

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
August 13, 2012

PRESENT: Gary Daniels, Chairman
Tim Finan, Vice Chairman
Katherine Bauer, Member
Mark Fougere, Member
Guy Scaife, Town Administrator
Darlene J. Bouffard, Recording Secretary

EXCUSED: Mike Putnam, Member

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

INSTRUCTIONS: Chairman Daniels called the meeting to order at 6:30 p.m. after a non-public session was recessed. Chairman Daniels introduced Board members noting that Selectman Putnam is excused from tonight's meeting and then 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.

2. APPOINTMENTS:

5:30 p.m. – Non-Public Session (RSA 91-A:3, II (a) - Personnel. Selectman Fougere moved to enter into non-public session at 5:30. Vice Chairman Finan seconded. All were in favor. Motion passed 4/0. After discussion, Chairman Daniels announced that the non-public session is in recess and will reconvene after tonight's scheduled appointments. The non-public session re-convened at 7:00 p.m. then recessed at 7:07 p.m. The non-public session re-convened at 7:20 p.m. Selectman Fougere moved to come out of non-public session at 8:13 p.m. Vice Chairman Finan seconded. All were in favor. Motion passed 4/0. Vice Chairman Finan moved to seal these non-public minutes. Selectman Fougere seconded. All were in favor. Motion passed 4/0. Chairman Daniels announced that in the non-public session a personnel issue was discussed. No decisions were made.

6:00 p.m. – Request for Approval of (1) Late-Filed Elderly Exemption Application and to Amend (2) Land Use Change Tax Statutes. Marti Noel, Town Assessor, presented the late-filed elderly exemption application explaining that the applicant was quite ill in the hospital and was delayed in getting the paperwork submitted because a family member helped and was unaware of deadline. Vice Chairman Finan moved to approve the late-filed elderly exemption application as recommended by the Town Assessor. Selectman Bauer seconded. All were in favor. Motion passed 4/0.

Marti Noel, Town Assessor, presented the two Land Use Change Tax (LUCT) amendment recommendations for Map 45, Lot 17-1 and Map 51, Lot 1-2 which both have a portion of land coming out of current use. Ms. Noel has looked through the records and verified this is within what the land is selling for. There were no additional questions from the Board. Vice Chairman Finan moved to accept the change status on both of the lots as presented. Selectman Fougere seconded. All were in favor. Motion passed 4/0. Ms. Noel asked if the Board had any further questions for her regarding any consent calendar items. There were none.

6:10 p.m. – Introduction of New Police Chief Mike Viola. Chairman Daniels introduced Police Chief Mike Viola, indicating that there have been a few things happening in Milford since he came to town. Chairman Daniels noted that there was a formal welcome for Chief Viola on August 1, which was open to the public, when he was able to meet a lot of the town's citizens. Chief Viola said the welcome was appreciated and he appreciates people coming out to welcome him, thanking the town and the Board of Selectman for giving him and his family this opportunity. Chairman Daniels noted that he is glad Chief Viola is here, but also apologized for such a lousy first week (referring to the happenings around Milford). Chairman Daniels asked if Chief Viola had any questions for the Board. Chief Viola said he had no questions, noting the town has been very understanding and everyone has been very cordial. Chairman Daniels mentioned if the Chief has any questions or concerns, for him to please feel free to contact any Board member.

6:15 p.m. – Citizen's Complaint Regarding Romney Event Account Receivable. Jon Ricciardi, resident, was shocked to hear we have welcoming parties here and he is just curious if the town has been paid by the Romney

