

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
May 29, 2012

PRESENT: Gary Daniels, Chairman
Tim Finan, Vice Chairman
Mike Putnam, Member
Katherine Bauer, Member (arrived 5:15 p.m.)
Mark Fougere, Member
Guy Scaife, Town Administrator
Darlene J. Bouffard, Recording Secretary

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

INSTRUCTIONS: Chairman Daniels called the meeting to order at 5:00 p.m. Chairman Daniels introduced Board members and led the audience in the Pledge of Allegiance. Chairman Daniels 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. Chairman Daniels indicated that Selectman Bauer will be joining the Board shortly.

2. APPOINTMENTS:

5:00 p.m. – Request for Approval of (3) and Denial of (76) Property Tax Abatement Applications, and Denial of (1) Late Filed Elderly Exemption Application. Marti Noel, Town Assessor, explained that there has been one late change to tonight’s agenda, in that one of the subdivisions that were being recommended for property tax abatement denials, has just contacted Ms. Noel to request that the discussion be postponed, therefore Ms. Noel is recommending abatement approval on only 3 properties tonight and denial of only 1 property. Selectman Putnam moved to approve the abatement requests as recommended by the Assessor as follows:

<u>Map/Lot</u>	<u>Abatement amount</u>
56/64-2	\$1,723.68
42/73-M-37	\$ 148.38
48/14-1	\$ 576.21

Selectman Fougere seconded. All were in favor. Motion passed 4/0.

Ms. Noel indicated that she is recommending denial of the property tax abatement application for Map/Lot 22/59 since she has demonstrated that it is fairly and equitably assessed. Selectman Putnam moved to deny the property tax abatement as identified and recommended by the Town Assessor. Selectman Fougere seconded. All were in favor. Motion passed 4/0.

Ms. Noel explained the one late-filed elderly exemption application, which (once filed) proved the merit of the application and it was found that the asset level of the applicant exceeded the requirement, therefore Ms Noel is recommending denial of this late filed elderly exemption application. Selectman Putnam moved to deny the late-filed elderly exemption application as recommended by the Town Assessor. Selectman Fougere seconded. All were in favor. Motion passed 4/0.

Ms. Noel indicated to the Board that the warrant article to change the elderly exemption income guidelines has resulted in 3 new applicants that qualify for the exemption and two additional applicants that now qualify for the exemption due to the change in income guidelines, for a total of 5 new applicants that qualify for the exemption. Additionally, Ms. Noel explained there were a total of 79 applications reviewed for the Elderly Exemption (21 new), 20 new Veteran’s Credit applicants and 3 new Blind Exemptions.

5:10 p.m. – Second Public Hearing on Ordinance 2012-002 to Amend Milford Municipal Code 7.16.080 – Vending Activities and Ordinance 2012-003 to Repeal 7.16.090 – Keyes Field Vending. Chairman Daniels opened the public hearing at 5:10 p.m. for ordinances 2012-002 and 2012-003. There were no public comments. The Board had no comments on the amendment or the repeal. These ordinances will move to the final vote on June 11, 2012.

5:15 p.m. – First Public Hearing on Ordinance 2012-004 to Amend Milford Municipal Code 6.32.100 – Speed Limits – Federal Hill Road. Chairman Daniels opened the public hearing at 5:15 p.m. for ordinance 2012-004. There were no public comments. Vice Chairman Finan asked if the speed limits could be made into an appendix in

1 the code book similar to the fines and fees, rather than have this type of setup, and then the changes would not re-
2 quire three meetings (two hearings and the final vote). Selectman Fougere suggested in order for it to be enforceable,
3 he believes it needs to be an ordinance. After some discussion, Vice Chairman Finan agreed that maybe three
4 meetings is a good idea for speed limits. All agreed that this would be moved to its second hearing on June 11,
5 2012.
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7 **5:20 p.m. – First Public Hearing on Ordinance 2012-005 to Repeal Milford Municipal Code 5.12 - Fireworks.**

