

Town of Milton
Board of Selectmen Meeting
March 4th, 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: Humphrey Williams, Timothy Long, Kathy Wallingford, Bob Carrier, Wayne Sylvester, Richard Krauss, Jen King, Jim Holway, Tom McDougall, Lynette McDougall, Cynthia Wyatt.

Meeting call to order

R. Thibeault welcomed all in attendance reciting the pledge.

Public Comment

H. Williams: Stated the new Town website does have the YouTube videos posted under the Social Media tab which directs you to the YouTube link.

Requests a moment of silence for fallen Firefighter Joel Barnes.

New Business:

- **Ira Millers General Store Sell of Alcohol Request (Amy Darling)**

R. Thibeault suggested waiting until the Darlings are present for discussion.

***Motion:** A. Lucier moved to authorize the Interim Town Administrator to send a letter of support to the NH Liquor Commission for Ira Miller's General Store's application to sell alcoholic beverages and to have live entertainment on its premises. E. Hutchings seconded. 3-0*

- **Request Motion to Reimburse Due to Fund for Police Radio/Computer CRF (Rich Krauss)**

R. Krauss stated as a matter of housekeeping he is requesting the Trustees of the Trust Funds return funds from the purchase of radio and computer equipment totaling \$1,314.00.

***Motion:** A. Lucier moved to approve a voucher to the Trustees of Trust Funds in the amount of \$1,314.00 from the Police Department Computer and Radio Capital Reserve Fund, and to authorize the Board's Chairman to sign the voucher on the Board's behalf. E. Hutchings seconded. 3-0*

- **Discussion on Purchase Process of Replacement Police Vehicle within CIP (Rich Krauss)**

R. Krauss requested the Board's permission to continue with the process of purchasing the replacement vehicle for Car2 stating there is currently a 18 week build process. A. Lucier questioned the need of a pick-up truck. R. Krauss stated it gives the ability to tow the boat and will be a pursuit rated vehicle unlike the past. A. Lucier stated he felt it was a lot of money to be spend on the single ability of towing a boat and questioned the amount of vehicles currently. R. Krauss stated there are other uses for the new vehicle the towing capability was only one of the uses and that the truck would be able to be used as part of the patrol fleet. Stated there are currently 5 vehicles along with Car 2 being a pickup truck and are all on a 7 year rotation within

the CIP. Stated that Car 1 and Car 2 operate with a 6-7 year life span which is longer than the strait patrol cruisers.

Motion: E. Hutchings moved to authorize Chief Krauss to proceed with the process of purchasing a replacement vehicle for cruiser No. 2 as per the Town's 2019 CIP. R. Thibeault seconded. 3-0

A. Lucier questioned the amount of vehicles on duty at one time. R. Krauss stated when fully staffed there can be up to 3 vehicles on the road at one time. Questioned the Board their wishes on the selling options for the cruisers that are currently in process of being replaced. A. Lucier stated the DPW has a fleet of their own to move out of Town as well and questioned to combine the sales of both departments. R. Krauss stated previously the Board has decided to hold seal bidding but would look into the option of an auction at the State level. A. Lucier stated there will be more costs associated with transporting every vehicle to the State level than doing it privately on their own. A. Lucier suggested to dispose all Town vehicles/equipment under sealed bids. D. Owen stated he will collect material and information for the next meeting. R. Krauss stated he will receive a municipal plate and remove the police lettering for the one cruiser to be utilized as a Town vehicle.

- **Ira Millers General Store Sell of Alcohol Request (Amy Darling)**

R. Thibeault noted the Darlings were present to continue with their agenda topic request.

A. Lucier questioned the use of live entertainment and the specifics they were intending. A. Darling stated they were requesting a letter from the board to allow the sale of beer and wine on premise and requested a secondary letter allowing entertainment in the form of wine tastings etc not in the means of live bands or to any extreme. D. Owen stated after speaking with A. Darling this was strictly for sale of wine and beer and will not be a bar atmosphere.

Motion: A. Lucier moved to authorize the Interim Town Administrator to send a letter of support to the NH Liquor Commission for Ira Miller's General Store's application to sell alcoholic beverages and to have live entertainment on its premises. E. Hutchings seconded. 3-0

- **Discussion on Letter from DES Re.; Lockhart Field (Dave Owen)**

D. Owen stated he received a letter regarding Lockhart Field and the results of the environmental assessment. Stated there have been two phase assessments and a supplemental phase two assessment, each report did not find much to address. Met with representatives from Strafford Regional Planning as well as the Town Planner and discussed the letter. There are 4 steps the Town is required to address and is to report back with a plan of addressment within 60 days.