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1 campaign for the ice cream social on the oval. Chairman Daniels answered that the Romney campaign has been
2 invoiced. Mr. Ricciardi said that is not an answer, it is either yes or no. Guy Scaife, Town Administrator, pointed
3 out that the event has been invoiced and there have been two follow-up calls made but no payment has yet been re-
4 ceived. Mr. Ricciardi responded that as a voter he puts these things in the Board's hands to take care of. Chairman
5 Daniels said we have done the same process that is done with all others, being that an invoice was sent. If payment
6 does not come in, contact will be made with the campaign asking for the money. Mr. Ricciardi asked what is the
7 next plan of action if you do not get action? When does it end? Chairman Daniels said the town will continue to
8 follow up until the end which will come when payment has been received. Mr. Ricciardi said Mitt is a multi-
9 millionaire and he has not paid? Who else does not pay? Chairman Daniels said he cannot answer that right now,
10 he would have to look into that. Mr. Ricciardi responded that you can't answer my question, so what will I get in a
11 few weeks when you can look into it. Chairman Daniels said he has answered Mr. Ricciardi's question about if the
12 town has been paid, it has been invoiced and we have not received payment yet, so we will continue to follow up.
13 Mr. Ricciardi asked how long does it take, it usually goes about 30 days. He was here in June! Have other invoices
14 not been paid?
15

16 Chairman Daniels said the town has done what is normally done and awaits payment. Mr. Ricciardi does not be-
17 lieve it is normal. Chairman Daniels does not know what else Mr. Ricciardi is looking for. Selectman Fougere not-
18 ed that the Rotary Swim meet had some fees that have been billed, but he does not know if payment has been re-
19 ceived yet. Vice Chairman Finan asked how many invoices are processed each year by the town? Guy Scaife indi-
20 cated the town has answered numerous e-mails and this is the third time the Board has heard this from Mr. Ricciardi,
21 the town collects its bills, we have an excellent history of bill collection. We should move on from here, there is
22 nothing more that will come of this discussion, we invoiced and we will follow up. Mr. Ricciardi said the Romney
23 campaign is not paying, so something needs to be done. Vice Chairman Finan responded there is nothing else to
24 contest. Mr. Ricciardi asked how the town will get the money? Selectman Bauer said we have standard procedures
25 and it is being followed up by the procedure, we have other people here tonight for town business and we need to
26 move on. Mr. Ricciardi asked if 60 days is enough time for Mitt to pay? How much time does he get? Chairman
27 Daniels said the town is following the invoicing procedure. Mr. Ricciardi left the meeting at 6:45 p.m. by saying he
28 will see the Board of Selectman in two weeks.
29

30 **6:30 p.m. – Presentation of Ambulance Facility Final Layout.** Selectman Fougere stepped down from the Board
31 for this discussion. Eric Schelberg, Ambulance Director, and Mark Fougere provided an update for the ambulance
32 facility final layout to the Board, indicating the facade of the facility is basically the same as what was brought to
33 voters in March except that dormers were added to help shed water off the roof over the ambulance bays. Mr.
34 Schelberg explained there is no second floor in the facility except where the HVAC goes. The layout is basically the
35 same as it was at town meeting. The turn radius for vehicles getting into and out of the bays was adjusted. The zon-
36 ing ordinance requires a 30 foot front setback, which the facility will not be able to meet, but other setbacks should
37 be met. The four ambulance bays are closest to Elm Street. There will be 22 parking spaces provided plus a handi-
38 capped space. The abutter on the east side will be approached to allow grading and landscaping along that edge
39 rather than just a fence. Mr. Fougere indicated the committee would like to plant elm trees on this property in keep-
40 ing with the elm tree theme on the oval. Mr. Schelberg presented the interior floor layout which has been massaged
41 somewhat since presented to voters in March, but the footprint is identical. It is felt the building should be maxim-
42 ized during construction since ICF construction will be used. ICF is energy efficient and will provide savings in the
43 future. This building is 8100 square feet and will meet the needs of the town now and in the future. Chairman Dan-
44 iels asked how much the extra dormers will cost. Mr. Fougere indicated the costs are not yet available, but the dor-
45 mers were added for snow and ice above the bays. Mr. Fougere stepped back up to the Board.
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47 **6:45 p.m. – Discussion of Board of Selectman Policy 2007-01 – Purchasing & Procurement.** Chairman Daniels
48 asked Scott Cornett to step up to the Board for this discussion. Mr. Cornett was not present for this appointment.
49

50 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** Chairman Daniels asked if there were
51 any public comments to be made this evening. The following comments were made pertaining to the termination of
52 Cemetery and Parks Foreman Connie Kelleher, and Mr. Kelleher's appeal for reinstatement.

