

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
October 9, 2012

PRESENT: Gary Daniels, Chairman
Tim Finan, Vice Chairman
Katherine Bauer, Member (excused at 6:16 p.m.)
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 public meeting to order at 5:45 p.m. after a non-public session, for which Chairman Daniels announced that in non-public session the Board made two decisions regarding personnel. Chairman Daniels introduced Board members 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:

4:30 p.m. – Non-Public Session – Personnel. Vice Chairman Finan moved to enter into non-public session at 4:30 p.m. Selectman Fougere seconded. All were in favor. Motion passed 4/0. After discussion, Selectman Fougere moved to come out of non-public session at 5:40 p.m. Vice Chairman Finan seconded. All were in favor. Motion passed 4/0. The Board then took a five minute recess prior to opening the public meeting.

5:30 p.m. – Presentation of Draft 2013 – 2018 Capital Improvements Plan. Bill Parker, Community Development Director, and Steve Duncanson, CIP Committee Chair, presented the Draft Capital Improvements Plan for 2013-2018, which is a planning tool used by the BOS and other committees and commissions with a spending minimum of \$75,000. The intent is to look at these items to keep the tax rate level and to prevent spikes in the tax rate by spreading out major purchases for the town.

Chairman Daniels indicated the CIP committee is here presenting the draft CIP tonight because the Board requested it so that when the Board gets into the budget, we know how to use the information when budgeting. These numbers will be looked at over the next few weeks during the budget process. Vice Chairman Finan asked if there were discussions on the 2013 items. Mr. Duncanson said there were, there were many discussions about what each department had on their list. The committees looked at cost savings and the timing of each purchase. Selectman Bauer asked about a west end fire station, since people are still talking about that, was there discussion on that? Mr. Duncanson said there was, especially with the Brox property discussions and when development down there will begin. Selectman Fougere thanked the committee and recognizes how much work goes into this process. Chairman Daniels said this may be brought back to the BOS in the future when the budget process is going on.

6:00 p.m. – Hillsborough County 2013 Budget. Carol Holden, Hillsborough County Commissioner, lives in Amherst and said it is always a pleasure to come to Milford, thanking the Board for always having an interest in the tax rates. The County Commissioners are responsible for the custody of county properties. At the County level, we have reduced expenses, the budget has stayed level for 2013; the office has reorganized the Commissioner's office, and savings are being seen from that reorganization. Hillsborough County has no debt, it is anticipated there will be an \$8.5 million surplus at the end of 2013 which will be used to reduce taxes. Expenses and revenue have decreased and the County began timbering. In March we went to Planning and Zoning to have amendments on the warrant to re-zone County properties; we are looking to lease some of the land rather than selling it. Over the past couple of years, we have started mental health courts in Nashua and Manchester.

Chairman Daniels indicated that property taxes are made up of town, school and county taxes, and tonight, Commissioner Holden has provided the town with the County budget. Guy Scaife noted that Milford has a great working relationship with the people working at the County. Chairman Daniels thanked Commissioner Holden, stating the County is working hard to hold down taxes.

1 **6:20 p.m. – Second Public Hearing on Ordinance 2012-007 to Enact Modifications to Milford Municipal Code**
2 **6.32.100 – Ledgewood Drive Speed Limit.** Chairman Daniels opened the Public Hearing at 6:20 p.m. for the mod-
3 ifications to Milford Municipal Code 6.32.100 – Ledgewood Drive Speed Limit. There were no public comments.
4 Chairman Daniels closed the public hearing at 6:21 p.m. There were no Board comments. This amendment to Code
5 6.32.100 will move to its final vote at the next Board meeting October 22, 2012.
6

7 **6:30 p.m. – Second Public Hearing on Ordinance 2012-008 to Enact Modifications to Milford Municipal Code**
8 **7.04.070 – Open Liquor Container Prohibition.** Chairman Daniels opened the public hearing at 6:39 p.m. for the
9 modifications to Milford Municipal Code 7.04.070 – Open Liquor Container Prohibition. Chairman Daniels ex-
10 plained there were modifications since the first public hearing was discussed; Chairman Daniels reviewed those
11 changes stating that Chief Viola is comfortable with the changes. There were no public comments. Chairman Dan-
12 iels closed the public hearing at 6:43 p.m. Chairman Daniels asked for comments from the Board. Vice Chairman
13 Finan indicated that it seems it is still legal to be out on the oval with an open container of alcohol, after some dis-
14 cussion it was agreed that the language does not permit an open container in the oval. This code will move to its
15 final approval at the next Board meeting.
16

