

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
August 10, 2009

PRESENT: Tim Finan, Chairman
Gary Daniels, Vice Chairman
Mike Putnam, Member
Katherine Bauer, Member
Nate Carmen, Member
Guy Scaife, Town Administrator
Heather Nichols, Recording Secretary

1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS: Chairman Finan opened the meeting at 5:30 p.m., introduced the Board and Mr. Scaife, and led those present in the Pledge of Allegiance.

2. APPOINTMENTS:

5:30 p.m. – Non-Public Session (RSA 91-A:3, II(c)) – Reputation.

A MOTION was made by Selectman Putnam and SECONDED by Vice Chairman Daniels to enter into non-public session. Voting: 5 ayes; motion carried unanimously.

The Board returned to public session. Chairman Finan announced that the Board discussed an issue of reputation in non- public session.

5:40 p.m. – Request for Denial of (1) Charitable Exemption Application.

Tax assessor Marty Noel explained that the meeting this evening is to discuss the tax exemption status of Southern New Hampshire Medical Center noting that her recommendation is that the application be denied.

Scott Cody and Attorney Erica Bowdwell appeared before the Board and explained that the SNH Health System is a non-profit parent company of Southern New Hampshire Medical Center which is located, at 10 Jones Road. He explained that they have routinely filed for tax exemption and his request was routinely ignored but this year he appreciates the attention from the Tax Assessor and the Town Administrator. He explained that they are applying for the exemption based on the community benefit provided to the town, for example in 2007 Milford residents received \$548,950 in charitable care through the Southern New Hampshire Health System and in 2008 Milford residents received \$83,942 in free care from the 10 Jones Road site specifically. Ms. Bowdwell reviewed RSA 72:23 with the Board explaining that the statute requires that they prove to the Board that they are a charitable organization. She noted that the NH court system has not said exactly how much care qualifies as charitable just that the amount cannot be negligible or insignificant. A breakdown was submitted to the Board describing how the free care cost was calculated noting this number includes a bad debt cost because the facility does not turn anyone away as they are required to provide care. She also noted that the facility has provided 4 times their tax bill in free care. Mr. Cody noted that the Milford facility is also the resource hospital for Milford, so they provide education to EMS and also restock their vehicles.

Ms. Noel stated that she is concerned that Chapter 7:32;h states that bad debt may not be used in the determination of what is considered charitable care and 72:73(V) states that just because they have an IRS status of charitable does not mean they qualify for the exemption.

Ms. Bowdwell stated that the Chapter 7 statute is not an appropriate statute as it deals with a state business tax exemption but not with property tax exemptions. Ms. Noel questioned if the bad debt is not to be included in other situations, why would the town consider it. She noted that the agreement to a payment in lieu of taxes was not entered into lightly nor was it intended to be only for a year. Mr. Cody stated that they added the costs together because they do not turn anyone away and he noted that they agreed to the Pilot Program to keep out of court but after reviewing the situation they believe they are entitled to the exemption.

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1 In response to a question from Chairman Finan, Ms. Bowdwell stated this business is different from other busi-
2 nesses with bad debt because they are required to provide care whereas another business is not. In response to a
3 question from Selectman Putnam, Ms. Bowdwell stated that the Medical Center is not-for-profit. In response to a
4 question from Selectman Carmen, Mr. Cody stated that this argument has been successful in Merrimack and Hud-
5 son. Mr. Cody also noted that the organization cannot enter into a Pilot Program until they are able to prove that
6 they are a charitable organization.
7

8 Chairman Finan stated that it is not really charity if the company is forced to give it. Ms. Bowdwell stated that NH
9 has not interpreted charity in that way, rather, if at the end of the day the services were provided for free. Selectman
10 Putnam stated that he feels the taxpayer should not be responsible for a handful of people who are not paying their
11 bills. Ms. Noel noted that this is why they agreed to the Pilot Program originally so that the town gets some of their
12 basic expenses covered such as road and police coverage. Mr. Scaife stated that clearly the Board felt that the facil-
13 ity provides a charitable benefit so their tax bill has been reduced by two-thirds.
14

