

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
February 25, 2013

PRESENT: Gary Daniels, Chairman
Tim Finan, Vice Chairman (arrived 5:45 p.m.)
Katherine Bauer, Member
Mark Fougere, Member
Mike Putnam, 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 public meeting to order at 5:30 p.m., 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:

5:30 p.m. – Recognition of Service to Milford – Retiring Police Officer Hunter Philbrick. Chairman Daniels thanked Officer Hunter Philbrick, who is retiring and has been with the Milford Police Department since 2001 and also serves in the military, having been deployed two times. Hunter will continue to serve the country. Chairman Daniels presented him with a gift from the Board of Selectmen and the citizens of the town both for his service as a police officer and for his service to our country.

5:40 p.m. – Interview of New Zoning Board Candidates Paul Butler and Michael Thornton. Michael Thornton was present for this interview; Paul Butler was not present and will be rescheduled. Mr. Thornton explained that he has wanted to get involved in something for the town and the Zoning Board of Adjustment (ZBA) was looking for volunteers, so he is seeking a position as an Alternate on the ZBA. Mr. Thornton has been a Milford resident for 15 years and had a few health problems years ago which prevented him from helping by volunteering, and now he is back on his feet and wants to get involved. Currently Mr. Thornton is a member of CERT (Civil Emergency Response Team) and he would like to become more involved in the emergency management office. Chairman Daniels indicated it is great that Mr. Thornton came forward to volunteer on the ZBA. The Zoning Board is strict and must follow the law. Selectman Bauer commented that Mr. Thornton came to some of the ZBA meetings and came up with some good comments and questions. Selectman Fougere thanked Mr. Thornton for volunteering for the committee and said the ZBA is not an easy Board. Mr. Thornton responded that it seems challenging. Selectman Fougere noted that it can also be intimidating. Chairman Daniels stated that on the Board you must treat people the way you would want to be treated. Selectman Bauer moved to appoint Michael Thornton as an Alternate member on the ZBA until March 2016. Selectman Fougere seconded. All were in favor. Motion passed 4/0.

5:45 p.m. – Request to Approve Current Land Use Change Taxes & Issuance of Warrants. Marti Noel, Town Assessor, presented information about Nye Drive, Map 51, Lot 1-4 and indicated that it is currently in Current Use yet it is a private drive. Tonight's appointment is to remove it from Current Use. The owner has been notified. Selectman Putnam moved to take Map 51, Lot 1-4 out of Current Use. Selectman Bauer seconded. All were in favor. Motion passed 4/0.

Marti Noel also presented information regarding Map 6, Lots 44, 46 and 47 (previously known as Twin Tows) and requested that they be placed into Current Use. The lots do qualify. Selectman Putnam moved to place Map 6, Lots 44, 46 and 47 into Current Use. Selectman Bauer seconded. Selectman Fougere noted there were a couple of wells on this property and asked if they were selling any of the water? Ms. Noel responded the wells are no longer being used; there is a shed and pump that was put on the property years ago but that will not be put into Current Use. Chairman Daniels asked if any of this property will be affected by the plans to widen Route 101. Ms. Noel has not seen any proposed plan for Route 101, but that would not affect the status if the State needs to take some land. Chairman Daniels asked if an owner would get penalized if land came out of Current Use as the result of the state taking property? Ms. Noel said they do not. All were in favor. Motion passed 4/0. Vice Chairman Finan arrived at 5:45 p.m.