53 Bill Fitzpatrick indicated that his interactions with Connie Kelleher took place 6-7 years ago while he was
54 on the Budget Advisory Committee having to do with the Cemetery building. There were some statements made
55 about the facility that made the BAC not in support of the facility. Connie Kelleher came to the next BAC meeting
56 after they turned it down and he pointed out some of the statements made that were in error and because of what he
57 said, the BAC reconsidered and toured the existing facility. Based on his information and tour, which was profes-
58 sional, the BAC took another vote and then supported the warrant article and also got granite donated from a resi-

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dent. Those interactions with Connie were professional and he was pleased that Connie was an employee of the town.

Jim Dargie worked with Connie Kelleher for five years at the water treatment facility. Connie was always a good employee and did what was expected of him and more. He was professional and courteous to the public. Mr. Dargie hopes this will be a good result for him.

Larry Boisvert, Lyndeborough resident, participated with Milford activities and dealt with Connie Kelleher on many occasions. Mr. Boisvert has a business in Milford and dealt with Connie on a daily basis and always enjoyed being kept up front on town business during the Pumpkin Festival and other activities in town. Connie is one of the best employees in town. In dealing with Connie, Mr. Boisvert said Connie has indicated he was worried that someone is out to get him, that he is not a good employee. Connie never really explained why he felt that way. As far as computer skills, the computer does not do all of the work, it is not all computer. Connie is a great person and the town would be losing a great person if he was to leave its employment.

Sharon Boisvert, Lyndeborough resident, has worked with Connie for many years now and always found him very formidable and steadfast; we have a good rapport; we work together. The town benefits from Connie.

Lawrence Claveau, 322 Nashua Street, feels that losing a man like Connie will be a loss for the taxpayers of Milford.

Diane Claveau, 322 Nashua Street, has been a Garden Club member for many years and always hears "Connie this and Connie that" and feels if he is lost as a town employee, the Garden Club has lost something. All the Garden Club girls love him, he is so helpful. All of the Garden Club members are volunteers and without Connie our job will not be as easy; she hopes the town keeps him as an employee.

Nancy Chalder, 32 North Street, has been involved in the Garden Club for 8 or 9 years. Eight years ago, she became in charge of the WWII memorial, Emerson Park and the Bridge. Connie got me involved in the memorial plantings in town and the little areas in town that needed plantings. Connie has helped the Garden Club immensely with labor and some work at Emerson Park, whether it was mulch or fixing a broken water line we could call him and he was there.

There were no further comments in public session. The Board reconvened its non-public session at 7:20 p.m. on motion made by Selectman Fougere, seconded by Selectman Bauer. All were in favor. Motion passed 4/0.

4. DECISIONS

a) CONSENT CALENDAR. Chairman Daniels asked if there were any items to be removed from the Consent Calendar. Item 4a3 was removed for discussion by Vice Chairman Finan. Item 4a7 was removed by Selectman Fougere. Selectman Fougere moved to accept the Consent Calendar as presented with the exception of Items 4a3 and 4a7. Selectman Bauer seconded. All were in favor. Motion passed 4/0.

- (1) **Request to Authorize Application for Reimbursement of Lost Taxes on Federal and State Forest Land – Ponemah Hill Road Fire Tower.** Town Assessor, Marti Noel, requested Board approval for the annual reimbursement of taxes for property owned by the NH State Department of resources and Economic Development (Lookout tower 345 Ponemah Hill Road and 0 Ponemah Hill Road). This request was approved.
- (2) **Request for Board Certification of 2011 MS-5.** Vachon, Clukay & Company PC, has compiled the financial documents for the MS-5. The Board accepted this submission.
- (3) **Request to Execute Intermunicipal Citizen Emergency Response Team Agreement.** Vice Chairman Finan requested this item to be removed from the Consent Calendar for discussion. Guy Scaife explained that this agreement would create a citizen emergency response team for catastrophic events, not for firefighting. This is a multi-community response team made up of responders from Milford, Amherst, Mont Vernon and Lyndeborough. Vice Chairman Finan moved to execute the agreement. Selectman Fougere seconded. All were in favor. Motion passed 4/0.
- (4) **Request for Full Release of Securities.** Bill Parker requested full release of security for Eastern Olympic Sports (Map 48, Lot 36 The Hampshire Dome) in the amount of \$14,774. This request was approved.
- (5) **Request for Authorization to Forego Use of Department of Revenue Administration Inventory Form PA-28 for 2013.** Town Assessor, Marti Noel, has requested the Board to authorize NOT using the PA-28 Inventory of Taxable Property Form for 2013 as has been done in the past. This request was approved.