15 The Board and the applicants continued to discuss the difference of bad debt in profit versus non profit companies.
16

17 *A MOTION was made by Vice Chairman Daniels and SECONDED by Selectman Bauer to table the issue.*
18 *Voting: 5 ayes; motion carried unanimously.*
19

20 Ms. Bowdwell stated that she would be happy to talk to Town Counsel.
21

22 **6:05 p.m. – Introduction & Debrief of Internship with Police Department.** Robert Bifsha, a resident of Mil-
23 ford, explained that his parents have a business in Milford, and he goes to school in Concord. He stated that he
24 moved to the United States from Greece when he was 11 and lived in Manchester for four years, then Pittsfield for
25 four years, and he has lived in Milford, which he thinks is a great town, for two years. He stated that the internship
26 has been the best experience of his life and the Milford Police Department went out of their way to make it a great
27 learning experience. He explained that he was assigned to many different units and many different officers and he
28 learned things like how to identify gangs and juvenile crime. He stated that when he was assigned with Officer
29 Palmer he worked third shift and learned how to look for a driver under the influence. When he was assigned to
30 Sergeant Blastos he learned how to talk to people when they are pulled over and the responsibilities of a Sergeant.
31 When he was assigned to Sergeant Pelletier he got to see how hectic it was when the department was down a man
32 and how to respond to ridiculous calls. Also he responded to an accident, learned how to write narratives, re-
33 sponded to a domestic violence call and assisted a NH drug task force on a search warrant. When he was assigned
34 to Officer Hardwick and Canine Zed he was busy helping other officers with canine searches. He learned different
35 ways to approach a vehicle, participated in an investigation of a theft, and saw how protective Zed was of his Offi-
36 cer. When he was assigned to Prosecutor McCall he saw him prosecute people. When he was assigned to School
37 Resource Officer Ostler he learned about community policing. When he was assigned to Detective Plumer he
38 learned about the chain of custody of evidence, how to interview people, how to obtain fingerprints off objects and
39 how to apply for a search warrant. When he was assigned to Sergeant Furlong he learned about Tactical Accident
40 Reconstruction and how to figure out an accident by the skid marks, and how to prepare himself for the hiring ex-
41 perience.
42

43 Sergeant Furlong explained that it was very important to schedule Mr. Bifsha so that he could see all parts of the
44 job. In response to a question from Vice Chairman Daniels, Mr. Bifsha stated that he would like to work in Milford
45 as he would like to help give back to the town, and he liked going on the calls the best.
46

47 **6:15 p.m. – Departmental Update – Police Department.** Chief Douglas, Captain Nervik and Captain Toom
48 appeared before the Board. Chief Douglas explained that staffing has been a serious issue recently as some full time
49 employees have been out on disability, one since December, one on a work related injury, and two on FMLA leave.
50 He further explained that they currently have an officer out with a health issue who has been out for a week and will
51 not be back for at least three weeks. He explained that without a full staff it is hard to keep running without having
52 staff on overtime and he is running over budget because of it. He stated that he is doing more with less people
53 while still meeting their goals and objectives.
54

55 Chief Douglas reviewed the recent officer activity stating that arrests are up 54% which he feels is somewhat econ-
56 omy driven. He stated that domestic disturbances are up 14% and noted that the department has a zero tolerance for
57 domestic disturbance although they can be time consuming investigations. He also stated that drug violations are up

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1 150%. He explained that the goal of the department is to eradicate the drug problems as much as possible and his
2 staff has done a fantastic job of getting drugs off the street, some in large quantities. He noted that they have util-
3 ized the drug task force through the Attorney General's office quite a bit. Chief Douglas stated that the drug issue is
4 disturbing because heroin is often involved. He noted that motor vehicle violations are down which can be attrib-
5 uted to officers being tied up with criminal investigations and not out as much on the street. He explained there has
6 been a 5% increase of accidents which he feels is a direct correlation to the fact that there are fewer officers on the
7 street. He stated that Keyes Field incidences are down 8 incidences as compared to last year which he attributes to
8 the fact that they have been very proactive there, including involvement from the staff in the Recreation Depart-
9 ment.

