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APPROVED

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

March 9, 2009

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PRESENT: Gary L. Daniels, Chairman
Tim Finan, Vice Chairman
James Dannis, Member
Mike Putnam, Member
Katherine Bauer, Member
Guy Scaife, Town Administrator
Darlene J. Bouffard, Recording Secretary

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1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING

INSTRUCTIONS: The meeting was called to order at 5:30 p.m. Chairman Daniels introduced Board members and then led the Pledge of Allegiance, noting that those people in the audience who want to speak or add to the discussion should please go to the microphone in order to be heard on the PEG Access live broadcast.

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2. APPOINTMENTS:

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5:30 p.m. – Non-Public Session (RSA 91-A:3, II(c) Reputation. Selectman Putnam moved to enter into non-public session at 5:31 in accordance with RSA 91-A:3, II(c) Reputation. Selectman Bauer seconded. All members were polled individually and assented to enter into non-public session. After discussion, Selectman Putnam moved to come out of non-public session at 5:34 p.m. Selectman Bauer seconded. All were in favor. There were no announcements.

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5:40 p.m. – Request to Approve Current Land Use Change Tax & Issuance of Warrant (3) & Request for Approval of (2) Property Tax Abatement Applications. Marti Noel, Assessor, presented the Land Use Change Tax applications for three properties and three separate owners: Mossman Road, Ruonala Road and Mont Vernon Road. Selectman Putnam recused himself from the application for Mossman Road.

Marti Noel explained the Mossman Road property has 23 acres, of which two acres are being removed from Current Use for residential construction; the owner has been notified and no response was received. Selectman Dannis indicated this is showing a two acre house lot at \$75,000, asking for an explanation regarding abatements. Ms. Noel explained the LUCT is based on the value of the land when it is taken out of current use. Selectman Dannis said when markets go down, if the houses go down by 25%, what is the town's response to be sure everyone is treated fairly. Ms. Noel responded that the DRA does not base the market value on more than 7 similar lots. Selectman Dannis said all three applications are for two acres being taken out of current use, which is the area around the house for yard, asking what is the basis for that? Ms. Noel replied that it is looking at the property that will be used for the yard, garage, drainage, etc. When the applicant does not respond to the notification, it is her assumption that they feel it is fair. Selectman Dannis noted that a two acre yard is large. Selectman Bauer moved to approve the LUCT for Map 57 L6-35 35 Mossman Road. Vice Chairman Finan seconded. Selectman Dannis explained he will be opposed since he thinks the property owner should be allowed to respond with full opportunity and a reminder letter. Ms. Noel indicated the two acres includes a small incremental increase in the value. Chairman Daniels affirmed the owner has been notified? Ms. Noel said yes. Selectman Bauer, Vice Chairman Finan, and Chairman Daniels were in favor, with Selectman Dannis opposed and with Selectman Putnam recusing. Motion passed 3/1/1.

Marti Noel explained the Ruonala Road property also has a new construction, which the letter identifies that two acres would be taken out of current use; this owner did call back and ask some questions but did not have reason to make changes. Selectman Putnam moved to grant the LUCT for Map 52 L91-1 790 Ruonala Road. Selectman Bauer seconded. Selectman Putnam, Selectman Bauer, Vice Chairman Finan and Chairman Daniels were in favor, with Selectman Dannis opposed. Motion passed 4/1.

Marti Noel explained the Mont Vernon Road property has a duplex being built and when visiting the property, this was indicated to the home owner. Selectman Putnam moved to grant the LUCT as requested. Selectman Bauer seconded. Selectman Putnam, Selectman Bauer, Vice Chairman Finan and Chairman Daniels were in favor, with Selectman Dannis opposed. Motion passed 4/1.

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The following abatement requests were presented and approved on motion made by Selectman Putnam and seconded by Selectman Putnam. All were in favor.

