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APPROVED

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

December 27, 2010

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

EXCUSED: Guy Scaife, Town Administrator

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

INSTRUCTIONS: Chairman Finan called the public meeting to order at 6:18 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. – Non-Public Session – Reputation and Approval of Non-Public Minutes - Personnel. Selectman Putnam moved to enter into non-public session for reputation at 5:30 p.m. Vice Chairman Daniels seconded. All were in favor. After discussion, Selectman Putnam moved to come out of non-public session at 6:16 p.m. Vice Chairman Daniels seconded. All were in favor. Motion passed. Chairman Finan announced that in non-public session, the Board discussed a reputation matter, for which no decision was made and no votes were taken. Two sets of non-public minutes of December 20, 2010 were reviewed and approved and subsequently re-sealed on motion made by Selectman Putnam and seconded by Selectman Carmen. All were in favor of resealing the two sets of non-public minutes of December 20, 2010.

5:45 p.m. – Departmental Update - Police. Police Chief Douglas provided an update to the Board, indicating there have been five resignations, three of which were retirements, and several new hires, which takes 14-18 months to get the officer trained and on the road. There has been an increase in domestic disturbances in town and high risk calls, for which the town policy is that two officers respond. The Student Resource Officer (SRO) was lost, which had a big impact on the school. The Keyes Field activity has gone down; since the policy was put in by DPW, the Recreation Department and the Board of Selectman, the town now has a zero tolerance for anything down there. That system has worked in decreasing the amount of calls to Keyes Field. It has made a big difference down there. Gang activity has also gone down significantly. Because Officer Pepler continues to stay involved and receive training on gang activity, those statistics have gone down. Public Service Announcements (PSAs) have been done for broadcast on PEG Access, and the Police Department also has its own website. The department continues to look at goals and objectives to enhance efficiencies. Chief Douglas will be setting new department goals very soon which will be submitted to the Town Administrator.

Vice Chairman Daniels noted that the articles in the Granite Town Quarterly (GTQ) reminding people of town ordinances or rules of the road are very helpful. Chief Douglas responded that a reminder regarding ice and snow on vehicles has been posted on the electronic sign at the west end of town and another will be added to another area of town to remind drivers that it is important to remove that snow and ice, a PSA will also be done soon; this effort has improved the number of drivers that do not remove snow and ice from cars. Selectman Carmen asked about juvenile court activity and the juvenile officer, asking about the potential of the court closing in Milford, is that something that is unique for the Milford Court or would that be something done at the Merrimack Court? Chief Douglas responded that the juvenile officer is not unique, but if the Milford officers have to go Merrimack, we would go to their court but there may be an issue of having to wait in line at the Merrimack Court. Chief Douglas does not know how many people will go over there, but it will have some impact on the amount of time spent. Our Prosecutor in Milford has a specific day (at the Milford Court) to meet with defendants and explain what the issues are and the cases might be resolved ahead of time to avoid having to go to court. A lot of court time has been saved by doing that. Those negotiations save time. Court overtime has been under spent this year as a result of that.

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6:15 p.m. – Second Public Hearing on Ordinance 2010-015 to Repeal Milford Municipal Code 1.08 – Penalties for Planning and Zoning Violations. Chairman Finan opened the public hearing at 6:50 p.m. and indicated this is the second hearing for ordinance 2010-015 to repeal Milford Municipal Code 1.08 - Penalties for Planning and Zoning Violations. There were no comments or questions from the public or the Board. The public hearing was closed at 6:51 p.m. All Board members concurred that this ordinance will move to its final vote January 10, 2011.

6:20 p.m. – Second Public Hearing on Ordinance 2010-016 to Amend Milford Municipal Code 5.28 – Surface and Groundwater Protection. Chairman Finan opened the public hearing at 6:51 p.m. and indicated this is the second hearing for ordinance 2010-016 to amend Milford Municipal Code 5.28 Surface and Groundwater Protection. There were no questions from the public or the Board. The public hearing was closed at 6:53 p.m. All Board members concurred that this ordinance will move to its final vote January 10, 2011.

6:25 p.m. – First Public Hearing on Ordinance 2010-017 to Enact Milford Municipal Code 5.26 – Private Septage Disposal Systems. Chairman Finan opened the public hearing at 6:53 p.m. and indicated this is the first hearing for ordinance 2010-017 to enact Milford Municipal Code 5.26 Private Septage Disposal Systems. Chairman Finan indicated this is a new ordinance proposed to address private septage disposal systems, recommended by Bill Parker, Community Development Director. Vice Chairman Daniels asked if more additional data will be added and if that will start the three hearings over again. Chairman Finan said that is correct. There were no further questions from the public or the Board. The public hearing was closed at 6:54 p.m. All Board members concurred that this ordinance will move to its second hearing January 10, 2011.

