

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
August 29, 2011

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

1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS: The meeting was called to order by Chairman Carmen at 5:00 p.m. This meeting was not broadcast.

2. CONSENT CALENDAR:

1) Request for Conditional Endorsement of Joseph W. Wilson as a Full Time Officer Candidate.
Captain Nervik requested a conditional endorsement of Joseph W. Wilson as a full time police officer. Vice Chairman Daniels moved to approve the Consent Calendar. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

3. APPOINTMENTS:

5:05 p.m. – Provided Services and Associated Budget Considerations Work Session. Guy Scaife explained this discussion is to put forth some thoughts and discuss town services and/or prioritize services. It comes down to what kinds of things we can do without. There are some good ideas and some not so good. What can we live without if we need to cut into the budget? Selectman Bauer does not think a discussion can be had without the department head present. Chairman Carmen said it is much simpler than that, if we look at the work that needs to be done and look at the budget, we can determine where to cut. Selectman Bauer said the Budget Advisory Committee has every department head go to explain their budget. When something comes up, that is contrary we need someone here to explain it. Chairman Carmen is talking about the current budget that we are in now. If we need to cut the budget for 2011, what can we go without? There are things that we can look at that might be able to get taken out. The budget is down to the bone. Selectman Putnam asked about the police bike patrol, is that necessary or can we just have the officers in cruisers? Is man power added to do that? Do we need them or can that save some money?

If we can bring some of those ideas up, Selectman Bauer also added the hours at the Transfer Station being adjusted to save some money. Selectman Putnam is afraid that another default budget will be coming next year. We need to just talk it out and talk about what we can do. Selectman Finan suggested if the Board can look at the services, we need to take a step back and look at the whole picture. We have been in budget crunch mode all year. We have had a flat budget for six years. We have to consider what we are doing for the long term impact of the town. We have to consider a long term approach, having a 1-2% increase over a few years will allow us to avoid a 10% increase in future years. Selectman Finan does not want to take away the things that make Milford, Milford. We want a town that people want to live in. If Guy Scaife is aiming for a 1% increase in the budget, that is great but we may have to pull some services to save money. Selectman Finan would like to start thinking five years out and not just take things away.

Selectman Putnam thinks we have to look at it and make sure so that if someone talks to him, he can tell people honestly that the budget is bare bones. Guy Scaife said there are ramifications of having a low tax rate. The only comparisons we have are towns of similar size. We are at the bottom of that barrel. The Recreation and Library are the heart of this community. At the end of the day it is what makes Milford what it is. The Library budget is significant but we have a high participation rate. In Recreation, we are spending \$111,000 in the budget plus \$30,000 from the Recreation Commission. Surrounding towns have a much higher budget. It is challenging to get an apples to apples comparison. The programs we run are not that elaborate, they serve basic needs. Revenue from the swimming pool is up. The last time the Board and Guy Scaife spoke about the current budget, we needed to find \$140,000 in reductions, now that number is down to \$75,000. That includes absorbing the Engineering Design to be done by Mike Castagna. If the \$75,000 holds, the tax rate would go up 1.9% which is not huge. That includes the

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 8/29/11

1 \$90,000 work order last year to do the South Street intersection. Another \$155,000 comes off after 2011. When the
2 ambulance facility gets approved, it will be out another year because it is a bond. The town is continuing to trim
3 away at it. Thankfully there was not much major damage from Hurricane Irene. At the Transfer Station, almost no
4 overtime is used. There would still be a 40 hour work week even if the hours were modified. The Police bikes have
5 actually saved money for the police department with using cruisers less. The bikes are not in addition to the cruis-
6 ers; it is the same amount of staff. The police are not running any fancy programs, just the basics. Selectman Bauer
7 asked if the police have only one officer position open. Guy Scaife believes that is so. Hunter Philbrick is back in
8 the US (from the armed services) and getting therapy for a back injury, but we do not know his estimated return
9 date; we know he will not be back in September. If Recreation is where the Board feels there could be savings, Guy
10 Scaife would want to bring in the Recreation Commission, same for the Library, to bring in the Library Trustees.
11 Cleaning up the cemeteries is typically just the basics being done, nothing fancy. A few years ago, the cemetery
12 flower fund was discussed and flowers for special occasions, it was found the Perpetual Fund is in place with
13 \$11,000 per year being used for that and to offset maintenance of the cemetery. The cemetery must be maintained
14 but it is not general fund money being used for that. About \$30,000 per year comes in for burial services as well.
15 Selectman Bauer indicated that is also the responsibility for the parks crew, we need to think about all the things
16 each department does. Guy Scaife said there is one park on Old Brookline Road that needs to be maintained as well,
17 but it is tiny.
18

