

APPROVED (AMENDED 10/26/09)
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
August 24, 2009

PRESENT: Tim Finan, Chairman
Mike Putnam, Member
Katherine Bauer, Member
Nate Carmen, Member
Guy Scaife, Town Administrator
Heather Nichols, 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 5:30 p.m., introduced the members of the Board and Town Administrator, and led those present in the Pledge of Allegiance.

2. APPOINTMENTS:

5:30 p.m. – Request for Denial of (1) Charitable Exemption Application. Chairman Finan reminded the Board that Town Assessor Marti Noel is recommending denial of the charitable exemption of Southern New Hampshire Medical Center noting that the Board tabled this issue from the last meeting.

Ms. Noel and Chairman Finan reviewed the opinions received from Town Counsel and the Local Government Center.

Ms. Bodwell, Counsel for SNHMC, explained that what they termed as “bad debt” at the last meeting is actually “uncompensated care” and these numbers are the same as the ones submitted on their state community benefits paperwork. She regrets using the term “bad debt.”

In response to a question from Selectman Carmen, Ms. Noel explained that the business reapplies for an exemption every year but once the exemption is granted, the town acknowledges that the business is charitable. Ms. Bodwell stated that the town has already acknowledged that SNHMC is charitable when they approved them for the PILOT program.

Scott Cody explained that they looked at other businesses for which the town has granted exemptions including Milford Regional Counseling Services and Home, Health and Hospice and questioned why these businesses were granted the exemption.

In response to a comment from Selectman Bauer, Ms. Bodwell stated the issue of uncompensated care has not been addressed by the courts yet, but they feel strongly that ultimately the issue will end up in the Legislature.

Selectman Bauer stated that maybe it’s time that it’s discussed by the Legislature and while she understands their argument she feels the Board should stick with its attorney’s opinions.

Mr. Cody stated he thinks the court will ask whether they are still trying to collect the money that has been written off and one cannot report to the State for the community benefits money they are still trying to collect, but one can include monies that can no longer be collected. He also noted that the government is requiring Medicaid and Medicare to put an asset lien on an applicant’s property which he himself would not sign up for. He also noted that just the charitable care given was \$21,000 which is still double the full tax burden.

In response to a question from Selectman Bauer, Ms. Noel explained that PILOT means “payment in lieu of taxes”.

Ms. Bodwell noted that Home, Health and Hospice has the same payment model as SNHMC.

In response to a question from Selectman Carmen, Town Administrator Scaife stated that SNHMC is requesting a full exemption.

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1 A MOTION was made by Selectman Bauer and SECONDED by Chairman Finan to deny the exemption.

2
3 Selectman Putnam noted that he would like to look into the other facilities receiving the exemptions and he also has
4 other questions he would like investigated before he makes a decision.

5
6 Selectman Bauer thinks the town should be consistent and therefore would like to know about the other exempt
7 organizations that have been mentioned.

8
9 Selectman Putnam also noted he would like to know the cost of going to court so he can weigh the issue.

10
11 *Selectman Bauer WITHDREW the motion.*

12
13 Selectman Carmen stated that if the town ends up in court the questions brought up will need to be answered
14 anyway so it seems to make sense that they investigate them now.

15
16 A MOTION was made by Selectman Putnam and SECONDED by Selectman Carmen to table the issue for further
17 investigation. Voting: 3 ayes; motion carried with Chairman Finan opposed.

18
19 **6:00 p.m. – Departmental Update – Finance Department.**

20 Director of Finance, Jack Sheehy, appeared before the Board and explained that the last time he presented to the
21 Board was in February and the Department is still at the same status with four employees including himself, the Tax
22 Collector, a part time Accounts Payable Clerk and a Payroll Clerk. He stated that they are a great staff. Mr. Sheehy
23 stated that year to date, as of the end of July, the Department has processed \$2.7 million in miscellaneous receipts,
24 \$15.2 million in tax receipts, and \$2 million in utility receipts. He also noted that they have processed \$19.3 million
25 in accounts payable consisting of 2,400 checks, \$11.4 million payable to the school, and \$2.6 million in payroll
26 checks and deposits.

27
28 In response to a question from Chairman Finan, Mr. Sheehy stated that the town pays the school twice a month
29 throughout the year.

30
31 Mr. Sheehy noted that about 70% of the payroll monies are disbursed through direct deposit rather than checks. Mr.
32 Sheehy stated that tax collections at the end of July are in good shape, considering the economy, and that the
33 percent collected at the end of July is better than this same point in 2008 with 91.6% collected. Mr. Sheehy noted
34 that the Tax Collector really made an effort in the tax deeded properties. He explained that the town sent out 28 tax
35 deed letters and they are now down to two properties, due to Ms. Doherty’s efforts to get the taxes paid.

