

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
June 28, 2010

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

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

INSTRUCTIONS: Chairman Finan called the meeting to order at 5:30 p.m. Chairman Finan introduced Board members and led the audience in the Pledge of Allegiance. Chairman Finan noted that those people in the audience who want to speak or add to the discussion should please use a microphone in order to be heard on the PEG Access live broadcast.

2. APPOINTMENTS:

5:30 p.m. – Departmental Update – Public Works. Director of Public Works Bill Ruoff presented an update for the Department of Public Works. Highlights of 2010 thus far include highway paving, drainage, crack filling and painting. The questions regarding long range paving program was provided to the Board with a three year estimate subject to change as projects come up. Three years ago DPW began using its own personnel for crack filling rather than hiring a contractor. That is expected to continue into July (about 20 streets). Catch basin cleaning is done every year and the EPA likes the stormwater program to be maintained. Currently DPW is working on painting lines and crosswalks. The street list is revised for center line painting; some have been dropped and will be tried later this year. Roadside mowing is being done; a class was done in the spring regarding invasive plants and what to do to avoid spreading them. The Conservation Commission mapped out an inventory throughout the community to change the mowing schedule to avoid the plants dropping seeds. Street sweeping started in March and is done weekly. The Transfer Station revenue report is already at 52% of the recycling budget. Solid Waster already is at 50% and not all income is in yet. Costs are slightly under budget. After the ice storm the town decided not to burn brush but instead to chip it and sell the pieces to the power plant. 2009 was the first year for this and saw 208 tons and last week it was already at 400 tons for this year. The pieces are getting recycled; there has not been a return on it yet but it may be a revenue source in the future. Bill Ruoff is not aware of companies willing to chip it for free. It is something to look into, this is only the second year doing it, and it is a good way to recycle and potentially provide income. Milford hosted the hazardous waste collection day May 8, at which there were 300 cars that came through. Currently Tammy is talking to NRPC to have a fall event which will be held if the grant money is available to run it (through NRPC). The town does not pay any more to host these events.

Facilities – wireless hardware was installed to use at Keyes pool; the pool house interior was painted, playground equipment was refurbished and the softball fields and picnic areas were expanded. A Kaley Park open house was held May 15 and Kaley is now open daily, fundraising for the future work is ongoing including a boat launch being coordinated by a Boy Scout as his Eagle Scout project. The softball field at the old police station was refurbished. The Hillsborough County Corrections personnel are assisting for the third year with painting and general clean up and will help over the course of five weeks.

Recreation – Nicole Banks and Heather Hoyt have brought in eight new programs including a 5K road race. The turn out for swim lessons is great – last year there were 150 kids registered, this year there are already 200 kids. The horseshoe pits at the old police station have been retired but new pits will be put in at Keyes this year.

Stormwater - there may be some part time hours added to assist with the mapping and drainage work to process the inventory of drainage systems and then convert them from hard copy to automated files. Bill Ruoff asked for questions from the Board.

Chairman Finan asked if road maintenance has an appropriate budget at this time. Mr. Ruoff indicated right now it is, there are some projects in town with current grant funding, Bill Parker and Bill Ruoff have talked about the planned paving around the grant projects. The oval and Nashua Street projects depend on which project becomes

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1 funded first. It may change the paving schedule. The WWTF has been in contact with Bill Ruoff about projects they
2 have coming up. The paving program is flexible enough to work with the different grant programs and roads that
3 will need re-paving after the projects are complete. Vice Chairman Daniels asked about the Phelan Road intersec-
4 tion and what is the status. Bill Ruoff responded that the State did some widening of the road and ground up the
5 road, which is now the base which will be finished at some point, then the finish work will be done after that.
6

7 Selectman Bauer asked about the three year plan for paving and what future streets are scheduled for next year.
8 Why are South Street and Elm Street not on the 2010 schedule? Bill Ruoff explained the South Street paving is
9 waiting until the funded project (grant) is complete in order for the curbing and sidewalks to be done at the same
10 time. The portion of Elm Street to be paved first is at the far end where the heavy trucks travel. The oval down to
11 the railroad tracks will be done this year when that intersection project is complete, and the portion of South Street
12 down to Joe's Humble Kitchen will be done next year. Selectman Bauer wants people to understand why the main
13 roads are not done right now. Bill Ruoff explained that change was made because that end of town needs it more
14 and there are other projects in the middle of town. If South Street does not get done this fall, Selectman Bauer asked
15 Bill Parker if the South Street project will begin this year; she heard it was going to be done this summer and then it
16 sounded like it was being put off, if it does not get done until next spring, it will wait another year before it is fi-
17 nished. Chairman Finan asked if that will be done this year. Bill Parker said he is working with PSNH and another
18 business on South Street, there has been some redesign through PSNH and combined with the plan review with the
19 State, it has caused a delay. If the work does not happen until late summer or fall, the work will not get done until
20 the following spring since it needs to go through one winter before final paving.
21