10
11 In response to a question from Chairman Finan, Chief Douglas stated that he feels the increase in drug violations is
12 due to an increase in enforcement rather than an increase in activity although some of the increase may be driven by
13 the legalizing of personal possession of marijuana in Massachusetts.

14
15 In response to a question from Vice Chairman Daniels, Chief Douglas stated there are 42 full time staff, including
16 civilians and officers, and four part time clerks. In response to a question from Selectman Bauer, Chief Douglas
17 explained that heroin is cheaper than cocaine. Captain Nervik explained that a lot of people start with prescription
18 drugs that are addictive and expensive and once their tolerance builds they cannot afford to maintain their habit so
19 they move to heroin because it's cheaper, prevalent and easy to get a hold of.

20
21 In response to a question from Chairman Finan, Captain Nervik explained that they have been presenting the Inter-
22 net safety program in school with a curriculum and out of the school where an officer goes out to the community for
23 a presentation. In response to a question from Town Administrator Scaife, Chief Douglas explained that the 42 em-
24 ployees include the Administrative staff and Crossing Guards. There are 25 sworn police officers.

25
26 Chief Douglas explained that the Milford Police Department has utilized PEG Access quite a bit and found it to be
27 extremely beneficial. He noted that they just finished a public service assignment regarding the Bales parking situa-
28 tion and urged residents to watch it.

29
30 **6:45 p.m. – Introduction of Nashua Regional Planning Commission New Executives.** Kerrie Diers and Tim
31 Roach appeared before the Board and explained that they wanted to say hello in their new roles. They also submit-
32 ted an updated street map, a map with environmental overlays, and an overview of the NRPC work plan. Ms. Diers
33 noted that they are specifically working on Planning Board training, the Brownsfield program, and the Souhegan
34 Valley Transportation Initiative. Mr. Roach also noted that NRPC serves as the region's MPO as Federal Highway
35 Legislation requires that urbanized areas with more than 50,000 residents have an MPO in order to receive federal
36 funds.

37
38 In response to a question from Vice Chairman Daniels, Ms. Diers confirmed that NRPC is lending a person and a
39 GPS system to perambulate the Milford/Amherst coordinates. Town Administrator Scaife noted that the office has
40 an excellent relationship with NRPC and they are extremely responsive to the town staff. Ms. Diers also noted that
41 NRPC is working with the Energy Committee.

42
43 **7:00 p.m. – Oval Area Parking Concerns & Final Vote on Ordinance 2009-003 to Enact Modifications to Mil-**
44 **ford Municipal Code Book 6.24.100 - Oval Area Parking Limits.**

45 Chairman Finan opened the floor for opinions from the Selectmen regarding the proposed parking restrictions.

46
47 Selectman Putnam does not want to institute the parking restrictions as he has been checking several times a day and
48 he always sees at least two open spaces in front of the Union Street Grill, plus he does not want to pay for a meter
49 maid.

50
51 Selectman Carmen agreed with Selectman Putnam and when the complaint came in the Board worked on dealing
52 with the issue, but the goal is to provide relief not to complicate things. He stated that he would like to look at the
53 issue again in April.

54
55 Selectman Bauer stated that if the Board were to pass the restrictions the only fair thing to do would be to hire a
56 parking enforcement person so she somewhat reluctantly would agree that the best choice would be not to do any-
57 thing.

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1 Vice Chairman Daniels stated that he does not think that the Board has been talking for months about a non problem
2 and that it sounds like people want to bail because they do not want to come up with a creative way to cover en-
3 forcement such as having a volunteer.
4

5
6 Chairman Finan stated he thinks the Board put in a lot of time and effort and he thinks it is a problem but is con-
7 cerned about the funding. Chairman Finan thinks the Board should support the restriction and fully fund it but in
8 these economic times he cannot see a way to fund it; further he thinks it is the right way to go but financially does
9 not think it is time.