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- (6) **Request for Execution of MS-1 Extension Application.** Town Assessor, Marti Noel, has requested Board approval to request an extension of the MS-1 pending utility values. This request was approved.
- (7) **Request to Submit Phillips Way Direction Issue to the Traffic Safety Committee.** Selectman Fougere requested this item be removed from the Consent Calendar for discussion. Selectman Fougere asked if this is in the realm of the Planning Board since he remembers this being a stipulation of site plan approval and is on the site plan, so it may need to go back to the Planning Board. Selectman Fougere does not think the Board of Selectman has any authority on this, it is really with the Planning Board. Selectman Fougere remembers the discussion when this development was approved. Guy Scaife indicated this would just be a recommendation that it go to the Traffic Safety Committee. Mr. Scaife indicated that Bill Parker is aware of the letter and supports looking at it again since it relates to the intersection at Tonella Road. Mr. Scaife recommended that it start at the Traffic Safety Committee. Selectman Fougere remembers that it was a stipulation of site plan approval. If that was part of the site plan approval, Chairman Daniels said that the Planning Board is technically the “gatekeeper” and there would not be any sense in sending it to the Traffic Safety Committee. Chairman Daniels suggested tabling this for tonight and check the plan to see what it says. If it was a stipulation of approval, we need Planning Board involvement. Selectman Fougere indicated the plan would need an amendment (if a change was made on the direction) if it was a stipulation of the approval. Selectman Bauer indicated it could be put on the next Planning Board agenda. Selectman Fougere wants to confirm it is on the plan first. Chairman Daniels noted that if it is on the plan, the Planning Board would notify the Board of Selectman and then it could be given to the TSC. Selectman Fougere moved to table 4a7 to the next Board meeting. Vice Chairman Finan seconded. All were in favor. Motion passed 4/0.

- (8) **Request for Acceptance of Unanticipated Funds Under \$5,000 per RSA 31:95(b).** The listing of unanticipated revenues under \$5,000 was read and approved as follows:

| Source | Amount | Purpose |
|--|------------|--|
| State of NH Grant – funded under the Homeland Security Grant Program | \$2,991.49 | Funding through the Division of Fire Standards & Training & EMS for Jon Park and Scott Cobb, call Firefighters, to attend training at the Fire Academy in Concord NH |

- (9) **Request for Conditional Endorsement of Richard A. Addonizio as a Full Time Police Officer Candidate.** The request for conditional endorsement of Richard A. Addonizio as a full time police officer candidate was approved.

b) OTHER DECISIONS.