22 **6:00 p.m. – Request for E-911 Mapping Data Acceptance.** Code Enforcement Officer, Bill McKinney, and Town
23 Planner Sarah Marchant, were present for this discussion. Bill McKinney explained that the Planning Department is
24 the liaison for the E-911 emergency system. Part of that job is to keep mapping and addressing current. Over the
25 past two years E-911 has had representatives mapping and going through the review process with them and worked
26 with the emergency offices to review the maps and make comments. Tonight the street mapping and map book road
27 index are presented. It breaks it down by grids, hydrants, etc. and is used to assist with emergency response. There
28 are three forms for the Board to approve to allow this to move forward. All applicable departments have reviewed
29 the information. Community Development will develop public education programs using PEG, news media and
30 other social media. Once complete, Bill McKinney and Sarah Marchant will sit with the Board of Selectmen to dis-
31 cuss what changes will come forward. Last time this was done in town it was not pleasant. Chairman Finan said
32 this is to make sure addresses and numbers are consistent and will allow emergency response to respond, any discre-
33 pancies will be noted and modified. Before any changes are made, however, they will come before this Board.
34

35 Selectman Putnam moved to accept the wall maps as presented. Vice Chairman Daniels seconded. All were in fa-
36 vor. Motion passed 5/0.
37

38 Selectman Putnam moved to accept the data release agreement as presented. Vice Chairman Daniels seconded. All
39 were in favor. Motion passed 5/0.
40

41 Selectman Putnam moved to accept the acknowledgement of nonstandard addressing as presented. Vice Daniels
42 seconded. All were in favor. Motion passed 5/0.
43

44 **6:30 p.m. – West Side of Oval Foundation Rehabilitation Project Update.** Bill McKinney, Code Enforcement
45 Officer, explained in October 2009, Bill Parker and he met with the BOS regarding the concerns at 111 and 123 Un-
46 ion Square. At that time it was recommended the buildings be put into a deficient condition and have occupants
47 minimized. The buildings have been assessed and deemed to have deficient foundations. Mr. McKinney has met
48 with the property owners and allowed them to have one commercial tenant but cannot occupy any residential units.
49 Option 1 was identified as a rehabilitation proposal in February 2010, is very expensive and grants are being looked
50 at but that process is quite lengthy to apply and wait for an award. The owners asked if they could look at an alter-
51 native plan. They met again in May 2010 to discuss another option. A formal plan for Option 2 was presented and
52 is being discussed. There has been very close communication with DES and Mr. McKinney is advising the BOS
53 that Option 2 is the way to go. There has been significant shifting of stones at 111 Union Square. The longer it
54 waits, the more damage will be done to the buildings. A meeting was held with the engineer and property owners
55 who have selected a contractor with extensive expertise around bodies of water. The process will be to construct a
56 sand bag dam; water quality will be monitored, a temporary stabilizer of stone walls will be constructed prior to any
57 work being done. They will shift the stones physically once the stabilizer is complete in order to get them back to
58 plumb. It is the intent to get these walls back to the state of the rest of the wall. July 21 is the anticipated start date,

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1 it is anticipated to take three weeks. A schedule of work days and hours will be set up, we do not want them to work
2 when it will interfere with down town activities. The engineering firm will be performing perimeter inspections.
3 Before restoration on the buildings commences, they will provide primary and secondary plans. A full report will be
4 submitted. By September the buildings could be back to full potential. Selectman Putnam asked if the dams will be
5 opened. Guy Scaife indicated if the town can open the dams, they will, it did not appear we could open them farther,
6 the opening is only 3.5 feet wide. The entrance of the dam is clogged and Mr. Scaife committed it will be as
7 wide as it can be by the time this work is started. Mr. McKinney said the sand bag dam will be built regardless; we
8 are not suggesting Option 1 be done, if this is done correctly, Option 2 will be a permanent fix. Selectman Putnam
9 said it has taken 200 years to get to this point. Once the stones started moving, Mr. McKinney said it was noticed
10 that the ledge the stones are built on was starting to split off and this fix will prevent further slippage. Mr. Scaife
11 added that it is the Goldman Dam that will be opened up as far as it can. Selectman Carmen asked if all property
12 owners are in agreement. Mr. McKinney said the owners of 111 and 123 Union Square are in agreement. The other
13 properties are not required to do this work, they need to address the immediate issues, Mr. McKinney will try to
14 convince them to spend some money now rather than a lot of money in 5-10 years to do a bigger job. Selectman
15 Bauer asked if it will hold up this fix if they are not willing. Mr. McKinney said it will not; since those other owners
16 do not have to do any work at this time. Chairman Finan asked if there is anything further this Board needs to do.
17 Mr. McKinney said there is not; this is moving forward.
18

19 **7:00 p.m. – Request for Approval of (1) Veteran Tax Credit Application, Approval of (1) Current Land Use**
20 **Change Tax & Issuance of Warrant, Approval of (2) and Denial of (6) Property Tax Abatement Applications**
21 **and Approval of (1) Housekeeping Correction on Appeal of BTLA Settlement.** Town Assessor Marti Noel pre-
22 sented the applications to the Board as follows:
23

24 **Veteran’s Credit**

25 Ms. Noel presented the application for Veteran’s Credit which is recommended for approval. This owner was pre-
26 viously renting out the property and is now living on site. Selectman Putnam moved to approve the Veteran’s Credit
27 as recommended by the Town Assessor. Vice Chairman Daniels seconded. All were in favor. Motion passed 5/0.
28

29 **Current Land Use Change Tax & Issuance of Warrant**

30 Ms. Noel indicated this applicant has requested this be held off until further information is gathered for Map 49 Lot
31 2-2. This will be presented at a later Board meeting.
32

33 **Abatement Approvals and Denials**

34 Ms. Noel indicated that she has recommended approval for two abatement requests and denial for six abatement
35 requests and that this is the end of the 2009 abatement requests. Selectman Putnam moved to approve the two ab-
36 atements as recommended by the Town Assessor as listed. Vice Chairman Daniels seconded. All were in favor.
37 Motion passed 5/0.

