

Milton Town Hall  
PO Box 310  
Milton, NH 03851

**Postal Patron  
Milton, NH 03851**

**TOWN OF MILTON  
2012 WARRANT  
STATE OF NEW HAMPSHIRE**

**TO THE INHABITANTS OF THE TOWN OF MILTON IN THE COUNTY OF STRAFFORD IN THE SAID  
STATE, QUALIFIED TO VOTE IN TOWN AFFAIRS:**

**First Session**

You are hereby notified that the first session (the Deliberative Session) of the Annual Town Meeting will be held on Saturday, February 11<sup>th</sup> beginning at 1:00 PM at the Nute High School. The first session will consist of explanation, discussion and debate of each of the following warrant articles, and will also afford voters who are present the opportunity to propose, debate and adopt amendments to warrant articles, except those articles whose wording is prescribed by state law.

**Second Session**

The second session of the annual town meeting, to elect town officers by official ballot and to vote on all warrant articles as they may have been amended at the first session, will be held on Tuesday, March 13<sup>th</sup> at the Emma Ramsey Center. Polls for voting by official ballot will open at 8:00am and close at 7:00pm.

**Voting Day is – Tuesday, March 13<sup>th</sup> at the Emma Ramsey Ctr 8:00am-7:00pm**

## Article 1

To choose all necessary Town Officers for the ensuing year for which there are vacancies, for such terms as may be permitted by law.

SELECTMAN – 1 for 3 years

**Stanley J. Nadeau**  
**Robert Bridges**~~~~~  
**Chip Gehres**

TREASURER - 1 for 1 year

**Pamela J. Arnold**

FIRE CHIEF – 1 for 1 year

**Nicholas Marique**

PUBLIC WORKS DIRECTOR- 1 for 3 years

**Pat Smith**  
**Edward Brennan**  
**Jamie Shearn**

MODERATOR- 1 for 2 years

**Chris Jacobs**

CEMETERY TRUSTEE –1 for 3 years

**John W. Katwick**

LIBRARY TRUSTEE – 1 for 3 years

**Nancy K. Johnson**

TRUSTEE OF TRUST FUNDS – 1 for 3 years

**Marion E. Trafton**

SEWER COMMISSIONER – 1 for 3 year

BUDGET COMMITTEE – 1 for 1 year

BUDGET COMMITTEE- 1 for 2 years

BUDGET COMMITTEE- 2 for 3 years

PLANNING BOARD – 2 for 3 years

**Robbie Parsons**  
**Bob Bourdeau**

SUPERVISOR CHECKLIST – 1 for 6 years

**James D. Smith**

SUPERVISOR CHECKLIST – 1 for 4 years

**Robert R. Ferris Sr.**

ZONING BOARD OF ADJUSTMENT – 2 for 3 years

**Michael Tabory**  
**James D. Smith**

LIBRARY TRUSTEE – 1 for 2 years

**Les Elder**

## Article 2

### Zoning Amendment # 1:

Are you in favor of adopting zoning amendment # 1? This amendment establishes a Sign Ordinance which creates a sign permit process, allows for exemptions, and allows 32 square feet for signs in the Industrial Commercial (IC) and Commercial Residential (CR) zoning districts. In the IC and CR zoning districts, for highway and high value uses, the Planning Board may allow an increase to 250 SF for a related sign.

Planning Board RECOMMENDS

*The proposed sign ordinance will mandate conformity to new signs applied for in town. By creating a sign ordinance, as opposed to sign regulations being in the Site Plan Regulations as it presently is, it will allow the Code Enforcement Officer to administer cease and desist orders and other penalties as allowable by RSA 676:15, Injunctive Relief, for nonconforming or illegal signs.*

### Article 3

#### Zoning Amendment # 2:

Are you in favor of adopting zoning amendment # 2? The proposed amendment includes a definition for abandonment, abutter, and subdivision which are consistent with state law and the newly adopted Subdivision Regulations and proposed changes to the Site Plan Regulations.