8 Chairman Daniels opened the public hearing at 5:20 p.m. for ordinance 2012-005. Chairman Daniels asked for public
9 comments. Jason Smedick, Fire Prevention Officer, has concerns about this repeal of the Milford Municipal
10 Code 5.12. The code was updated in 2010 and was signed by this Board, at that time there was no question as to the
11 validity of the ordinance. Why now is it being questioned and what is the goal of the repeal? Selectman Putnam
12 indicated that this was his recommendation because he feels it is unenforceable and we are the only town around
13 here with this kind of ordinance; he feels it takes away the freedom of citizens from being able to celebrate with
14 fireworks on holidays such as the Fourth of July. Captain Smedick indicated that this town conducts a risk reduction
15 program meant to protect both children and adults. Last year there was an unfortunate event in town that burned
16 down a large structure on a property and threatened the home. There are several other communities throughout the
17 state that prohibit the use of fireworks. Chairman Daniels asked for figures from the local area. Captain Smedick
18 indicated that he was only made aware of this repeal on Friday and was unable to collect the local statistics in that
19 short timeframe. Most injuries with fireworks occur in children under the age of 14. To say it is unenforceable is
20 untrue, it is another tool in the toolbox. Last year the town started a public education campaign and we are striving
21 to make sure we get the message out. Jason Smedick disagrees with a repeal of this code and believes it would be a
22 step back for the community and he believes it will lead to more injuries.
23

24 Selectman Putnam stated that all the incidents being referred to occurred while the code was in place, so
25 what is the point of having it? Captain Smedick stated the code is enforceable. Who enforces it, asked Selectman
26 Putnam. Captain Smedick responded that he and the police use it as an enforcement tool. It is nice to have on the
27 books, but Selectman Putnam stated the town can only go so far to protect people from themselves. Guy Scaife in-
28 dicated that Chief Douglas is also opposed to this repeal, stating that the police receive 50-75 complaints per year on
29 fireworks and it is used to enforce and react to complaints. When a firework is set off, people cannot control where
30 it goes and it produces litter on other's property and it can start a fire. Those people have rights as well and it is in-
31 fringing on the rights of them when people have that going on with the noise or the litter created on their property.
32 Selectman Putnam understands that the noise is covered in another code and littering is also covered elsewhere, but
33 we have to draw the line somewhere. Captain Smedick pointed out Paragraph 1, Article 12 of the NH Constitution
34 that states the Government has the responsibility to protect its citizens. Captain Smedick asked the Board members
35 to come to the Fire Department to talk about why this is a bad idea. We are a progressive community when it comes
36 to the safety of the community. Vice Chairman Finan is unsure where he stands on this issue but he is glad to see it
37 here and it is important to discuss. There are three meetings (two hearings and the final vote), so no vote is taken
38 until the third meeting. Vice Chairman Finan encouraged anyone to come in and make a statement on this issue, it
39 isn't really enforced as much as it could be. If this code is repealed and more community outreach on the use of
40 fireworks was done, maybe that is another route to go. Anything is possible, said Captain Smedick, but what we see
41 is when it comes to misuse of fireworks, there is usually alcohol involved. If this is repealed, we can put a lot of
42 time into the proper use, but we will more than likely see a spike in injuries.
43

44 Selectman Bauer said the code has been on the books for 24 years, it is not a new restriction. Selectman
45 Bauer does not understand why educating the public cannot be increased. Captain Smedick said time and effort can
46 be put into educating the public. Captain Smedick stated that the law prohibits use of fireworks to a child under the
47 age of 21. Selectman Fougere is unsure where he stands on this issue but this code has been ignored for years, is it
48 better to have it in place and ignore it or repeal it and not have a code? Selectman Fougere would like to see the
49 minutes of when the code was adopted and he is more interested in local statistics as well. Chairman Daniels asked
50 about liability if someone is injured as a result of the town setting the fireworks. Captain Smedick indicated there is
51 clear liability when it comes to professional fireworks. Selectman Fougere suggested that Captain Smedick collect
52 more specific information and the types of calls regarding fireworks. Further information will be collected for the
53 second hearing. There were no further public or Board comments. The public hearing was closed at 5:45 p.m.
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55 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** There were no public comments made
56 at this meeting.
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4. DECISIONS

a) CONSENT CALENDAR. Chairman Daniels asked if there were any items to be removed from the Consent Calendar. No items were removed for discussion. Selectman Putnam moved to accept the Consent Calendar as presented. Selectman Fougere seconded. All were in favor. Motion passed 4/0.

