

Town of Milton  
Board of Selectmen Meeting  
January 7<sup>th</sup>, 2019  
Milton Town Hall

**Board of Selectmen Attendance:** Chairman Ryan Thibeault, Vice Chair Erin Hutchings, Andy Lucier, Town Administrator; Heather Thibodeau, Recording Clerk; Danielle Marique

**Public Attendance:** Humphry Williams, Nancy West, Tom Gray, Stan Nadeau, Stephen Duchesneau, Bill Walden, Jen Dumat, Karen Brown, Mark Main, Tim Long, Janice Long, Betsy Baker, Brian Boyers, Bob Carrier, Sandi Woods, Dennis Woods, Larry Brown, Tom McDougall, Lynette McDougall, Glen Bailey.

**Meeting call to order**

R. Thibeault welcomed all in attendance and stated the board would conduct multiple nonpublic meetings. Motioned to start nonpublic meeting with 91-A: 3 II (c). A. Lucier seconded. 3-0

R. Thibeault motioned to reopen public meeting and continue in nonpublic 91-A: 3 II (a) A. Lucier seconded. 3-0

R. Thibeault motioned to reopen public meeting and continue in nonpublic 91-A: 3 II (a) A. Lucier seconded. 3-0

R. Thibeault motioned to reopen public meeting and continue in nonpublic 91-A: 3 II (d) A. Lucier seconded. 3-0

R. Thibeault motioned to reopen public meeting and continue in nonpublic 91-A: 3 II (b) A. Lucier seconded. 3-0

R. Thibeault motioned to reopen public meeting and continue in nonpublic 91-A: 3 II (d) A. Lucier seconded. 3-0

R. Thibeault recalled public meeting to order with pledge of allegiance.

R. Thibeault motioned to seal nonpublic meeting minutes 91-A:3 II (c) indefinitely. E. Hutchings seconded. 3-0

R. Thibeault motioned to seal nonpublic meeting minutes 91-A:3 II (a) indefinitely. E. Hutchings seconded. 3-0

R. Thibeault motioned to seal nonpublic meeting minutes 91-A:3 II (b) for 6 months. E. Hutchings seconded. 3-0

R. Thibeault motioned to seal nonpublic meeting minutes 91-A:3 II (d) 6 months. E. Hutchings seconded. 3-0

R. Thibeault motioned to seal nonpublic meeting minutes 91-A:3 II (c) 6 months. E. Hutchings seconded. 3-0

## Public Comment

**T. Gray:** Questioned if public comment would be allowed and accepted regarding agenda items. R. Thibeault responded that would be adequate for the first agenda item.

**D. Woods:** Expressed concern with Town building demolition process.

## New Business:

- **Discussion on the Demolition of Town Owned Properties**

S. Nadeau questioned if other options were reviewed prior to decision of demolition, questioned if conducting an auction of the properties was looked at. A. Lucier stated the decision was made and determined due to the safety of the buildings and its surroundings. S. Nadeau questioned who deemed the building unsafe. A. Lucier stated the Fire Chief as well as the Code & Health Enforcement Officer both made the decision. Commented that in past, the auctions of Town owned buildings have failed and the current outcome is no different than when the auction took place years prior. S. Nadeau commented to put stipulations on auction sales. Stated tax monies should not be spent on demolition and would like to see the properties go to auction first.

T. Gray stated stipulations should have been set in place with prior auctions. Expressed concern with spending roughly \$50,000 for each property to be demolished knowing others are interested in purchasing the property. S. Nadeau questioned if the Board or Town Administrator was aware of anyone of interest in the properties in question. H. Thibodeau stated she has not received any written offers on any of the properties. R. Thibeault stated nothing has been received however nothing was asked for to date. H. Thibodeau stated she has received a few phone calls with interest however requested any interest come in writing to which have not received any to date.

N. Marique stated the building at 565 White Mountain Highway has been deemed an inanimate hazard to the community surrounding it.

S. Woods stated she was in favor of selling the properties that the hazard issues would then be among the buyers' responsibility not the Towns.

E. Hutchings stated during a past Economic Development Committee meeting, Denise Palmroy from UNH suggested to place convivences on the deeds after the demolition of buildings.