Planning Board RECOMMENDS

*The proposed definition changes to abutter and subdivision and the addition of the word abandonment will provide clarification to the MZO, Subdivision Regulations and Site Plan. The definition for abutter is consistent with RSA 672:3 and subdivision is consistent with RSA 672:14 - I, II, & III.*

### Article 4

#### Zoning Amendment #3:

Are you in favor of adopting zoning amendment #3? The proposed amendment is to clarify and update Article VII, Non-Conforming Uses and Lots.

Planning Board RECOMMENDS

*The proposed Zoning Amendment #3 clarifies allowable uses for non-conforming lots and uses that would need to appeal to the Zoning Board of Adjustment for non-conformity.*

### Article 5

To see if the town will vote to authorize the selectmen to enter into a long-term lease/purchase agreement in the amount of Three Hundred Thousand dollars, (\$300,000) payable over a term of 7 years for Fire Department Pumper Truck and to raise and appropriate Forty Seven Thousand, Nine Hundred and Thirty Four dollars (\$47,934.00) for the first year's payment for that purpose this agreement **does not contain** an escape clause.

#### **(3/5's Majority Ballot Vote required)**

Recommended by the Board of Selectmen (3-0)

Recommended by the Budget Committee (8-0)

#### *Lease/Purchase Fire Truck*

*On this year's ballot Milton Fire-Rescue will be seeking support to replace Engine 2. Engine 2 has served the town of Milton well for the last 23 years however; it has reached its life expectancy and should be retired. The truck recently failed its pump test and the body has begun to corrode. It does not meet current NFPA safety standards and with open rear seating it is especially dangerous for the firefighters. The safety of our fire apparatus is very important and this type of seating has not been constructed since the late 1980's. Approximately 25% of all firefighter fatalities occur in motor vehicle accidents. Engine 5 was removed from service in 2010 and was not replaced. If the new truck is approved it will essentially be replacing both Engine 5 and Engine 2, giving Milton a leaner, more efficient fleet of fire apparatus. Additionally, one less truck will mean less square footage that will be required when the new fire station is constructed.*

*In order to accomplish this we are advocating for the lesser impact scenario which is a lease/purchase program. Rates are ridiculously low (averaging 2.75-2.88%). Additionally the impact will be spread out over 7 years instead of one dramatic spike. For instance, the tax impact of a 350,000 dollar outright purchase in the budget year would equal out to almost 1.00 dollar. For the average house at 150,000 dollars the tax bill would increase by 150 dollars; by averaging it out over 7 years at 47,000 a year, 13 cents a year, or an impact of \$19.50. Finally, you will notice that the requested amount for lease purchase is 300,000 dollars. The reason for this is our intention to soften the financial impact by*

*withdrawing 50,000 dollars from capital reserve (CRF) as a down payment on the vehicle, meaning that the amount to be financed is that much less.*

*However, in order to utilize the down payment option by withdrawing from a CRF, the warrant article/lease/purchase **cannot** include (by state law) the non-funding clause. Absence of the non-funding clause triggers the 3/5's majority rule needed to pass the warrant since in effect we are committing the Town to a multi-year contract over 100,000 dollars. (Again, state law) The non-funding clause, which is a typical instrument in municipal leasing simply means that if by vote of the legislative body, the funding is no longer available for a subsequent years payment, then the vehicle returns to the seller without any penalty or further cost to the Town (except for the fact that one loses a perfectly good vehicle into which money has already been invested). In this case, by not including the non-funding clause the Town is obligating itself to pay for the truck--period. When the Article is approved, the yearly lease amounts will become part of the operating budget of the Fire Department. Likewise, be aware that under this scenario the 7<sup>th</sup> year payment may also be made with a withdrawal from a CRF so it is conceivable that only 6 years of payments will actually impact the tax rate for those years.*

*One final note about this warrant; in conversation with the Fire Chief we have come to a consensus that this would be the only feasible year in which to approach this question (purchase of a fire truck). After this year, the priority switches to the building of a fire station. The reality of the matter is that we cannot conceive of asking the voters to fund a fire station and a fire truck almost simultaneously. So a valid question that the voter must ask is whether they are prepared to go another 10 years with a seriously aging fire truck. Granted, the time frame may be arbitrary, but we know with certainty that in 6 years the Moose property will revert to the prior owners. Therefore, a reasonable timeframe to have plans and a proposal ready for Town Meeting would be within the next 3-4 years. So accordingly, we will be making the financial decisions necessary to make those resources available in that timeframe.*