36
37 In response to a question from Chairman Finan, Mr. Sheehy stated that usually once properties get to the tax deed
38 situation they no longer have a mortgage and all but one of these properties has been privately paid.

39
40 Mr. Sheehy stated that his department is finalizing the investment policy and the database service for the financial
41 system was updated in February from version 6.2 to 7.3. He explained that it does not cost anything more but there
42 is a life cycle to the software and if they do not keep up-to-date they can go beyond the life cycle of support. Mr.
43 Sheehy stated at this point they will probably update once a year. He also noted that now there is an internet
44 updater so updates can be received online and they check once a week for updates and download them every two
45 weeks if necessary. He further explained they started using an online purchase order system in March and are
46 purchasing from a single vendor for office supplies to save time and money through the corporate pricing division
47 of Staples. They will re-evaluate in a few months and compare costs. Mr. Sheehy further noted they implemented a
48 positive pay system where every time a check is issued a file gets sent to the bank and if something about the check
49 does not match the file when the check is cashed, the check gets returned. He noted that this also helps with
50 account reconciliation because it does not need to be done by hand and prevents checks from being encoded
51 improperly.

52
53 Mr. Sheehy stated Finance is working on implementing an electronic timecard system as he would like to modernize
54 the system they have, but it will depend on the cost. He stated they are also looking at an electronic online payment
55 system for property taxes, either via an ACH or possibly a credit card system. Mr. Sheehy noted that the credit card
56 payment would involve a convenience fee that would be passed on to the payee and that in the future he will come
57 to the Board with more information. He also noted they are currently doing an audit of the indirect water and sewer

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1 costs which are about \$96,000. Mr. Sheehy stated that this year they are working on the department procedure
2 manual. He also thanked the Board and the tax payers for the commitment they have made to technology, noting
3 that as time goes on it becomes more and more important.
4

5 In response to a question from Chairman Finan, Town Administrator Scaife stated that Bruce Dickerson has put in
6 an enormous amount of time beefing up the back up system in the financial areas.
7

8 **6:20 p.m. – Interview of Becky Lorette as a Conservation Commission Alternate Candidate.**

9 Chairman Finan explained that Becky Lorette would like to be an alternate member of the Conservation Commis-
10 sion. Ms. Lorette stated that she grew up in Wilton but moved to Milford 10 years ago and was curious about how
11 Milford deals with its land so she started attending Conservation Commission meetings. She stated that it seems
12 very interesting and wants to help with what needs to be done.
13

14 In response to a question from Chairman Finan as to whether Ms. Lorette has any specific interests or goals, Ms.
15 Lorette stated that she has just been learning and helping with maintaining the trails.
16

17 *A MOTION was made by Selectman Putnam and SECONDED by Selectman Carmen to nominate Becky Lorette as*
18 *a Conservation Commission Alternate. Voting: 4 ayes; motion carried unanimously.*
19

20 **6:30 p.m. – Proposed Transportation Enhancement (TE) Grant Project - Milford Rail Trail Improvements.**

21 Chris Costantino stated that she wanted to let the Board know that her committee is in the process of applying for a
22 grant for \$260,000. She noted that this is an 80/20 grant and the committee is hoping to raise money through some
23 other grants and private fundraising for the match, but if they are unable to do so they will come back to the
24 Selectmen for the remaining \$55,000.
25

26 In response to a question from Chairman Finan as to whether a route not through the Oval would be better, Ms.
27 Costantino explained that part of the point of the plan is to bring economic development to the Oval.
28

29 Tracey Bardsley, DO-IT Director, explained that her family rides on a trail running through Pepperell past an ice
30 cream stand that benefits tremendously from being on the bike path. She also noted that the trail currently is good
31 for mountain bikers but resurfacing it would make it accessible for everyone. Ms. Constantino noted that Brookline
32 has done a lot of work with their trails and this trail may give access to Brookline, Amherst, and Wilton trails.
33

34 In response to a question from Chairman Finan, Ms. Bardsley explained that the proposal is for permeable hard
35 pack. Ms. Costantino noted that it may be a combination of materials. The Board feels this project is a great idea.
36 Town Administrator Scaife noted that he and Bill Ruoff are very much in support of the project and will offset the
37 cost as much as possible.
38

39 **6:45 p.m. – Proposed Transportation Enhancement (TE) Grant Project - Osgood Road Sidewalk Extension.**