38 **Approvals**

<u>Record #</u>	<u>Map/Lot</u>	<u>Abatement Amount</u>
1209	30 / 2-C-3	\$ 28.82
1109	52/95-31	\$ 146.00

43 Selectman Putnam moved to deny the six abatements as recommended by the Town Assessor as listed. Vice Chair-
44 man Daniels seconded for discussion. Vice Chairman Daniels noted that Record Number 4609 indicates there is a
45 court appeal in process. Ms. Noel indicated that is correct and it is value related, the value would be adjusted for
46 that year and thereafter. All were in favor. Motion passed 5/0.
47

48 **Denials**

<u>Record #</u>	<u>Map/Lot</u>
2409	44/10
2709	16/4-1
2809	16/4-2
2909	18/16
3009	22/59
4609	39/67

57 **Housekeeping Correction on Appeal of BTLA Settlement.** Town Assessor Marti Noel, explained this adjustment
58 is to make a physical change to the card and allows a small abatement in the amount of \$302.85 for Map/Lot 8-79-

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12. Selectman Putnam moved to approve the correction as presented by Town Assessor Marti Noel and as directed by the BTLA settlement. Vice Chairman Daniels seconded. All were in favor. Motion passed 5/0.

3. PUBLIC COMMENTS (regarding items that are not on the agenda). Selectman Putnam spoke with Gil Archambault this weekend who will try to be here tonight. Mr. Archambault told Selectman Putnam that the VFW will take over the maintenance of the flag on the oval for different seasons and when the flag becomes damaged. Mr. Archambault also thanked the Board of Selectman for voting to keep the POW/MIA flag flying at all times. Selectman Bauer asked if the town could look into installing a crosswalk at the junction of Route 13N at North River Road; citizens are concerned about walking in that area and thought it would be safer if there were a crosswalk there. Bill McKinney indicated that Route 13 is a State road and believes that request would have to go through the State DOT.

Fred Elkind, Conservation Commission, presented a proposal for land to be donated to the Town of Milford from the Zahn family. The land is dry and abuts Hartshorn Pond and will be worked into the current project being done by the Lion's Club to improve the area into a picnic/park area. Audrey Frazier, Conservation Commission Vice Chair, had hoped the plan had been given to the Board sooner, explaining this is a 2.2 acre parcel on the west shore of the pond. The parcel is contiguous with the work being done by the Lion's Club around Hartshorn Pond. The Zahn's would like to provide a memorial for Bud Zahn at the park. Selectman Bauer asked about the brook crossing below the dam. Mr. Elkind explained that the brook is narrow and easy to cross, a few stepping stones will be provided, but it would not be accessible during flood conditions. Otherwise it would be easily accessible and is a 15 foot span.

Selectman Carmen asked if the memorial is being proposed. Mr. Elkind responded that it is and will be donated by the Zahn's. Selectman Carmen asked if this is surveyed. Mr. Elkind said that there will need to be plans and the cost is about \$2,000 for the plans, for which the Zahn's have agreed to pay \$1,000 and the other half will be from the Conservation budget. Selectman Putnam moved to support the idea in concept and to accept the donation from the Zahn's. Vice Chairman Daniels seconded. All were in favor. Motion passed 5/0. Guy Scaife is not sure if a public hearing is required for acceptance of this land, but he will check on that. The Board of Selectman can vote on the intent. Audrey Frazier said that is the plan, if the Board wanted to go forward, the Conservation Commission will move forward with a plan. Chairman Finan asked if it is in Current Use. Mr. Elkind said this parcel is not, it is available for sale for a housing lot. Selectman Bauer is concerned that the Lion's have done a lot of work on this, however she does not feel there is enough parking if this is expanded. The plan should be to work with the Lion's to resolve that. It is a wonderful thing to donate this land in honor of Bud. Mr. Elkind indicated there is a turn around in the area that will be removed, it will be turned into grass, but in front of the property there will be parallel parking spots, but it is difficult to see on the current plan, but there can be about 3-4 vehicles in that turn around area. There is also additional parking on Hartshorn Road. Selectman Bauer asked if there will be marked parking spaces added. Mr. Elkind said there will be about 7 or 8 additional marked parking spaces and the parking there now will be removed.

4. DECISIONS

a) CONSENT CALENDAR. Chairman Finan asked if there were any items to be removed from the Consent Calendar. He explained that if they are taken off the Consent Calendar, they will be discussed fully; otherwise they will be accepted together without discussion. Selectman Putnam moved and Vice Chairman Daniels seconded to approve the Consent Calendar items as follows, with all members in favor.

- (1) Request to Approve Issuance of Gravel Tax Levy & Warrant.** Tax Collector Kathy Doherty requested approval of a Timber Tax Levy & Warrant in the amount of \$39.89 from Russell & Marie Kincaid Trustees on Savage Road. This request was approved.
- (2) Request for Full Release of Securities.** Town Planner Sarah Marchant requested Board authorization for a full release of securities in the amount of \$2,004.95 for the retention basin on 54 David Drive. This request was approved.
- (3) Request for Appointment of "Oryx" as a Full-time Canine Police Officer.** Police Chief Fred Douglas requested Board permission to appoint Oryx c/o Jason Palmer, canine handler, as full time canine police officers. This request was approved.