(1) Request for Acceptance of Unanticipated Funds Under \$5,000. The listing of unanticipated funds under \$5,000 were presented and approved as follows:

Source	Amount	Purpose
Annual Milford Police	\$ 444.00	Proceeds from Fishing Derby raffle ticket sales to be used towards future Fishing Derbies
Fishing Derby		

(2) Request for Acceptance of Property Tax Warrant – First Half 2012. Kathy Doherty, Tax Collector, presented the first half 2012 Property Tax Levy in the amount of \$15,738,826.43 less abatements in the amount of \$85,049.27 for a net sum to be collected in the amount of \$15,653,777.16.

(3) Request to Approve Issuance of Timber Yield Tax Levy & Warrant. The Tax Collector presented a Timber Tax Levy for Richard Ronzio (Map 50-64) in the amount of \$1,685.00 which was approved.

b) OTHER DECISIONS.

5. TOWN ADMINISTRATOR REPORT:

a) 66 Elm Street Property Update. Guy Scaife is continuing negotiations on this property, during non-public later this evening, Mr. Scaife will discuss more details, but he feels the target date of June 13, 2012 will be met.

b) Miscellaneous. Guy Scaife indicated that the re-paving of the tennis and basketball courts has been completed at Keyes Park, indicating it really looks great. The pool has been re-painted and the support posts for the shade cover over the kiddie pool have been installed, the pool opening is set for June 16. Guy Scaife indicated that Chairman Daniels had asked about some work being done at Emerson Park; that has been looked at and there is a citizens committee that plans to do fundraising in order to rehabilitate the steps at Emerson Park which have deteriorated over the past years. This is something that the town is not involved in, but this committee hopes to raise funds for the refurbishment. Chairman Daniels asked if town employees will be used. Guy Scaife said the only request was for a piece of granite and that he only found out about this last Friday, May 25. A complaint was received from a resident on Woodward Drive. That is being looked at by code enforcement and the complaint will be handled by that office. Chairman Daniels asked about Union Street paving, noting that he thought that was just paved a couple of years ago. Selectman Putnam responded that last year the water main was replaced and it was paved over and now it is getting a second, final coat.

6. DISCUSSIONS.

a) Allocation of Pre-Town Vote Ambulance Facility Engineering Costs to Approved 2012 Warrant Article. Guy Scaife indicated that there is some controversy as to where the charges should go, he and Finance Director Jack Sheehy both feel the original engineering specifications on the ambulance facility (which was done in preparation of the warrant article) should be charged to the warrant article. Both Mr. Sheehy and Mr. Scaife believe it comes under that warrant article. The bill has been paid and originally charged to the consulting line item but once the warrant article was approved, the charge was reversed and moved to the warrant article. The information generated by that effort is a component going forward, therefore Mr. Scaife believes it is part of the project. The warrant article had money to cover engineering services as an approved charge to the warrant article, but the ambulance building committee feels that it should not be charged there. Selectman Fougere indicated he spoke with the ambulance building committee about this and he does agree that this type of work is associated with the building of an ambulance facility, but his concern is that it is a good amount of money and we do not know what the costs will end up being. There are some savings on some line items, but prices are starting to rise and he is concerned about that. It is an issue that he feels we should have every penny available to spend on the facility. Selectman Fougere does not want to be short that money when going out to bid, we do not know if we are going to come in below or above the warrant article.

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2 If the warrant article failed, Selectman Putnam asked where that money would have come from (engineering
3 services). Guy Scaife said it was not budgeted, but it would have been found somewhere. Selectman Fougere sug-
4 gested it is a double hit (for the committee). In 2010, Guy Scaife said that charge was absorbed in last year’s budg-
5 et, but this money is directly related to this project. When looking at the identified cost, the savings in land cost was
6 triple this amount, he does not believe this will put it over. Mr. Scaife does not see the logic of why it did not apply.
7 If paving runs over, we deal with it at that time. There are also contingency monies in the budget as well. Select-
8 man Fougere said there are two charges. In fall 2011, Mike Castagna was hired to do some work for \$25,000 and
9 that did not work out, then in January 2012 we hired him again for the two other sites. We are just talking about this
10 year’s costs. Selectman Putnam indicated that we have until next year to make that decision on the \$27,000. If
11 there is money left in the ambulance facility warrant article, we can use that and if not, we have to find it, but Mr.
12 Scaife and Mr. Sheehy both see the expense as fitting in this project. Chairman Daniels asked how much is the con-
13 tingency in the warrant article? Selectman Fougere answered it is about \$80,000. Selectman Putnam indicated there
14 should be savings on the cost of land, and he agrees it is part of this project. Selectman Fougere indicated the con-
15 sultant line item would cover the cost, but he is being conservative in case we are short.
16