## **Article 6**

To see if the Town will vote to authorize the selectmen to enter into a long-term lease/purchase agreement in the amount of One Hundred Sixty Eight Thousand Three Hundred and Sixty Four Dollars (\$168,364) payable over a term of 7 years for one (1) Highway Department 6 Wheel Dump Truck with snowplow equipment and sander, and to raise and appropriate Twenty Four Thousand and Fifty Two dollars (\$24,052) for the first years payment for that purpose; this article **does contain** a municipal funding escape clause. This Article is contingent on Article 8, if Article 8 passes this Article is null and void.

### **(Majority Vote required)**

Recommended by the Board of Selectmen (3-0)

Recommended by the Budget Committee (8-0)

### *Lease Purchase 6 Wheel Dump Truck/Highway Department*

*This is the exact opposite of the earlier lease/purchase involving the Fire Department. A non-funding clause is present, so therefore a simple majority vote is needed. Essential differences, under a non funding clause the Town may, by failing to fund future yearly payments of the vehicle would be required to return the vehicle to the manufacturer—without penalty or further cost. (Except for the fact that the Town would be returning a truck that it had already invested in and then have nothing to show for the money it spent). If the warrant is approved, the yearly costs of leasing will become part of the operating budget of the Highway Department and no further approvals on a year to year basis are required.*

*Another key point with this warrant is that the voters will have a choice of how to own this vehicle; either by lease/purchase or by outright purchase. This Article is contingent upon Article 8 which essentially calls for a outright purchase of the truck (148,960 dollars). If Article 8 passes then the lease/purchase option goes away. This was specifically designed in that the BOS believes it would be more preferable to own the truck outright rather than long term lease.*

*The truck we are looking to replace is a 2001 International with 71,595 miles on it. Generally, we like to go 10 years before replacing, this is year 11 and this vehicle has had rust issues. The mileage represents 71,000 tough miles as the principle useage has been hauling and plowing. Another issue to keep in mind is that of trade in value. To hold onto this vehicle more than a year would probably bring the trade value under 10,000 dollars where we hope to get 12-14 thousand this year.*

*Finally, in conversation with the Public Works Director, we do not foresee coming back to the Town for a 6 wheel dump until 2014 at the earliest.*

*A 7 year lease payment of 24,052 dollars per year equates to a tax impact of 7 cents or roughly \$10.50 for an average house of 150,000.*

## **Article 7**

To see if the Town will vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling Three Million, Two Hundred Forty Seven Thousand, One Hundred Ninety Three Dollars.(3,247,193.00) Should this article be defeated, the default budget shall be Three Million, Two Hundred Sixty One Thousand, One Hundred Forty Six Dollars, (3,261,146.00) which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

(Majority vote required)

(Note: Warrant Article 7, the operating budget does not include special or separate warrant articles.)

Recommended by the Board of Selectman (3-0)

Recommended by the Budget Committee (7-1)

*This budget represents an increase of \$8,900.00 dollars over the previous year or less than 1%.*

*Between Health Insurance and NH Retirement 36,000 dollars of increased costs kicked in right off the bat. Additionally, the BOS decided to add into the Operating Budget the cost of a police cruiser at 34,000 dollars. So at the initial start of the budget season we were already up roughly 70,000 dollars without any effort. Add increased fuel and heating oil costs, a 2% COLA increase for employees, and just general across the board increases in the cost of doing business, and we pretty much started at 100,000 dollars over last year's numbers. Aggressive cost cutting, increased operating efficiencies, and a reduction in overall personnel brings us to the proposed very slight increase of almost 9000 dollars.*

