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APPROVED

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

August 9, 2010

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

EXCUSED: Gary Daniels, Vice Chairman

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. – Request for Approval of (1) Late Filed Special Appraisal – Residence in Industrial or Commercial Zone Application. Marti Noel, Town Assessor, explained there was one application filed late for a special appraisal for residence in industrial or commercial zone, which has been done for many years, but the applicant was late in filing this year. Ms. Noel recommends approval for the application for 84 Old Wilton Road. Selectman Putnam moved to approve the application as requested. Selectman Bauer seconded. All were in favor. Motion passed 4/0.

5:35 p.m. – Introduction & Debrief of Internship with Police Department. Milford Police Sergeant Kevin Furlong introduced Heather Blaise as the intern that spent the summer with the Police Department. Heather Blaise is a Junior at Plymouth College and is majoring in Criminal Justice with a minor in Psychology. Sergeant Furlong explained that he is the Field Training Coordinator, which takes on an intern over the summer, who is a person in their 3rd or 4th year of college interested in criminal justice and is a resident of the community. Sergeant Furlong had Heather work in all aspects of the Police Department and she had an opportunity to gain experience in the field. After this internship, Heather has decided that this is the career path she will continue. Selectman Bauer thinks it is wonderful for the student and she feels it is great to go forward in a career in Police work. Selectman Putnam also thinks this is a great program. Chairman Finan asked what Heather's favorite memory of this experience is. Ms. Blaise indicated she remembers the first response to a call at high speed, when she got an adrenaline rush. Guy Scaife asked if there were any surprises she did not expect. Ms. Blaise said that she was surprised at how many things that have been learned in the classroom actually relate to real life situations. Guy Scaife thanked Sergeant Furlong for shepherding this effort. Sergeant Furlong responded that the Police Department takes interns very seriously and does not just give them the work nobody wants to do, which is the case in some internships. The intern at the Milford Police Department is exposed to every aspect of the job. It was an excellent experience and it could not have gone any better this year.

5:50 p.m. – Final Vote on Ordinance 2010-003 to Enact Modifications to Municipal Code Book 3.20.070(c) - Taxicabs. Chairman Finan opened the public hearing at 5:50 p.m. Chairman Finan explained that the first two hearings for ordinance 2010-003 were held previously and this is the final vote on this ordinance amendment. The only change is the removal of the DOT Health Card requirement. Chairman Finan asked for public input, there was none. The public hearing was closed at 5:52 p.m. Selectman Carmen moved to approve the amendment as presented. Selectman Putnam seconded. All were in favor. Motion passed 4/0.

5:55 p.m. – Second Public Hearing on Ordinance 2010-005 to Repeal Milford Municipal Code Book 5.11 Explosives and Blasting Regulations. Chairman Finan opened the public hearing at 5:55 p.m. noting this is the second public hearing for ordinance 2010-005 to repeal Milford Municipal Code Book 5.11 for Explosives and Blasting regulations. Chairman Finan indicated that that Fire Chief Fraitzl has indicated that chapter 5.11 should be repealed since the department currently has blasting regulations that were updated in May 2007. Chairman Finan asked for public input, was none. Chairman Finan closed the public hearing at 5:57 p.m. There was no input from the Board. The third public hearing when the Board will do its final vote will be on August 23, 2010.

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2 **6:00 p.m. – First Public Hearing on Ordinance 2010-006 to Amend Milford Municipal Code Book 5.12 Fire-**
3 **works.** Chairman Finan opened the public hearing at 5:59 p.m. noting this is the first public hearing for ordinance
4 5010-006 to amend Milford Municipal Code Book 5.12 Fireworks. Fire Chief Fraitzl’s recommended amendment
5 to this ordinance is to change “Class C common fireworks” to “Permissible fireworks” in accordance with the appli-
6 cable RSA. Chairman Finan asked for public comments, there were none. The public hearing was closed at 6:01
7 p.m. There was no input from the Board. The second public hearing on this ordinance will be held on August 23,
8 2010.
9