17 Vice Chairman Finan asked when the check was written to pay that bill. Guy Scaife said it was paid in Febru-
18 ary 2012 before elections. Vice Chairman Finan asked if we know that can even be done, is that legitimate to do
19 before it was voted in. Selectman Putnam suggested that is the way it is done anyway, January to March the town is
20 paying without voter approval. Vice Chairman Finan agrees with the logic of tracking costs, but can we ask LGC
21 for an opinion? Guy Scaife answered that we can get that from LGC. Selectman Bauer asked if this is a common
22 practice from January to March. Chairman Daniels responded that was one of the reasons the Board will be re-
23 searching the prospect of changing the town’s fiscal year. It seems that the \$27,000 was completely related and nec-
24 essary to the ambulance facility project and Selectman Bauer would rather have that \$27,000 put in the bond rather
25 than the budget because voters would expect it to be part of the ambulance costs. If there is an \$80,000 contingency
26 line item plus land savings, we should come in at cost or under so Selectman Bauer thinks we should put it toward
27 the bond. Chairman Daniels asked if a vote is necessary. Guy Scaife responded that the transaction has already
28 been completed. All Board members, with the exception of Selectman Fougere, agreed the money should go against
29 the warrant article.
30

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

- 32
- 33 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Fougere
34 reported that the Ambulance Building Committee met last week; a construction management company pro-
35 posal is being considered; the committee will visit a Portsmouth facility built 1 ½ years ago utilizing the
36 ICF construction. Chairman Daniels asked if it is found that Milford does not want to use the ICF con-
37 struction, does that affect the building committee? Selectman Fougere indicated that some of the architects
38 interviewed were not familiar with ICF and want to ask a lot of questions about how it performs. Until the
39 construction management company is on board, we have not decided if we are going with ICF. If it is not
40 used, the building will still meet the same standards. We have to make an “essential building” but we do
41 not have to use ICF. The trip to Portsmouth will be on Friday, June 1, leaving Milford at 5 p.m.
42
 - 43 b) **OTHER ITEMS (that are not on the agenda).** Chairman Daniels indicated that a letter has been re-
44 ceived from Police Chief Fred Douglas indicating that with his pending retirement, the Chief was transi-
45 tioning his duties to others. He is recommending that Captain Stephen Toom assume the responsibilities on
46 the Traffic Safety Committee. Selectman Putnam moved to appoint Captain Stephen Toom to take the
47 place of Chief Douglas on the Traffic Safety Committee. Selectman Fougere seconded. All were in favor.
48 Motion passed 4/0.
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 - 50 c) **2012-2013 Board of Selectman Goals and Tasks.** Chairman Daniels has updated the goals and tasks for
51 the Board of Selectman and has also changed the format to make it easier to read and he will get those out
52 to all members for review at the next Board meeting.
53

54 **8. APPROVAL OF FINAL MINUTES – April 30, 2012.** Selectman Putnam moved to approve the minutes of
55 April 30, 2012 as presented. Selectman Fougere seconded. All were in favor. Motion passed 5/0.
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57 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**
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APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 05/29/12

1 **10. NOTICES.** Notices were read by Chairman Daniels.
2

3 **11. NON-PUBLIC SESSION.** Selectman Putnam moved to enter into Non-public session at 6:03 p.m. in accord-
4 ance with RSA 91:A3(a,c&d) for personnel, reputation and land acquisition. Selectman Fougere seconded. All
5 were in favor.
6

7 After adjournment of the non-public session at 6:39 p.m., Chairman Daniels announced that in the non-public ses-
8 sion the Board discussed a personnel matter, a reputation matter and a land acquisition matter. No votes were taken
9 and no decisions were made.
10

11 **12. ADJOURNMENT:** There being no further business to come before this Meeting, Selectman Putnam moved to
12 adjourn at 6:39 p.m. Selectman Fougere seconded. All were in favor. Motion passed 5/0.
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15 _____
16 Gary L. Daniels, Chairman
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Tim Finan, Vice Chairman

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19 _____
20 Katherine Bauer, Member
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Mike Putnam, Member

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23 _____
24 Mark Fougere, Member