

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
April 22, 2013

PRESENT: Gary Daniels, Chairman
Mark Fougere, Vice Chairman
Katherine Bauer, Member
Mike Putnam, Member
Kevin Federico, Member
Guy Scaife, Town Administrator
Darlene J. Bouffard, Recording Secretary
Zackery Knowles, Videographer

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

INSTRUCTIONS: Chairman Daniels called the public meeting to order at 6:36 p.m. and introduced Board members; he 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. Chairman Daniels indicated that the Board met in non-public session at 5:30 p.m. for a reputation discussion. No votes were taken and no decisions were made.

2. APPOINTMENTS:

5:30 p.m. – Non-Public Session – Reputation. Chairman Daniels opened the non-public hearing at 5:30 p.m. on motion made by Vice Chairman Fougere and seconded by Selectman Putnam. All were in favor. Motion passed 5/0. After discussion, Selectman Putnam moved to come out of non-public session at 6:25 p.m. Vice Chairman Fougere seconded. All were in favor. Motion passed 5/0. Selectman Putnam moved to seal the minutes of the non-public session. Vice Chairman Fougere seconded. All were in favor. Motion passed 5/0.

6:00 p.m. – Departmental Update – Community Development. Community Development Director Bill Parker provided an update for the Community Development Department, starting at 6:41 p.m. this evening. Mr. Parker provided an update of the various aspects of Community Development: Economic Development, Planning, Zoning, Geographic Information Systems, Building Safety/Code Enforcement, Health, Environmental Programs and Conservation Commission. Mr. Parker noted that the South Street Improvement project is in process, and is waiting on the State Department of Transportation. It was hoped that construction would begin in October 2013, but after a meeting this afternoon, Mr. Parker anticipates that it will move out to spring 2014. The Route 13/Emerson Road intersection may start this fall; it is a much simpler project than the South Street project. It is anticipated it will come in within the money estimated for it and it is anticipated that construction will begin this fall but not be completed this fall. It is Mr. Parker's understanding that temporary signalization will be put in place- and a coat of paving will be put in place, but the signalization will not be permanently in place since it takes 12 weeks at the factory to build. The permanent signalization will be built over the winter and the permanent signalization and final paving will happen next spring. That project is not complex, it does not involve impacts on wetlands or historical or cultural resources, and there are no utility relocations or property acquisitions and it's a much quicker project. The old police station site is under agreement with EccoTech, the site has issues with being next to the Superfund site and that is being worked through. A report from TIFD (Tax Increment Financing District) will be coming in the next month or two.

Tim Herlihy joined the department in February 2013 as a building inspector; the building activity in town is about the same as this time last year. There are significant projects under way in town, including a dialysis center, the Airmar expansion, and the Pine Mill redevelopment. Vice Chairman Fougere asked if there are any projects being discussed that have not submitted plans yet? Mr. Parker said yes, there are several things being discussed for large vacant parcels. Stormwater and environmental programs are ongoing and training is being done for stormwater, DES (NH Department of Environmental Services) is working with the town on items such as Osgood Pond, which is a more limited dredge than originally thought, at 3-5 acres. After the presentation, Mr. Parker asked for questions.

Chairman Daniels asked if the EDAC (Economic Development Advisory Committee) and TIFD could be combined. Mr. Parker responded that they only meet quarterly or if there is something to meet about (3-4 times per year), how-

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ever, they are required by statute to be separate. Chairman Daniels noted there are no recent minutes on the website. There were no further questions.

6:30 p.m. – Public Hearing for Acceptance of Unanticipated Funds Over \$5,000 and Gifts Over \$5,000.

Chairman Daniels opened the public hearing at 6:36 p.m. and reviewed the listing of unanticipated funds and gifts over \$5,000. The listing is as follows:

Source	Amount	Purpose
Kaley Foundation	\$35,000.00	Amb-Cardiac Monitor/Defibrillator Special Purpose Fund. Donation from the Kaley Foundation to the Milford Ambulance Department for the purchase of one cardiac Monitor/defibrillator.
Silva Properties	\$ 100.00	Police – Fishing Derby Special Purpose Fund
Rocca Automotive Repair	\$ 395.00	Police Cruiser Graphics Special Purpose Fund. Donation from Rocca Automotive Repair to the Milford Police Department for new graphics for one 2012 Ford Interceptor police vehicle.
Kent’s Service Station	\$ 395.00	Police Cruiser Graphics Special Purpose Fund. Donation from Kent’s Service Station to the Milford Police Department for new graphics for one 2012 Ford Interceptor police vehicle.

Gifts of property

Hitchiner Manufacturing will donate their recyclable materials to the Town of Milford, whereby the Town of Milford retains any and all proceeds from recycling of the materials. This will be ongoing.

