

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN
FIFTH MONDAY FORUM
June 29, 2009

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

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

INSTRUCTIONS: The meeting was called to order by Chairman Finan at 5:15 p.m. who welcomed those in attendance to the Board of Selectman fifth Monday forum. Following introductions of Board members, Chairman Finan 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 go to a microphone in order to be heard on the PEG Access live broadcast.

2. APPOINTMENTS:

5:15 p.m. – Non-Public Session (RSA 91-A:3, II(e)) – Legal. Selectman Putnam moved to enter into non-public session for a legal discussion at 5:15. Vice Chairman Daniels seconded. The Board members were polled individually and all assented to enter into non-public session. After discussion, Selectman Putnam moved to come out of non-public session at 5:20 p.m. Chairman Finan announced that in non-public session the Board discussed a legal matter.

5:30 p.m. – DES Input on McLane Dam. Chairman Finan indicated that the Department of Environmental Services (DES) is here to present information on the McLane Dam and its possible removal. Deb Levergood, Eric Hutchins, Grace Levergood and Eric Derleth were all in attendance supporting this presentation. Deb indicated the Board should feel free to ask questions during the presentation which is about what the town wants to know from the DES on dam removal. Ms. Levergood began with the letter of deficiency of McLane Dam. Selectman Putnam asked how long a permit takes to be issued. Deb answered if all the work is done up front to submit the application, the actual permit is the out product, it is the information gathering that takes a couple of years. From start to finish, a dam removal averages about 4-5 years. Eric Hutchins indicated the bulk of the work is in step one with topography, modeling, and background work to find out the benefits and impacts. Public involvement is key in the process. Chairman Finan asked if there has been litigation with flows down stream. Mr. Hutchins responded that there has been. Chairman Finan asked how long the Merrimack Dam removal process took. Deb answered it was about six years. Chairman Finan asked about costs. Mr. Hutchins said the Merrimack Dam removal was probably about a half million dollars. McLane Dam will probably cost less than Merrimack since it is just a river dam without a lot of sediment. Mr. Hutchins indicated the Town of Milford has until 2010 to address the issues in the letter of deficiency; McLane Dam is not a high hazard dam; there is currently a \$400 annual registration fee. Vice Chairman Daniels asked how high the water went during the floods. Grace Levergood indicated the water was almost to the top.

The Adopt-a-fish program was touched upon, noting that the fish released by the Milford Middle School has been a great program. The Souhegan River species are beginning to come through Lawrence. Selectman Bauer asked about the Goldman Dam that is upstream from McLane – would that be recommended for removal or would it prevent fish passage? Mr. Hutchins stated there are alternatives to removal; but that has not even been looked at; even an incremental benefit for the fish is good. Deb noted that the owner of that dam could be looked at, but she is not sure of what the owner's thoughts are. The owner of the Goldman Dam is an 18 year old trustee. There has been no conversation with that owner about the dam. Mr. Hutchins said if the Goldman Dam will never be changed or have a fish ladder added, it might not be worth any change, but at some point the dam will need to be removed or repaired; at some point it will fail. Guy Scaife said the owner of the Goldman Dam had expressed interest in removal, but understands there is liability and it is in close proximity to the bridge which prevents it from ever being usable as a hydro site. It might be feasible to look at doing both dams at the same time. Mr. Hutchins said the Goldman Dam is in worse shape than McLane and poses more issues to the town but it is not the town's responsibility.

**APPROVED MINUTES OF BOARD OF SELECTMEN MEETING
FIFTH MONDAY FORUM – 6/29/2009**

1 ity. Eric Derleth said that typically every 25-30 years it takes a chunk of change to repair/maintain dams. If we get
2 more 100 year floods, it will wear away sooner, the dams are not built for that kind of event.

3
4 Vice Chairman Daniels asked if the feasibility study is done now, and it is decided not to do anything now, but in 15
5 years the town wants to do something, can that same information be used. Eric Derleth responded that laws could
6 change and requirements could change, so the study would need to be revised. The engineer would want to look at
7 everything in order to identify the requirements. Eric Hutchins stated the FEMA data from the 1970's and 1980's
8 are no longer accurate because the climate has changed. The rain events are changing so the FEMA maps should be
9 re-run. Selectman Carmen asked if privately owned dams have been abandoned because of liability. Grace ans-
10 wered that they have been and DES must go back into history to find the owner and send a nasty gram. Selectman
11 Carmen said it sounds like there is enough liability. Eric Derleth said dams may have been abandoned 30-40 years
12 ago and now there is more attention being given to who owns the dam; it would be hard to abandon a dam now.