19 Vice Chairman Daniels is hearing what Selectman Finan said, we have not been able to understand why the
20 voters turned down the budget last year, we may never know. Selectman Putnam indicated the Board of Selectman
21 came in with the Budget Advisory Committee on a Saturday in the old days to hammer out the budget, we should
22 get back to that. Selectman Bauer thinks it takes more than just one day for that. Selectman Putnam said it might
23 take six days. Chairman Carmen said between what Selectman Finan and Selectman Putnam have suggested, could
24 be managed. If voters turned it down, it might just mean the voters did not know what was at stake. When a budget
25 is voted down, Chairman Carmen said the town needs to make up the difference. Chairman Carmen agrees maybe
26 we just go back to what we want as a community, we get the questions from the voters and sometimes we need to
27 provide the details. Chairman Carmen is concerned that if we do not get the ambulance facility through, we are in
28 trouble and we need to look at the big picture. Selectman Putnam thinks the new fire chief might have different
29 ideas for what the Fire Department needs (in the budget). It is up to this Board when the Town is going to buy
30 things that are recommended by the departments. Selectman Bauer said things can be let go only so far and she does
31 not want things to bunch up either. Vice Chairman Daniels said we need to do a better job marketing the ambulance
32 facility. PEG access is self funded so that does not come out of the general fund. The Transfer Station brings in
33 revenue, the goal there is to increase recycling.
34

35 Vice Chairman Daniels wants to take a look at what we have and ask if there are ways to do things diffe-
36 rently. We may be able to turn something into a revenue generator. Selectman Finan believes the voters turned the
37 budget down because the Budget Advisory Committee did not support it. We have to spend time with the BAC to
38 convince them that we know how people will react to a department request. Selectman Putnam suggested looking at
39 having all meetings together. We might not be able to cut the budget anywhere else since it is tight. Selectman
40 Bauer also thinks if the BAC is on board and the facility committee is on board through the vote, it is a standalone
41 facility, we can do a better job selling it. When details are available for the design, we need to be able to explain
42 that. Selectman Putnam compared an ambulance facility to a small house with ambulance bays. Selectman Bauer
43 said there are people that think the facility can be done by renovating a small house. Guy Scaife said the numbers
44 will be close to \$2 million, but he does not feel at all that it will be close to \$2.5 million. The Ambulance Depart-
45 ment has a list of items that are must haves. Thursday night they are having Mike Castagna in for further discussion.
46 Selectman Putnam asked how much we can push back at the State and Federal level. How much more can we do as
47 a group to increase revenue from the State, we have to get more face time with the politicians to increase revenue at
48 the State level. What are we willing to do and what can we do?
49

50 Selectman Putnam said Emerson Road is a State Road, but it is falling apart and we should get that taken
51 care of (at the State level) by starting to push back now. We need to do what we can. Vice Chairman Daniels said
52 the more we can become self sufficient and not depend on the State, the better off we will be. Selectman Putnam
53 did not see any problem in the Wilton pavement job since the hurricane, which is good. Selectman Finan asked if
54 there is any opportunity for increased revenue with Rockingham going out of business. Guy Scaife believes there is,
55 the opportunity is being pursued by the Ambulance Director. They cease doing business at the end of September.
56 One unknown is that it depends on who Nashua contracts with. Selectman Putnam asked if we include things that
57 are dropping off in the budget. For example the \$155,000 debt? Guy Scaife said no, that is not included because it
58 is a warrant article, next year the \$90,000 and \$155,000 plus \$47,000 will drop off.

1
2 **6:45 p.m. – Public Hearing to Petition for the Conditional Layout of the Phase I Portion of Boynton Hill**
3 **Road.** Chairman Carmen opened the public hearing at 6:47 p.m. Chairman Carmen read the memo regarding Con-
4 ditional Layout of Boynton Hill Road which will enable the town to maintain the road. There were no public com-
5 ments. Chairman Carmen closed the public hearing at 6:49 p.m. Selectman Finan moved to approve the petition for
6 conditional layout of Boynton Hill Road. Selectman Putnam seconded. All were in favor. Motion passed 5/0.
7