T. Gray stated convivences does not cover any unknown hazards and would lie on the Towns responsibility.

H. Williams stated knows for certain the property abutter to 565 White Mountain Highway is interested in the property. Expressed that any offer should be brought forward.

E. Hutchings stated she received an email from A. Monastiero of interest in the property with or without the current building as well as interest in other Town properties. E. Hutchings stated her reply back to A. Monastiero questioned anticipation of payment of back taxes and building demolition. A. Monastiero stated in her second reply that actual or approximate number figures were needed prior to a decision. S. Nadeau stated this would be an example of one known interested buyer all others should be known as well.

A. Rawson stated during his time on the Board of Selectmen a total of 10 Town properties were sold bringing in roughly \$300,000. To the Town. Also spoke to the 565 White Mountain Highway property abutter with interest in buying the property and suggested he speak to the Town Administrator with his interest.

H. Williams questioned why a potential buyer would be concerned with back taxes of any property when roughly \$70,000 is set aside for demolition not including any additional costs associated for hazardous waste removal. E. Hutchings responded stating this comment was based on past conversations herself and A. Monastiero have had.

T. Long questioned if the Board of Selectmen has a realtor opinion or appraisal of each property if this would be a cost-effective option. E. Hutchings stated appraisals have failed in the past, giving the old fire station as an example. A. Rawson stated the old fire station cannot be compared to a single residence.

L. McDougall stated 565 White Mountain Highway is currently the only access to roughly 17 acres of conservation land, it would be nice for residents' access to that land. A. Lucier questioned what property and the value. L. McDougall stated there is not any value if it is not accessible believes there is potential truing the conservation land into a park once access is available.

A. Lucier stated his goal by taking the Board of Selectmen seat was to help improve the looks of the Town and its known eyesores but no one wants to do anything about it, the mess is in need of being cleaned up and taken care of.

D. Woods questioned selling the property for \$1.00 with stipulations put in place. Why spend tax payer's money before all options were looked into. Stated currently not receiving any tax revenue and spending more on the demolitions doesn't add up to a smart choice for the Town.

S. Woods stated as a member of the Economic Development Committee she reached out to the owner of the 'Ding-A-Ling' questioning their plans for the property and building and received no contact to date back. Suggested placing stipulations along with corresponding time requirements on property sales.

L. McDougall questioned if an engineer has reviewed the building, suggested looking into all options.

L. Brown commented on cross referencing particulars and qualifications. Review the impact of total operation of the project. Set stipulations and holdbacks.

H. Williams stated he agreed 565 White Mountain Highway is a hazard, the conservation land abutting behind the property has incredible potential and terrific views of the Town and lake.

R. Thibeault stated reminder of the Board of Selectmen discussion in November regarding 1121 White Mountain Highway and the Milton Historical Society and the motion that was set during that meeting "motion made that the Plummer School house move from its current location to 1121 White Mountain Highway. E. Hutchings seconding roll call vote 3-0." Stated the Historical Society has spent a tremendous amount of efforts with this project as well as the conservation committee and planning board both in agreance of this project. Stated he was hesitant of the demolition of 565 White Mountain Highway from the beginning and voted against the full demolition of the building. E. Hutchings stated if one Town owned property in discussion is to be sold they all should be evaluated to be sold.

N. Marique stated the building at 565 White Mountain Highway is an attractive nascence and inanimate hazard.

A. Lucier stated that the Town owns the property therefor the Town is liable.

E. Hutchings stated the board previously made the decision with motion to demolish the building.

J. Dumat questioned the liability factor if the property is posted no trust passing then being

illegal. Questioned if the condition of the properties prior to the Town taking over is the same as currently and how the condition was obtained. A. Lucier commented by adopting the 2015 property maintenance code it would help insure maintenance on property and land of the Town. J. Dumat questioned if the definition of an inanimate hazard if the property is occupied or only if it is vacant. N. Marique stated cease and desist help assist however have had multiple failed attempts with the 565 White Mountain Highway property. Once the Town takes over and owns the property life safety takes into effect. B. Boyers stated even if the Town adopted the property maintenance code he can not go into a residence without the Town having ownership. J. Dumat questioned the reasoning of having a code in place if it was not enforceable. B. Boyers stated the code regards to the exterior only not the interior of the residence. N. Marique stated residents have the right to refuse the interior inspection but needs a legal order prior to the request of inspection.