13
14 Deb indicated there are potential funding sources such as competitive grants. Chairman Finan asked if there have
15 been any problems encountered that this dam might also encounter. Mr. Hutchins responded that erosion of em-
16 bankment has been a problem; some people miss the dam, the same amount of water will run down the river as it
17 does now. This dam would not look that much different once it is removed. Deb has been with DES for four years
18 and was involved in the removal of three dams and all three that have been removed have pleased the residents of
19 those towns. Mr. Derleth said that things are uncovered during the feasibility study that they are not aware of; that
20 can add costs and time to the project. For some, that is upsetting. If there is contaminated sediment, you want to
21 know it's there whether or not DES is involved in the removal of the dam.

22
23 Bill Fitzpatrick, BAC, said a half million dollars for the removal of a dam is a lot of money, asking how much of the
24 costs Pennichuck was responsible for in Merrimack? Eric responded about 30% was covered by Pennichuck. Guy
25 Scaife clarified that regardless of whether the town decides to repair or remove the dams, a feasibility study is the
26 first step for both. Eric Derleth indicated that the town would need to work with DHR and they would have an opi-
27 nion on the site sensitivity. George May, Souhegan Watershed Association, indicated they completely support the
28 removal of the dam and would like to see both dams removed at the same time which would take the river up to the
29 Wilton end and allow fish passage all the way up there. Mr. May is also a member of the Souhegan River Local
30 Advisory Committee, and would make a recommendation to the State that it would be most beneficial for the river.
31 The Advisory Committee has not discussed this issue, but he is sure the committee would support this as well. The
32 river health would improve and there is recreation along the river that would also improve. There is funding availa-
33 ble now, there is a permit for hydro electricity to be re-established, which should be looked at as a totally new
34 project, there is still a bulldozer that was abandoned up there the last time this applicant looked at installing hydro
35 electricity and that applicant also has 9 similar permits all over the state.

36
37 Diane Fitzpatrick, Conservation Commission, has been hearing that removing the two dams would reduce the po-
38 tential flood problem downtown and should be a big consideration in this. Chairman Finan reminded everyone that
39 Monday July 6 at 5:30 p.m. the consultant will be here to talk to the Board about hydro-electric power. Guy Scaife
40 appreciates the professionalism of this group tonight and the input provided.

41
42 **3. PUBLIC INPUT:**

43
44 Chairman Finan invited the public in attendance to bring up any concerns in the town of Milford. Kevin Stephens,
45 Union Street Grille, asked what is the status of the oval parking situation. Mr. Stephens indicated one idea is to use
46 the Bales School during summer for parking on the grassy area. Chairman Finan indicated nothing has been de-
47 cided yet, just information collection since last week. Mr. Stephens appreciates that everyone is looking into this
48 issue. Selectman Putnam suggested four issues need to be addressed:

- 49 1- long term parking (tenants/business owners)
- 50 2- short term parking (off-loading/unpacking)
- 51 3- mid term parking for people to enjoy the oval
- 52 4- town employee parking

53
54 Selectman Putnam and Chairman Finan walked the oval recently and found there are some solutions that can be
55 addressed quickly to help assist in the long term parking problem. Selectman Putnam believes that a key is en-
56 forcement. Selectman Bauer agreed with Selectman Putnam that until there is enforcement, people will not stop
57 parking and have their own reasons, but things have to be enforced. The idea of enforcing only part of the down-