8 **6:55 p.m. – First Public Hearing on Ordinance 2011-009 to Amend Milford Municipal Code 7.40 – Sidewalk**
9 **Obstructions.** Chairman Carmen opened the public hearing at 6:55 p.m. Chairman Carmen explained this is to
10 amend the current code to add 36” clearance on sidewalks for people to pass. Jerry Guthrie, public citizen, asked if
11 36” is wide enough for wheelchairs to pass. Chairman Carmen said that will be looked into for the next reading, but
12 he believes that is where the number came from. There were no further public comments. Chairman Carmen closed
13 the public hearing at 6:57 p.m. Selectman Bauer said this ordinance came about because we have no ordinance that
14 addresses blocking public sidewalks. We are trying to correct that without being too restrictive. Selectman Putnam
15 thinks it should have the enforcing agency listed in the ordinance. Selectman Bauer the enforcing agency is implied
16 in the ordinance. Guy Scaife will find out who the enforcing agency should be and see if it needs to be specified, he
17 believes it would be Police or Code Enforcement. Selectman Putnam wants this to identify who can enforce. Se-
18 lectman Finan said that can be added at the next reading. This ordinance will move on to the second reading Sep-
19 tember 12, 2011.
20

21 **7:00 p.m. – 5th Monday Open Public Forum.** The public forum began at 7:00 p.m. Chairman Carmen asked if
22 there were any members of the public that wished to bring a subject up.
23

24 LGC. Mr. Ron Aveni, lifelong Milford resident, wished to bring up to the Board the articles he has been reading
25 regarding LGC and whether or not Milford would be a recipient of money to be returned to communities. Chairman
26 Carmen said the Board is aware of this and asked that Guy Scaife speak in response to Mr. Aveni’s comment. Guy
27 Scaife explained this issue has been around for a few months. LGC has been charged with doing things in a way
28 that the Secretary of State’s office does not believe are correct. The process calls for it to go to hearings to be eva-
29 luated. The claim that the towns are pushing for this is actually only two towns, Portsmouth and North Hampton.
30 He is not aware of any other municipality that is concerned about how they operated. Guy Scaife explained that
31 LGC provides health insurance, workman’s compensation, and liability insurance. The Town of Milford just moved
32 over to LGC for health insurance. The question is how much money should be kept in reserve for each type of cov-
33 erage. It is unfortunate that this has been dragged out. It is also unfortunate that LGC has been labeled as guilty
34 prior to the formal hearings. Milford is not involved. This has had a lot of press and he hopes it gets resolved soon.
35

36 Labor Day Parade. Mr. Jerry Guthrie wanted to brief the Board on where the Labor Day parade stands today. The
37 movie premier will be on Saturday this weekend. This is primarily a fundraiser for the VFW and starts at 7:30 p.m.
38 Sunday evening there will be fireworks at dusk. On Labor Day, a group will meet on the Community House Lawn
39 with organizations from the schools that will be selling drinks, popcorn, and other goods for fundraising for various
40 school programs. The parade kicks off at 1:00 from the high school, ending at the VFW. Mr. Guthrie also asked
41 for an update of the Fletcher site which was provided by Guy Scaife, indicating the work is still in process. Six
42 weeks ago the EPA confirmed that construction will begin in 2012. There will be additional parking at Keyes, how-
43 ever, it will not provide additional parking on the cap. The additional parking is primarily for the Keyes Field usage.
44

45 **4. ITEMS NOT ON THE AGENDA.** Chairman Carmen sent an e-mail regarding MACC Base asking who would
46 like to be the Board representative during the budget season. Last year Selectman Putnam took this position. Se-
47 lectman Putnam said that he could do it again. All members concurred to have Selectman Putnam be this represent-
48 ative. Chairman Carmen said he has the schedule of the meetings which will be provided to Selectman Putnam.
49

50 Discussion on conditional layout of the Phase I portion of Boynton Hill Road. Chairman Carmen said the
51 Board does not have a lot of choice in this matter. It is a compromise, it is an approval of a conditional lay out for
52 Boynton Hill Road since the developer has essentially walked away. Selectman Finan asked if the BOS usually
53 approves the lay out of the road. Guy Scaife said this unique situation requires that it be done this way and is the
54 only way to get this done on advice of town counsel and will allow the town to take advantage of the surety set aside
55 to finish the road to allow it to be approved and become town-owned. The surety is close to \$25,000, which is plen-
56 ty of money for the road to be completed. We have it ready to go once this is approved. By taking the surety we
57 can contract for the paving. Selectman Finan asked if it is private property. Guy Scaife indicated it normally would
58 be accepted after the road was complete, and the town has never had to use the surety set aside since the road has