1. Submit an application for an Activity and Use Restriction (AUR) for the footprint of the landfill.

D. Owen stated legal council will be in review of the letter prior to registering at the registry of deeds.

2. Remediate surface soil contamination exceeding SRS that represents a direct contact risk associated with the drum located at the toe of landfill slope.

D. Owen stated clarification from DES is needed.

3. Delineate the downgradient extent of AGQS exceedances of both PFAS and arsenic in groundwater.

D. Owen stated the representative from Credere will be seeking clarification.

4. Submit a Groundwater Management Permit (GMP) application to monitor PFAS and arsenic contamination in groundwater sourced from the site, and include surface water sampling to monitor trends in wetland and stream water quality.

D. Owen stated this will require the Town to hire an environmental engineer to perform this request. Funding may be available from Strafford Regional Planning though the Town of Milton is not a member of the commission.

A. Lucier questioned who was paying for Credere's work. D. Owen stated Brownfield and Strafford Regional Planning currently. A. Lucier stated currently there is no expense to the Town however with more land work potential costs will arise. D. Owen stated perhaps true but currently unknown and from the sounding of the reports he has read, materials are not extreme in their findings. R. Thibeault questioned if D. Owen would be arranging the process of the mentioned requests. D. Owen stated he has begun the process, yes.

- **Discussion on Donation of Parcel of Land to the Town Map 49 Lot 52 (Dave Owen)**

D. Owen stated he received a phone call from Ms. Labbe questioning the status of her donation of her parcel of land to the Town of Milton. D. Owen reported that the Board previously voted to accept the donation, however per legal counsel the Town must follow the procedures of RSA 41:14a to legally accept a real estate donation. The Town must provide written notice to the Planning Board and Conservation Commission requesting their recommendations, must hold two public hearings to then host a vote on the acquisition after the second public hearing. E. Hutchings questioned the potential interest of the current abutter. K. Wallingford stated the public hearings will be posted publically and all abutters will be notified prior to the public hearings as policy. Stated this parcel also abuts to Conservation land. A. Lucier questioned if this property as well as the already gifted Town owned land could be combined in the same public hearings to eliminate redundancy.

***Motion:** E. Hutchings moved to authorize the Interim Town Administrator to proceed with the required steps to acquire the proposed donation of land (Tax Map 49, Lot 52 and Tax Map 17, Lot 5) under RSA 41:14a. A. Lucier seconded. 3-0*

- **Request for DPW to Host Earth Day Clean-Up & Accept Donations (Pat Smith)**

D. Owen reported DPW Director Pat Smith has requested the Board's approval for his Department to solicit and receive donations from local businesses and residents for food and refreshments for the community volunteers who participate in the annual event.

***Motion:** E. Hutchings moved to approve the DPW Director's request for the DPW to be authorized to solicit and accept donations for food and refreshments for the annual clean-up day participants. R. Thibeault seconded. 3-0*

A. Lucier noted the date adjustment from April 22, 2019 to take place April 27th, 2019. This change is due to the Easter holiday confliction.

Old Business:

- **Follow Up on Approval and Signing of Avitar Assessment Contract**

***Motion:** E. Hutchings moved to approve and sign the Revaluation/Update Agreement with Avitar Associates of New England. A. Lucier seconded. 3-0*

- **Follow Up on Strafford Regional Planning TAC Appointment Process**

D. Owen requested the board to sign the form stating of the previously approved and appointed Technical Advisory Committee.

***Motion:** E. Hutchings moved to approve and sign the appointment form for the appointment of Bruce Woodruff to the TAC. A. Lucier seconded. 3-0*

- **Follow Up on Old Fire Station Status**

D. Owen reported as stated in the previous Board of Selectmen meeting, the Town does not have legal authority to sell the old fire station per RSA 41:14a and RSA 80:80, however believes that approval from legislators to sponsor a special act to authorize the Town to sell this property using a real estate broker. Legal counsel confirms this may be an option and offered to draft language for the pending bill. Reported he has made attempts to contact State Senator and State Representatives and waiting their reply.