*A quick thought about Budgets. They are, at best, a good guess based upon prior year's usage. The Town and its employees have worked hard to save money where and when possible. In the renovation of the Fire Station, we came in under budget by 5000 dollars. In the purchase of the new highway truck we saved 6000 dollars from what was projected. In the groundwork/foundation work here at Town Hall, we saved substantial money by combining the Town crew with local contractors---and we could go on and on. The point being that at the end of the fiscal year thru a combination of efficiency and managed oversight we were able to return to the Town some 200,000 dollars in budgeted but unused monies. This money in turn went to the Unreserved Fund Balance which would help the overall financial health of the Town.*

*Perhaps the best point that could be made in regards to budgeting and its effect is this---last year at this time the Town had on hand in cash 1.2 million in the general fund. In 2012, at the same point in time as 2011, the Town had on hand over 2 million dollars. The absence of a TANS note, the cost savings implemented, and effective cost controls by all department heads, have been demonstrated in a much better financial picture of the Town.*

## **Article 8**

To see if the Town will raise and appropriate the sum of One Hundred Forty Eight Thousand Nine Hundred Sixty dollars (\$148,960) for the purchase of one (1) Highway Department 6 Wheel Dump Truck with snowplow equipment and

sander. If this Article passes, then Article 6 is null and void.

(Majority Vote Required)

Recommended by the Board of Selectmen (3-0)

Recommended by the Budget Committee (8-0)

#### *Purchase 6 Wheel Dump Truck*

*This Article is a 'sister' to Article 6. Whereas Art.6 is a lease/purchase, this article calls for the outright purchase of the Truck for the sum of \$148,960. This price is from the seller who has the NH State Bid, so this is the fixed and firm price if purchasing a vehicle thru the State system.*

*The truck will have the complete set up meaning to include all necessary equipment for snowplowing and snow removal. We also intend to include a ground speed controller which will help to economize our usage of sand and salt.*

*If this Article passes it will negate Article 6; Article 6 will become null and void. The BOS reasoned that it would be more preferable to own a truck outright and therefore this Article would supersede the purchase/lease agreement in Art. 6.*

*The reason that you have 2 choices for funding a Highway Truck is just that—the BOS wanted to give the voters an option. Some people would prefer the lesser yearly tax impact of leasing wherein others may prefer the idea of owning outright but with the higher one-time tax impact.*

*At 149,000 dollars, the tax impact on that year's tax bill would be 41 cents per thousand. For the average 150K home that would add \$61.50 to the tax bill for the year.*

#### **Article 9**

To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) to be placed in the Milton Highway Department Truck Capital Reserve Fund, previously established.

(Majority vote required)

Recommended by the Board of Selectmen (3-0)

Recommended by the Budget Committee (8-0)

*This fund contains 31,178 dollars at the end of 2011. This warrant will have a tax impact of .04 cents.*

*See the next page for a description of the fund's purpose.*

#### **Article 10**

To see if the Town will vote to raise and appropriate the sum of Two Hundred Seventy Thousand Dollars (\$270,000) for Highway and Road reconstruction purposes. Said amount is partially offset by revenues from the Highway Block Grant Fund estimated to be One Hundred Ten Thousand Dollars (\$110,000.00). This is an annual appropriation that provides for the reconstruction of existing roadways. This appropriation will be a non-lapsing appropriation per RSA 32:7 VI and will not lapse until completed or by December 31, 2013.

(Majority vote required)

Recommended by the Board of Selectmen (3-0)

Recommended by the Budget Committee (8-0)

*This Article has been pretty consistently voted on in the affirmative for many years. Basically we receive Block Grant money from the State and add some from our taxation to come up to the total. This money is applied towards road repair. The State, as part of their Budget crunch, has been cutting back on the amounts given to the Towns. This year will be decreased by approximately 20,000 dollars. The total was adjusted in the negative by 20,000 to reflect the cut from the State. (In 2011 the total amount of this Warrant was \$290,000)*

### **Article 11**

To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) to be placed in the Milton Highway Department Equipment Capital Reserve Fund, previously established.

(Majority vote required)

Recommended by the Board of Selectmen (3-0)

Recommended by the Budget Committee (8-0)

*The Fund has a balance of \$15,738 dollars at the end of 2011. It was established in 1997. The Tax Impact would be .04 cents.*

### **Article 12**

To see if the Town will raise and appropriate Thirty Thousand Dollars (\$30,000) to be placed in the Herbert Downs Fire Station Capital Reserve Fund, previously established, for the purpose of producing design and engineering plans for a new fire station.