G. Baily commented towards a potential conflict of interest with the Board of Selectmen chairman being the vice president of the Historical Society. R. Thibeault stated he did not have a personal gain and volunteers his time to the boards and committees he serves on.

T. McDougall stated he wished reasonings to why encumbered monies were decided.

D. Woods stated being a member of the Historical Society he suggested looking at the options the Historical Society has for the Plummers School house if 1121 White Mountain Highway property is sellable. A. Lucier stated his original thought of the 1121 White Mountain Highway property was to be a smaller parcel of land, supportive of the restoration of the School House but would like to look into other locations to relocate it if needed. R. Thibeault stated multiple Board of Selectmen have saved the restoration of the School House for upcoming years and keeps being pushed to the side.

T. Gray stated grant work was completed on 1121 White Mountain Highway property and land has come back with clean reports of no hazards in the soil of the land. Suggests other options are looked at and the project is reevaluated believes 3 acres for a School House is a bit excessive.

L. Brown expressed concern with the International Property Maintenance Code and what its entirety is and the recusal of such limitations and guidelines.

S. Nadeau stated in agreeance the buildings in question are unsafe but request all options and costs are looked at first especially knowing one interested party in writing has come forth, are there others interested unaware of the possibility of purchase.

E. Hutchings commented the Board of Selectmen have other daily life responsibilities in addition to serving for the Board of Selectmen and urges all to contact themselves with any concerns had.

S. Nadeau questioned if the Board of Selectmen will reconsider their previous vote to demolish the Town owned properties.

A. Lucier stated his biggest concern is the safety of the public from injury most importantly those of minor age, most in particularly at 565 White Mountain Highway and its downtown location.

R. Thibeault stated he would like to look at other options before committing to demolishing.

E. Hutchings motioned to resend the original vote to demolish Town owned property in question. A. Lucier seconded. 3-0

- **Adjust BOS Meeting Dates Due to Town Observed Holidays**  
H. Thibodeau requested the Board to adjust the January 22<sup>nd</sup> meeting to January 28<sup>th</sup> and February 18<sup>th</sup> meeting to February 25<sup>th</sup> due to observed holidays on the originally scheduled meeting dates. R. Thibeault motioned to adjust the January 22<sup>nd</sup> meeting to January 28<sup>th</sup> and February 18<sup>th</sup> meeting to February 25<sup>th</sup>. E. Hutchings seconded. 3-0
- **Request BOS Approval to Pay CAI Technologies from the GIS Capital Reserve Fund**  
B. Woodruff stated T. Fountain of CAI Technologies reports the project is in near completion that staff will soon have access for the ability to review. R. Thibeault motioned to approve the payment from the GIS Capital Reserve Fund for \$8,000 payment to CAI Technologies. A. Lucier seconded. 3-0

**Old Business:**

- **Sign LCHIP Agreement**  
A. Lucier motioned to accept and assign the chairman signing agent for the LCHIP grant totaling \$36,357.00. E. Hutchings seconded. 3-0
- **Vote on Warrant Articles**  
H. Thibodeau stated she received revisions from both Town Planner B. Woodruff, the Town Attorney and the Trustee of the Trust Fund. R. Thibeault stated A. Luciers previous wording request has been adjusted. A. Lucier stated he would like to add in the word "new" to all appropriate articles stating no new taxation will be raised, reading as follows; 'This appropriation will be funded by transfer from the fund balance and no additional amount will be raised by *new* taxation.'
  - **Article #5 – Highway & Road Construction**  
A. Lucier motioned to accept article 5 as written. E. Hutchings seconded. 3-0
  - **Article #6 – Fire Department Equipment and Apparatus Capital Reserve Fund**  
A. Lucier motioned to accept article 6 as written and adding 'new' to no additional amount will be raised by "new" taxation. R. Thibeault seconded. 3-0
  - **Article #7 – Highway Department Special Equipment Capital Reserve Fund**  
A. Lucier motioned to accept article 7 as written and adding 'new to no additional amount will be raised by "new" taxation. E. Hutchings seconded. 3-0
  - **Article #8 – Highway Department Vehicle Fund**  
E. Hutchings stated the typing error of the dollar amount is to be adjusted from Forty Nine Fifty Thousand to the actual of Forty Nine Thousand. A. Lucier motioned to accept article 8 with adjustment and adding 'new' to no additional amount will be raised by "new" taxation. E. Hutchings seconded. 3-0