6:30 p.m. – First Public Hearing on Ordinance 2010-018 to Amend Milford Municipal Code 5.16 – Food Service Establishments. Chairman Finan opened the public hearing at 6:54 p.m. and indicated this is the first hearing for ordinance 2010-018 to amend Milford Municipal Code 5.16 Food Service Establishments. Chairman Finan reviewed the amendments recommended by Bill Parker, Community Development Director, in order to comply with State statute. There were no questions from the public or the Board. Chairman Finan will ask Health Officer Bill McKinney about the changes to paragraph 5.16.050, Suspension of Licenses and Temporary Closing of Operations or Violators. The public hearing was closed at 6:55 p.m. All Board members concurred that this ordinance will move to its second hearing January 10, 2011.

3. PUBLIC COMMENTS (regarding items that are not on the agenda). There were none.

4. DECISIONS

a) CONSENT CALENDAR. Chairman Finan asked if there were any items to be removed from the Consent Calendar. Selectman Putnam moved and Vice Chairman Daniels seconded to approve the Consent Calendar items as follows, with all members in favor.

(1) Request for Acceptance of Donations to the Rail Trail Fund per RSA 36-A:4. The request to accept funds donated to improve the Granite Town Rail Trail by the Conservation Commission as follows: \$48.00 received from donations at the Pumpkin Festival; \$687.50 donated from the organizers of the Ghost Train Rail Trail race and \$350.00 donation from Centrix Bank. This request was approved.

(2) Request for Re-Ratification of NH RSA’s 31:104, 31:105 and 31:106 Regarding Municipal Employee Indemnification. The request for re-ratification of NH RSA 31:104, 31:105 and 31:106 to provide indemnification to town employees to include the Health Officer effective January 1, 2011 was approved.

b) OTHER DECISIONS

1) Acceptance of Unanticipated Funds Under \$5,000 and Gifts Under \$5,000. Selectman Putnam moved to accept the unanticipated funds under \$5,000 and gifts under \$5,000 as follows, with Vice Chairman Daniels seconding. Selectman Putnam, Vice Chairman Daniels, Selectman Bauer and Chairman Finan were in favor, with Selectman Carmen abstaining. Motion passed 4/0/1.

Source	Amount	Purpose
Town of Temple	\$ 500.00	Contribution for the Milford Area Mediation Program
Milford Drive-In Theater	\$ 250.00	General donation to the Milford Police Department. The Milford Police Department wishes to designate the donation to the Milford Area Diversion Program.

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Acceptance of Gifts of Property Under \$5,000

<u>Source</u>	<u>Purpose</u>
Nate Carmen	Loan donation of a Sears Craftsman snow blower to the Milford Recreation Department for use at Shepard Park ice rink for the winter season 2010-2011. This has a donated value of approximately \$100.
Nate Carmen	Donation of a granite bench to the Milford Recreation Dept. This has a donated value of approximately \$500.
Brian Baker	Loan donation of a 1986 Honda Tractor to the Milford Recreation Dept. for use at Shepard Park ice skating rink for the winter season 2010-2011. This has a donated value of approximately \$100.

2) Towing Company Concerns – Pay Less Towing & Recovery. Chairman Finan indicated that this discussion could be held in public session or non-public session if Mr. Knightly would like. Harry Knightly requested that the discussion be held in non-public session. Selectman Carmen moved to enter into non-public session at 6:35 p.m. Vice Chairman Daniels seconded. All were in favor. After discussion, Selectman Carmen moved to come out of non-public session at 6:50 p.m. Vice Chairman Daniels seconded. All were in favor. Motion passed 5/0. Chairman Finan announced that in non-public session the Board discussed a reputation issue and voted 5/0 to remove Pay Less Towing and Recovery from the Town Tow Rotation List.

