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APPROVED

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

September 28, 2009

PRESENT: Tim Finan, Chairman
Mike Putnam, Member
Katherine Bauer, 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: The meeting was called to order by Chairman Finan at 5:30 p.m. who welcomed those in attendance to the Board of Selectman meeting. 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 use a microphone in order to be heard on the PEG Access live broadcast.

2. APPOINTMENTS:

5:30 p.m. – Request for Denial of (1) Charitable Exemption Application. Town Assessor Marti Noel brought this application to the Board on two previous occasions with a recommendation for denial. As requested, Ms. Noel checked on the similar and dissimilar businesses to find out the differences in exemption status and finds that this application would still not be eligible. Southern NH Medical Center representatives chose not to attend this evening’s meeting. Ms. Noel has found additional information to support denial of this exemption request and therefore continues to recommend denial of the request for charitable exemption. Selectman Carmen indicated that Ms. Noel did an outstanding job with all of this information that was provided. Selectman Putnam moved to deny the application for charitable exemption as recommended by the Town Assessor. Selectman Bauer seconded. All were in favor. Motion passed 4/0.

5:45 p.m. – 101 Resurfacing Project. David Smith and Bob Davis of NHDOT presented the proposed plan to resurface Route 101 indicating they would like local interest and support for the project. This stretch of highway needs attention. DOT will also be addressing drainage and guardrails. Mr. Smith turned over the presentation to Bob Davis who indicated the project begins at Elm Street (101A) and continues east running down to the Ponemah Hill Road overpass including the ramps for Route 13. The original road work was completed in 1976 or 1977 so the condition of the road is suspect and paving needs to be done; guardrails and drainage need to be replaced and be brought up to today’s standards. It is estimated about 14,000 feet of guardrail would be replaced. A lot of drainage structures will need to be restructured as some have come apart. The pedestrian underpass by Great Brook shows some wear and needs to be restabilized. The 4 foot shoulders will be extended to ten feet near Old Wilton Road. There is a short section of 1500 feet where the road is deteriorated substantially, the pavement will be removed completely in that section and be re-surfaced. The rest of the project will be cold planed and then in-laid. We are anticipating, although we do not know yet, that all the work will be inside the LAROW. Mr. Davis does not anticipate any utility relocation; that is still being investigated. There will be some signal issues; this is being worked through now and will be coordinated with the town. The paving will be phased because of the high traffic volume; night work is anticipated in order to not impact the public. Some people do live in proximity of Route 101; doing night work is a concern for those residents but Mr. Davis hopes that can be worked out and go smoothly. Impact for the public will be greater if the work is done during the day. The guardrail work will be done utilizing one way traffic and lane closures. Three bridges will need some work. For the bridge work, barriers will be used and again it will be done in three phases; it may be better to do bridge work at night as well. The project cost is about \$4 million; advertising will be in February 2010 and it is expected to be completed in one season during 2010. Rumble strips will be replaced as well as the recessed safety markers. The pavement that has deteriorated on 101A South towards Dunkin Donuts is because that section has evolved over time; there was never a good structure for that section to carry the loads, so the pavement has deteriorated. The right fix is to construct new full pavement; but there is a funding limitation on this project and there is no funding for that section. The State tried to rehabilitate that section but there isn’t enough pavement thickness to sustain driving. A PMS3 treatment overlay in that section could be looked at. Mr. Smith needs to continue discussions on that section. He is continuing to try getting a solution to that small section of road. There has been good discussion between both groups.

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1 The center line rumble strips add safety. Additional safety measures could be raised to the safety people to see if there is
2 anything else available. In-laid markings last longer, but they are costly. Selectman Carmen commented that the ramps
3 seem to be very short. Chairman Finan asked if there has to be passing allowed at all on 101. Mr. Smith responded that it
4 is a difficult question to answer. Guy Scaife noted that Chief Douglas mentioned he previously made a request to have a
5 shorter passing lane. The rumble strips have reduced the accidents. Another project extending from the Ponemah Hill
6 overpass east to Baboosic Lake Road is planned for 2011. Selectman Bauer asked about funding. Mr. Smith responded
7 that this is a State-Federally funded program, 80% Federal funding, 20% State, there is no town funding.
8

9 Chairman Finan asked if traffic detail will be done by State employees, or will local police detail be called on. Mr. Smith
10 responded State employees will do the work depending on other needs. This is a high volume corridor at high speed, local
11 police can be used if needed; the contract carries costs for use of police officers and flaggers. Chairman Finan indicated
12 the Great Brook underpass has a town trail that goes under the bridge. Dave Smith responded he was aware of that and
13 that it is an elliptical pipe. Guy Scaife added that there is erosion on the north side and DOT was involved during the
14 spring. Bob Davis acknowledged that information. Selectman Putnam noted there is no turning lane at the Armory Road
15 turn from Route 13, asking if that is something that could be worked in while the ramp is having work done. Dave Smith
16 said he was not aware of that and it is not part of these plans. Guy Scaife said the issue has been raised but he did not
17 recall where it stands. Guy Scaife will have to research to see where it stands. That area is actually on Route 13, not 101
18 and it does affect that off ramp and has an impact on the congestion of the intersection. Selectman Putnam said there is
19 room to create a turn lane. Mr. Smith asked if there is enough pavement? Selectman Putnam said there is not enough
20 pavement, but there is enough room to create a paved lane. Mr. Smith said he will look at that intersection and get back to
21 the town. Guy Scaife will also follow up on that issue, noting that the town appreciates Mr. Smith and Mr. Davis coming
22 before this Board to explain this project, adding that Chief Douglas has also been instrumental in this effort.
23