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 8/29/11

1 always been completed by the developer. We are taking their money and will spend it on what they should have
2 done. So once the road is laid out, Selectman Finan asked if the town can then accept it. Chairman Carmen indi-
3 cated that all the roads are private until they are paved and accepted by the town. Guy Scaife said that is correct.
4

5 Selectman Bauer asked about the “conditional layout” but she still does not get what “conditional” means
6 for this. If the Board signs this, are we giving approval for a conditional roadway. Chairman Carmen stated this
7 was advised by Town Counsel, that the town take the money and get it paved. Guy Scaife stated this allowed the
8 town to take that money and use it to finish the job. It is a legal thing and we paid money for it. Selectman Finan
9 said it probably is the right thing to do. Vice Chairman Daniels asked if the developer said they will complete all the
10 road improvements. If so, why are we at the place where the developer is not willing to do it? Guy Scaife said the
11 developer has thrown up his hands on the whole project, the lots up there are owned by individuals, not the develop-
12 er. Vice Chairman Daniels indicated if the developer makes a commitment that they will complete the roadways
13 and they do not, what can the town do to make sure they do not do work in this town again? Guy Scaife responded
14 that this developer has walked away and there are land owners up there. If we want to take him to court okay, but
15 we are trying to solve a problem that plagued Milford last year. Vice Chairman Daniels was not saying he will not
16 support it, but we have had an ongoing problem and the town should try to send a message to any developers that if
17 they are not going to do what they planned to do, they will not be allowed to do business in town again. Selectman
18 Putnam said that when the developer started in 2002 they did not know the economy would tank, that is why there is
19 a security. Will more permits be asked for up there? Guy Scaife said once this road is paved then we can accept the
20 road. There are two lots owned by individuals but the developer is gone. The developer is in default and he has to
21 start over with the Planning Board if he wanted to pursue further development. Selectman Putnam does not have a
22 problem with doing this. Selectman Finan asked what can be done besides keep their security money. Vice Chair-
23 man Daniels said we have got the money and we can do it, but with some of the others it was a different circum-
24 stance. He would like to see something put in place that sends a message that they need to follow through on their
25 commitment. Selectman Putnam indicated the State codes dictate a lot of this, so maybe we need to look at what the
26 State approves. Selectman Finan added that the two phases need to connect. Guy Scaife asked if he could go get
27 Bill Parker to answer the Board’s questions.
28

29 Bill Parker explained a conditional layout is the language based on the statute. There are really no condi-
30 tions associated with this. This is a complex ownership based on the transfer of lots. In talking with Bill Drescher,
31 the best way to get it finished is to handle it this way. The funds that were assigned by the original developer would
32 allow the town to complete the road. The start of this was when the complaints started and the town tried to get it
33 fixed. We then, through revoking the subdivision plan, started to work with Bill Drescher which was mostly re-
34 search and this process in front of the Board tonight has taken about two years. Bill Parker said it is much like call-
35 ing the bond. It is confusing. We have the money and are able to do it once and for all. This works for everyone.
36 Selectman Putnam suggested we have to trust the attorney who we pay big bucks to do the research. Selectman Fi-
37 nan indicated it makes sense to him now. Because work needs to be done, we need to lay it out, fix it and then ap-
38 prove the road. So it is not the usual scenario, asked Selectman Bauer. Is the money for just Phase 1? Bill Parker
39 answered yes, that is what the original security was for. Phase 2 cannot move forward unless there is a connection
40 to Mile Slip Road, the likelihood of that occurring is very unlikely. Phase 2 will most likely never happen. Bill
41 Parker added if another developer were to step in, they would need to put down another security. Lots 4 & 5 are
42 owned by Mitchell Brook developers and will most likely not be developed.
43