5. TOWN ADMINISTRATOR REPORT – Town Administrator Scaife was not present at this meeting.

6. DISCUSSIONS:

a) Cover Selections for the 2010 Town Report. Vice Chairman Daniels asked about the 2010 Town Report cover and back cover ideas and whether the back cover could be re-considered. Vice Chairman Daniels had been in favor of looking at what happened in Milford in 2010 and creating the cartoon back cover and then incorporating the town phone numbers into that cartoon or a different style. Chairman Finan felt it could be re-considered. Vice Chairman Daniels would like to see some interesting pictures that could incorporate the phone numbers. He would like to keep the back cover interesting. Selectman Bauer suggested doing something graphic as well. Chairman Finan thought the phone numbers was a good idea but maybe have a card that could be ripped out or incorporate the phone numbers into the Granite Town Quarterly. Vice Chairman Daniels said he would look into some ideas for graphics for the back cover. Chairman Finan asked if any other Board members would like to draft the Board report for the 2010 Town Report. Hearing no volunteers, Chairman Finan agreed that he would generate that report.

b) Draft 2011 Warrant Article Discussion. Chairman Finan indicated the final vote on Draft Warrant Articles and the minority and majority reports are due to Dawn Griska January 24. Selectman Putnam noted most of the smaller Warrant Articles are boilerplate. Vice Chairman Daniels indicated he is working at the State level on revenue sharing; but they will not commit that they would reinstate, but the goal is to not push anything further on to towns. Vice Chairman Daniels expects the town will probably have the same \$300,000-\$400,000 hole for revenue sharing and retirement. It is probably a prudent approach. Selectman Bauer asked when that will be decided. Vice Chairman Daniels said by July 1, there are other things in the budget we will be asking for that make the hole a little deeper. We met with representatives from the court, there is money in the next budget to keep the Milford court open, but that is just coming out of the discussions. The court is not interested in closing the Milford court. The House does the budget, the departments have been asked to submit their budgets. The judicial budget has money for the rent for the Milford Court, whether it will be taken out or not we do not know.

It was agreed that the Board would take up the draft 2011 proposed warrant articles starting with the smaller ones and discuss and/or take a position at this time. It was decided the items with no dollar values would not be taken up at this time and would be taken up for vote at a time when a dollar value was identified. Note: Items that are in **bold** text are items that WERE discussed and voted on tonight.

DRAFT 2011 PROPOSED WARRANT ARTICLES

OPERATING BUDGET – \$XXX

WASTEWATER TREATMENT OPERATING BUDGET - \$XXX (Board of Selectman does not vote)

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1 WASTEWATER TREATMENT FACILITY SEWER SLIP-LINING PROJECT \$XXX (Board of Selectman
2 does not vote)

3 FIRE/AMBULANCE FACILITY LANDS ACQUISITION & SITE WORK - \$540,000

4 FIRE/AMBULANCE FACILITY ARCHITECTURAL & ENGINEERING PLANS - \$250,000

5 UNION STREETS WATER MAIN REPLACEMENT PROJECT - \$XXX

6 FIRE ENGINE 4 REPLACEMENT - \$70,713

7 PUBLIC WORKS TRACTOR/LOADER/BACKHOE - \$150,000 (OR \$175,000)

8 **ROUTE 101A/ROUTE 13/OVAL IMPROVEMENTS GRANT - \$155,000**

9 Selectman Putnam moved to place this on the warrant. Vice Chairman Daniels seconded. Selectman Putnam,
10 Vice Chairman Daniels, Selectman Bauer and Chairman Finan were in favor with Selectman Carmen opposed.
11 Motion passed 4/1.

12 ROUTE 13 SOUTH/EMERSON ROAD/ARMORY ROAD INTERSECTION IMPROVEMENTS - \$90,000

13 UNION STREET RAILROAD CROSSING - \$40,000 (OR \$50,000)

14 **SOCIAL SERVICES - \$35,000**

15 Selectman Putnam moved to place this on the warrant at \$35,000. Selectman Bauer seconded for discussion.
16 Selectman Bauer asked if the item has been increased since 2009. It has not increased. All were in favor,
17 with Vice Chairman Daniels opposed. Motion passed 4/1.

18 **PUMPKIN FESTIVAL, HOLIDAY DECORATIONS AND PLANTINGS - \$20,000**

19 Selectman Putnam moved to place this on the warrant at \$20,000. Selectman Bauer seconded. All were in
20 favor. Motion passed 5/0.

21 **DO-IT OPERATING BUDGET SUPPORT - \$20,000**

22 Selectman Putnam moved to place this on the warrant at \$20,000. Selectman Bauer seconded for discussion.
23 Selectman Bauer indicated that the Budget Advisory Committee (BAC) and the Board of Selectman agree
24 that Tracy Bardsley and Allen Woolfson did a great job of explaining how much DO-IT costs and how much it
25 adds to the Economic Development of Milford and this Board should support it. All were in favor. Motion
26 passed 5/0.