1 (4) **Request for Official Appointment of Community Development Director Bill Parker to Nashua**
 2 **Regional Planning Commission’s Transportation Technical Advisory Committee.** NRPC has
 3 requested that Bill Parker be appointed as the Transportation Technical Advisory Committee from October
 4 2, 2010 until September 30, 2012. This request was approved.
 5

6 (5) **Acceptance of Unanticipated Funds Under \$5,000.** Finance Director Jack Sheehy requested acceptance
 7 of the Unanticipated Funds Under \$5,000 as follows:

Source	Amount	Purpose
Rebecca Keller & Jess Putney	\$50.00	Donation for the Kaley Park Phase II Special Purpose Fund. This donation is to be matched Through the 2010 Warrant Article #14 General Frank E. Kaley Park.

13 This request was approved.

14
 15 **b) OTHER DECISIONS**

16 (1) **Request to Vend on Town-Owned Property – Shepard Park.** A request from Andrew Grimes was made
 17 to allow him to vend his hot dog cart in front of Shepard’s Park Monday through Saturday until late fall. Chairman
 18 Finan indicated he has concerns about this request; typically this Board approves vending for events such as the
 19 Pumpkin Festival. This, however, is a request to run the hot dog stand every day except Sunday all summer out of a
 20 parking space. Selectman Bauer indicated if the Board allows this every day through October, it should be opened
 21 up to everybody, she does not think it is a good idea and it is setting a precedent. There is also a safety issue of hav-
 22 ing a hot dog truck on Nashua Street. Chairman Finan noted the applicant did not specify where the truck would be
 23 parked, it just says at Shepard Park. Selectman Carmen indicated the photo does not have the most up to date park-
 24 ing spaces as they are today. Guy Scaife also noted the applicant did not specify where he would park, he just re-
 25 quested somewhere at Shepard Park. Mr. Scaife is concerned about the safety with this on Nashua Street. Select-
 26 man Bauer said that the hot dog cart will be in the back of the applicant’s truck, this would set a precedent to have
 27 retail sales on town property.
 28

29 Selectman Putnam moved to deny the request. Selectman Bauer seconded for discussion. Selectman Carmen asked
 30 if the town has had other requests for this type of activity that have been approved. Vice Chairman Daniels re-
 31 sponded that the ice cream truck goes to this park. Guy Scaife explained the ice cream truck cannot go to Keyes
 32 Field and their license was revoked last year. The ice cream permit excludes town owned property unless by specif-
 33 ic approval. Vice Chairman Daniels asked if the ice cream truck will be able to go around Kaley Park. Mr. Scaife
 34 responded that they will have to request permission. Vice Chairman Daniels indicated the hawkers & peddlers reg-
 35 istration is for public commons, why can they go in the street but not in a public place like a park? Selectman Bauer
 36 does not see how this is the same as an ice cream truck that moves from place to place compared to a truck that runs
 37 a commercial operation all summer in the same place. Chairman Finan agreed, if that is a problem, maybe that
 38 needs to be addressed. Selectman Carmen said the ice cream truck could do the same thing by making a request to
 39 be stationary somewhere on town property. He agreed that this would set a precedent. Selectman Putnam is more
 40 concerned with the safety of this request. At Greeley Park in Nashua, they do this and it creates traffic and safety
 41 problems. It creates congestion, from a safety aspect, it is not safe at all and will create more problems. Vice
 42 Chairman Daniels suggested it could be more restricted by not being on Nashua Street. If it is put on private proper-
 43 ty, it creates more of a safety hazard with people crossing the street. Selectman Bauer indicated if this applicant
 44 worked something out with a private property owner, it would be that owner’s issue, but if we allow it for this appli-
 45 cant, the Board should be ready to allow it for other people, the town should not subsidize private commercial opera-
 46 tions. All were in favor of the denial except Vice Chairman Daniels. Motion passed with Vice Chairman Daniels
 47 opposed. Motion passed 4/1.
 48

49 (2) **Request to Unseal Board of Selectmen’s Non-Public Session Meeting Minutes for the Purpose of Pro-**
 50 **viding Photocopies.** A request was received from Doris Whitney for the Board to provide a copy of the non-public
 51 session minutes of March 8, 2010 for the 5:30 appointment at which she and Union Representative Kevin Foley
 52 were present. Chairman Finan indicated in order to provide a copy of those minutes to Doris, they would need to be
 53 unsealed, then the Board would need to re-seal the minutes. Selectman Putnam moved to deny the request. Select-
 54 man Bauer seconded for discussion. Chairman Finan asked why deny it? Selectman Putnam indicated he does not
 55 recall the content of that meeting, but knowing the general discussion he would like to know why she wants the mi-
 56 nutes, there is potential that the information in the minutes could be used to upset things, if she wants them bad
 57 enough, she can go through the legal process to request. Selectman Bauer is also concerned, she would like to keep
 58 non public session minutes confidential material. Selectman Carmen indicated the minutes are just a sketch of what

1 was discussed, he is not sure what will be gotten out of them but there were other things discussed during that meet-
2 ing, so part of the minutes would need to be blacked out. Chairman Finan asked if we know if the attorney is aware
3 she is requesting the minutes. Guy Scaife did not know. Vice Chairman Daniels said the minutes are non public on
4 her behalf and she has the right to have access to the minutes, but would Doris want the non public minutes to re-
5 main unsealed? Chairman Finan does not believe so, she just wants a copy of the minutes and then we can re-seal.
6