***Motion:** R. Thibeault moved to authorize the Interim Town Administrator to contact the Town's legislative delegation to see if they will agree to sponsor special legislation regarding the sale of the old fire station property. A. Lucier seconded. 3-0*

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

D. Owen stated the previous Board of Selectmen meeting material was provided on Town owned properties and is suggesting the Board take all properties beyond the 3 year buy-back time frame and execute either via auction or real estate broker. R. Thibeault questioned if a public hearing was required to continue with either route. D. Owen stated no a public hearing was not needed under RSA 80:80. A. Lucier stated he would like to continue with any properties that are legally ready and available. E. Hutchings questioned if the Water District liens would be transferred and the Towns ability to recoup that owed monies. D. Owen stated typically speaking no but would look further into it. R. Thibeault stated he would like legal counsel to confirm the possibility of selling properties that have not met the 3 year buy-back time frame. A. Lucier suggested setting stipulations in the purchase and sales of each in order to pay off liens that are outstanding. K. Wallingford stated previously past outstanding liens were not paid or transferred to new ownership and have been auctioned as is properties. D. Owen stated selling properties that have not met the 3 year buy-back time frame adds in a new level of complication. R. Thibeault stated two properties that have not met the time frame are in question and need to be addressed and suggested holding off of selling 1121 White Mountain Highway due to the previously discussed Historical Society interest. E. Hutchings suggested stipulations to be put in place for sales on the two properties in question that are not within the required 3 year time frame; 565 White Mountain Highway and 79 Charles Street. D. Owen stated a simple straightforward process would be to take all of the properties outside of the 3 year time frame with the exception of 1121 White Mountain Highway and will review adding in 565 White Mountain Highway and 79 Charles Street to the list to sell. E. Hutchings stated previously thought that a Real Estate Broker was the desired option and route to continue with but believes conducting an auction will have a quicker outcome. A. Lucier and R. Thibeault both agreed to the option of conducting an auction.

***Motion:** A. Lucier moved to authorize Interim Town Administrator continue with St. Jean Auctioneers to auction a total of 11 Town owned properties; 9 of which have exceeded the 3 year*

buy-back statute with the exception of properties 1121 White Mountain Highway and including 565 White Mountain Highway and 79 Charles Street. E. Hutchings seconded. 3-0

Meeting Minutes

Motion: A. Lucier moved to approve the February 20th, 2019 meeting minutes. E. Hutchings seconded. 3-0

Other Business

C. Wyatt, Conservation Commission Chair brought concerns against 2019 Warrant Article 3 to the board stating the Conservation Commission feels they were not brought into the process and discussion of the article. R. Thibeault stated as the Board of Selectmen representative on the Planning Board he specifically recalls the request of the Conservation Commission to be present including the required public hearings that were conducted. C. Wyatt stated as the Conservation Commission Chair an invitation was not received. Stated the current litigation within the Town and possibility of Article 3 passing it will open more avenues without recourse. W. Sylvester from Three Ponds Protective Association (TPPA) stated the 3 ponds are the greatest resource to the Town and any change to the surroundings will destroy the waters. Stated he recognizes it is too late in the process and currently up to the Town voters but feels they were left out on the decision process. J. King requested the Conservation Commission letter to be read out loud for the public to hear their concerns. E. Hutchings stated the letter has been in circulation and is posted publically. R. Thibeault stated as the Selectmen representative Planning Board business has been brought up at Selectmen meetings for the public to fully be aware of the process and businesses of the Planning Board. Further stated he did not feel the Conservation Commission attempting to conduct a discussion without all parties involved was in fact fair to the Planning Board as they are unable to respond in the discussion. Stated the intent of Warrant Article 3 is to bring the Town up to present terminology for protection of the future. A. Lucier requested the Conservation Commissions letter of concern to be posted to the website.

Expenditure Report

A. Lucier stated the Town budget has not been passed yet so nothing to compare the expenditures to date to.

Public Comments

L. Brown: Expressed concerns with the 2017 and 2019 Electrical Code and local definitions of zoning changes.

Administrator Comments

D. Owen stated the Town Clerk has requested the Board of Selectmen to officially vote on removing their suggestions of 2019 Warrant Articles 2, 3, and 4 to reflect the official ballots.

Motion: R. Thibeault moved the Board of Selectmen to remove their recommendations of 2019 Warrant Articles 2, 3 and 4 on the 2019 Town Voting ballots.

Reminded all Town voting will be Tuesday March 12th, 2019.

Selectmen Comments

A. Lucier: None

E. Hutchings: Congratulated D. Crossley and her husband on the birth of their son.

Reported B. Carrier will be filling in for her absence during the hours of 8am-12pm for Tuesday March 12th, Town vote.

R. Thibeault: Reported Winter Carnival went very well and well attended. All events seemed to be attended and received well.

Motion: A. Lucier moved to adjourn E. Hutchings seconded. 3-0

Next Board of Selectmen Meeting Date: *Monday March 18th, 2019*

Respectfully submitted;
Recording Clerk,
Danielle Marique

Chairman Ryan Thibeault

Erin Hutchings

Andy Lucier