(Majority vote required)

Recommended by the Board of Selectman (3-0)

Recommended by the Budget Committee (8-0)

*This fund was established in 2011. The purpose as stated above is for the production of design and engineering plans for the proposed Fire Station. In 2011 the Town received a donation of land from the Herbert Downs Family. The dedicated purpose of the donation was for the construction of a Fire Station. This fire station was to be completed within 7 years or the land would revert back to the Downs'. The Town does have an active Building Committee working on the projected needs and design of the Fire Station. The money requested is for the production of conceptual designs and floor plans prior to implementation of a full set of engineered architectural drawings. Likewise, we are planning on incorporating a Community Room component which would be made available as meeting space for various Town and Fire functions.*

*The fund presently contains \$2,760. The tax impact would be .08 cents.*

### **Article 13**

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to be placed in the Milton Ambulance Vehicles and Equipment and/or Fire Department Vehicles Capital Reserve Fund, previously established.

(Majority vote required)

Recommended by the Board of Selectmen (3-0)

Recommended by the Budget Committee (8-0)

*This Warrant has a Tax Impact of .03 cents. This Capital Reserve Fund, modified in 2005, contained \$40,822 as of December 2011.*

### **Article 14**

To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) to be placed in the Milton Fire Department Equipment and Apparatus Capital Reserve Fund, previously established.

(Majority vote required)

Recommended by the Board of Selectmen (3-0)

Recommended by the Budget Committee (8-0)

*This CRF, established in 1998, contains as of December 2011, \$68,261. This Warrant has a tax impact of .04 cents.*

#### **Article 15**

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to be placed in the Milton Fire Department Vehicle Repairs and Improvements Capital Reserve Fund, previously established.

(Majority vote required)

Recommended by the Board of Selectmen (3-0)

Recommended by the Budget Committee (8-0)

*This CRF, established in 2006, contains as of December 2011, \$31,136. This warrant has a Tax Impact of .03 cents*

#### **Article 16**

To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000.00) to be placed in the Milton Free Public Library Capital Reserve Fund, previously established.

(Majority vote required)

Recommended by the Board of Selectman (3-0)

Recommended by the Budget Committee (8-0)

*This CRF was established in 2009 and it contains as of December 2011, \$12,118.00. This Warrant has a Tax Impact of less than .01 cents.*

#### **Article 17**

To see if the Town will raise and appropriate the sum of Five Hundred Dollars (\$500.00) to be placed in the Milton Townhouse Capital Reserve Fund, previously established.

(Majority Vote Required)

Recommended by the Board of Selectman (3-0)

Recommended by the Budget Committee (8-0)

*This CRF was established in 2009 and it contains as of December 2011, \$1001. This Warrant has a Tax Impact of less than .01 cents.*

#### **Article 18**

To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000.00) to be placed in the Milton Recreation Department Capital Reserve Fund, previously established.

(Majority vote required)

Recommended by the Board of Selectman (3-0)

Recommended by the Budget Committee (8-0)

*This CRF was established in 2007 and presently contains as of December 2011 \$30,291.00. The Tax Impact of this Warrant is less than .01 cents. This Warrant was actually amended at the Deliberative Session and the amount to raised and appropriated was changed from 1,500 to 5,000 dollars.*

#### **Article 19**

To see if the Town will raise and appropriate the sum of Five Thousand Dollars (\$5,000) to be placed in Milton Cemetery Capital Reserve Fund, previously established.

(Majority vote required)



Recommended by the Board of Selectmen (3-0)  
Recommended by the Budget Committee (8-0)

*This CRF was established in 2009. It presently contains \$10,013.00. The Tax Impact of this Warrant is .01 cents.*

## **Article 20**

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to be placed in the Milton/Maine Bridges Capital Reserve Account previously established.