Map/Lot	Location	Abatement
043-059-M-046	529 Nashua St #46	\$ 1,057.20
014-007-A	83 Old Wilton Rd	\$ 221.10

6:00 p.m. – Interview of Chuck Worcester as a Heritage Commission Candidate. Chuck Worcester was in attendance for this interview. Chairman Daniels asked what has been happening with the Heritage Commission. Mr. Worcester responded it has been a quiet year. The Heritage Commission needs some alternate members and another permanent member. One person has been unable to attend any meetings this year. Vice Chairman Finan stated he thinks the Heritage Commission has been a good addition to the town. Mr. Worcester noted there have been two items ongoing this year. This summer they hope to have a family Heritage Day at the Monson property, since at one time this town was Monson and then it was broken up into Hollis, Brookline and Milford. The roots of Milford date back to Monson and the Dickerman’s have been maintaining the Monson property and it is beautiful. The Heritage Commission thought having a family day would get people to the property for a picnic and to learn a little about Milford roots and also be done with Hollis, since both are part of the Freedom’s Way park service. With stimulus money coming in, there might be funding for trails and recognizing certain aspects of this area and tie into the Monson recognition. The Family Heritage Day will be in July.

Additionally, Mr. Worcester stated the commission would like to digitize some information and get it on the town website. Chairman Daniels suggested they talk with Dave Kirsch, the town webmaster. Selectman Dannis asked how the Planning Board transactions work with the Heritage Commission. Mr. Worcester said it is simple and things get e-mailed to members, which gives the commission a chance to look at things from a heritage standpoint. Selectman Dannis asked if the Heritage Commission has had the opportunity to see a list of items that might need special notice or natural features. Mr. Worcester said it takes a lot of time from volunteers and the town does not have people with the time to dedicate to making those lists, we have the maps already, there are card files, but it is not available for public access, it is in a file drawer. It needs to be done in a different format for it to be useful. The Harriet Wilson project is involved in creating an interpretive trail. Fully staffed, the Heritage Commission has six members, right now another member is needed and unlimited alternates would be helpful. The Heritage Commission meets the second Wednesday every month at 7 p.m. at the Library. Selectman Putnam asked if any advertisement for members has been done on the PEG access channel. Mr. Worcester said that has not been done yet. Chairman Daniels asked if anything other than Freedom’s Way has been advertised. Mr. Worcester said it has not, but they would like to tie into the public relations piece being done by DO-IT. Selectman Dannis indicated some towns have pathways that go from town to town to identify historical features and those can be a magnet for people to come to Milford; is that something the Heritage Commission has thought of? Mr. Worcester said it is, and the Harriet Wilson trail will be the first one, Monson Place will be next and involves the beginning of a great historical area. It is not under the Recreation Department; Monson is NH Society for the Protection of NH Forests. Selectman Putnam moved to appoint Chuck Worcester as a Heritage Commission member until March 31, 2012. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

6:15 p.m. – Interview of Steve Bonczar & Len Harten as Zoning Board of Adjustment Candidates. Steve Bonczar was present for this interview. Chairman Daniels asked how Steve likes being on the ZBA. Mr. Bonczar said he likes it and feels rewarded that he was on the Board for 5-6 years and had to resign for about five years and he has been back now for another two years. There is a new set of members that has made it interesting. Mr. Bonczar feels good about the meetings and they have a good time. Selectman Dannis stated the NH Superior Court keeps making new decisions and variances, as the Chairman of the ZBA, how do you keep the members abreast of those things? Mr. Bonczar responded the Planning Department is good about keeping members up to date and Attorney Drescher also keeps paperwork distributed to members. There are some classes being held in May that several members will be attending. Some new Alternate members are coming in as well; the materials are there and sometimes are discussed, but overall people are up to date on what is going on. Selectman Dannis asked if there is a policy that every member should attend one of the annual work sessions. Mr. Bonczar said the board is voluntary, he cannot attend the workshop this year, but there could be a policy, however the members know they need to be aware of this information and they should sign up for the workshops. The Board looks for ways to learn more about what can be done. The ZBA is all volunteer and tries to do something for the community and does the best it can. Selectman Dannis asked if there have been any appeals in the last couple of years. Selectman Bauer said there was one court case and the town won. Mr. Bonczar said the ZBA is not appealed that often; he makes sure all the bases