**APPROVED MINUTES OF BOARD OF SELECTMEN MEETING
FIFTH MONDAY FORUM – 6/29/2009**

1 town has its advantages, but if it is only restricted on one side of the oval it may not work. Selectman Bauer likes
2 the restricted parking in all of downtown. Selectman Carmen indicated that whatever is done, it can be changed if it
3 does not work. If the town enforces, it will cost the town. He would like to get something figured out sooner rather
4 than later. Right now, Selectman Carmen is leaning toward less restriction is better. Selectman Bauer noted that it
5 needs to be taken into consideration that those cars need to know to park somewhere else. Vice Chairman Daniels
6 said it needs to be uniform, if we are going to restrict parking it all needs to be restricted and it needs to be unders-
7 tood by people. Four hour parking on the oval interior and two hour parking on the exterior of the oval needs to be
8 explained. He would like to find a solution. Chairman Finan asked what to do about the tenants? Selectman Bauer
9 suggested there should be some onus on the landlord to find a place for the tenants to park. She is not sure it is the
10 Board of Selectmen responsibility to find those spaces. The problem, said Chairman Finan, is there is not enough
11 parking. Vice Chairman Daniels asked how many tenants there are. Selectman Bauer suggested asking if DO-IT
12 has that information. Vice Chairman Daniels said one solution discussed was behind the professional building, but
13 that cannot be used during business hours. Selectman Putnam indicated no matter what is done, people want to
14 parking close to their destination. The only way around it is to enforce parking restrictions. Selectman Bauer
15 agreed the town needs a long term parking solution. Selectman Bauer would be in favor of 2-4 hour parking
16 throughout the oval similar to what there was before and try it into this fall.

17
18 Selectman Carmen feels the problem with parking in the oval really starts after April 15 when the parking ban is
19 lifted. Kevin Stephens agreed, saying the people who park overnight and do not have to go to work leave the cars
20 sitting overnight and then all the following day. The study that was done a couple years ago was done when there
21 was nobody parked in the oval. Mr. Stephens has made arrangements for his tenants to park and keeps the rent low
22 to keep people in the building; he finds places to allow his tenants to park. The town should not need to worry
23 about finding parking for the tenants. Selectman Carmen agreed with the way Mr. Stephens arranges for his tenants
24 to park. Selectman Bauer thinks the parking problems downtown have been going on for a long time. The town
25 needs to work on long term as well as short term parking solutions. Selectman Putnam asked if the Board could talk
26 with the tenants about the parking, take the diplomatic route. Selectman Bauer said without the enforcement the
27 people will park where they want. She does not think it will work. Vice Chairman Daniels said if that would work,
28 it would already be working – any change has to be advertised and talked about and the options have been talked
29 about, it probably requires regulation.

30
31 Selectman Putnam said he is in favor of two hour parking on the exterior and four hour parking on the interior of
32 the oval and pursuing enforcement of a parking ban from 5 a.m. to noon 7 days per week. Chairman Finan asked
33 the Town Administrator if anything had been done about proposing changes to the overnight parking ordinance,
34 which is designed to facilitate snow removal during the winter. Guy Scaife said the town has looked at what other
35 towns do, and when the oval project begins, we could include some lighting so that a restriction could be enacted
36 after the snow ordinance expires, but that is a couple years away. Selectman Bauer said that Manchester has that
37 system, she will look into that and find out how long it took and how much it costs. Guy Scaife supports limited
38 parking in the oval, but the Town may need to make a hard commitment to find more parking. Guy Scaife has
39 asked Bill Parker to contact CLD to get a preliminary plan together. In about three weeks, the Board can have a pre-
40 liminary view of it. Vice Chairman Daniels asked why Selectman Putnam suggested the end of the parking ban to
41 be noon. Selectman Putnam said because most of the restaurants close by 2:00. Kevin Stephens indicated by noon,
42 most of the customers are already there, it might work that way. Selectman Bauer would rather see the ban end at
43 2:00 p.m. Chairman Finan indicated the Board will work on a draft ordinance with the ban from 5 a.m. to 2 p.m.
44 Vice Chairman Daniels will draft up an ordinance for review. The first reading will be at the July 13 meeting.

45
46 **ADJOURNMENT:**

47
48 There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 8:03 p.m.
49 Vice Chairman Daniels seconded. All were in favor. Motion passed 5/0.

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53 Tim Finan, Chairman

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53 Mike Putnam, Member

**APPROVED MINUTES OF BOARD OF SELECTMEN MEETING
FIFTH MONDAY FORUM - 6/29/2009**

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2 Gary Daniels, Vice Chairman

Katherine Bauer, Member

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7 Nate Carmen, Member