7 In checking with LGC, Selectman Carmen indicated it was determined that the BOS can do whatever it wants. She
8 has the right to request, but that does not mean the Board needs to approve the request. Mr. Scaife mentioned that
9 the session was regarding a grievance hearing and it was held in non public session at Doris' request. The grievance
10 was upheld. It is just a record of that discussion. That session was for that one personnel event. If there were other
11 elements of that meeting, that would not be passed on. Chairman Finan asked if there is any appeal in process. Mr.
12 Scaife said he is not sure where that stands. Selectman Bauer indicated if she knew why Doris wanted them they
13 could be pulled up on the computer, but without knowing why she wants them she would vote no on the request.
14 Vice Chairman Daniels said it was her non public session and she should have the right to look at those minutes.
15 Chairman Finan agreed with Vice Chairman Daniels. Selectman Carmen again stated the minutes are not a com-
16 plete representation of the entire discussion. Selectman Carmen, Selectman Bauer and Selectman Putnam were in
17 favor of denial with Chairman Finan and Vice Chairman Daniels opposed. Motion passed 3/2.
18

19 (3) **Request to Approve New License to Sell Pistols and Revolvers.** A request was made to approve a new
20 license to sell pistols and revolvers. Selectman Putnam moved to approve the request. Vice Chairman Daniels
21 seconded for discussion. Vice Chairman Daniels noted that the form does not make sense. Chairman Finan indi-
22 cated the memo points out that the stock blank permits from the State have not yet arrived so the forms will be pre-
23 sented for Board approval on arrival. All were in favor. Motion passed 5/0.
24

25 5. TOWN ADMINISTRATOR REPORT

26 a) **McLane/Goldman Dams Removal Feasibility Study Update.** Guy Scaife explained that six responses
27 were received for the dam removal feasibility study. It is recommended that Gomez & Sullivan be selected; they did
28 a project 1 ½ years ago. All the proposals that came in looked good but Gomez & Sullivan had a very clear report
29 on this type of work. They did the removal of the Merrimack Dam. Their presentation came with an evaluation of
30 current conditions; the focus is on how to reach the community. One of the first things they will do within six weeks
31 is to have a public meeting before any work begins. This is to explain what will be done to do the study which will
32 take a minimum of 12 months. The study will take until about mid 2011 to fall 2011. The State will do work on the
33 historical diversity to look at the historic ramifications. They will look at the bridge, flood impacts, and extensive
34 efforts having to do with that process. American Rivers Organization provided a copy of a DVD released to the
35 public June 21 which reviews the issues having to do a feasibility study and the ramifications of dam removal.
36 Steve Landry and Deb Loiselle are both a part of the DVD. That DVD could be made available to the public and
37 may eventually be on the website. He asked members to view the DVD and provide comments or concerns.
38

39 Selectman Bauer asked when the study will begin. Mr. Scaife is unsure of the exact start date, the contract still must
40 be signed. The contractor would like to hold a public outreach meeting within 4-6 weeks. There is some adminis-
41 trative work being done already, such as records research. Before the team is working on the river they want to have
42 the public outreach so the public knows what is being done. Selectman Bauer asked if it can take longer than 12
43 months. Mr. Scaife responded that the maximum would be about 18 months. Chairman Finan asked when the his-
44 torical discussions will be done. Mr. Scaife responded it is a similar review to what is administered by the State, we
45 got to see some of that when the cell tower was being put on town hall. Gomez & Sullivan will work with the State
46 and the Heritage Commission to pull historical records. Selectman Putnam indicated that tonight's decision is for
47 just the feasibility study, no dam removal decision is being made tonight, that is not a Board decision, the Board is
48 still open to public input and comment. There will be at least 3 public meetings and a final written report. An abut-
49 ter's list will be developed, announcements made in the paper, website announcements and postings will be done to
50 make sure people are aware of what is going on. Chairman Finan said after the feasibility study is done, it is in the
51 Board's hands. Selectman Bauer thinks there is some anxiety for people who are not sure what is going on. Mr.
52 Scaife said that funds were raised for the feasibility study and that is it; the removal of the dam is a whole other en-
53 deavor and will need to go through public discussions if it is found there are benefits to removal. The effort will
54 also need to be finalized; there have been no decisions made, it is just the beginning of this process.
55

56 b) **Milford District Court Funding.** Since the last Board meeting when this Board approved funding its por-
57 tion of the rental of the courthouse there have been new developments. It is estimated the cost for the rest of the
58 year to be \$98,000 and five communities have agreed to their portion of that amount, Mont Vernon voted against it