10
11 Selectman Putnam stated that the restriction is just throwing a band-aid on the issue and noted that he is leery of
12 having a civilian enforce the parking restrictions.
13

14 Town Administer Scaife stated he has consulted the staff who feels there is a problem but it is limited to one area
15 and they do not feel it is appropriate to enforce the issue for the entire oval due to one area. Mr. Scaife stated that
16 he will take action to speak to the tenant owner and is meeting with the engineer as he feels the town can put in a
17 parking lot very inexpensively. He noted that a parking lot would also help meet the issue with kindergarten park-
18 ing as well as the Pumpkin Festival and Keyes Art show and if the problem still exists next spring the Board could
19 look at the issue again.
20

21 Selectman Bauer stated that she does not want to enact a partial solution and noted that she has considered a volun-
22 teer but thinks enforcement needs authority and consistency. She stated that she does not think enough people will
23 use the proposed lot to justify the cost.
24

25 Selectman Carmen stated that the Board has not put in enough time to the discussion to get the full numbers such as
26 the cost of enforcement and while he thinks the Board has done a good job at looking at all the angles, he feels they
27 still need more answers.
28

29 Chairman Finan stated that he thinks the town needs more parking and should have restrictions but that it is not the
30 appropriate time right now.
31

32 *A MOTION was made by Selectman Putnam and SECONDED by Selectman Carmen to table the issue.*
33 *Voting: 4 ayes; motion carried with Vice Chairman Daniels opposed.*
34

35 Kevin Stephens, owner of the Union Street Grill, thanked the Board for taking the time to look at the issue.
36

37 Aaron Kaplan, A & D Computer, explained that he designed a survey and gave it to merchants and landlords, al-
38 though he was not able to give it to the tenants. He hopes the Board will take the answers of the survey into consid-
39 eration. He stated that the majority of the merchants do not want the restrictions and the merchants that did say
40 there was an issue seemed to be on one side of the oval. Mr. Kaplan stated that the only way to change the overall
41 situation is to add parking and he does not feel the restrictions would require a separate enforcement officer.
42

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

44 Chairman Finan called for public comment and heard none.
45

46 **4. DECISIONS:**

47 **a) CONSENT CALENDAR.**

48 In response to a question from Chairman Finan, Selectman Putnam asked that item 4a2 be removed from the
49 consent agenda.
50

51 *A MOTION was made by Selectman Putnam and SECONDED by Vice Chairman Daniels to approve items 1,*
52 *3, and 4 of the consent agenda. Voting: 5 ayes; motion carried unanimously.*
53

54 **(1) Acceptance of Unanticipated Funds Under \$5,000 (31:95(b)).**

55

<u>Source</u>	<u>Amount</u>	<u>Purpose</u>
Rocca Automotive Repair	\$250.00	Pizza for the Police Dept.

56
57

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1 (2) Request for Full Release of Securities (Map/Lot 48 - 48, Bond, Reserve at Federal Hill).
2 Selectman Putnam stated that he went through the neighborhood and there is a drainage issue and there is not a
3 finish coat on the road. Town Administrator Scaife stated that the previous drainage complaint was determined
4 not to be caused by the subdivision, but he will look into the issue raised by Selectman Putnam.
5

6 A MOTION was made by Selectman Putnam and SECONDED by Vice Chairman Daniels to table the issue.
7 Voting: 5 ayes; motion carried unanimously.
8

9 (3) Request to Appoint Deputy Forest Fire Warden.
10 Warden appointed: Dennis Shepard
11

12 (4) Request to Approve Issuance of Timber Yield Tax Levy & Warrant. Timber Tax Levy in the amount
13 of \$2,559.89 to be collected from James Clark, 365 Federal Hill Road.
14

15 5. TOWN ADMINISTRATOR REPORT

16 a) Miscellaneous.