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

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3 4. DECISIONS

5 a) **CONSENT CALENDAR.** Chairman Daniels asked if there were any items to be removed from the Con-
6 sent Calendar for discussion. There were no items removed. Selectman Putnam moved to approve the
7 Consent Calendar as presented. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

8 (1) **Request for Road Acceptance – Cadran Crossing.** Town Planner Jodie Levandowski requested
9 road acceptance for Cadran Crossing as recommended by Town Roads Researcher Lorraine Carson as
10 follows:

11 “From Sta. 10+00 at the intersection of Cadran Crossing and Osgood Road, running easterly and
12 southerly, to Sta. 20+37.5 at the commencement of the turn around with a radius of 75 feet, a distance
13 of 1037.5 feet, 50 feet wide, plus the turn-around as per plan entitled “Tax Map 51 Lot 3, Open Space
14 Subdivision Plan, prepared for Cadran Property Services LLC, Osgood Road, Milford, New Hamp-
15 shire” dated November 24, 2008, final revision June 24, 2010 and recorded in the HCRD as Plan
16 #36856, and as per “As-built Plan, prepared for Raisanen Homes Elite LLC (Cadran Crossing), Mil-
17 ford, New Hampshire” dated December 4, 2012, revised December 28, 2012, Plan prepared by Field-
18 stone Land Consultant’s PLLC, of Milford, New Hampshire.”

19 (2) **Request for Acceptance of Unanticipated Funds Under \$5,000 Per NH RSA 31:95(b).** The listing
20 of unanticipated funds under \$5,000 was reviewed as follows:

Source	Amount	Purpose
BAE Systems Employee Community Fund, Inc.	\$ 195.02	General donation to the Milford Fire Department. The FD wishes to designate the donation to the Fire Rescue Donations Special Purpose Fund.

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27 b) **OTHER DECISIONS.**

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29 5. TOWN ADMINISTRATOR REPORT:

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31 a) **Draft MS-4 Storm Water Management Plan.** Guy Scaife explained the EPA has generated a new draft
32 permit form for MS-4 sized communities which we are a part of. Fred Elkind has forwarded the link to the
33 website that has the draft document and appendices if any members have feedback, the feedback must be
34 submitted by April 15. This is a 5-year permit that authorizes Milford to discharge into the public water
35 ways. We are going through the documents to identify changes. This is a condition of what we have been
36 doing for the past 7 or 8 years. The intent is to better regulate storm water runoff. It is to continue to re-
37 duce pollutants in the water ways. Best Management practices have to be reported on an annual basis. We
38 have to adhere to the permit that was issued to the town. If any members have feedback, please forward
39 them to Fred Elkind and Guy Scaife or have a direct discussion with Fred Elkind who can better answer
40 questions. There is a State wide review in Portsmouth in mid-March. Chairman Daniels asked about the
41 website link, is that something we could put on the town website so that citizens could access it as well.
42 Guy Scaife said he can look into that; if any members plan to go to the March 5 meeting, please let Fred
43 Elkind know.

44 b) **New Legislation on State Funding for Highways and Bridges.** Guy Scaife explained House Bill 617
45 which, if passed, will increase road tolls, increase the gas tax and increase motor vehicle registration fees
46 on certain vehicles which would provide additional revenue for the state highway fund. Guy Scaife indi-
47 cated the state is in a critical position for funding bridge repair and road repair. Fuel tax has not been in-
48 creased since 1991. Milford has several red-lined bridges. The bill (HB 617) would provide revenue to the
49 municipalities for road and bridge repairs. It goes to the House this Wednesday. If you support this, let our
50 legislative delegates know. If this bill passes, it is a five-year period to reach the maximum amount. 12%
51 of the revenue flows back to the municipalities. Guy Scaife asked if members support this. Selectman
52 Putnam said the roads and bridges have been in poor condition, but the money is just not there. He thought
53 the tolls covered that maintenance and he is concerned about going forward and if this money will actually
54 be dedicated to the roads and bridges. This is not anything new. Vice Chairman Finan noted this has not
55 been increased since 1991, so the revenue did not keep up with inflation. Guy Scaife said this would be for
56 State and municipal roads as opposed to interstates. It is sheer linear miles; this would fund just this pur-
57 pose, not other purposes. What else has not been increased since 1991? Gas prices have gone up, but not
58 the gas tax, we are one of the lowest in the nation, and we hurt ourselves by holding the tax down. There is