24 Chairman Finan asked if there is any other safety enhancement that could be implemented that have been done elsewhere
25 in the State. David Smith responded that the rumble strips in the passing zones could be added, that is one thing that might
26 be included. Currently there are no rumble strips on the outside lanes, but there are some residents close to the highway
27 and rumble strips do cause noise.
28

29 **6:15 p.m. – Final Vote on Ordinance 2009-004 to Enact Modifications to Milford Municipal Code Book 3.08 –**
30 **Hawkers, Peddlers and Vendors.** This amendment to ordinance 2009-004 was previously before the Board at which time
31 Board members requested clarification on changes. At this time, the amendment is being presented and includes the Board
32 ability to waive fees and left in the authorization to grant the waiver. Chairman Finan indicated the Board has always had
33 authority to grant waivers, if the authorization remains with the Board nothing changes. This modification was to put the
34 exemption in the ordinance. Guy Scaife noted it would not be the staff waiving something; it is the administering of what
35 the Board has authorized. It is looking at the application to see if the applicant qualifies for the exemption. The staff does
36 not waive fees; it is that the staff carries out what the Board has dictated. If the staff does not have the right to determine
37 who is not exempt, then why should the staff have the right to determine who is exempt? Chairman Finan agreed. Guy
38 Scaife added if there is an error made, corrective action would be taken; this is pretty clear cut. Selectman Putnam moved
39 to approve the recommended amendment to ordinance 2009-004 as presented. Selectman Carmen seconded. All were in
40 favor. Motion passed 4/0.
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42 **3. PRESS AND PUBLIC COMMENTS (regarding items that are not on the agenda):**

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44 **4. DECISIONS:**

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46 a) **CONSENT CALENDAR.** Chairman Finan asked if there were any items to be removed from the Consent
47 Calendar. He explained that if they are taken off the Consent Calendar, they will be discussed fully; otherwise they
48 will be accepted together without discussion. There were no items removed for discussion. Selectman Putnam
49 moved and Selectman Bauer seconded to approve the Consent Calendar as follows, with all members in favor.
50

51 (1) **Request to Approve New License to Sell Pistols and Revolvers.** A request was made and approved to
52 grant to Russ Lewis and Lara Lewis of 516 Osgood Road a license to sell pistols and revolvers in the Town
53 of Milford until May 31, 2010.
54

55 (2) **Request for Full Release of Securities (Ciardelli Truck Storage Facility).** A request was made and ap-
56 proved for the full release of securities for the Ciardelli truck storage facility Map 32, Lot 25 in the amount
57 of \$16,854.00 plus interest, closing out the cash escrow.
58

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(3) **Acceptance of Unanticipated Gifts Under \$5,000 (31:95 (e)).** The listing of unanticipated gifts under \$5,000 was approved for acceptance as follows:

Source	Purpose
White Plains Cable Access TV	Donation of 3 studio Panasonic camera kits with a power supply for the Community Media Department for studio use. These have a total donated value of approximately \$3,050.00.
Frank Corey	Donation of a Sanyo LCD projector for the Community Media Department. This has a donated value of approximately \$500.00

b) OTHER DECISIONS

(1) **Request for Execution of MS-1.** A request was made by Town Assessor Marti Noel for the Board of Selectman to execute the MS-1 Summary Inventory of Valuation used for the Town of Milford to set the tax rate. Selectman Putnam moved to execute the MS-1 as presented. Selectman Carmen seconded. All were in favor. Motion passed 4/0.

5. TOWN ADMINISTRATOR REPORT:

a) **McLane Dam Update.** Guy Scaife explained the feasibility study grant application has been submitted and will take at least until the end of 2009 to hear back. Another grant application is being processed for non-federal funds in the amount of \$15,000 which can go towards some of the matching non-federal funds. Dawn, Guy and a DES representative are currently working on that application to get it out later this week.