- **Article #9 – Municipal Buildings Fund**  
A. Lucier motioned to accept article 9 as written and adding 'new' to no additional amount will be raised by "new" taxation. R. Thibeault seconded. 3-0
- **Article #10 – Milton Free Public Library Capital Reserve Fund**  
A. Lucier motioned to accept article 10 as written and adding 'new' to no additional amount will be raised by "new" taxation. E. Hutchings seconded. 3-0
- **Article #11 – Milton Technology Fund**  
A. Lucier motioned to accept article 11 as written and adding 'new' to no additional amount will be raised by "new" taxation. E. Hutchings seconded. 3-0
- **Article #12 – Geographic Information System**  
A. Lucier motioned to accept article 12 as written with correction of eliminating 'a' and adding 'new' to no additional amount will be raised by "new" taxation. E. Hutchings seconded. 3-0  
To see if the Town will vote to raise and appropriate the sum of Tow Thousand and Five Hundred Dollars (\$2,500)) for the purpose of continued upgrades of the public web-based Geographic Information System (GIS) for the Town as described in the recommended 2019-2024 Capital Improvements Program. This appropriation will be funded by the transfer from the fund balance and no additional amount will be raised by 'new' taxation.
- **Article #13 – Bridge Capital Reserve Fund**  
E. Hutchings motioned to accept article 13 as written and adding 'new' to no additional amount will be raised by "new" taxation. A. Lucier seconded. 3-0
- **Article #14 – Eradicate European Naiad Invasive Species**  
H. Thibodeau noted this was not just for European Naiad but for all invasive species and not limited to lakes.  
E. Hutchings motioned to accept article 14 as written adjust title to Eradicate Invasive Species and removing 'lakes' from the description along with adding 'new' to no additional amount will be raised by "new" taxation. A. Lucier seconded. seconded. 3-0
- **Article #15 – Convey Property 1121 White Mountain Highway to Milton Historical Society**
- **Article #16 – Convey Property 1116 White Mountain Highway to Milton Historical Society**  
E. Hutchings motioned to remove both article 15 and article 16 from the list due to previous discussions during this meeting. A. Lucier seconded.  
R. Thibeault stated he is not in support of this decision the school house is in serious need of repairs with associated costs, the need will only grow it will not diminish. E. Hutchings questioned the members of the Planning Board and Conservation Committee for full disclosure. B. Boyers state as the Planning Board chairman he polled the members of the planning board the question of conflict of interest of R. Thibeault holding a vote on the planning board on this topic due to his seat on the Historical Society as well as Board of Selectmen, the Planning Board did not see any conflict. Roll call vote on motion presented by E. Hutchings to remove article 15 and 16 2-1
- **Article #17 – Milton Cemetery Expendable Trust**

○ **Article #18 – Milton Cemetery**

H. Thibodeau stated both of these articles were approved by the Town Attorney.

K. Brown stated the only able to take monies for perpetual care is the Trustees of the Trust Fund not the Town. Questioned why the Town would be taking funds from lot sales to be brought to the general fund. Perpetual care monies are to cover flowers not the care and maintenance of the cemetery. H. Thibodeau stated the attorney noted that one check can be taken if adequate records are then had. B. Woodruff stated it is the selling of the right to incur not selling of actual land from the Town. K. Brown requests to continue with the policy as set in place currently that two checks are written to cover perpetual care, this insures proper precise record keeping. B. Carrier stated the monies brought into the cemetery are brought to the Trustee of the Trust Fund and it is a self-sufficient budget. A. Lucier stated this was a self-sufficient budget in the past but is changing this year. K. Brown stated care and maintenance can not be taken from perpetual care monies, the operating budget is responsible for the care and maintenance. B. Woodruff stated this is true for the Town Cemetery but not for all other private cemeteries.