Kincaid’s Auto Repair will donate the labor to replace the graphics for the two 2012 Ford Interceptor police vehicles. This has an approximate value of \$600.

Chairman Daniels asked if there were any questions or discussion on the listing. There were none. Chairman Daniels closed the public hearing at 6:40 p.m. Selectman Putnam moved to accept the listing of unanticipated funds and gifts as listed. Vice Chairman Fougere seconded. All were in favor. Motion passed 5/0.

At this time, Chairman Daniels took a moment to extend the Board’s heartfelt thoughts and prayers to those whose lives were disrupted by the tragic violence at the Boston Marathon. Chairman Daniels noted that this town also has emergency personnel that serve the community such as the police, ambulance and fire personnel that move forward to danger instead of away from danger in order to help those in need, and he thanked those personnel for doing their job.

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

4. DECISIONS

- a) **CONSENT CALENDAR.** Chairman Daniels asked if there were any items to be removed from the Consent Calendar for discussion. There were no items removed. Selectman Putnam moved to approve the Consent Calendar as presented. Selectman Federico seconded. All were in favor. Motion passed 5/0.
 - (1) **Request to Approve the Keyes Art Festival, Use of Town-owned Property and Support by Town Staff.** Tracy Hutchins, Milford Improvement Team (MIT) Executive Director requested and received Board approval for the Keyes Art Festival on June 1 and 2, 2013 on the Milford Oval and the Town Hall Auditorium, as well as the assistance of personnel from the DPW Department.
 - (2) **Request to Approve (2) Taxicab Operator Permit Applications.** Police Captain Christopher Nervik requested and received Board approval of the Taxicab Permits for William LaBell and Edward LaBell after the proper information was reviewed and found to be in order, as recommended by Police Captain Nervik.
 - (3) **Request to Approve (1) Taxicab License.** The request for Board approval of the Taxicab License for Milford Taxi was approved.
 - (4) **Approval of Recycling Committee Member Terms.** The request for Recycling/Solid Waste Committee member terms was approved by the Board.
 - (5) **Request to Sell Tickets and Conduct a Raffle.** The request for the Milford Destination Imagination Teams to sell raffle tickets at various locations during the months of April, May and July was approved.

1 (6) **Request to Approve Issuance of Gravel Tax Levy & Warrant.** The request to approve issuance of gravel
2 tax levy and warrant (Map/Lot 50-4-4) for Spring Creek Sand & Gravel LLC in the amount of \$1,114.42
3 was approved by the Board.

4 (7) **Request to Approval Issuance of Gravel Tax Levy & Warrant.** The request to approve issuance of grav-
5 el tax levy and warrant (Map / Lot 58-2 & 58-3 for Jane Provins in the amount of \$327.88 was approved by
6 the Board.

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8 **b) OTHER DECISIONS.**

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10 **5. TOWN ADMINISTRATOR REPORT:**

11 **a) Draft MS4 Stormwater Permit Update.** Guy Scaife explained that Fred Elkind has drafted comments for
12 the MS4 Draft Permit and provided excerpts from that document. There are two major issues, the schedule and wa-
13 ter quality, comments are due May 15. Guy Scaife further explained some of the details of the draft permit, noting
14 that the town had layed out the photographing and review of the final maintenance plan. The storm drains were the
15 forgotten infrastructure. Some communities have a bigger problem than Milford and there is a coalition being
16 formed which is gaining interest and would receive legal assistance in responding to the EPA. Guy Scaife and Fred
17 Elkind are not in favor of using the legal approach. This is regulated by the EPA directly. The facts are compelling
18 that the TMDL (Total Maximum Daily Load) is flawed. Today, Fred Elkind suggested that they do away with the
19 measurement but he does not think they will go for that. There is a not for profit organization that is pushing the
20 EPA to be more direct with the clean water act.

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22 Chairman Daniels asked for some of the definitions on some of the acronyms used in the memo. Vice Chairman
23 Fougere had a discussion about this with Sarah Marchant and they talked about what flows into our river that we
24 have no control over. There are acres of farmland in Milford that have livestock and fertilizer use. That is not taken
25 into consideration in this. This is something very important to the community and any comments should be submit-
26 ted to Fred Elkind. Selectman Bauer asked if Fred Elkind could spell out some of the acronyms used in the docu-
27 ment. Guy Scaife responded that Milford is unique in that only five states in the country are non-delegated states
28 and New Hampshire is one of them. All the other states have DES as the permitting agency, the previous permit had
29 New Hampshire and Massachusetts together but now on this one, New Hampshire is alone. Vice Chairman Fougere
30 said this is something the EPA has been working on for a while.