- (1) **Request to Approve the Great Pumpkin Festival Resolution, Use of Town-owned Property, Support of Town Staff, Special Consideration in Regards to Street Closures and Traffic Management, Conducting of Raffles, MIT to Be Named as Additionally Insured, Permission to Erect a Banner on the Oval Bandstand, and Waiver of Milford Municipal Code 7.04.070 – Open Liquor Container Prohibition Exclusive to the Beer, Wine and Spirits Event.** Tracy Hutchins was in attendance to address any questions the Board may have. Ms. Hutchins indicated this is the annual request for approval to have the Pumpkin Festival with all of its events as listed. Fireworks will be provided once again by Atlas and a Vintage Custom Bike show is being added. Ms. Hutchins would also like to expand the beer tasting, to include wine and spirits, with smaller samples, and all being supplied by NH vendors. Selectman Bauer and Selectman Fougere said they have no problem with that change. Chairman Daniels brought up the open container ordinance 7.04.070. Chairman Daniels has always opposed the motion on the beer tasting tent and he asked for a consensus of the Board to change the current ordinance so we do not need to waive it every year. Selectman Bauer has no problem granting the waiver each year for this event that only lasts 3 hours. Guy Scaife believes that paragraph D in the ordinance states this ordinance shall not apply to this type of event as long as the event is approved by the Board of Selectman or the Chief of Police – the exemption is built into the ordinance. Chairman Daniels’ position is that the town is being hypocritical with this event, unless the ordinance gets amended, he will again oppose this request. Vice Chairman Finan agrees the Board should look at the ordinance. Chairman Daniels said he will support this request, if the Board will look at the ordinance for considera-

tion. Consensus of the Board was to take a look at ordinance 7.04.070 for a possible modification. Selectman Fougere moved to approve the pumpkin festival request. Selectman Bauer seconded. All were in favor. Motion passed 4/0. Resolution follows.

STATE OF NEW HAMPSHIRE – TOWN OF MILFORD
RESOLUTION OF THE BOARD OF SELECTMEN

The Milford Board of Selectman, meeting on the 13th day of August 2012, does hereby make the following Resolution:

WHEREAS the undersigned are the duly-elected and qualified members of the Board of Selectman for the Town of Milford, County of Hillsborough, and State of New Hampshire which Board is the Governing Body for said Town; and

WHEREAS as such, they are responsible for the management of the prudential affairs of the said Town; and

WHEREAS the Town has determined to conduct a festival in the Town consisting of numerous public events for the benefit and enjoyment of the citizens of the Town and others that may attend; the same being known generally as the “Great Pumpkin Festival”; and has authorized the Selectmen of the Town to oversee, coordinate and permit the conduct of same; and

WHEREAS the said Selectmen have caused the planning and coordination of the said festival to have been undertaken by numerous volunteer groups and individuals, all of whom have currently participated in the making of arrangements and plans to implement the many activities that encompass the said festival and have reported to the Selectmen regarding these arrangements, all as more particularly indicated in the various Minutes of the Meetings at which this information has been presented to the Board.

NOW THEREFORE, the said Selectmen on the date below set forth, having convened a quorum of said Board at a regular meeting of the Board of Selectman do hereby Resolve as follows:

- > That the said festival is hereby authorized to proceed to be held in the Town of Milford during the period of time from Friday, October 5, to Sunday, October 7, 2012 inclusive; and
- > That the persons or groups which have agreed to participate in the conduct of said festival are hereby authorized to make use of Town premises including Town Hall and other venues within the Town for the purposes of carrying out the planned activities encompassing said festival; and
- > That all department heads of the various departments are hereby authorized and directed to cooperate with such persons or organizations as they may be called upon in the conduct of said festival in order to assist in the implementation thereof.

The foregoing having been proposed by formal motion, duly made and seconded, the same has been Resolved by virtue of the favorable vote on said motion this 13th day of August 2012.

5. TOWN ADMINISTRATOR REPORT:

- a) **Facility Energy Audits.** Guy Scaife indicated that energy audits were conducted in three town facilities. Reports have been provided for all three. Action is being taken on things that have a 5-year or less pay back. Selectman Bauer said she would like a summary of the issues at some point.
- b) **Fletcher Site OU2 (Groundwater) EPA Public Meeting.** Guy Scaife explained the public hearing on OU2 will be September 12, 2012 in the Board room. The first meeting September 12 will be informative and will explain why EPA has taken the position of no further action on the subsurface groundwater. The second part of the meeting will be for questions and answers from the audience. Postcards will be mailed to people in a one mile radius of the site. Written comments will be accepted by EPA until September 23.