27 **CONSERVATION LANDS FUND - \$15,000**

28 Selectman Bauer moved to place this on the warrant. Chairman Finan seconded for discussion. Chairman
29 Finan hesitates to support this because he has not heard from the Conservation Commission and this may not be
30 the best year to do this. Last year, Selectman Carmen explained Conservation used what was left to make a
31 land purchase. They had nothing to work with and they got that easement; now there is money, it might be
32 about \$10,000 and to add another \$10,000 would be a good idea, but he feels \$15,000 might be too much. Selectman
33 Carmen suggested getting information from Diane Fitzpatrick. Selectman Putnam said he will not even
34 support \$10,000; we should not be getting into Conservation Land in this economy and he will not support any
35 money. Selectman Bauer said the money probably would be to buy land, non-contiguous land that might be a
36 piece of land that they want to have the money to purchase. Chairman Finan asked if the Board wished to have
37 Conservation come in to talk to the Board about the \$15,000. The Board indicated it is ready to vote. Selectman
38 Bauer was in favor of the motion. Selectman Putnam, Vice Chairman Daniels, Selectman Carmen and
39 Chairman Finan were opposed. Motion failed 1/4.

40 **SUMMER BAND CONCERTS - \$9,000**

41 Selectman Putnam moved to place on the warrant. Vice Chairman Daniels seconded. All were in favor.
42 Motion passed 5/0.

43 **MEMORIAL, VETERANS & LABOR DAY PARADE TOWN SUPPORT - \$6,000**

44 Selectman Putnam moved to place on the warrant. Vice Chairman Daniels seconded. All were in favor.
45 Motion passed 5/0.

46 ESTABLISHMENT OF THE BROX PROPERTIES PUBLIC INFRASTRUCTURE IMPROVEMENT FUND
47 - \$0

48 DIVERSION OF PROCEEDS OF SALE OF FORMER POLICE STATION PROPERTY - \$0

49 MODIFICATION OF AUTHORIZATION FOR SELECTMENT SALE OF BROX PROPERTIES - \$0

50 JOINING CONCORD REGIONAL SOLID WASTE/RESOURCE RECOVERY COOPERATIVE - \$0

51 JOINING SINGLE STREAM CO-OP - \$0

52 AUTHORIZATION FOR SELECTMEN TO ENACT PAWN BROKER MUNICIPAL CODE - \$0

53 TOWN FOREST LANDS – TUCKER BROOK TOWN FOREST - \$0

54 TOWN FOREST LANDS – MAYFLOWER HILL TOWN FOREST - \$0

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56 **NON-EMERGENCY COMMUNITY TRANSPORTATION BUS SERVICE - \$35,000**

57 Vice Chairman Daniels indicated that when this came up years ago, the first attempt to get a bus was not
58 successful; there was money collected to go to Nashua Transit to get free bus service, is this still available? Se-

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1 lectman Bauer asked if that will keep Vice Chairman Daniels from voting tonight. Vice Chairman Daniels said
2 it is pretty important; he does not want to vote for something that benefits Nashua and not Milford. Selectman
3 Bauer does not remember anything like that. This program has expanded and a lot of work has been done. Se-
4 lectman Putnam moved to support this warrant article and place it on the warrant. Selectman Bauer seconded.
5 All were in favor. Motion passed 5/0.

6 AFSCME UNION COLLECTIVE BARGAINING AGREEMENT - \$XXX
7 REPAIR OF WADLEIGH MEMORIAL LIBRARY FOUNDATION WALL - \$XXX
8

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

10 a) **FROM SPECIAL BOARDS, COMMISSIONS & SPECIAL COMMITTEES.** Chairman Finan indi-
11 cated the ice skating rink is coming along very nice. Selectman Bauer indicated it was very cold when the rink was
12 flooded but asked if the rink has opened yet? Selectman Carmen said the snow came right after the rink was flooded
13 and it has to be cleaned off and resurfaced. It is a project and it will be open for the Winter Festival in January.
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15 b) **OTHER ITEMS.**

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17 **8. APPROVAL OF FINAL MINUTES – December 13, 2010.** Selectman Putnam moved to approve the mi-
18 nutes of December 13, 2010 as presented. Vice Chairman Daniels seconded. All were in favor. Motion passed
19 5/0.
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21 **9. INFORMATION ITEMS REQUIRING NO DECISIONS**

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23 **10. NON-PUBLIC SESSION:**

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25 **11. ADJOURNMENT:**

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27 There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 7:37 p.m. Se-
28 lectman Carmen seconded. All were in favor. Motion passed 5/0.
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33 Tim Finan, Chairman

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33 Gary L. Daniels, Vice Chairman

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37 Katherine Bauer, Member

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37 Mike Putnam, Member

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41 Nate Carmen, Member