10 **6:10 p.m. - Second Public Hearing on Ordinance 2010-004 to Enact Milford Municipal Code Book 3.06**
11 **Pawnbrokers.** Chairman Finan asked if the Board wished to move forward with the second public hearing of the
12 Pawnbrokers ordinance tonight or table it to go back to the beginning. Selectman Bauer feels it could be either way.
13 Selectman Carmen indicated that information has come in regarding secondhand dealers and there have been discus-
14 sions to have one ordinance to address both (pawnbrokers and secondhand dealers) issues. Selectman Carmen sug-
15 gested having one complete ordinance rather than rush to get the Pawnbrokers ordinance on the books because that
16 is not the issue. Let’s get done what needs to get done. Selectman Carmen feels the Board should abandon the
17 Pawnbrokers ordinance that is in review. Selectman Putnam disagreed and wants to keep the Pawnbrokers ordin-
18 ance and then repeal it when there is a new combined ordinance ready. Selectman Carmen would like to get the
19 Chief’s opinion if he thinks the Board should move forward. Selectman Putnam said the Pawnbrokers ordinance has
20 been the big push, so let’s get this moved through and then repeal it when there is another (combined) ordinance
21 completed. Chairman Finan asked if a pawnbrokers ordinance would help short term. Chief Douglas responded that
22 the way it is defined now, when someone goes in and offers merchandise and is given money with the option of pur-
23 chasing it back, the ordinance will not help. Most of what is transpiring is merchandise goes in and the owner
24 comes back to “buy it back.” It provides fast cash. The pawnbrokers ordinance, the way it is written now will not
25 help the situation. If that is the case, Chairman Finan said the Board should not go forward (with this reading). Se-
26 lectman Bauer agreed.
27

28 Selectman Carmen moved to table the pawnbrokers ordinance. Selectman Bauer seconded. All were in favor. Mo-
29 tion passed 4/0. Selectman Bauer asked Chief Douglas and the subcommittee members to come up to the table for
30 discussion. Chief Douglas and Mark Fougere joined the Board. Chief Douglas indicated that attorney McCall spent
31 time looking at the ordinance and ended up providing a boilerplate which came from other communities that would
32 most fit Milford. Attorney McCall also identified the positives and negatives of where Milford is and where Milford
33 is going for the ordinance. The subcommittee has made inquiries around town; one of the questions that comes up is
34 how many businesses this would affect. Secondhand dealers, consignment shops, antique dealers, etc. may be af-
35 fected. Chief Douglas could only identify four businesses that would be affected by a secondhand dealer ordinance.
36 The subcommittee knows there is an antique store that takes in jewelry so that would come under a secondhand or-
37 dinance. Chief Douglas recommends having Counsel write the ordinance to eliminate the criminal element in this
38 town. Mr. Fougere agreed, stating he met with 3-4 business owners and spent all day with the Antique Co-op owner
39 who looked at the draft ordinance, noting there are a number of things available at the Co-op, the other two places he
40 visited are consignment and do not buy anything. There is a way to write this that is not discriminatory. Attorney
41 Drescher could be utilized to come up with language that will affect the least amount of businesses.
42

43 With tweaking, Selectman Carmen said there are ways to accomplish what is needed. The Board does not want to
44 discriminate against certain businesses. Selectman Bauer asked about gold and precious stones, asking what else is
45 considered a hot commodity? Chief Douglas answered that electronics, cell phones, musical instruments and GPS
46 systems are hot right now. Chief Douglas wants to focus on more expensive things that can be brought in for quick
47 money. These items are taken from cars and residences but it is not only from this community, it is also outside this
48 community. Selectman Bauer said the issue has always been getting down to secondhand dealers; Attorney McCall
49 indicated in his memo to the Board that we have to be careful about not specifying anyone type of business and if
50 we have to get down to all secondhand dealers, people have to apply for a license, have a security camera on pre-
51 mises, have a criminal background check and maintain transaction records. Those requirements would be discour-
52 aging for secondhand dealers. It should be reviewed by the attorney. Chief Douglas wants to get some solid an-
53 swers before making any decisions. The subcommittee should move forward and get input from Attorney Drescher.
54 This item was tabled for additional work to be done.
55

