. Mr. Woodruff is asking for approval to pay the \$62,700 so work is not stopped on the project. He also included the signed municipal agreement, along with the November 1, 2021, BOS meeting where this was part of the discussion and approval was given for the project. There are two capital reserve funds available – Milton/Maine Interstate Bridges Capital Reserve Fund with ~\$180,000 and Milton Bridges. There will still be some monies remaining after the entire project is paid. Mr. Woodruff emailed back to the accountant and told him the entire amount was not due. There was no response so Mr. Woodruff emailed him again and questioned how much the first payment is? The response to the 2<sup>nd</sup> email indicated just \$62,700 is owed. There is the potential of other funding available. Mr. Williams wants to make sure the meeting with Lebanon to discuss topics such as height and clearance issues, design, plan, etc.

Mr. Williams motioned to authorize \$62,700 for initializing the project. Mr. Morrill seconded the motion. All were in favor; the motion was approved.

j.) **Wetlands Permit for Town Beach/Ramp work:**

Ms. Burnham signed the permit and payment request. Mr. Jacobs said the vote is also needed by the Trustees of the Trust Fund.

Mr. Williams motioned to spend the \$5,750 from the 2007 Recreation Department CRF for the town beach boat ramp, shoreline and wetlands permits application. Mr. Morrill seconded the motion. All were in favor; the motion was approved.

5.) **Communications:**

- a. **NHDOT FY2023 Highway Funds:** Mr. Jacobs- the State's Highway Funds affirms \$130,000 in the Warrant Article and will be backed-up by \$130,000 in Highway Grant Funds by a quarterly distribution.
- b. **Audit for FY202 has been released and is posted on the Town's website.**

6.) **OLD Business:** There was no old business for discussion.



**7.) Other Business That May Come Before the Board:**

Chief Krauss – regarding the use of signs – this past weekend was the Woods and Wildlife event and as in the past they had requested using the signs to help with the event. He had a discussion with the previous Town Administrator who both thought it was not appropriate for them to be used as advertisement for such events. There is currently no written policy on how the signs will be used. The town should have a policy for what non-profits and private entities can use the signs for as part of a detailed event. Mr. Williams questioned if it is a detail and the sign is used to help with traffic awareness, which becomes a detailed event and is covered. He suggested adding a need for a sign to be part of the special events permit. Mr. Jacobs said the event such as this one may be considered a private event, however because of the parking on Route 125 that does become an issue. Ms. Burnham suggested addressing this specifically to the event coordinator about the issue and for future events. Chief Krauss said the issue really is when non-profits or outside agencies are looking to use the sign when there is no detailed officer at the event. Ms. Burnham and Mr. Williams agreed that is a different issue.

**8.) Approval of Minutes:**

Non-Public Minutes:

**August 1, 2022** - Mr. Williams motioned to accept **8/1/2022 non-public minutes**. Ms. Burnham seconded the motion. All were in favor; the motion was accepted

Public Minutes:

**August 1, 2022** - Mr. Williams motioned **move this to the next meeting**. Mr. Morrill seconded the motion. All were in favor; the motion was accepted.

**9.) Public Comments Relative to Topics Previously Discussed:**

There were no public comments.

**10.) Expenditure Report:**

Mr. Williams sent the Expenditure Report to BOS for their review. He added a new section to review which focuses on overages and projections. Most of them are already known about. The sewer is projecting at \$266,000 over budget primarily due to liner repairs. Right now, it's \$114,000 over the budget. The Budget Committee will meet in August and start looking at the reports.

**11.) Town Administrator:**

- Town offices will be closed on Monday, September 5, 2022, for Labor Day. The Transfer Station will also be closed.
- Our next public meeting is scheduled for September 12, 2022.
- Department Head Budget presentations before the BOS and Budget Committees is scheduled for September 15, 2022, at 6PM. He will send out the template to use to all the department heads.
- Regarding the quick claim deed & lease on Historical Society Building – Mr. Jacobs found the information in a June email which he sent over to Ryan for his review. The Township of Milton Historical Society, Inc. Mr. Jacobs recommended caution on the budget – need heating/cooling costs and future hours of operation as the town is now responsible for overall building maintenance.

- He received a call from a resident who owes \$1100 in back property taxes and is requesting a payment plan of \$100 per month.
- On September 18, 2022, there will be a Local Economic & Community Plan meeting held at the Milton Town House starting at 6PM. The purpose of the meeting is a listening session to bring forth ideas for economic growth and stability from residents, businesses, and concerned citizens.
- September 13<sup>th</sup> will be elections.

**12.) Selectmen Comments:**

- Mr. Williams – held a training session with the Budget and School Board Chairs, along with the new Superintendent. The training went well.
- Ms. Burnham – a reminder primary elections on September 13<sup>th</sup>.

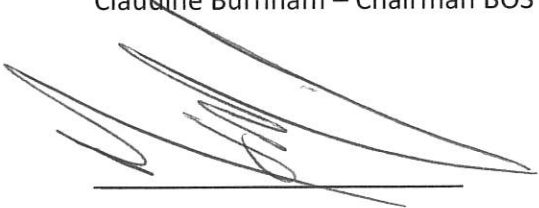
**13.) Adjournment:**

Mr. Williams motioned to adjourn the public meeting and enter into the non-public meeting. Mr. Morrill seconded the motion. All were in favor; the motion passed. The public meeting adjourned at 8:30PM.

Given under our hands this 12th day of September 2022.



Claudine Burnham – Chairman BOS



Matthew Morrill - Board Member



Humphrey Williams - Board Member

**END OF MINUTES – Aug 15, 2022**