

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
December 1, 2014

PRESENT: Gary Daniels, Chairman
Mark Fougere, Vice Chairman
Katherine Bauer, Member
Mike Putnam, Member
Kevin Federico, Member
Darlene J. Bouffard, Recording Secretary
Scott Schaeffer, Videographer

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

INSTRUCTIONS: Chairman Daniels called the public meeting to order at 5:40 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. Chairman Daniels indicated 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 announced that in non-public session the Board discussed a land acquisition issue; no decisions were made, no votes were taken.

2. APPOINTMENTS:

5:00 p.m. – Non-Public (RSA 91-A:3,II(d) Land Acquisition. Selectman Putnam moved to enter into Non-public session at 5:00 p.m. in accordance with RSA 91-A:3 II (d) land acquisition. Selectman Bauer seconded. Motion passed 5/0. After discussion, Selectman Federico moved to come out of non-public session at 5:35 p.m. Selectman Putnam seconded. All were in favor. Motion passed 5/0 and the Board exited non-public session at 5:35 p.m. Chairman Daniels announced that in non-public session the Board had discussions about a land acquisition issue. There were no votes taken and no decisions were made. The minutes of this non-public meeting have been sealed.

5:30 p.m. – Request for Abatement for the Savage Municipal Water Supply Well Superfund. Jack Sheehy, Finance Director, explained that back in 1994 the superfund site – Savage Well/OK Tool facility - was deeded to the NH Department of Environmental Services (DES) and it was agreed that the Town would accept the “loss” for the outstanding property taxes from the former OK Tool site in the amount of approximately \$200,000. The taxes have been written off since that time and are no longer on the books. The Board of Selectmen could not abate the taxes during that time, but it was legally passed in 2014 (HB1196) to allow the Board of Selectmen to abate the taxes. This is just a housekeeping item and Mr. Sheehy therefore requested the taxes be abated and thereby written against an allowance that is already out there. This will not be a loss for the town and will clean up our receivables by this amount. Selectman Putnam moved to approve the abatement as requested. Vice Chairman Fougere seconded. All were in favor. Motion passed 5/0.

7:00 p.m. – BROX Environmental Citizens Group – Unnecessary Environmental Damage Complaint. Suzanne Fournier and Tom Gardener, BROX Environmental Citizens Group, presented information regarding a complaint they presented to the Board, and the group asked if the town would clean up what was left by the contractor when digging 40 test pits. A study of nature was also being done on the 270 acres for an inventory for the Milford Conservation Commission during which there was no damage. Many pictures were shown by Ms. Fournier to display alleged damage incurred by the equipment used for the test pits, including a piece of equipment weighing 36,000 pounds. This equipment caused deep ruts in the open space, and destruction to small saplings and greenery. The BROX Environmental Citizens Group feels this is damage that was unnecessary. The northern area of BROX (Beaver Brook land) was extensively damaged by one test pit. Selectman Putnam asked if Ms. Fournier could get to the point, these pictures all look the same. Ms. Fournier continued to show pictures and point out several areas of damage in the southeast area, noting this is just a study of earth removal. She said they would like to have had the Milford Conservation Commission (MCC) involved in this so that the sensitive areas could be avoided and so that trees were not damaged. The MCC mission is to protect the land and in the state statute it states the land must be properly utilized. Chairman Daniels indicated that a company was hired to do test pits on vacant land and there is no other way to do the test pits; we asked them to do a job and we expected some of that to happen. Ms. Fournier said the town Planning Director Bill Parker wants protection of natural resources, asking where is he this evening? “Protection” is the word Mr. Parker uses in his newsletter from the department. The town was promised environmental protection of this land, so why was environmental damage done?

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1 Selectman Federico said the Board was aware of the evaluation being conducted and he was well aware
2 that there would be an excavator doing the test pits; we need to do everything in a balanced way, which is what Se-
3 lectman Federico said so many months ago and this is a reasonable action for what we need to look at. Twenty
4 years ago, the town did not have a plan cast in stone and still today we have a conceptual plan only. If we can offset
5 the tax base with the sale of some of the resources on that property and make another portion (of the property) usa-
6 ble for the residents and sell some property to offset the tax base, then that is what the Board needs to do. Suzanne
7 Fournier said she understands what is being said; the Board would like to offset taxes; does the Board remember that
8 there was already a million dollars worth of resources taken out of BROX? Chairman Daniels said that Mr. Courage
9 had said back in 2000 that there was a million dollars of materials was on the property. The damage shown tonight
10 is no different from doing a selective cutting, said Vice Chairman Fougere. The Milford Conservation Commission
11 is currently cutting Tucker Brook forest, doing much more damage than this. It was necessary to have a full evalua-
12 tion of the BROX property; we needed that large equipment to get the proper depth.
13

14 Suzanne Fournier said the BROX numbers regarding the million dollars of materials is accurate and is what
15 was done by Mr. Courage and a group and the State looked at it as well; it was all exposed materials, it is not the
16 materials in the ground. Those materials were taken out, they are all in the books from 2000, those materials are not
17 there anymore. There is soil and vegetation there now; Ms. Fournier had asked what was being done with those
18 materials. The town has been using some of that material already. Has the million dollars been utilized, and if so,
19 what is left, it would be nice to know and is there any accounting of it? Ms. Fournier asked what the Board thinks
20 about what was shown tonight. It does not seem that the town cares much about the environment. Selectman Fed-
21 erico said he has a problem with Ms. Fournier saying he does not care about the environment. When you say the
22 "town doesn't care" you are implying me. I care about what happens to the environment and I do not think that the
23 Board acted recklessly or in any way that would permanently damage the area. We needed a study to know what is
24 there. This is part of that, there might be some surface damage but that is part of the process. Ms. Fournier asked
25 how do we go about repairing the destruction. Some of the test pits are huge. The piles of dirt are unnatural and
26 that is why I wanted this appointment, the town should do some repair to that property to return it to a more natural
27 state. If this was a backyard, would you leave it in this condition? There were no further questions.
28