56 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** Chairman Finan indicated the Board
57 had questions on certain LGC positions regarding the Planning and Environmental quality; there was a lack of in-
58 formation and the Board opposed the recommendations. Chairman Finan moved to reconsider that decision. Se-

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1 lectman Carmen seconded. All were in favor. Motion passed 4/0. Chairman Finan asked how Selectman Bauer
2 feels about those positions. Selectman Bauer indicated she appreciates that LGC responds when Milford has ques-
3 tions, however this situation is not a problem in Milford. The ZBA is the last chance for applicants before an issue
4 goes to Supreme Court. Selectman Bauer does not think this is a big problem in Milford and thinks Bill Parker and
5 the Planning staff have a good handle on how things should proceed. The bottom line is that it is not a big problem
6 and the ability to appeal to the ZBA is a good thing. Chairman Finan said this change does not eliminate the ZBA
7 appeal process. Selectman Bauer thinks it will eliminate it. Chairman Finan said it is a position for the State, not
8 just for Milford. Selectman Bauer thinks it will be for all municipalities in the State, but it is not a problem in Mil-
9 ford. Mr. Scaife clarified that the issue came up because there was a situation that a person had to do a dual appeal
10 concurrently. It is not being suggested to do away with the appeal process and having the clock run out on an appli-
11 cant, it is just something that should be phased in. Chairman Finan does not think LGC is proposing eliminating the
12 ZBA process. Chairman Finan moved to support the LGC position. There was no second. Motion failed.

13 14 4. DECISIONS

15 a) **CONSENT CALENDAR.** Chairman Finan asked if there were any items to be removed from the Consent
16 Calendar. He explained that if they are taken off the Consent Calendar, they will be discussed fully; otherwise they
17 will be accepted together without discussion. Selectman Putnam moved and Selectman Carmen seconded to ap-
18 prove the Consent Calendar item as follows, with all members in favor.

- 19
20 (1) **Request for Appointment of Michael R. Tufo as a Full-Time Police Officer.** This request was approved
21 to appoint Michael R. Tufo as a full-time police officer in the Town of Milford.

22 23 b) OTHER DECISIONS

- 24 (1) **Request to Vend on Town-Owned Property – Emerson Park Horse-drawn Carriage Rides During**
25 **Summer Concert Series.** This request is to allow the Feel Good Farm to offer horse-drawn carriage rides
26 during the summer concert series at Emerson Park. The rides will be done between Emerson Park and the
27 Boys & Girls Club on Conservation property, not on public roads. There are only a couple of concerts left
28 this summer, and if successful, a request will be brought forth for the 2011 concert series next summer. Se-
29 lectman Putnam moved to approve the request. Selectman Bauer seconded. All were in favor. Motion
30 passed 4/0.

- 31
32 (2) **Request from Former Police Officer Bill Eggers Regarding Health Insurance.** Chairman Finan ex-
33 plained that Ruth Bolduc, HR Director, provided a memo to explain this situation where a retired police of-
34 ficer has requested the NH Retirement System to pay a portion of a health insurance premium with his dis-
35 ability retirement amount. The retired police officer has moved to Florida and is requesting the town of
36 Milford to name BC/BS, Florida as an employer-sponsored insurance plan in order for the NHRS benefits
37 to be payable to them. Selectman Carmen indicated that if it is something the town can follow that is fine,
38 but if not, why should Milford make an exception? It sounds like this previous employee is getting a simi-
39 lar benefit from another town, but that has not been confirmed. Chairman Finan does not think Milford
40 should name a Florida insurance company as an employer-sponsored plan. Selectman Carmen also indi-
41 cated that Ruth Bolduc pointed out some other issues with this as well. Guy Scaife said today there was a
42 conversation with another town, but this does not meet the NHRS guidelines. There is no relationship with
43 the insurance company in Florida. It is not an existing State of NH authorized program. The gentleman al-
44 ready has benefits in Florida and it seems he is trying to double-dip and it is not appropriate. Selectman
45 Carmen moved to deny the request. Selectman Bauer seconded. All were in favor. Motion passed 4/0.