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32 **b) Hillsborough County Proposed FY2014 Budget Recommendations Public Hearing.** Guy Scaife said
33 in the past the Town has used the Hillsborough County Correctional Facilities inmates for assistance in some work
34 around town. With county budget cuts, that program ended. In order to have that help now, the State is proposing
35 the community to pay \$1,000 per week of work for 8-10 men and a supervisor. We plan to sign up for five weeks
36 this year, noting it is money well spent for the amount of work they get done for us. Amherst and surrounding
37 communities are interested in the program as well.

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39 **c) Miscellaneous.** A Nashua Regional Planning Commission (NRPC) meeting will be held April 30 at 6:00
40 p.m. for the greater Nashua region. It is an opportunity to reach out and get feedback from other citizens in the re-
41 gion regarding common goals. Guy Scaife will be attending.

42 The Fire Department Engine 4 was received today, it will take about two weeks to get it into service. Training
43 will then be conducted. The manufacturer and vendor were up front about a problem with the vehicle, the town was
44 told what happened and worked through it. The Fire Department SUV was replaced as well. The old SUV was tak-
45 en out of service at the end of March after it failed inspection.

46 Suzanne Fournier sent a letter to the Audubon Society, who then sent a letter to the town; Guy Scaife was not
47 prepared to discuss it yet, but passed on what he knew, it would be appropriate to ask what the intent is; she indi-
48 cates in the letter that they want to form a conservation plan for the Brox property, but the town already has a Con-
49 servation Commission that is responsible for that type of activity. A conservation plan is part of the land use plan
50 which was started in the year 2000. That was developed through the committee made up of Conservation members,
51 Board of Selectmen, Recreation and MCAA representatives and others and is something that will be updated as time
52 goes by. Guy Scaife recommended that Ms. Fournier be invited to a Board meeting to ask questions and answer
53 questions from the Board. Vice Chairman Fougere cannot support this group on their own with no oversight by an-
54 ybody. He does not support the study being recommended. There is a process in place and that is how it should be
55 done. Chairman Daniels suggested that Ms. Fournier be invited to the next Board meeting, May 13. Guy Scaife
56 agreed and he will invite the Conservation Commission Chair as well.

57 Guy Scaife indicated after the last meeting, the Board met to look at property coming out of Current Use; it was
58 a non-posted meeting, we need to remember that if there are three Board members, it must be posted. If these things
59 come up quickly, just let Dawn Griska know so it can be posted and minutes can document the meeting. In the fu-

1 ture that type of meeting should be properly posted. Selectman Bauer said that she assumed it had been posted.
2 Selectman Putnam also thought it was posted. Guy Scaife said the only one that responded regarding attendance
3 was Vice Chairman Fougere stating he could not attend, nobody else responded, so Guy did not know who was at-
4 tending.
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6 **6. DISCUSSIONS.**
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8 a) **Keyes Field Parking Lot Improvements.** Guy Scaife explained the plan in the packet was prepared last
9 year to improve the parking at Keyes Park. The plan was reviewed with the Recreation Commission who
10 was thrilled. There is enough room to create a turn around and add 14 new parking spots. The work can be
11 done by DPW except for the paving of the large area. This has been verified with GE that it can be done
12 when Keyes Park is shut down for the Fletcher work. It will not impact the Fletcher operation. We will
13 need to budget some money in 2014 to complete the project; the first phase will be done this summer.
14 Chairman Daniels asked if DPW time was figured in. Guy Scaife answered yes, doing these small jobs was
15 factored in.
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17 b) **Town Hall Renovations.** Vice Chairman Fougere stated back in 2009 the Facility Committee made rec-
18 ommendations about the town hall with the ambulance moving out, it would create extra room. The CIP
19 Committee recommended renovating town hall when that happened. Vice Chairman Fougere is recom-
20 mending tasking the Facilities Committee to take another look at it again, it is something to look at now, in
21 order for something to be on the ballot in March 2014. Selectman Putnam asked if the Facilities Commit-
22 tee has the time. Vice Chairman Fougere said the Facilities Committee is working with the Library right
23 now which will be a project in 2015, this is something they could take on now, designs have already been
24 talked about. It is scheduled for the next town meeting. The construction is not significant and maybe the
25 technology program at Milford High School could be utilized. Selectman Bauer asked when should the de-
26 sign be done? The office space is so crowded, what are the ideas? Vice Chairman Fougere suggested there
27 were three or four different scenarios, from three years ago, that would all be looked at by the committee.
28 Selectman Bauer asked if the Board of Selectmen room was going to move downstairs in the 2009 design.
29 Vice Chairman Fougere said that was one option. Vice Chairman Fougere has a copy of the 2009 docu-
30 ment which he can provide to members. Guy Scaife supports this idea; the 2009 report is a good start. The
31 heat and air conditioning needs to be looked at as well. Guy Scaife had hoped we would be looking at a
32 more favorable budget right now to have some money to do some additional refinements, but the way it is
33 looking, it does not look like there will be that much money available. Selectman Federico reiterated that
34 this will go back to the Facilities Committee? All concurred and noted that the committee will need archi-
35 tectural review at some point, but we can at least get them back looking at the issue. This has not been
36 brought up to the Facilities Committee yet. Chairman Daniels does not have a problem if they are willing
37 to take it on. He has no objections but does not want to overload them either. Vice Chairman Fougere will
38 talk to the committee Chair and see if they want to take it on. Selectman Bauer said if there are still a lot of
39 people on the committee, they might be able to have a subcommittee.
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41 Selectman Bauer asked what is the cost estimate for town hall renovations. Guy Scaife believes it was es-
42 timated at about \$500,000. There are certain areas that are tear out areas downstairs that can be done by
43 DPW or the corrections inmates. Chairman Daniels asked if there is a list of renovations that are needed?
44 Guy Scaife does not have a list but can start something. Vice Chairman Fougere said there was some work
45 done in 2009 looking at electrical as well.
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47 c) **2012/2013 Board of Goals/Tasks Review and Board of Selectmen's 2013-2014 Goals/Tasks Develop-**
48 **ment.** At the last meeting, Chairman Daniels left everyone a copy of the Board's mission statement to re-
49 view to see if it still applies. Let Chairman Daniels know if you see anything missing or anything that must
50 be changed. It will be brought to the next BOS meeting for adoption or amendment. Of the groups that re-
51 quire posting minutes, Chairman Daniels indicated about 45% are being consistently updated on the web-
52 site. Chairman Daniels will send out the list of the groups that he found deficient, however, some of the
53 groups only meet once or twice a year. If a board member is a representative for one of the groups please
54 remind them of the requirement for minutes to be posted on the website. Chairman Daniels asked if anyone
55 has looked at the website recently? He is starting a list of deficiencies. Chairman Daniels asked Dawn
56 Griska to send out the most recent agreement with MACC (Milford Area Communications Center) base
57 electronically because we should start a discussion about whether we will continue with it at the end of the
58 year.