1 a shortfall over the next ten years just to maintain the status quo. Selectman Bauer asked about the 4-4-4-3
2 plan and asked if it is phased in over the next few years. Guy Scaife said it calls for phasing in. The first
3 year it is a 4 cent per gallon increase, as well as the second and third. The fourth year it is a 3 cent increase
4 per gallon. It also will add \$5 per year to vehicle registrations. If this gets through the House and goes to
5 the Senate, Selectman Fougere asked if it can be amended. Chairman Daniels said any House member can
6 amend it on the floor. Chairman Daniels will be a part of this process; there are two sides to every story.
7 Members expressed concern about this fund being used to fund other things rather than road and bridge re-
8 pair. Chairman Daniels indicated that is something that would need to be addressed at the State and local
9 level. He also does not want to continue to tax people and then use the money for something else. Chair-
10 man Daniels said the surcharge that was added to Motor Vehicle registration a few years ago, and then re-
11 moved over the past two years, has been proposed to be brought back and be phased in.
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13 Selectman Bauer said this has been put off for too long, for the economical development of New Hamp-
14 shire, we have to get the roads and bridges improved. Putting it off is not going to improve anything and
15 will not save money in the future. Selectman Putnam will not support this until they can guarantee that the
16 money will be used only for road and bridge repair or maintenance. The language in the bill states all
17 amounts collected shall be deposited into the NH State and Municipal Road and Bridge Account, said Guy
18 Scaife. Guy Scaife cannot talk to the previous money and how it was used, but the Department of Safety is
19 directly related to road safety, so that could utilize the funds, that is pretty standard in most states. As far as
20 Fish & Game, Guy Scaife does not know why they might use the funds. Chairman Daniels wants to listen
21 to the discussion on Wednesday to get some of these answers. This bill can be amended on the floor; if
22 money continues to go to something else, then Selectman Putnam will not support it. Chairman Daniels
23 said gas tax and vehicle registration money can only go into that fund, but the bill does not state what the
24 funds can be used for. Vice Chairman Finan reads that it can only go into that fund, but it does not state
25 what can come out of the fund. Vice Chairman Finan supports this if it is revenue that needs to be raised.
26 But if the system is broken, it needs to be fixed. Selectman Bauer asked Chairman Daniels if this bill got a
27 positive vote partly because of the language in the bill. Chairman Daniels does not know what caused them
28 to support it. DOT gave a very good briefing on the need to fix the roads and bridges. Chairman Daniels
29 does not mind supporting this but he wants to ensure it will be used for what it is supposed to be used for.
30 Selectman Putnam suggested we get the message to our legislators.
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32 Vice Chairman Finan said if revenue needs to be raised, this is a good way to do it provided it is used ex-
33 clusively for the road and bridge maintenance. Having the money go into the General Fund is not good ac-
34 counting, according to Selectman Putnam. Selectman Bauer said the money must be deposited into the
35 roads and bridge account monthly. Guy Scaife said that whatever money comes out is just a small percent-
36 age that must be funded. This was on the table four years ago and we are that much further behind. When
37 there is a fund that has been flat since 1991, it needs attention. Selectman Bauer said the problem is not go-
38 ing away. Guy Scaife responded that it is just getting worse. Selectman Putnam suggested having Chair-
39 man Daniels find out some answers to the questions brought up tonight.
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41 c) **Miscellaneous.** Guy Scaife stated that Hitchiner has donated the cardboard it uses to the Town for recy-
42 cling. We will pick it up and it will already be baled to add to the others. Another company in town had
43 also made another similar offer. This is a good partnership. Guy Scaife talked about Milford District
44 Court, it did not make the Governor's Capital Budget that was released a week ago, so he is not sure if any
45 communication went out, that window is now closed. Chairman Daniels stated the Governor comes out
46 with a capital budget; the House has its own capital budget. Chairman Daniels has talked with local towns
47 that use the Milford District Court and explained what has been going on. It would have been nice to have
48 it in the Governor's capital budget, but it could still come in the House capital budget. A lot of the Gover-
49 nor's capital budget went to Health & Human Services.
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51 **6. DISCUSSIONS.**