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1 are covered. The discussion is put in the record in the minutes and he makes sure there is adequate discussion. Se-
2 lectman Dannis said the ZBA is where people go if they do not feel the building inspector is correct; people can
3 appeal to the ZBA; have any of those appeals come from Administrative Appeals? Mr. Bonczar said there have
4 been very few Administrative Appeals; they do happen, but not that often. Code Enforcement is very good and
5 works with the applicant. If they say the applicant must do something, they tell the applicant where to go and do an
6 excellent job of directing them. Chairman Daniels asked if the volume of cases is heavy or light. Mr. Bonczar said
7 this time of year it slows down; however, next week there are three cases for special exception. Very seldom is
8 there a night off. In winter it is usually quiet but there always seems to be 2-3 cases per meeting. Selectman Put-
9 nam moved to re-appoint Steven Bonczar as a full member of the ZBA until March 31, 2012. Selectman Bauer sec-
10 onded. All were in favor. Motion passed 5/0.

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12 Len Harten was present for this interview. Mr. Harten explained he started in the mid-1980's as an alternate and
13 moved up to a full member; during that time he was elected a Cemetery Trustee and had to step down because he
14 had another elected position, which has since been changed so he came back as an alternate on the ZBA. Mr.
15 Harten said he is still having fun. Selectman Putnam indicated the town recently began the Economic Development
16 Advisory Committee to entice businesses to come to Milford. Some recommendations might involve zoning
17 changes; what might be changed in zoning for that? Mr. Harten responded that he would like to give that some
18 thought, usually the Planning Board deals with that in coming up with changes to zoning so that there might be
19 some new businesses coming to town. The ZBA is there to interpret the zoning laws. Last week there was a busi-
20 ness that wanted to put up an electronic sign on the side of his building, which was approved. Each case is looked
21 at individually and the ZBA tries to do the best for the applicant and to protect the town. Chairman Daniels asked if
22 there are good attitudes on the Board, both full and alternate members. Mr. Harten said there is a full Board now
23 and for the most part 99% of the time everyone is there; there are two alternates approved by the Board of Select-
24 man and two others that have applied as alternates. Selectman Putnam moved to re-appoint Leonard Harten as a full
25 member of the ZBA until March 31, 2012. Selectman Bauer seconded and thanked Len for all of his hours on the
26 ZBA. All were in favor. Motion passed 5/0.

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28 **6:30 p.m. – Interview of Chuck DePrima as a New Recreation Commission Candidate.** Chuck DePrima was
29 present for this interview. Vice Chairman Finan asked if there is a Recreation Commission in Manchester, where he
30 is employed as the Acting Recreation Director. Mr. DePrima responded that there is. Vice Chairman Finan asked if
31 there are any experiences from Manchester that he might be able to bring to Milford. Mr. DePrima answered that he
32 hopes he can bring some of that experience to Milford. Chairman Daniels asked when the Manchester Recreation
33 Commission meets? Mr. DePrima said normally it is the first and third Tuesday of the month, so Wednesday is a
34 good night for another meeting. There were no further questions. Selectman Putnam moved to appoint Chuck De-
35 Prima as a full member of the Recreation Commission until March 31, 2012. Selectman Bauer seconded. All were
36 in favor. Motion passed 5/0.

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38 **6:45 p.m. – Interview of Walter Smith & Bill McKinney as Recreation Commission Candidates.** Bill McKin-
39 ney was present for this interview. The Board had no questions and thanked Bill for his work on the Recreation
40 Commission. Selectman Putnam moved to appoint Bill McKinney as an alternate member of the Recreation Com-
41 mission until March 31, 2012. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

42
43 Walter Smith was present for this interview. Walter Smith indicated he would like to continue on the Recreation
44 Commission; he has served for 3 years and feels there are volunteers that can assist to get things done. Chairman
45 Daniels asked what the future holds. Mr. Smith responded that they are looking at getting Kaley Field up and run-
46 ning, implementing new programs and keeping costs for programs low for people in town. Selectman Bauer stated
47 she is impressed by all the people who do so much for the town, and that the Board appreciates it. Chairman
48 Daniels stated the volunteers are what make a lot of programs work. Selectman Putnam moved to re-appoint Walter
49 Smith as a full member of the Recreation Commission until March 31, 2012. All were in favor. Motion passed 5/0.