46 47 5. TOWN ADMINISTRATOR REPORT

48
49 a) **Milford District Court Funding.** Guy Scaife sent out information regarding the District Court and the
50 RSAs. The Milford District Court has been funded through December 2010. The court needs 60 days to make a
51 change. Milford has to look at funding the next six months. If Milford is going to launch a challenge to the State on
52 whether it was legal for the State to do it, we need to get that started. The document Mr. Scaife sent out has the in-
53 formation regarding the situation. The Legislature established that a joint House/Senate subcommittee would go to
54 the four courts in question and come back with a recommendation which was done and came back that it would not
55 be in the best interest of the towns to close the four courts. The courts serve the convenience of the public. Before
56 one of the courts could be closed, the obligation of the convenience to the public would need to be addressed. Fur-
57 ther. Selectman Bauer is upset at the idea that the State could get around the statute because it was an “emergency”
58 when there was no emergency and it does not qualify as an emergency. Mr. Scaife said the four courts should have

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1 been funded. Selectman Carmen indicated Milford already paid the \$42,000 for six months, we can either file a suit
2 to get the money back, if that costs \$5,000, we can also look at joining a lawsuit from other towns in the State.
3 Chairman Finan thinks Milford should decide what it wants to do. Selectman Carmen said Milford is in a bind, oth-
4 er towns are not in such a big bind. Milford should find out from Attorney Drescher if the town can join another
5 suit.
6

7 Selectman Putnam is meeting with the Governor next Tuesday, August 17 about this whole issue. The Governor did
8 not know a lot about this, but this Board does not need to make a decision tonight and next week it can make a more
9 informed decision. Chairman Finan said if municipalities file a suit against the State, do we have to do it on our
10 own or could LGC file the suit? Mr. Scaife said Milford could bring in other municipalities, but LGC will not do it
11 on the town's behalf. Chairman Finan would like to read the article that Chuck Douglas wrote about filing suit.
12 Selectman Carmen said it would be a good opportunity to have a lawsuit in the town's back pocket. Selectman Put-
13 nam indicated the meeting with the Governor is August 17, at which he will attend along with Chairman Finan and
14 Peter Leishman. Selectman Putnam asked how Milford's legal budget is looking. Mr. Scaife responded it is all one
15 budget, we have to look at it as a whole, and we have serious financial issues. The appeal to the Governor is an ex-
16 cellent choice and he will get input from Attorney Drescher on that process. We should also engage the entire dele-
17 gation with all seven communities. Unless the Governor finds funds to fund the court, he could kick it back to the
18 Legislature since they amended the bill that went to the committee to fund the courts, it came out of the House and it
19 got amended to fund the courts. It then got into committee of conference for a yes or no vote. There were some
20 errors made that the delegates could help push forward to get corrected. Selectman Putnam indicated the seven
21 towns were supposed to be in attendance at this meeting, however the Governor did not want to do it that way and
22 requested just a few people to attend. Selectman Bauer concurred that Peter Leishman is also attending and he has a
23 good handle on this issue and is a proponent for keeping the court in Milford. Selectman Bauer stated the committee
24 members had a well attended meeting last fall and they were all against closing the courts. Milford court is open
25 five days a week and generates a half million dollars in fines. It is a busy community court, the small towns that
26 have one police officer who has to go to the Merrimack court does not make sense. Selectman Bauer agrees that
27 Milford should try to pull in those other towns. We need to keep this moving forward.
28

29 **(b) Miscellaneous.** Guy Scaife indicated that budget activity is continuing with Department Heads working
30 on it. The budget will be pretty flat, however, the town is seeing increases for services in the 5% range. There have
31 been a few things postponed that must now be addressed; by the next BOS meeting Mr. Scaife hopes to have more
32 budget information. Chairman Finan asked when budgets will be discussed. Mr. Scaife said at the next Board meet-
33 ing, and then again in October to do another update. So far spending has been as tight as possible. Selectman Car-
34 men asked if there is a CIP meeting in August. Mr. Scaife said August 18 the CIP committee is meeting to establish
35 priorities. He does not know if they are on the next BOS agenda. The CIP Committee has been busy every week
36 meeting with various departments.
37