1 and Amherst votes tonight. The property owner of that facility has been contacted to reduce the rent and the court
2 will move if it is not supported. The property owner is at risk and has agreed to reduce the rent by \$1,200 for six
3 months July – December 2010. That amounts to \$7,200 over the six months. That information has been forwarded
4 to Mont Vernon and Amherst. The property owner has not committed to the following six months. This reduction
5 will allow the communities more time to evaluate what their cost is and their cost for law enforcement and citizens
6 who go to court. The State has been to Troop B barracks to evaluate it for renovations for a courthouse. Within a
7 few weeks they can determine if it is economically feasible to renovate and what it would cost and then find that
8 funding. If Amherst and Mont Vernon agree to carry their share, that will allow more time to look to another loca-
9 tion and allow communities to step back and secure their funding. If the Troop B barracks is not a reasonable alter-
10 native, we would be looking at this ongoing. We cannot project the State’s budget for the next bi-ennial. Cole-
11 brook, Claremont and Keene are looking at less money for those courts since they are in municipal buildings. Cole-
12 brook, Claremont and Keene are funding the buildings, not the other communities. The court target date to have this
13 resolved by the end of July. Selectman Bauer asked if one of the towns says no to the proposal, will the court have
14 to move to Merrimack. Mr. Scaife said no, if one town does not participate, the other towns will have to consider
15 what to do. If a town decides not to stay, the State needs to figure out where they will go. The fee is to be borne by
16 the 7 municipalities.

17
18 Selectman Putnam asked if the old police station could be part of the equation. Mr. Scaife responded that the old
19 police station building cannot be occupied. Selectman Putnam asked if that building is condemned. Mr. Scaife re-
20 sponded that it will cost more to do a rehabilitation of the building than it would to build a new building. Selectman
21 Carmen asked if Mont Vernon or Amherst does not want to pitch in will they have to go to Merrimack. Mr. Scaife
22 said we do not know. July 1 is the date Vice Chairman Daniels found that a commitment needs to be made. Has
23 there been communication about the date that we are trying to work something out. Mr. Scaife indicated the corres-
24 pondence says July 1 but he spoke with the Director of Court Facilities and they spoke of a decision no later than
25 July 31. Mr. Scaife found they were receptive to giving us time as long as there is progress being made. The 6-
26 month proposal seems to be reasonable but needs to be checked to make sure it’s legal. The Executive Council
27 signed on a 2-month extension because it allowed time to get it through till August. This will extend it another four
28 months.

29
30 **(c) Miscellaneous.** Guy Scaife explained there is a communication plan policy in process for the town. Mike
31 McInerney’s focus was initially to contact other communities and look at what fits for Milford, but was surprised not
32 to find a single communications plan in the State. None of the cities or towns have been found that have one. The
33 only thing found was at universities which tended to focus on marketing. Documents were found regarding emer-
34 gency notification, posting of minutes, and media documents. A communications plan seems to not exist. Milford
35 needs to make sure we have good clarity of what is the objective. If the Richey family has a vision, we need to get
36 some clarity on that. When talking about the newsletter look and feel, we need to make sure we are not fixing some-
37 thing that is not broken. A communications policy should have something that needs to be done. Social media
38 needs to be considered, before we go down that path, we need to identify what we want or do not want.

39
40 Mr. Scaife has been approached by the manager of the solid waste co-op, which is the same person that came to
41 present single stream, he asked if Milford would like to join the co-op as a full time member. There were two towns
42 that pulled out. There are advantages and some potential liabilities in joining. We still have to figure out how to
43 make a good solid evaluation. This will be looked at and studied. Vice Chairman Daniels asked what information is
44 available at this time. Mr. Scaife responded that documents have been updated, and gone through which talk about
45 liability and contributions. No additional contributions would be expected from Milford. The budgeting history is
46 also available. The land fill ash goes to Franklin; which the co-op owns. Mr. Scaife will get some of these ques-
47 tions answered before sending it out. Jim can come in to do a presentation if requested. Vice Chairman Daniels
48 would like to get the Recycling Committee involved in this by inviting them to the presentation or getting electronic
49 documents to them.

50
51 Mr. Scaife explained the Fletcher clean up is to include getting the property at the top of Keyes Drive prepared for a
52 future memorial park adjacent to the existing cemetery. GE’s plan of record makes the parcel “memorial park
53 ready” by laying out some space where conduits can be buried, etc. The GE Project Manager called about this park
54 being built, wanting to know if this is still the current thinking of Milford? What is the town willing to invest going
55 forward? Mr. Scaife asked the engineer and Bill Parker to take a look at what was proposed; we need to make sure
56 that is the direction the town wants to go. Does the town want to commit that space to a war memorial? The EPA is
57 starting to look at putting its final approval on the plan. Selectman Putnam said if it is “park ready” they can come
58 up with a general plan easier than setting up something specific. Mr. Scaife said the cap to be put on will be only 2

1 feet down, trees can only be a certain type so that the roots don't go down too far and potentially penetrate the cap.
2 Selectman Putnam said there is a way it can be engineered generic so that we can work with it. If the memorial plan
3 will not be used, he would rather see it set up for sidewalks, etc. that would be used.
4

5 **6. DISCUSSIONS:**

6 **a) Request for Input on Existing Projects in the Long Range Transportation Plan.** NRPC will be com-
7 pleting an update to the 2009-2035 Nashua Metropolitan Area Long-Range Transportation Plan (LRTP). This plan
8 identifies and assesses transportation needs for all modes of transportation over 25 years in the Nashua area. Com-
9 munity Development Director Bill Parker indicated there are a couple of items in that plan that affect Milford. Se-
10 lectman Putnam asked about the Route 13/Armory Road intersection. Chairman Finan responded that we can also
11 look at getting another access off Route 101; it would make the Brox property more marketable. Selectman Bauer
12 asked if this request is for the Board to accept the recommendations in concept only. When it gets into the multi-
13 year project, would there be more Board input? Chairman Finan believes that is the case, these are State projects
14 that affect Milford; this Board would be advising of what we would like to see. Selectman Putnam moved that the
15 Board draft a letter of support and send it out supporting the three issues affecting Milford. Selectman Bauer
16 seconded. All were in favor. Motion passed 5/0.
17