17 **6:40 p.m. – First Public Hearing on Ordinance 2012-009 to Enact Modifications to Milford Municipal Code**
18 **6.24 – Stopping, Standing and Parking – Winter Parking Hours.** Chairman Daniels opened the public hearing at
19 6:45 p.m. for the first public hearing for modifications to Milford Municipal Code 6.24 – Stopping, Standing and
20 Parking – Winter Parking Hours. There were no public comments. Chairman Daniels closed the public hearing at
21 6:47 p.m. Chairman Daniels asked for comments from the Board. Chairman Daniels asked why the hours are dif-
22 ferent in the code. Guy Scaife indicated that is the way the code currently reads and this change is to make it more
23 consistent. Guy Scaife said that Dawn Griska did a good job on this first pass to summarize what we are trying to
24 accomplish. Annually, we need to do a good job of notifying the residents to educate them of this new code. Ricky
25 Riendeau is trying to contact the company that provided the quote for a light to be put on town hall and we are still
26 looking at a light on the side of the building. We will probably use a wireless activation. Vice Chairman Finan
27 asked if this will enact a parking ban during certain hours of the night but not during the day, noting that it is not
28 very clear. Guy Scaife explained that if there is a ban, it may be extended to the next day for snow clean up, but not
29 during the day, the ban is in effect only during the period of 1 a.m. to 6 a.m. Selectman Fougere suggested that this
30 should be on the home page of the website once approved. Guy Scaife said he hopes to have a notification in place
31 once the ban is approved. All members thanked Dawn Griska for pulling this together for review this evening. This
32 code will move to its second hearing at the next regular Board meeting with amendments noted.
33

34 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** There were no public comments.
35

36 **4. DECISIONS**
37

38 **a) CONSENT CALENDAR.** Chairman Daniels asked if there were any items to be removed from the
39 Consent Calendar. No items were removed for discussion. Selectman Fougere moved to accept the Consent
40 Calendar as presented. Vice Chairman Finan seconded. All were in favor. Motion passed 4/0. Selectman Bauer
41 was excused at 6:16 p.m.
42

43 (1) **Request for Acceptance of Unanticipated Gifts Under \$5,000 Per NH RSA 31:95(e).** The list-
44 ing of unanticipated gifts under \$5,000 was read and approved as follows:

45 Jill Langelier Donation of CPR Manikins to the Milford Ambulance
46 Department; with an estimated cost of \$2,800.
47

48 (2) **Request for Board Execution of General Election Warrant.** The request for Board approval of
49 the General Election Warrant to be posted at the Milford Middle School (polling place) for the
50 General Election to be held November 6, 2012 was approved.
51

52 **b) OTHER DECISIONS.**

53 (1) **Request for Selection of November work Session Date for Municipal Code 6.24 – Winter Parking**
54 **Hours Amendment Final Vote.** This additional work session is for the final approval of Code 6.24 –
55 Winter Parking Hours in a timely manner and within regulation. It was agreed by Board members that
56 this meeting would take place on November 5, 2012 at 8:00 a.m. for the vote.
57
58

1 5. TOWN ADMINISTRATOR REPORT:
2

3 a) **Miscellaneous.** Guy Scaife indicated that the Milford Improvements Team (MIT) reported that the Pump-
4 kin Festival was very successful and thanked the DPW, Police, Ambulance, and Fire Departments for their
5 participation noting there were no major events reported by Police; there was some bad weather late on
6 Saturday but there were good crowds. On Monday morning, the roadways through the oval were very
7 clean.

8 Mr. Scaife indicated that the Romney campaign has paid the invoice in full for the event during this past
9 summer.

10 Mr. Scaife received an update from the State regarding a Circuit Court being put in Milford; a facility study
11 was completed late last year and the decision was made that it met the needed criteria. The project is still
12 in the capital budget to be submitted to the Governor. After that, it will go to the new Governor for a rec-
13 ommendation and then go to the Legislative review in the House and Senate; Milford needs to stay active
14 and attend the hearings to provide input. Selectman Fougere asked if that would utilize the existing motor
15 vehicles building. Guy Scaife said that is the plan.

16 Mr. Scaife continued by indicating that DES identified potential hazards at the Compressor Pond dam in
17 the event of a 100-year flood. Meridian Land Services surveyed the property and Milford is the owner of
18 the dam. The rail bed is not currently maintained and there are several trees on the embankment that could
19 be washed down, the State has said that if the spillway opening is removed to convert it back to a culvert, it
20 negates liability. With the beaver activity down there, we have had to go out there weekly to open it up,
21 one potential hurdle is getting a wetlands permit. Guy Scaife will keep the BOS informed on Compressor
22 Pond, but right now we are waiting on a letter from the State. Selectman Fougere said the State's concern
23 is in the event of a 100-year storm it could cause flooding and we have had a couple of those events recent-
24 ly. Guy Scaife said that is correct and one of the variables is if the spillway gets clogged.
25

26 6. DISCUSSIONS.