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- 1 c) **Miscellaneous.** A request was made at the last meeting regarding a light being placed at the Pine
2 Street/Nashua Street intersection. A light could be added to an existing pole, at an estimated annual cost to
3 the town of \$135. Guy Scaife spoke with the management company of the facility who can also address
4 this problem, since there is a cost associated with adding a light. More to follow.
5

6 **6. DISCUSSIONS.**

7 a) **Street Sweeping Parking/Snow Removal Implementation and Notification.** Guy Scaife indicated that
8 Captain Nervik is working on a warning card to warn people not to park where the Street Sweeper will be on Thurs-
9 day early morning, we are not issuing tickets until this is resolved, but until then the warning cards will be used.
10 Selectman Bauer has been finding out how many apartments are in the oval area; she is still working on it but right
11 now she believes there are about 40 people that do not have parking provided.
12

13 b) **Requests for Formation of the New Fletcher Site Committee.** Chairman Daniels indicated there is a
14 group of people who have volunteered to work on the new Fletcher cap committee. Right now, we are in process of
15 finding out what the EPA has recommended. It is great that these people are interested, but he is not sure if the tim-
16 ing is right. Chairman Daniels does not want them to do work prematurely but wants the EPA to get through what
17 they need to do so the town can talk about how to address it, which would give these people a better idea of what
18 can and cannot be done. Selectman Fougere asked if there is a timeframe for that work. Guy Scaife anticipates it
19 will be about the summer of 2014. Chairman Daniels asked that the volunteers be notified that it is too early to start
20 this effort.
21

22 c) **LGC 2012 Municipal Volunteer Award Nominations.** The deadline for nominations is August 31.
23 Chairman Daniels suggested thinking about this and the Board can talk about it at the next Board meeting.
24

25 **7. SELECTMEN'S REPORTS / DISCUSSIONS.**

26 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** There were no up-
27 dates.
28

29 b) **OTHER ITEMS (that are not on the agenda).** There were no other items brought up.

30 c) **2012-2013 Board of Selectman Goals and Tasks.** Chairman Daniels asked if members could bring the
31 percentage of their goal to the next Board meeting August 27.
32

33 **8. APPROVAL OF FINAL MINUTES – July 9 & 23, 2012.** Selectman Bauer requested amendments to the
34 July 23, 2012 minutes. Selectman Bauer moved to approve the amended minutes of July 23, 2012 and the minutes
35 of July 9, 2012 as presented. Selectman Fougere seconded. All were in favor. Motion passed 4/0.
36

37 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.** There were no information items discussed.
38

39 **10. NOTICES.** Notices were read by Chairman Daniels.
40

41 **11. NON-PUBLIC SESSION.** Vice Chairman Finan moved to enter into Non-public session at 8:59 p.m. in ac-
42 cordance with RSA 91-A:3 II (a) and (e) (Personnel & Legal). Selectman Fougere seconded. All were in favor.
43 Motion passed 4/0.
44

45 Vice Chairman Finan moved to unseal the non-public minutes of July 9 & July 23, 2012. Selectman Bauer second-
46 ed. All were in favor. Motion passed 4/0.
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48 Selectman Bauer moved to approve the non-public minutes of July 9, 2012 as presented and the non-public minutes
49 of July 23, 2012 as amended. Vice Chairman Finan seconded. All were in favor. Motion passed 4/0.
50

51 Vice Chairman Finan moved to re-seal the non-public minutes of July 9, and July 23, 2012. Selectman Fougere
52 seconded. All were in favor. Motion passed 4/0.
53

54 After discussion, Selectman Bauer moved to come out of non-public session at 10:11 p.m. Selectman Fougere se-
55 ceded. All were in favor. Motion passed 4/0.
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57 After adjournment of the non-public session, Chairman Daniels announced that in the non-public session the Board
58 approved non-public minutes of July 9 and July 23, 2012 and discussed a personnel issue.

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12. ADJOURNMENT: There being no further business to come before this Meeting, Vice Chairman Finan moved to adjourn at 10:15 p.m. Selectman Fougere seconded. All were in favor. Motion passed 4/0.

Gary L. Daniels, Chairman

Tim Finan, Vice Chairman

Katherine Bauer, Member

Mark Fougere, Member