38 Selectman Putnam asked if Mr. Scaife is looking at a shared ambulance/fire facility to cut costs. Selectman
39 Putnam thought this Board was going to start talking about a combined fire/ambulance facility. Mr. Scaife spoke
40 with an engineer but that was about the lot size, he did not think he had an action item to fine tune the pricing of a
41 combined facility. That would have a price tag; we are going to use what we have (for plans) and present the entire
42 project – land and building. There is not engineer funding to develop a plan for a combined facility. Selectman
43 Bauer asked if the current plan could be done without one of the lots. Mr. Scaife said it can; one lot can be removed
44 which means the land will have a slightly lower price tag. Mr. Scaife is in discussions with landowners and wants to
45 move that to a conclusion before anything can be fine tuned. It is expected that within weeks a conclusion will be
46 reached.
47

48 Selectman Carmen indicated if the town is moving forward to put forth a warrant article, we need to stay on
49 track. If one lot is not procured, it will not significantly affect the end result. Chairman Finan believes Selectman
50 Putnam would like to move forward with a warrant article for the land and building at the same time. Selectman
51 Putnam said the \$6.1 million was just a shot in the dark and he feels it can be finalized further. The number can be
52 made more real than it is. Chairman Finan said that would require engineering money. Selectman Putnam respond-
53 ed that he would sit down with Frank Fraitzl and Eric Schelberg to fine tune the plans. Mr. Scaife had not unders-
54 tood that was requested. Selectman Bauer said the Facility Committee, along with Mr. Schelberg and Mr. Fraitzl,
55 were not able to answer certain questions and would require engineering input. Chairman Finan asked if the Board
56 wants to have more engineering done or stay with \$6.1 million. At the Work Session the Board could talk at length
57 about it. Time is short now. Chairman Finan thinks the land situation should get worked out. Selectman Carmen
58 agreed if we can work through the numbers to get a more realistic estimate. Selectman Bauer agreed that time is

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1 shorter than we are all thinking. We need to think about how to promote the project. Selectman Putnam would also
2 like to talk about replacing an ambulance at the Work Session. Selectman Carmen would like to invite Chief Fraitzl
3 and Mr. Schelberg to that Work Session.
4

5 **6. DISCUSSIONS:**

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

8 a) **FROM SPECIAL BOARDS, COMMISSIONS & SPECIAL COMMITTEES.** Selectman Bauer indi-
9 cated the foundation work on the west side of the oval is progressing and looking good.

10 b) **OTHER ITEMS**

11
12 **8. APPROVAL OF FINAL MINUTES – July 26, 2010.** Selectman Putnam moved to approve the minutes of
13 July 26, 2010 as presented. Selectman Carmen seconded. All were in favor. Motion passed 4/0.
14

15 **9. INFORMATION ITEMS REQUIRING NO DECISIONS**

16
17 **10. NON-PUBLIC SESSION – Non-Public Session (RSA 91-A:3, II(c)) – Reputation.** Selectman Putnam moved
18 to enter into non-public session for a reputation discussion. Selectman Carmen seconded. All members were polled
19 individually and consented to enter non-public session at 6:50 p.m. The Board came out of non-public session at
20 7:05 p.m. Chairman Finan announced that in non-public session the Board discussed a reputation matter. No votes
21 were taken, no decisions were made.
22

23 **11. ADJOURNMENT:**

24
25 There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 7:06 p.m. Se-
26 lectman Bauer seconded. All were in favor. Motion passed 4/0.
27

28
29 _____
30 Tim Finan, Chairman

Gary L. Daniels, Vice Chairman

31
32 _____
33 Katherine Bauer, Member

Nate Carmen, Member

34
35 _____
36 Mike Putnam, Member