(Majority vote required)

Recommended by the Board of Selectmen (3-0)  
Recommended by the Budget Committee (8-0)

*This CRF was established in 2000. It presently contains \$24,172.00 as of December 2011. The Tax Impact of this Warrant is .03 cents*

## **Article 21**

To see if the Town will vote to raise and appropriate the sum of Thirty Five Thousand Dollars (\$35,000) to fund a proposed Step Plan/Pay Plan for all Town Employees.

(Majority vote required)

Recommended by the Board of Selectmen (3-0)  
Recommended by the Budget Committee (8-0)

*This issue was put onto a Warrant Article as opposed to making it part of the operating budget for the purpose of letting the Town decide whether to implement a Step Plan for Employees. A schedule of the Steps is attached. It is a 14 year plan; it pretty much outlines where a person starts (in salary) and where they could expect to end up (at the end of 14 years). Again, we cannot stress this enough, it is performance based.*

*The Step Plan is nothing more than a guideline for proposed pay increases based upon satisfactory performance by the individual Town employee. It is not a guarantee by any means in that movement between Steps is based upon performance not necessarily years in service. In other words, an employee does not move between Step 1 and Step 2 simply because he has been with the Town for those 2 years.*

*The employee would graduate from Step 1 to Step 2 if he was employed for those 2 years AND he showed good job performance as reviewed and recommended by his immediate supervisor and the Town Administrator.*

*Implementation of the Step Plans would eliminate guesswork for all employees and potential employees. It will also force the Town to implement a policy and procedure for yearly job performance reviews (which it presently does not have). All in all, it is a positive step forward in terms of managing our employees effectively while likewise providing them a reasonable roadmap of what they can expect for compensation.*

*The Town has had a Step Plan in the past but it was not funded in subsequent years from the original proposal. The actual implementation of this Step Plan would take place not in this immediate budget year but in the subsequent year thereafter. The estimated cost to move all employees between one step to another is 70,000 dollars which equates to funding at 35,000 dollars per year. The Tax Impact would be .10 cents.*

## Article 22

To see if the Town will vote to discontinue the Sewer Commission, previously established under NH RSA 149-I:19; if approved the present Commission would dissolve no sooner than one (1) year following this vote, authority for the Sewer Department will revert to the Board of Selectmen.

(Majority vote required)

Recommended by the Board of Selectmen

*This Article would dissolve the Sewer Commission. Just to clear up any misconceptions, the Sewer Department is a Town owned and operated facility unlike the Water Department which is a completely separate entity and is independent of any Town control or oversight.*

*Within the past 18 months the Town had to step in and take over the account billing, accounts payable, and daily client contacts. Quite simply, the billing side got away from the 'volunteers' oversight and it took some straightening out. Part of this remedial process was retasking a full time Town employee to absorb the administrative functions while likewise rebuilding and redoing the billing data base. The actual billing of Sewer accounts now goes thru the Tax Collectors office wherein we have an computer based program tracking and billing concurrent with the sending out of property tax bills. Only 2 Commissioners remain, the third having moved out of Town and thereby disqualified from membership. Of the 2 Commissioners, one is a Selectmen, having been written in at last year's vote.*

*The Sewer Department is actually a one man show; that person being an independent contractor who oversees the operation of the facility. Since the financial aspect has been removed from the Commission, their input has become moot. The actual operation of the Department is easily handled by the BOS as an overseer.*

## Article 23

To see if the Town, in accordance with RSA 154:1, IV will change the form of organization of the Milton Fire Department from an Elected Fire Chief to one where the Fire Chief is Appointed by the Board of Selectmen, and with the firefighters being appointed by the Fire Chief. When approved, the change from elected to appointed Fire Chief would take place no sooner than one (1) year following this vote.

(Majority vote required)

Recommended by the Board of Selectmen

*This Warrant was requested by the Fire Chief and agreed to by the Selectmen. The Fire Chief desires to remove the position from the political arena, especially given the fact that this position is elected on a yearly basis. This would be another step in growing the Department towards maintaining a professional standard of excellence. This does not mean that the Chief's current availability or payscale would change in that he would remain as a part-time on call firefighter while receiving his yearly stipend. In other words, what would change would be a defined and published job description of qualifications for a Fire Chief, a defined chain of accountability ending with the BOS, and a defined terms of appointment with benchmarks for performance.*