40 Bill Parker, Community Development Director, appeared before the Board to review his proposal to extend the
41 sidewalk built between the Middle School and High School down to Adams Field. He explained the project would
42 cost \$325,000 and would include a 5' sidewalk and a bike lane. Mr. Parker also noted that it is possible that Adams
43 Field will be rehabilitated by the Army Corps of Engineers which will also include adding a field. In response to a
44 question from the Board, Mr. Parker stated that this project will be competing with the rail trail project for the TE
45 Grant money.
46

47 **7:15 p.m. – First Public Hearing on Ordinance 2009-004 to Enact Modifications to Milford Municipal Code**
48 **Book 3.08 - Hawkers, Peddlers, and Vendors.** Chairman Finan reminded the Board that previously there had
49 been an issue where the state Hawkers and Peddlers permit had exemptions that the town did not have so the Board
50 needed to give exemptions on a case by case basis. He noted the changes to the ordinance are being proposed so as
51 to make it consistent with the state.
52

53 In response to a question from Selectman Bauer, Town Administrator Scaife noted that Selectman Daniels would
54 prefer the fee to stay at \$10 as the town is only issuing a couple of permits every year but Town Administrator
55 Scaife thinks it is not worth the administration of collecting the fee and the fee ought to be raised to at least \$25. He
56 thinks it is fair but not burdensome. Chairman Finan stated the fees are there to cover the costs of administration
57 and if it really costs \$25 to manage, then they should be charging \$25.

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1
2 In response to a question from Selectman Bauer, Town Administrator Scaife stated that he will get more
3 information regarding the section about parking on town owned property for the Board.

4
5 Chairman Finan opened the public hearing at 7:15 p.m. and reviewed the proposed changes of the ordinance. He
6 opened the floor for public comment and hearing none closed the public hearing at 7:20 p.m.

7
8 Selectman Bauer wondered about the list of candidates for exemptions and Chairman Finan explained that he talked
9 to Ms. Griska who explained that the list came from the State ordinance and from other town ordinances. Town
10 Administrator Scaife stated that he will get more information from Ms. Griska regarding the used goods and the
11 trade show items. Chairman Finan noted a correction stating that the town is trying to target transient vendors not
12 exempt them.

13
14 Chairman Finan noted that the Board will read the proposed changes again at their September meetings and
15 questioned whether the Board wants to approve the exemptions or have the administrative office grant the
16 exemptions.

17
18 **3. PRESS AND PUBLIC COMMENTS (regarding items that are not on the agenda):**

19 Chairman Finan called for public comment and heard none.

20
21 **4. DECISIONS**

22 a) **CONSENT CALENDAR.** A MOTION was made by Selectmen Putnam and SECONDED by Selectmen
23 Bauer to approve the Consent Calendar. Voting: 4 ayes; motion carried unanimously.

24
25 (1) **Request for Full Release of Securities (Map/Lot 48-9, Cash Escrow, Chappell Tractor Addition).**

26
27 (2) **Acceptance of Unanticipated Funds Under \$5,000 (31:95(b)).** Amendment – The listing of unanticipated
28 funds under \$5,000 was approved as follows:

Source	Amount	Purpose
SCE Environmental Group, Inc.	\$ 250.00	General contribution to the Fire Department. The Fire Department wishes to designate the contribution To the Fire-Life/Safety Education Special Purpose Fund.
Town of Amherst	\$2,537.50	Contribution for the Host Homes Program

35
36 b) **OTHER DECISIONS**

37 (1) **Request for Full Release of Securities (Map/Lot 48 - 48, Bond, Reserve at Federal Hill).**

38 Chairman Finan explained this item was tabled last time as Selectmen Putnam had some questions about drainage
39 issues on Federal Hill. He further explained that the Board has a memo explaining that the money being held was
40 being held for two issues that are not related to the Federal Hill issues and noted that the rest of this bond was
41 released in 2000.

42
43 Town Administrator Scaife explained that the part of the road with the issues is State maintained and the State was
44 doing work there and had some flash flooding. He also noted that Bill McKinney looked at the culvert and noted
45 that a backhoe damaged the culvert and the swale but the road is a private road. He stated that these issues will be
46 managed separately but they are not related to these monies.

47
48 A MOTION was made by Selectman Putnam and SECONDED by Selectman Bauer to release the securities.
49 Voting: 4 ayes; motion carried unanimously.

50
51 (2) **Request for a Tow Company's Addition to Town Tow Rotation List (A-Tech Automotive).**

52 A MOTION was made by Selectman Putnam and SECONDED by Selectman Bauer to add A-Tech Automotive to the
53 town's tow rotation list.