K. Brown stated that regarding article #17 suggest to reword the article due to the fact that there is already an expendable trust fund in place.

A. Lucier motioned to approve article 17 to be reworded to read; 'To see if the Town will vote to allow all future proceeds received from the sale of Milton Town cemeteries and, further to name the selectmen as agents to expend from this fund. R. Thibeault seconded. 3-0

E. Hutchings motioned to remove article 18 from the warrant list. A. Lucier seconded. 3-0

N. Marique stated if the fund already exists, then expending agents do as well there would be no need to adjust. B. Woodruff stated yes the cemetery trustees are current expending agents however unknown what the intent was. E. Hutchings referred to article 9 from 2016 stating Cemetery Trustees were the spending agents. L. Brown stated he was one of the originally responsible for adopting Milton Mills cemetery to be the Town cemetery. A. Lucier questioned if there is time to review before articles are due. R. Thibeault stated the budget committee does not need to recommend this article due to not having a dollar amount associated to it and recommend waiting on approval for appropriate wording and clarity.

○ **Article #19 – Community Revitalization Tax Relief Incentive RSA 79-E**

H. Thibodeau stated the Town Attorney suggested actual property/ location needs to be specified in the article. B. Woodruff stated the two villages of Milton and Milton Mills are the location. H. Thibodeau stated Town Attorney requested specific roads. L. Brown state the town designated village compact areas of Milton and Milton Mills. B. Woodruff stated adjusted village center.

E. Hutchings motioned to approve article 19. A. Lucier seconded. 3-0

○ **Article #20 – Junkyards**

H. Thibodeau stated Town Attorney stated this would be redundant to the current State law. A. Lucier motioned to accept article 20 as written. E. Hutchings seconded. E. Hutchings questioned if fines were established in current RSA. H. Thibodeau stated the

Town Attorney states this is redundant. R. Thibeault stated if it is already present eliminate the article to help eliminate confusion. A. Lucier withdraws motion. E. Hutchings seconded.

○ **Article #20-Bridge**

H. Thibodeau stated there is a need of roughly \$28,000.00 to complete the project, currently set for \$20,000.00 and an additional \$8,000 would be needed for full completion. A. Lucier motioned to approve. R. Thibeault seconded for discussion. H. Thibodeau stated P. Smith DPW Director stated the additional \$8,000 would be found for completion and this would cost roughly \$.01/\$1,000.00. A. Lucier questioned if this project would be started this year. H. Thibodeau stated engineering would conduct in 2019. B. Woodruff stated no one came to the Planning Board or CIP with any numbers and actuals were still unknown. A. Lucier withdraws his motion. R. Thibeault seconded.

○ **Article #21 – Recreation Commission**

H. Thibodeau stated she has not received any new information regarding this. R. Thibeault stated originally this was a recommendation from the Town Attorney and requests the follow thru to see if it is still a need. E. Hutchings stated this reiterates with what the RSA states. R. Thibeault stated this was intended to correct past commissions and would like to look into if this is still needed and the purpose of this article is for the voters to adopt in RSA 35:B. E. Hutchings motioned to remove article 21. A. Lucier seconded. 2-1

○ **Article #21 – Petition Warrant Article – Town Boat Ramp Revitalization and Construction**

To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) to be added to the Milton Recreation Capital Reserve fund previously for the purpose of renovation and reconstruction of the Town owned boat ramp as described in the Capital Improvement Plan. This amount will be added to the existing \$15,000.00 that was appropriated in 2017 for anticipated construction to begin in 2019. (Majority vote required).

R. Thibeault stated due to this being a petition article the board does not need to vote to approve or support it.

B. Woodruff stated the Planning Board is currently working on 3 zoning articles to which the Board of Selectmen does not need to approve.