b) **Garden street Municipal Parking Lot Project Update.** Guy Scaife explained there is still work to do on this lot. The surface of the parking lot was done last week; DPW rented a heavy roller for the lot and he is confident the surface will winter well. The lights seems to shine directly on the lot and seem to be sufficient; one light would be added between Union Street and the parking lot, Guy Scaife is currently working with PSNH on that. The Community House board met last week and tonight the removal of some bushes and trees along the walkway will be discussed; Guy Scaife hopes to have that response by morning. All abutters have been contacted; two of the 3 have given their approval. The third is the Community House. The lot is open for use, but it has not yet been publicized, only the School Board has announced it. Guy Scaife hopes the bush and tree work will be done this week. The fence also needs to be done. The majority of the work should be done this week. Selectman Putnam thinks it is a great job. Guy Scaife said it will be ready for Pumpkin Festival and the lighting will be complete, but fencing will not be complete until after Pumpkin Festival. Selectman Bauer asked if there is signage. Guy Scaife said there is signage on Union and Cottage Streets directing cars to the Municipal Lot. The DPW staff have done a great job. Guy Scaife appreciates their work and the abutters of this property have been very supportive in working with Milford.

c) **Miscellaneous.**
Third Quarter. Guy Scaife indicated Finance will be closing down the third quarter on Thursday after payroll is run so the month can be closed Thursday afternoon and then Guy Scaife will have a good handle on expenses for the first nine months of 2009. At the next regular Board meeting, Guy Scaife will have an update for 2009 expenses.

Fletcher Site. The GE contractor will have a crane at the site to set up a drill bed on a pontoon boat in the River to do test bores; this will determine the degree of sediment and type of sediment in the river.

6. DISCUSSIONS:

a) **Board of Selectman Interviewing of Town Volunteers.** Selectman Putnam moved to table this to the next regular Board of Selectman meeting (October 13, 2009), in the absence of Vice Chairman Daniels. Selectman Carmen seconded. All were in favor. Motion passed 4/0.

b) **Request for Extension of Expiration dates on Licenses to Sell Pistols and Revolvers for Synchronization Purposes (3).** Chairman Finan explained to Board members that this request is strictly to line up all of the gun permits expected to expire in 2010 in order to have them expire at the same time. Selectman Putnam moved to grant

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1 the extension of two permits to May 31, 2010 and one extension of permit to June. Selectman Carmen seconded.
2 All were in favor. Motion passed 4/0.

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4 **c) Request to Cease Charging Bowling Alley Licensing Fee.** Selectman Putnam moved to cease charging
5 the bowling alley licensing fee of \$120/year. Selectman Bauer seconded for discussion. Selectman Carmen said
6 there is only one alley in town which is closed. Guy Scaife said the town does not know why it was charged, but it
7 appears it was an arbitrary fee that was charged. We cannot identify why the fee came into play. If Milford had a
8 business license, that would be charged. All were in favor of ceasing the charge. Motion passed 4/0.

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

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12 a) **FROM SPECIAL BOARDS, COMMISSIONS & SPECIAL COMMITTEES.**

13 Water Main Installation. Selectman Putnam indicated there will be water main construction going from the
14 Hampshire Dome to Ashley Common over the next couple weeks. Pennichuck is doing the work and 50% is being
15 paid for by the government, 50% by Pennichuck. The wells are bad at Ashley Commons and it is cheaper to run a
16 water main out there than to fix the wells. Once the main is installed it becomes part of Milford’s infrastructure.
17 This has no impact on taxes but the construction will be disruptive over the next couple months.

18
19 Monson Village. Selectman Carmen indicated the Heritage Commission had an event at Monson Village on
20 Sunday and there was a great turn out and they plan to have it again next year.

21
22 Kaley Park. Chairman Finan indicated the Kaley Park open house is Saturday October 3, 3-6 with a lot of ac-
23 tivities; all are invited.

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25 **b) OTHER ITEMS (that are not on the agenda).**

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27 **8. APPROVAL OF FINAL MINUTES.**

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29 Selectman Putnam moved to approve the minutes of August 24, 2009 as presented. Selectman Carmen seconded.
30 All were in favor. Motion passed 4/0.

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

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34 **10. NON-PUBLIC SESSION:** Non-Public Session (RSA 91-A:3, II(c)) – Reputation and Approval of Non-Public
35 Minutes (RSA 91-A:3, II(a, c & e) – Personnel, Reputation & Legal – September 14, 2009. Selectman Putnam
36 moved to enter into non-public session at 6:40 p.m. Selectman Carmen seconded. All members were polled and
37 assented to enter into non-public session.

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39 Selectman Carmen moved to come out of non-public session at 7:06 p.m.. Selectman Bauer seconded. All mem-
40 bers were in favor. After returning to public session, Chairman Finan announced that in non public session the
41 board approved the minutes of the September 14, 2009 Non Public Session, and discussed a topic concerning repu-
42 tation.

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44 **11. ADJOURNMENT:**

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46 There being no further business to come before this Meeting, Selectman Carmen moved to adjourn at 7:07 p.m.
47 Selectman Bauer seconded. All were in favor. Motion passed 4/0.

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51 Tim Finan, Chairman

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51 Mike Putnam, Member

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55 Katherine Bauer, Member

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55 Nate Carmen, Member

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