54
55 Chairman Finan explained that the Selectmen received a request from A-Tech Automotive to be added to the tow
56 list along with a letter from the owner that reviews how the company adheres to the regulations. Chairman Finan

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1 noted that there has been some question as to whether the tow list is too big but he does not think that now is the
2 time for deciding whether this is true.

3
4 After Town Administrator Scaife noted that the tow list consists of five companies, the Board decided they did not
5 feel that the length of the list is an issue.

6
7 *Voting: 4 ayes; motion carried unanimously.*
8

9 **5. TOWN ADMINISTRATOR REPORT**

10 **a) McLane Dam Update.**

11 Town Administrator Scaife stated that he has still had no response from the gentleman who was proposing hydro
12 development. He also stated that he met with the River Restoration consultant and has a conference call this week
13 with DES to look at funding for a feasibility study. He explained that this is a costly exercise due to the amount of
14 testing that would need to be done to remove both dams. Mr. Scaife noted that one of the dams is town owned and
15 one is privately owned, also noting that the water behind the dams is listed as impaired waters as there is a
16 deficiency because of the dams which should go away if the dams are removed and for that reason there are certain
17 parties that would be supportive of the dam removal. He stated that the consultant estimated testing could cost
18 between \$75,000 and \$100,000 but that there are numerous federal grants that could fund half of the cost but they
19 require a one to one match, which could be in kind work. He explained that the consultant indicated DES could
20 donate \$15,000 in kind services as well as the administrative support from the town to be counted. Mr. Scaife stated
21 that he has been contacting some outside sources for support in pursuing a feasibility study and the consultant has
22 started a pre-application. He further explained that the people who award the grants consider if the community is
23 behind the effort so it is important to make sure there is a broad base of support for the project. He stated he feels it
24 is possible the town could have money for a study within the next year.
25

26 Town Administrator Scaife explained that he has had a couple of conversations with the attorney for the owner of
27 the Goldman Dam. The owner is a minor who lives in New Mexico and received the dam through a trust. He stated
28 that the owner has no monies to maintain or repair the dam and they want to get out from the responsibility of the
29 dam so they would be extremely cooperative in the town taking the initiative in either taking down the dam or being
30 the point person for the removal of the dam. Mr. Scaife noted that in 1966 the town raised and appropriated the
31 funds to repair the privately owned dam.
32

33 **b) Potential Sale of Buildable Map/Lot 40-93 at Mason/McGettigan Roads Intersection.**

34 Town Administrator Sciafe explained that Lot 40-93 is a narrow lot that abuts the Wilton town line, which DPW
35 had requested use of previously in order to push snow on, however the use of it has been so miniscule that Bill and
36 Carl conceded that it could be sold. He further noted that the realtor suggests listing the lot at \$57,000.
37

38 *A MOTION was made by Selectman Putnam and SECONDED by Selectman Carmen to put Lot 40-93 on the market*
39 *for \$57,000. Voting: 4 ayes; motion carried unanimously.*
40

41 **c) Miscellaneous.**

42 Town Administrator Scaife stated that he received a package from GE regarding the Fletcher site and not a lot has
43 happened but they sent updated plans. He further explained that the EPA has agreed to use the old police station as a
44 truck staging area and he has not received an update on the timing of the project.
45

46 Town Administrator Scaife stated that he has received a document from NHDOT notifying the town that through a
47 Federal resurfacing program the State received monies to resurface four miles of Route 101 but the Board of
48 Selectmen must sign off on the project and give the State authority to do traffic control during the resurfacing.
49

50 **6. APPROVAL OF FINAL MINUTES – July 27, 2009.**

51 *A MOTION was made by Selectman Putnam and SECONDED by Selectman Carmen to accept the minutes of July*
52 *27, 2009 as presented. Voting: 4 ayes; motion carried unanimously.*
53

54 **7. INFORMATION ITEMS REQUIRING NO DECISIONS**

55 **a) Treasurer’s Report – July, 2009.**
56

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1 Chairman Finan stated that at the next Board of Selectmen work session on August 31, 2009 at 6:15 p.m., the
2 Community Facilities Committee will be reviewing their space needs study and following will be the 5th Monday
3 forum. He also noted that the next regular Board meeting will be on Monday, Sept 14, 2009.
4

5 **8. ADJOURNMENT:**

6
7 There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 7:25 p.m.
8 Selectman Carmen seconded. All were in favor. Motion passed 4/0.
9

10
11
12 _____
13 Tim Finan, Chairman

Mike Putnam, Member

14
15
16 _____
17 Katherine Bauer, Member

Nate Carmen, Member