18 **b) Taxicabs Ordinance.** Selectman Carmen indicated at the last Board meeting the Board agreed to get rid of the
19 Health Card in the Taxicab ordinance and also look at other things in the ordinance. Selectman Carmen proposed
20 that the Health Card section be taken out and leave the rest as it is and start the readings over. There is currently no
21 requirement for drug testing in the ordinance. Selectman Carmen suggested that Dawn Griska could modify the
22 ordinance to remove any requirement for the Health Card, then the ordinance be brought back to the Board for the
23 first reading.
24

25 Selectman Putnam moved to have the Health Card section removed from the current Taxicab ordinance. Vice
26 Chairman Daniels seconded for discussion. Selectman Bauer indicated the idea of not requiring drug testing does
27 not sit well with her; if something happens would the insurance company look to do that? Selectman Putnam indi-
28 cated that the insurance companies do not require drug testing but they bear the cost of anything that happens. If
29 they do not require drug testing, why should we? Selectman Bauer noted if she had to take a taxi she would feel
30 better if the drivers had drug testing; it is a safety concern. DPW has random drug testing. Chairman Finan said that
31 is correct. Selectman Bauer asked why they are required. The test only costs \$56, why can't we put it in the ordin-
32 ance to have the drug test? Selectman Putnam said the costs could be exorbitant. Selectman Carmen indicated the
33 cost is actually \$65, but there are only two municipalities in NH that have drug testing for taxicab drivers. Roche-
34 ster leaned away from random drug testing since in order to do it, the town must establish a commission to review
35 the tests. Milford only has two drivers who also drive in Nashua and participate in random drug testing. There does
36 not appear to be a problem at this time. The cost is lower for the towns that do the drug testing in bulk, the testing
37 would raise the fees if it is built into the license fee. The Health Card caused some concerns and when looking at
38 random drug testing, maybe we can do it in the future.
39

40 The problem with the Health Card was the hearing and vision, said Selectman Bauer, it did not seem they were op-
41 posed to the drug testing. Drugs are rampant in this town and others, and she does not see the big deal to have the
42 random drug testing. Selectman Carmen said it does not seem to be a big deal, but there are reasons why municipal-
43 ities avoid them because a system needs to be set up for it. Selectman Bauer asked what it would entail to set up that
44 system. Selectman Carmen said if random drug testing is set up, a commission needs to be set up that reviews the
45 results of the tests. Some ordinances have a list of violations. It all goes before a review board and that can get
46 complicated; when there is a big taxi community, the problem is the ordinance gets bigger and more complicated.
47 There are different issues that come up. It seems to Selectman Bauer that a lot is being made out of this, it does not
48 seem that complicated. Vice Chairman Daniels asked if this is for taxi companies that are established in Milford.
49 Chairman Finan said it is for companies doing business in Milford. Vice Chairman Daniels said it is whether or not
50 to keep the business in town, the business could move to another town and still be carrying people into Milford.
51 Chairman Finan noted there is consensus of the Board to remove the Health Card and there will be three readings.
52 Selectman Carmen, Selectman Putnam, Vice Chairman Daniels and Chairman Finan were in favor. Selectman Bau-
53 er was opposed. Motion passed 4/1.
54

55 **c) Potential New Ordinance - Second Hand Dealers and Pawnbrokers.** Selectman Bauer had asked Chief
56 Douglas if he could summarize why he feels this was requested. This came up because of a citizen's complaint of a
57 situation. At the last Board meeting, she asked if the town wants an ordinance for pawnbrokers or if we want to
58 include second hand dealers, antique dealers, etc. Vice Chairman Daniels did some research and tried to find out

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1 how it should be addressed; we may be trying to regulate a profession instead of an activity. He did not talk with
2 Chief Douglas but it seems to be that the State has an RSA that deals with licensing pawnbrokers but is only en-
3 forced in cities that have more than 40,000 people. In New Jersey there is a ruling requiring gold to be held for 60
4 days before it is sold. That being done may force an owner to go out of business. Vice Chairman Daniels feels that
5 14 days would be sufficient as discussed with Chief Douglas. In Wisconsin they require that pictures of the item be
6 taken. The idea of taking digital photos of the items and posting them would go toward accomplishing what the
7 police department would need. The idea is there would be 14 days to float out the photos to see if the item has been
8 stolen. Maybe limiting what it is Milford is concerned about (in the ordinance). Are we talking about only gold? If
9 we focus on the action of melting down gold, then it breaks down what we are looking for. If we focus on the ac-
10 tivity instead of the profession, this may be simpler. Chairman Finan asked if the gold parties would be subject to
11 this. Nobody was sure.