A. Lucier suggested adjusting the schedule of agenda to continue with items 6 and 7 combined discussion.

● **Status of Recreation Commission**

A. Lucier expressed concerns with the Recreation Commission in the past feeling that as a Board they helped reenergize the Recreation Commission for a bit but things seem they are dwindling back to as they were in the past. Limited commitment and lack of scheduled meetings.

R. Thibeault stated the chair of the recreation commission has been in contact with the Recreation director and there has been no need to conduct any meetings.

A. Lucier expressed concern that Town tax payers should not have to be paying additional



monies to access and utilize the Town Beach. Stated he does not feel the State should be taking over the responsibilities of the boat launch either.

A. Lucier motioned the Town Beach and boat launch remain the Town's responsibility. E. Hutchings seconded. R. Thibeault stated without proper research he would not be voting. 2-1  
M. Main stated the Recreation Commission are the ones who set the fees associated not the Board of Selectmen. Stated a meeting is scheduled for later in January.

A. Lucier stated he would like to see a warrant article in place to let the voters have their opinion and vote on the fees associated. R. Thibeault stated that article 18 that was just discussed previously was in fact for that purpose and was voted against and will now not continue on the warrant list for 2019.

- **2015 International Property Maintenance Code**

A. Lucier stated he recommends the Planning Board review and look into adopting the code in partial or entirety. R. Thibeault stated it has come before the Planning Board in recent past without support. A. Lucier stated if something to this nature was in place the buildings and properties in Town would not be the way they are currently. R. Thibeault stated extensive personnel is needed and the Town is not in the place to add on new personnel or have the current add on duties to this nature. A. Lucier motioned to have the Town Planner review fully or in partially to adopting the property maintenance code and develop recommendations and its relevancy to the Town. E. Hutchings seconded. 3-0

#### **Other Business**

H. Thibodeau requested the board approve the return of \$334.00 to Sprinkler Systems Inc. E. Hutchings motioned to return \$334.00 to Sprinkler Systems Inc. A. Lucier seconded. 2-0

H. Thibodeau requested the board to approve the annual contract for Sanders Search for the Town Clerk's office. A. Lucier motioned to approve the Sanders Search contract. R. Thibeault seconded. 3-0

#### **Meeting Minutes**

A. Lucier motioned to approve the December 17<sup>th</sup>, 2018 meeting minutes. R. Thibeault seconded. 3-0

A. Lucier motioned to approve the December 18<sup>th</sup>, 2018 joint Budget Committee budget meeting minutes. R. Thibeault seconded. 3-0

A. Lucier motioned to approve the December 26<sup>th</sup>, 2018 workshop meeting minutes. R. Thibeault seconded. 3-0

D. Marique stated the December 17<sup>th</sup>, 2018 workshop meeting minutes were still open and not available for review due to a secondary clerk performed the recording of minutes.

#### **Public Comments**

**T. Gray:** Thanked the Board of Selectmen on their reconsideration of the demolition of the Town owned

properties in question. Suggested installing fencing around the property to help assist with the safety factor of the property.

**H. Williams:** Thanked the Board of Selectmen for their demolition reconsideration. Suggested the board reconsider wording of warrant article regarding the invasive plant eradication to limit to water.

**L. McDougall:** Expressed that social media often urges positivity.

**L. Brown:** Commented regarding clarity of information, clarity of process and the goal.

**D. Woods:** Thanked the Board of Selectmen for their demolition reconsideration.

#### **Administrator Comments**

H. Thibodeau thanked all for their attendance.

#### **Selectmen Comments**

A. Lucier: Questioned the status of the Town website. H. Thibodeau stated it is within the development stages.

Suggested Joint Loss Safety meetings material be focused and pertinent to the safety of Town employees as regimented thru Primex, server repercussion could take place if not.

E. Hutchings: Thanked all who attended the meeting.

R. Thibeault: Thanked all for their discussion and input on the agenda.

R. Thibeault motioned to adjourn the public meeting to continue in 91-A:3 II (j) not on the posted agenda. A. Lucier seconded. 3-0

Respectfully submitted;  
Recording Clerk,  
Danielle Marique

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Chairman Ryan Thibeault

\_\_\_\_\_  
Erin Hutchings

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Andy Lucier