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51 **3. PRESS AND PUBLIC COMMENTS (regarding items that are not on the agenda):**

52 Selectman Dannis indicated this is his last meeting, and he knows that the Board relied on him and his calculator
53 during discussions, he presented the Board with a large calculator with printout so that any Board calculations can
54 be printed and put in the record. Chairman Daniels took this opportunity to recognize Selectman Dannis and noted
55 that the Board has appreciated his wealth of information and knowledge on Planning and Finances that has helped
56 make this Board more functional. Chairman Daniels thanked Selectman Dannis for his three years on the Board and

1 wished him well. Selectman Bauer also thanked Selectman Dannis, indicating that they do not always agree but
2 sometimes it is worth getting more than one side of any issue.

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4 **4. DECISIONS:**

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6 a) **CONSENT CALENDAR.** Chairman Daniels asked if there were any items to be removed from the Con-
7 sent Calendar. He explained that if they are taken off the Consent Calendar, they will be discussed fully; otherwise
8 they will be accepted together without discussion. There were no items removed for discussion. Selectman Putnam
9 moved and Selectman Bauer seconded to approve the Consent Calendar, as follows, with all members in favor.

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11 (1) **Request for Full Release of Securities (Map/Lot 34-68, Cash Escrow, Walnut Street Extension).** The
12 Board was presented and approved the full release of securities for the Walnut Street Extension in the
13 amount of \$3,143 plus accumulated interest.

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15 (2) **Request for Approval of Petition from Fairpoint Communications and PSNH for Pole Licenses.** The
16 Board was presented and approved the Petition and Pole License for one pole, 8/17PB, located at 116 Os-
17 good Road in Milford.

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19 b) **OTHER DECISIONS**

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21 **5. TOWN ADMINISTRATOR REPORT:**

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23 a) **Recycling/Co-Op Contract.** Town Administrator Guy Scaife forwarded a copy of the Co-Op contract to
24 members electronically and at least one new member of this Board will be added next week; this contract
25 should be reviewed and we can work hard to get the new member(s) up to date. There is a lot to digest re-
26 garding single stream. Guy Scaife requested that all members review the contract and identify questions in
27 order to get them addressed. Bill Ruoff has reviewed the contract and Bill Drescher has reviewed it and is
28 also reviewing the Goffstown contract. They hope to have one document to serve many towns that become
29 members. Eleven towns of the original Concord Co-Op towns will be joining and that represents 80% of
30 their voting communities. The top 3 towns are 65% of the tonnage. Guy Scaife explained the effort is to
31 get up to 25 tons of recyclable material on a daily basis. Goffstown and Hooksett are ready to sign up.
32 The land has been purchased and the design is under way. Guy Scaife noted that a key issue is that it is a
33 15 year contract, as an associate member, Milford does not put any capital up front. \$15 million will be put
34 up by the Co-Op. There is a mechanism to have a fee if recyclables come in with debris with materials that
35 should be solid waste. The contract calls for what they would pay Milford for recyclables or what the town
36 would pay them in a down market. There is an "out" in the event that the town must pay; it should be un-
37 derstood that if the market is down, it is down for everybody. There is a dispute resolution process and
38 voting rights are in the contract. Vice Chairman Finan thought that the wording on the population was
39 confusing; it should be clearer. Guy Scaife noted the contract talks about paying back the principal & in-
40 terest, which would be prime plus one.

41
42 Selectman Putnam asked when the Board will see numbers and he would also like to see numbers of where
43 this will take Milford. Selectman Bauer had the same questions – she would like some comparisons. Guy
44 Scaife had told the Board he would have those numbers in late March or April, but right now it is a moving
45 target. The key is that the town will have a reduction of one head count which is a net savings. There is a
46 lot in the contract; Guy Scaife feels it is worthwhile to look at. Chairman Daniels suggested sending in
47 questions for Guy Scaife to Dawn and set a goal of the end of this weekend (March 15), that way it can be
48 given to Guy Scaife to answer those questions. Guy Scaife agreed and indicated a decision should be made
49 by the end of April and the vote is at the end of May.