52 a) **Administration of General Towing Company Standards Policy.** Chief Viola took the advice of the
53 Board of Selectmen and spoke with the four local towing companies. There were mixed emotions on the fixed
54 rates. We are looking at fixed rates, the main reason is that it should not be a sliding rate, there is a more fair
55 way to do business. Selectman Putnam just wants it fairer for customers. Captain Toom researched different
56 towns and cities and wants to be sure the town is covered and the citizens are treated fairly by the tow services
57 in town. Selectman Bauer asked who determines if something is out of compliance? Chief Viola said the Po-
58 lice Department would notify the vendor with a warning. Selectman Bauer asked who keeps track of that.

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1 Chief Viola responded that the Police Department will keep track. Selectman Bauer just wants it to be con-
2 sistent. Chief Viola said the business will receive notices that there is an issue. Right now there is not an issue.
3 Vice Chairman Finan asked about the ten day wait period. Chief Viola said if we do not have a cutoff date; it
4 will be taken advantage of. Vice Chairman Finan asked how the business will appeal a decision and do they go
5 to the Board of Selectmen? Guy Scaife stated that people can always come to the Board of Selectmen. The ap-
6 peal process has several layers and the final alternative is to come to the Board of Selectmen. Selectman
7 Fougere asked if the tow rotation is handled at MACC Base. Chief Viola said that will continue, adding that the
8 rates in the policy took into consideration increased gas prices. Selectman Bauer asked about the mandatory
9 meetings with the tow businesses. Chief Viola indicated the Police Department will periodically hold meetings
10 with tow companies to talk about the contract and we would like them to show up. If we do not put this in the
11 policy, people just won't come in. Captain Toom added that right now we do not talk to the tow companies at
12 all so this would just be a chance to voice any concerns. Chief Viola added that there will be a yearly review to
13 look at prices. Chairman Daniels asked if tow companies will need to spend additional money in order to com-
14 ply with this policy. Chief Viola responded that mostly everything in this policy is already being done. Se-
15 lectman Fougere noted that if there are three separate complaints against a tow company, they may be removed
16 from the list. Selectman Bauer asked if there was resistance to the flat rate and did any tow company asked to
17 be removed? Chief Viola said there was no resistance and no company asked to be removed. Selectman Put-
18 nam asked to see the revisions once changed. Selectman Putnam moved to suspend the existing tow policy and
19 pass on the responsibility to the Police Department. Chairman Daniels said by adopting this new policy it will
20 automatically revoke the previous policy.
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22 **b) Terms and Conditions for Use of Town Hall Guideline – Canceled Event Custodial Billing.** Chairman
23 Daniels explained that he reserved space on behalf of an organization for a meeting and neglected to call to can-
24 cel when the organization rescheduled the meeting to a different date. The organization is being billed for cus-
25 todial fees for the set up and break down, but the current policy only addresses weather related cancellations.
26 Selectman Fougere moved to replace #6 of the policy with the proposed language as provided by Chairman
27 Daniels. Vice Chairman Finan seconded. Selectman Putnam asked exactly what changes with the amendment?
28 Chairman Daniels indicated the new language is clearer and would include non-weather related cancellations
29 without notification. Chairman Daniels questioned how much the custodian would be paid in case of a cancel-
30 lation. The amount charged will depend on the extent of the setup and breakdown for the event. All were in fa-
31 vor of the motion. Motion passed 5/0.
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33 **d) 2012-2013 BOS Goals/Tasks Review and Board of Selectmen's 2013-2014 Goals/Tasks Development.**
34 Chairman Daniels indicated that he put "starting the budget season earlier" as a 2013 goal. Chairman Dan-
35 iels to focus on the Recycling section to be more aesthetically pleasing and more informative. Selectman
36 Bauer looked at the different meeting minutes, it seems like they are mostly up to date. Chairman Daniels
37 said that some committees do not get a quorum to approve the minutes so they are not posted. Chairman
38 Daniels asked Guy Scaife if all Departments have a Mission Statement. Guy Scaife provided all of the
39 mission statements to him via e-mail. Regarding the Dam Feasibility Study, Selectman Fougere said it
40 seems this project is taking a long time. The original proposal talked about public outreach and keeping the
41 public informed. Selectman Fougere stated this project costs \$100,000 and the consultant owes it to the
42 town to provide updates. There are a lot of things they are charged to do, he would like to see increased
43 visibility and there should be more information that is visible to the public. The website should also have
44 the documents they have provided. Guy Scaife is surprised with this criticism because he has updated the
45 Board of Selectmen throughout this process. The study has been complete and there is an issue with sedi-
46 ment. There is a chart that shows the steps and they have all been completed. The money came from grant
47 money, not tax dollars (NOAH, NH Charitable). It is a complicated effort and has been done professional-
48 ly. There is not a lot to report on until the sediment issue gets resolved. Guy Scaife will receive a final re-
49 port when it is complete. Once that is out, there will be a lot of public scrutiny. If you are interested, there
50 is a PERK chart that shows everything and when it was completed and the charges for that. We have sup-
51 port from the State level, DES, Fish & Game, NOAH and EPA oversight. It has been a lot of work but
52 there has not been any local interest to look at the detail. Dawn Griska and Guy Scaife will occasionally
53 receive a question and address it. Most people understand that these things take time. Once the report is
54 out, the public will have time to decide if it is necessary.
55