17 Town Administrator Scaife explained that he met with the consultant, regarding the Brownsfield program, who
18 has been designated to help municipalities find sites that could use further analysis. He stated that they have a
19 list of potential sites and the project is ongoing.
20

21 Town Administrator Scaife stated, with regard to the McLane Dam, that he has made two calls and sent a letter
22 to Norm Hebert requesting that he come to the Board to review his findings. Guy Scaife indicated that a letter
23 came from US Fish and Wildlife Services which stated that they would require downstream and upstream lad-
24 ders. He noted that these are expensive and should be taken into account. Guy Scaife also noted that no eco-
25 nomic proposal has been sent to the Board. Town Administrator Scaife explained that he has been in contact
26 with the River Restoration Coordinator and has a meeting to talk about grant funding to do a preliminary as-
27 sessment of dam removal.
28

29 Town Administrator Scaife explained that the American Public Library rating system gives libraries a rating
30 partly based on circulation and Milford tied with Hanover for third in the state with a 95. Portsmouth scored a
31 97, Exeter scored a 96, and Amherst scored a 90.
32

33 Town Administrator Scaife sent a document to the Board regarding the 2010 Budget that itemized increases
34 and decreases noting that they are \$265,000 under the current budget. He further noted that it is still early in
35 the season and July vehicle registration volume was up 37% from last year. Mr. Scaife indicated there was an
36 increase in revenue but it may wash out as it may just be prepayments from September and October. The Cash
37 For Clunkers program has created an increase in car registrations revenue and Guy Scaife thinks the vehicle
38 registration projection will not be as bad as he expected. Selectman Bauer stated that she feels the Board needs
39 to look at the Town Clerk office being open an evening and the possibility that they may need another part time
40 person. In response to a question from Selectman Putnam, Town Administrator Scaife stated that the 1981
41 Sewer Bond with a payment of \$157,000, the 1988 Town Hall Renovation with a payment of \$62,000, the 2005
42 Fire Engine with a payment of \$71,966, and the Dump Truck with a payment of \$24,000 will all have their debt
43 service retired next year. Mr. Scaife also noted that in 2011, \$55,000 will be retired and in 2012, \$29,000 will
44 be retired.
45

46 Chairman Finan expressed a concern that they Board may be setting up a problem by planning to take \$200,000
47 out of the Fund Balance. He questioned whether the Board is being too conservative and whether pushing off
48 projects will conflict with other projects that need to be done in the future.
49

50 In response to a question from Chairman Finan, Town Administrator Scaife said that there will be a \$250,000
51 deficit due to the State which will cause a 3-4% increase over the already proposed increase of 1%. He feels
52 that by 2011 the Town will see better revenue and noted that 70% of the staff is opting for vacation instead of
53 unused sick time payouts.
54

55 Selectman Carmen stated he thinks it is good to have a possible list of items that can be put off.
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57 6. DISCUSSIONS

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7. SELECTMEN’S REPORTS/DISCUSSIONS

a) FROM SPECIAL BOARDS, COMMISSIONS & SPECIAL COMMITTEES.

Selectman Bauer stated that the Community Facilities Committee went to the Bedford Safety Complex and had a very thorough tour. She stated that they learned what to do and what not to do, and noted that Bedford admitted they did not look far enough ahead when they built the building.

8. APPROVAL OF FINAL MINUTES.

A MOTION was made by Selectman Putnam and SECONDED by Selectman Bauer to approve the minutes of July 13, 2009 as amended. Voting: 5 ayes; motion carried unanimously.

9. INFORMATION ITEMS REQUIRING NO DECISIONS

Chairman Finan reviewed the upcoming events including a Board of Selectman meeting on Monday August 24th, a work session on August 31st, and 5th Monday forum on August 31st.

10. NON-PUBLIC SESSION - (RSA 91-A:3, II(c)) – Reputation (2) & Approval of Non-Public Minutes (RSA 91-A:3, II(a, c, & e) – Personnel, Reputation & Legal – July 27, 2009):

A MOTION was made by Selectman Putnam and SECONDED by Vice Chairman Daniels to enter into non-pubic session. Voting: 5 ayes; motion carried unanimously.

Chairman Finan declared the Board to be out of non-public session at 8:15 p.m.

11. ADJOURNMENT:

There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 8:18 p.m. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

Tim Finan, Chairman

Mike Putnam, Member

Gary Daniels, Vice Chairman

Katherine Bauer, Member

Nate Carmen, Member