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51 Vice Chairman Finan asked about curbside pickup. Guy Scaife said that is separate from the Co-Op con-
52 tract, this is just for moving to single stream. Moving to single stream drop off would allow the town the
53 option to serve as a collection point for commercial haulers and allow better flexibility to enforce the ordi-
54 nance that mandates recycling. Selectman Dannis asked Guy Scaife if there could be input from the Co-Op
55 towns regarding the financial costs of prime plus one; it is like an adjustable rate mortgage. Guy Scaife
56 thought that was a good question; the leadership of the Co-Op has offered to come to talk with the Board
57 with specific information, but Guy will get an answer to that question.

1 **b) Miscellaneous.**

2 Fire Department awards. Guy Scaife indicated the Fire Department recently had its annual recognition
3 event to recognize the years of service and commitment.

4 Future Budgets. Guy Scaife indicated the staff is already starting to scrutinize the CIP and is looking at the
5 2010 budget; the staff is being very conscientious and looking at ways to cut corners.

6 ComCast. Activities for the ComCast Cares Day were identified as the rehabilitation of the MCAA dug-
7 outs and rehabilitation and improving the Granite Town Rail Trail. ComCast was positive about both pro-
8 jects.

9 Fuel Spill. Guy Scaife indicated there was a fuel spill on Sunday, March 8 at the Mobil Station at the cor-
10 ner of Cottage Street. The fuel was shut off at 4 p.m. Sunday afternoon, however approximately 1528 gal-
11 lons had seeped through the ground and got into the storm water sewer under the Fletcher site and flowed
12 into the Souhegan River. The EPA and other organizations were contacted and other towns were notified
13 and booms placed in three locations. It appears that there is a return line buried that had a hole, there is
14 also a second pipe that it is enclosed in that had a fault. The work on this will continue over the next cou-
15 ple weeks. Vice Chairman Finan asked if there will be any expense to the town. Guy Scaife said these
16 types of accidents allow the town to bill for the resources utilized. Selectman Dannis asked if the owner
17 has confirmed the financial responsibility. Guy Scaife has not heard that. Vice Chairman Finan asked if
18 the town is responsible for the river damage. Guy Scaife said no.

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20 **6. DISCUSSIONS:**

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22 **a) NH Municipal Association Request for Positions on State Budget Revenue Raising Measures.**

23 Chairman Daniels indicated the March 2 meeting of NHMA was snowed out and is being held March 11 at
24 9:30; Chairman Daniels is unable to attend that meeting and asked if another Board member could fill in
25 and provide the positions this Board has taken. Vice Chairman Finan was unavailable, Selectman Bauer
26 was unavailable; Selectman Putnam indicated he could attend the meeting.

27
28 **b) Investment Policy Update.** Vice Chairman Finan has an update to this policy that has been discussed

29 with Selectman Dannis who made several comments. Vice Chairman Finan will bring the final document
30 for Board review at the next meeting. Vice Chairman Finan has also sent back a final copy to Selectman
31 Dannis electronically to be sure all his comments were included.

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33 **7. SELECTMEN'S REPORTS/DISCUSSIONS:**

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35 **a) FROM SPECIAL BOARDS, COMMISSIONS & SPECIAL COMMITTEES.**

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37 **(1) Milford Area Communications Center (MACC Base) 2009 Contract.** Selectman Putnam talked to
38 the MACC Base Board of Governors about the by-laws which will be looked at Wednesday night. Once addressed,
39 the by-laws will be presented at a joint meeting of all three Boards to address the contract issue. The meetings of
40 the BOG are on Wednesday nights at 6 p.m. from now on.