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d) **Draft Board of Selectmen’s Policy Regarding Administration of Committees, Commission and Special Boards.** Regarding Board of Selectmen Policy 2013-001, Chairman Daniels modified the versions in the packets and the next review will reflect those amendments, which includes modifying the language “Governing Body”. Another draft will be reviewed at the next Board meeting.

7. SELECTMEN’S REPORTS / DISCUSSIONS.

a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Bauer stated she attended the second Library Strategic Committee meeting which focused on the community; parking is always a question that comes up. Vice Chairman Fougere indicated on Saturday, the Ambulance Facility groundbreaking will take place, construction has begun. Vice Chairman Fougere attended a meeting for the St. Joseph’s expansion project, which is proceeding to the Planning Board, overall it was a good plan, and it will modernize the facility. Selectman Federico and Chairman Daniels asked for copies of whatever Vice Chairman Fougere collected on that. Guy Scaife indicated on Friday information on House Bill 617, the gas tax, will be further explained, it is a user fee not a tax. To Milford, this would bring in an additional \$902,000 over ten years. If anyone has any interest in this topic, it will be going in front of the Senate, but please share concerns or support with Senator Peter Bragdon.

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

8. APPROVAL OF FINAL MINUTES. Selectman Putnam moved to approve the minutes of April 8, 2013 as presented. Selectman Federico seconded. Selectman Bauer requested one amendment. Selectman Putnam moved to approve the amended minutes of April 8, 2013. Selectman Federico seconded. All were in favor. Motion passed 5/0.

9. INFORMATION ITEMS REQUIRING NO DECISIONS.

10. NOTICES. Notices were read by Chairman Daniels.

11. NON-PUBLIC SESSION. Selectman Federico moved to enter into Non-public session at 8:20 p.m. in accordance with RSA 91-A:3 II (a & c) – personnel and reputation. Selectman Bauer seconded. All were in favor. Motion passed 5/0. After discussing a personnel and reputation issue, Selectman Putnam moved to come out of non-public session. Selectman Federico seconded. All were in favor. Motion passed 5/0. Chairman Daniels announced that in non-public session the Board discussed a personnel issue and an issue pertaining to reputation. No decisions were made and no votes were taken.

12. ADJOURNMENT: There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 8:38 p.m. Selectman Federico seconded. All were in favor. Motion passed 5/0.

Gary L. Daniels, Chairman

Mark Fougere, Vice Chairman

Katherine Bauer, Member

Mike Putnam, Member

Kevin Federico, Member