12
13 Selectman Bauer reviewed some of the things Chief Douglas is concerned with. Melting gold is a difficult proce-
14 dure, it is not something that people can just do, if we decide not to have an ordinance just because we think we are
15 only talking about melting gold, that is too far, it is more than just about melting gold. Selectman Putnam indicated
16 something has to be done but has a hard time targeting one business in town when there are others that could be
17 doing the same thing. We keep talking about exempting all kinds of businesses and he has a problem with that. It
18 should be across the board. Chief Douglas did not identify what it is going to cost to oversee this. We will probably
19 have to add one person just to maintain the documentation. Why can't we just arrest someone that is doing an illeg-
20 al operation? Selectman Carmen said there is nothing illegal being done. Selectman Putnam said theft is against the
21 law. Chairman Finan asked what the distinction of a pawnshop is, do they buy the item or give money for them to
22 hold the item for a period of time? Vice Chairman Daniels said that is where the time issue comes in. Vice Chair-
23 man Daniels said that time allows the owner to get some money to go back and buy it back. Chairman Finan asked
24 if this ordinance would only affect pawnbrokers. Selectman Bauer responded that is what she has been asking of the
25 Board, do we want to include second hand dealers? Selectman Putnam said yes it should.

26
27 Selectman Bauer had the definitions of both and read them. Selectman Putnam said this should include any place
28 that can buy jewelry or coins or consign jewelry or coins, we cannot just pick on a place and target that business. If
29 it is a pawnbroker ordinance, it is not for consignment shops. But if the pawnbroker changes the name to a second
30 hand shop then it does not fall under that ordinance. Chairman Finan understands that a pawnbroker is different
31 from a second hand dealer. Selectman Carmen clarified that the two definitions are statutes that apply to certain
32 sized municipalities. The second hand dealer is a different transaction. We should put in a stipulation that precludes
33 materials that cannot be resold. Milford should narrow it down to just the part that we are concerned with and have
34 the owner hold the item for 14 days and then be done with it. We can do it just for those items. Chief Douglas was
35 asked how much time it would take, but Selectman Bauer did not get any indication that it would take a lot of time.
36 Towns have ordinances in place and maybe do not use them. We have sample ordinances from Salem and Hudson
37 as well as Nashua and Manchester. Selectman Putnam suggested just adopting the Nashua ordinance. Selectman
38 Bauer said we would need to go over it to be sure it all applies. Selectman Bauer feels Milford is becoming a mag-
39 net for this type of operation because other towns have ordinances in place. The action of pawning is different from
40 having a second hand shop, said Selectman Carmen. If the property is held and interest is accruing on the amount
41 borrowed, that is pawning. Vice Chairman Daniels asked what abutting towns have this type of ordinance. Select-
42 man Bauer said that Amherst and Wilton do not have a pawnbroker, Milford has one, but it is not being regulated in
43 Milford. Vice Chairman Daniels asked how many second hand dealers are there. If someone has stolen jewelry,
44 they would want to get rid of it retail.

45
46 Guy Scaife noted this issue started off in a committee, if there was a specific recommendation, he has not heard it.
47 The committee needs to go back and then come forward to the Board with a precise document to present. Selectman
48 Bauer and Selectman Carmen signed up for the committee, Selectman Bauer did come forward with the ordinance
49 that was proposed in 2004, but this is now a brand new ordinance and needs to be reviewed, she does not agree that
50 there was not something presented. We still have the proposed ordinance that could be reviewed and amended.

51
52 Selectman Putnam moved to table to the next meeting. Selectman Bauer does not know where to go from here, she
53 does not understand what the Board wants to do, how do we get the correct information to the Board to make an
54 informed decision? Selectman Carmen would rather ask that the motion be reviewed and it goes back to the com-
55 mittee to meet with Chief Douglas and revise the ordinance to bring it back to the Board. Selectman Putnam said he
56 is getting a little exasperated and asked for the electronic version of the proposed 2004 ordinance. He would also
57 like the Nashua ordinance electronically. Selectman Bauer said Chief Douglas has responded to every question that
58 has been asked of him. Selectman Putnam wants the original document to review but does not need information

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1 from the Chief. Chairman Finan suggested just doing a pawnbroker ordinance and not worry about the other organi-
2 zations. Selectman Putnam agreed. Vice Chairman Daniels still would like to absorb things and would lean in that
3 direction but he is still not sure. Selectman Bauer will come in after Selectman Putnam reviews the clean ordinance
4 and the Nashua ordinance. Selectman Bauer asked if she and Selectman Carmen should meet with Chief Douglas.
5 Selectman Carmen just wants to get this done. Chairman Finan suggested just getting a proposed pawnbroker or-
6 dinance ready. Selectman Bauer will send the Nashua ordinance to Selectman Putnam and Vice Chairman Daniels.
7 Selectman Putnam withdrew his motion.
8

9 **7. SELECTMEN’S REPORTS / DISCUSSIONS**

10 a) **FROM SPECIAL BOARDS, COMMISSIONS & SPECIAL COMMITTEES.** Vice Chairman Daniels
11 indicated he has sent an e-mail regarding the town perambulation. All the necessary information is available and we
12 need to meet with Amherst representatives to coordinate when this can be done.
13

14 **8. APPROVAL OF FINAL MINUTES** – There were no minutes presented this evening.
15

16 **9. INFORMATION ITEMS REQUIRING NO DECISIONS**
17

18 **10. NON-PUBLIC SESSION** – There was no non-public session this evening.
19

20 **11. ADJOURNMENT:**
21

22 There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 8:35 p.m. Se-
23 lectman Bauer seconded. All were in favor. Motion passed 5/0.
24

25
26 _____
27 Tim Finan, Chairman

Gary L. Daniels, Vice Chairman

28
29 _____
30 Katherine Bauer, Member

Nate Carmen, Member

31
32 _____
33 Mike Putnam, Member
34
35
36