44 Vice Chairman Daniels asked when a developer refuses to finish their roads, is there any way we can legal-
45 ly prevent the developing company from doing business in Milford again? Bill Parker said he will need to research
46 that. Selectman Putnam said it sometimes just happens that the developer just goes defunct. The developing com-
47 panies just come back under a different name. Bill Parker indicated he has been with the Town of Milford for 18
48 years; we have had ongoing problems with Badger Hill, Boynton Hill and Federal Hill estates. We see very few that
49 get to this point. Chairman Carmen suggested sometimes the developer just let’s it go, but it might work out in the
50 end. Bill Parker noted Milford has had luck with threatening default of the subdivision plan; it seems like a lot but it
51 just takes a lot of time. This is the most expeditious way to resolve this. Selectman Bauer trusts Bill Drescher but
52 she now feels that she understands it better from Bill’s explanation. Bill Parker indicated if we approve this, the
53 town will own the road once it is paved. The town will lay it out then accept it. Selectman Finan asked again if the
54 town will own the road. Bill Parker said the deed to this road will be drafted up by the Planning Board because it is
55 so unusual. Selectman Finan asked if the buses can go down this road on Wednesday (first day of school). Bill
56 Parker said they probably can. Guy Scaife said the bus criteria is if the town is maintaining the road, they will travel
57 on it. The bus company will only travel on roads that are maintained by the town. Once the Board approves the lay

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 8/29/11

1 out, Vice Chairman Daniels said the developer has ten days for someone to come in to oppose it, if that does not
2 happen, then DPW can start to work on the road. All concurred.
3

4 Sidewalk Obstructions Ordinance Discussion. Guy Scaife explained that tonight there is an ordinance be-
5 ing brought forward for its first reading by the Board regarding sidewalk obstructions. Guy Scaife explained that
6 recently there were people that set up a table in front of the Post Office, blocking sidewalk passage. Guy Scaife and
7 Police Chief Douglas asked them to move their operation and they refused. The shoulder of the US Post Office site
8 is flat and people could go on the grass, however, during the busy part of the day, the table was right at the curb and
9 it did not allow adequate walking space for pedestrians to pass by. Selectman Bauer indicated the organization was
10 for Linden Larouche. The ordinance up for review was drafted so that 36 inches must be left for pedestrian passage
11 on the sidewalks. Chairman Carmen indicated when the Granite Town Tavern wanted tables on the sidewalks; there
12 was a discussion on this. If you have a baby carriage or a wheelchair, how can they get by if the pedestrian sidewalk
13 is obstructed? Chairman Carmen believes the sidewalk, in some cases, is owned by the business. Selectman Bauer
14 indicated the sign ordinance addresses a temporary use of the sidewalk but not permanent. Guy Scaife believes the
15 sidewalks belong to the town. Chairman Carmen indicated some sidewalks are privately owned. Selectman Finan
16 said the town has a right of way and can restrict it. Vice Chairman Daniels said it was set up to allow the store own-
17 er to have items on the sidewalks. Selectman Bauer said this is another organization setting up on the sidewalk, not a
18 business.

19 Vice Chairman Daniels asked if this organization has permission from the US Post Office. Selectman Bau-
20 er said it is not their property. Chairman Carmen suggested the Board move forward on this first hearing and
21 changes can be made for the second, if needed. Selectman Bauer indicated people that went through that area found
22 it very aggressive (for them) to be right in the middle of the sidewalk but we found that the town had nothing in
23 writing to back it up so this ordinance came about. We need to find out who owns what first. Chairman Carmen
24 again said this Board should move forward with the first reading tonight, but it is not approved until the third read-
25 ing and changes can be made. Selectman Finan said the Board has the right to ensure safe passage for pedestrians
26 on the sidewalks in town. We need to find out who owns what. Guy Scaife suggested the Board start with the first
27 reading (tonight) and if it is felt that 36" will not work, change it at the next hearing. Selectman Putnam suggested
28 looking into the ADA regulations. Guy Scaife believes that is where the 36" came from. Selectman Putnam thought
29 that was 48". Chairman Carmen feels it can move forward because there are not enough items that are being ques-
30 tioned. We know we can modify it. Vice Chairman Daniels indicated we should find out what the existing estab-
31 lishments utilize on the sidewalks. Selectman Bauer stated if the Board adds an ordinance that says we have the
32 right to question the safety, then Guy Scaife could have gone to talk to them about it. When this first started, Guy
33 Scaife said the people trying to pass had to go around and it was dangerous. If it was set up on the oval, no one
34 would have had a problem, but they wanted high volumes to pass by.
35

36 **5. ADJOURNMENT:** There being no further business to come before this Meeting, Selectman Putnam moved to
37 adjourn at 7:40 p.m. Selectman Finan seconded. All were in favor. Motion passed 5/0.
38
39
40

41 _____
42 Nate Carmen, Chairman
43
44

Gary L. Daniels, Vice Chairman

45 _____
46 Katherine Bauer, Member
47
48

Tim Finan, Member

49 _____
50 Mike Putnam, Member
51