27 a) **Joint Services Study Committee Report Discussion and Joint Meeting Scheduling.** Chairman Daniels
28 received a request from the Joint Services Study Committee indicating that the committee plans to meet with the
29 School Board at its regular meeting on October 15 at Milford High School at 7:00 p.m. The final report has been
30 forwarded to the BOS for review.

31 b) **Tow Company Complaint and General Towing Company Standards Policy.** This complaint about the
32 town's towing policy was brought to the attention of Guy Scaife indicating that A-Tech Auto has charged a custom-
33 er an extremely high tow bill. Chairman Daniels thought the Board could look at the prices for just a tow by differ-
34 ent tow companies or this could be given to the Police Department to determine. Chief Viola believes there is a list
35 of tow companies and whoever is next on the list is contacted by MACC Base for the tow job. Mr. Scaife further
36 explained if the vehicle owner is in a state of mind where there could be dialog; the owner is asked if they prefer a
37 particular tow company. If not, there is a list at MACC Base and it goes to the next-in-line. The officer does not
38 make the decision; it is based on the rotation. There are four companies doing regular tow services in Milford. This
39 particular complaint is about the rates. There is one vendor that feels like during those particular hours of night,
40 they want to charge a 3-hour minimum. Other tow companies are just a flat rate 24/7. In this instance there were
41 three vehicles involved so three vendors were called and all had different rates. Vice Chairman Finan said we
42 should say something to the vendor that charged this high rate. Guy Scaife suggested making the rate a flat rate
43 24/7. Chief Viola asked other Police Chiefs about this and they have come up with a yearly rate schedule for the
44 companies they deal with. There were some variations but not much. In some instances people were charged more.
45 This is an ongoing issue. Chairman Daniels indicated the Board can look at the tow policy and make it so they all
46 are similar. The town gets to set the rules in the policy for a tow company to be on the rotation list. Chief Viola
47 said he can look more into the issue for the tow fees in towns of Milford's size. Vice Chairman Finan asked if we
48 should talk with A-Tech about the fee. Guy Scaife has talked with the owner of A-Tech and he said it is the cost to
49 do the work, they bring the car to the shop, store it and get the truck ready for the next tow, the owner did not volun-
50 teer to reduce the fee. We could invite him to the next Board meeting if the Board wishes. Guy Scaife would like to
51 have a consistent approach to pricing for all its citizens.

52 c) **Johnson Street Paving/Drainage Issues.** This item will be discussed in non-public session.
53

54 7. SELECTMEN'S REPORTS / DISCUSSIONS.
55

56 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.**

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

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 10/09/12

1 c) **2012-2013 Board of Selectman Goals and Tasks.** Chairman Daniels indicated that there are 3 or 4 goals
2 that are getting close to completion; he will bring a printout of Board goals and tasks to the next regular
3 Board meeting for discussion.
4

5 **8. APPROVAL OF FINAL MINUTES** – There were no minutes presented for approval.
6

7 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.** There were no information items discussed.
8

9 **10. NOTICES.** Notices were read by Chairman Daniels.
10

11 **11. NON-PUBLIC SESSION.** Selectman Fougere moved to enter into Non-public session at 7:25 p.m. in accord-
12 ance with RSA 91-A:3 II (a & c) (Personnel and Reputation). Vice Chairman Finan seconded. All were in favor.
13 Motion passed 3/0. The non-public minutes of August 13, 2012 (Personnel) were approved as amended on motion
14 made by Vice Chairman Finan and seconded by Selectman Fougere. Motion passed 3/0. Vice Chairman Finan
15 moved to come out of non-public session at 8:05 p.m. Selectman Fougere seconded. All were in favor. Motion
16 passed 3/0. Chairman Daniels announced that in non-public session one set of non-public minutes dated August 13,
17 2012 were approved and the Board discussed a reputation matter and a personnel issue. There were no decisions
18 made or votes taken.
19

20 **12. ADJOURNMENT:** There being no further business to come before this Meeting, Vice Chairman Finan moved
21 to adjourn at 8:10 p.m. Selectman Fougere seconded. All were in favor. Motion passed 3/0.
22
23
24

25 _____
26 Gary L. Daniels, Chairman
27

25 _____
26 Tim Finan, Vice Chairman
27

28 _____
29 Katherine Bauer, Member
30

28 _____
29 Mark Fougere, Member
30
31
32
33