41
42 **b) OTHER ITEMS (that are not on the agenda).** Selectman Putnam indicated the taxi ordinance will be
43 brought to the March 22, 2009 meeting for review. Selectman Bauer indicated the Facilities Committee has started
44 meeting again on Mondays and they are ready to move forward. There has been talk about changing the winter
45 parking ban; when the new Board comes on, Selectman Bauer hopes to get a subcommittee going and she is willing
46 to serve on it. Also, Selectman Bauer indicated the McLane Dam as a possible source of energy was approved and
47 asked where that is going. Selectman Bauer asked if the Tonella Road intersection was given to the Traffic Safety
48 Committee. Guy Scaife said it was not. Selectman Bauer would like that to be on the Board of Selectman goals for
49 2009. Other items to be on the Board of Selectman goals include:

50 1-lines of authority / delineation and if there are set things the Board wants to do as opposed to the Town Ad-
51 ministrators.

52 2-Solid Waste

53 3-Economic Advisory Council

54 4-In-depth discussion of compensation (wages & benefits) look at in the coming year

55 5-Policy/Procedure manual & Code book on line

56 6-Heritage Commission information on line

57 7-Upward review of Town Administrator

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1 Overall, Chairman Daniels is pleased with the Board as it functions which has resulted in a lot of good being done;
2 he is also encouraged that the Town Administrator and Department Heads are already starting to think about next
3 year's budget.
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5 **8. APPROVAL OF FINAL MINUTES.**

6 Selectman Putnam moved to approve the minutes of September 29, 2008 as presented. Vice Chairman Finan sec-
7 onded. Selectman Putnam, Vice Chairman Finan, Selectman Bauer and Chairman Daniels were in favor, with Se-
8 lectman Dannis abstaining. Motion passed 4/0/1.
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10 Selectman Putnam moved to approve the minutes of February 9, 2009 as presented. Vice Chairman Finan sec-
11 onded. Selectman Putnam, Vice Chairman Finan, Selectman Bauer and Chairman Daniels were in favor, with Se-
12 lectman Dannis abstaining. Motion passed 4/0/1.
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14 Selectman Putnam moved to approve the minutes of February 23, 2009 as presented. Vice Chairman Finan sec-
15 onded for discussion. Selectman Bauer requested changes to page 2, line 42, page 2, line 13 and page 3 line 50.
16 Selectman Putnam and Vice Chairman Finan were in favor of the amendments. Selectman Putnam, Vice Chairman
17 Finan, Selectman Bauer and Chairman Daniels were in favor of the amended minutes, with Selectman Dannis ab-
18 staining. Motion passed 4/0/1.
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20 **9. INFORMATION ITEMS REQUIRING NO DECISIONS**

21 **10. NON-PUBLIC SESSION:**

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24 Selectman Putnam moved to go into non-public session at 7:21 p.m. under RSA 91-A:3, II(a) – Personnel and RSA
25 91-A:3, II(e) - Legal. Vice Chairman Finan seconded. All were in favor. Motion passed 5/0.
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27 Selectman Putnam moved to unseal the non-public minutes of 2/23/09 Legal for review. Selectman Bauer sec-
28 onded. Selectman Dannis recused from the review of minutes. Motion passed 4/0.
29

30 Selectman Putnam moved to re-seal the non-public minutes of 2/23/09 Legal. Vice Chairman Finan seconded. All
31 were in favor. Motion passed 4/0.
32

33 Selectman Dannis stepped back up to the Board. The Board discussed a personnel issue. Upon completion of the
34 personnel discussion, Selectman Dannis recused from the remaining business and left the meeting. The Board dis-
35 cussed a legal issue.
36

37 Selectman Putnam moved to come out of non-public session at 9:10 p.m. Vice Chairman Finan seconded. All were
38 in favor. Motion passed 4/0.
39

40 Chairman Daniels announced that in non-public session the Board approved non-public minutes and discussed a
41 personnel and legal issue.
42

43 **11. ADJOURNMENT:**

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45 There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 9:10 p.m.
46 Selectman Finan seconded. All were in favor. Motion passed 4/0.
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Gary Daniels, Chairman

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Mike Putnam, Member

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Tim Finan, Vice Chairman

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Katherine Bauer, Member

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James Dannis, Member
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