56 Selectman Fougere understands it has been delayed, but he is concerned with visibility and the contractor
57 said that briefings would be provided to the town. He just wants a little more visibility and would like the
58 contractor to provide an update. Selectman Bauer is glad this was brought up tonight because it has pro-

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vided an update, she was wondering what had happened as well. The money was mostly provided by grants however.

7. SELECTMEN’S REPORTS / DISCUSSIONS.

a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES. Selectman Fougere indicated that the Ambulance Building Committee met with Eckman to review the bids that came in. The bids reviewed came in below the estimates. Eckman finalized the bids and is getting contracts to them to nail down the contractors. There is a high probability that there will be funds for a generator. Tentatively planning groundbreaking for April 1. The easement document is being signed by the abutter. Selectman Putnam spoke with George McDonald (Johnson Street) who seems to be happy with the plan, now it is just drafting a letter of agreement. Guy Scaife will take care of that and Selectman Putnam said he will present it personally to George.

Chairman Daniels said the Still Good Shed will be expanded in the near future.

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

8. APPROVAL OF FINAL MINUTES. Selectman Putnam moved to approve the minutes of January 28, 2013. Vice Chairman Finan seconded. Selectman Bauer requested one amendment. Selectman Putnam and Vice Chairman Finan moved to approve as amended. All were in favor. Motion passed 5/0.

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

10. NOTICES. Notices were read by Chairman Daniels.

11. NON-PUBLIC SESSION. Vice Chairman Finan moved to enter into Non-public session at 7:32 p.m. in accordance with RSA 91-A:3 II (a) and approval of non-public minutes. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

Selectman Putnam moved to un-seal the non-public minutes of the January 28, 2013 meeting. Selectman Fougere seconded. All were in favor. Motion passed 5/0.

Selectman Putnam moved to approve the non-public minutes of the January 28, 2013 meeting. Selectman Fougere seconded. All were in favor. Motion passed 5/0.

Selectman Putnam moved to re-seal the non-public minutes of the January 28, 2013 meeting. Selectman Fougere seconded. All were in favor. Motion passed 5/0.

12. ADJOURNMENT: There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 9:19 p.m. Vice Chairman Finan seconded. All were in favor. Motion passed 5/0.

Gary L. Daniels, Chairman

Tim Finan, Vice Chairman

Katherine Bauer, Member

Mark Fougere, Member

Mike Putnam, Member