29 Ms. Fournier asked if the Conservation Commission Chair wished to speak. Chairman Daniels recognized
30 that Conservation Commission Chair Audrey Frazier and Vice-Chair Andy Hughes were in attendance. Ms. Four-
31 nier asked if she would have an answer tonight. Vice Chairman Fougere asked what her question was. Ms. Fournier
32 responded to have the land repaired to its natural state; even if it is done by volunteers. We might ask advice of the
33 experts to weigh in on this. Chairman Daniels stated the Board hired experts to do the test pits, the land will fix it-
34 self; the intent was to help us understand what is there. Ms. Fournier said the third prong of the purchase of BROX
35 was that it would include conservation land and that is why she voted for it. Vice Chairman Fougere asked if Ms.
36 Fournier wants the entire area protected. Ms. Fournier said the natural resources inventory is in process, she would
37 have liked for it to be completed before digging the test pits. Last year, Vice Chairman Fougere stated, Ms. Fournier
38 criticized this Board for not having a plan for BROX for the gravel and natural resources, this study is to come up
39 with that plan. Ms. Fournier does not remember asking for that; we do need more information and we are in favor
40 of the natural resources inventory. Selectman Federico said Ms. Fournier is here because she is not happy about
41 what was done. What the Board is saying is that after last year's vote, it was clear that voters voted against it be-
42 cause there was no plan, so we are moving forward to find out what is there and come up with a plan because seven
43 years ago taxpayers supported selling the materials. Last year, there was a lot of confusion put out there just prior to
44 the March vote and we will be putting it out there again. This Board listened to the Community Development De-
45 partment and the Milford Conservation Commission and we may not agree, but we take what the professionals tell
46 us under serious consideration. Vice Chairman Fougere mentioned that the budget for 2015 is currently at a 7.1%
47 increase; the town has millions of dollars in capital improvements coming due including bridges and roads and sell-
48 ing the BROX materials is one way to help pay for it.
49

50 **3. PUBLIC COMMENTS.**

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52 **4. DECISIONS.**

53 a) **CONSENT CALENDAR.** Chairman Daniels asked if any items need to be removed from the Consent
54 Calendar for discussion. No items were removed. Selectman Putnam moved to approve the Consent Calendar as
55 presented. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

56 1) **Request for Approval to Encumber 127 Elm Street Purchase Warrant Article.** The request for ap-
57 proval to encumber the 127 Elm Street Purchase Warrant Article in the amount of \$190,000 at the Special Town
58 Meeting vote on September 9, 2014 was approved.

1 **2) Conditional Approval of David C. Lisboa, William J. Morrow III and Michael E. LaCure as Mil-**
2 **ford Police Officers.** The conditional approval of three Milford Police Officers was approved as requested.

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4 **b) OTHER DECISIONS.**

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6 **5. TOWN STATUS REPORT**

7 Chairman Daniels indicated that all staff did a great job over the Thanksgiving weekend getting through the
8 storm. Selectman Federico received a few inquiries about a shelter, but nothing that required one to be opened in
9 Milford. There was a shelter open in Nashua for anyone that needed one. Chairman Daniels said the storm took
10 everyone by surprise. There were 237,000 people without power in NH; over 1000 crews were working to get pow-
11 er restored. Today everyone was supposed to have power restored. Selectman Federico asked if the Transfer Sta-
12 tion Mobile Office project was complete. Rick Riendeau, DPW Director said most everything is complete, but no
13 lines are painted yet, we need to try to do that in warmer weather. Police Chief Viola said all the different depart-
14 ments worked together over the weekend and it was a good job done by all and good communication helped in that.

15 **6. DISCUSSIONS**

16 1) Chairman Daniels indicated that Vice Chairman Fougere has asked Assessing to put together a list of abut-
17 ters along the power lines for the Kinder Morgan project; we should send out a letter stating they should be aware of
18 it and that there will be an information meeting at some point. Chairman Daniels and Vice Chairman Fougere are
19 hoping to meet with Kinder Morgan next Tuesday and then the Board can send out information to the abutters.

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

22 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Chairman Daniels
23 announced that the next Traffic Safety Committee (TSC) meeting is on December 8, 2014 at 4:00 and the next
24 Budget Advisory Committee (BAC) is on Wednesday December 10 at 6:30 p.m.

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

26 **1-Budget Discussions.** Chairman Daniels indicated the draft default budget has a 4.9% increase over last
27 year; Chairman Daniels is looking for input on how to reduce some of the department totals. Vice Chairman Foug-
28 ere indicated there is nowhere else to cut; it is a lean budget. New insurance rates are included in the budget pro-
29 vided by Jack Sheehy. Chairman Daniels asked where the town is with debt. Mr. Sheehy said we are way down; at
30 about less than 1% of the evaluation and well below the 3% threshold recommended by the Department of Revenue
31 Administration. Vice Chairman Fougere asked when we drop off some debt. Mr. Sheehy believes in 2016 the Brox
32 property comes off the debt service. Selectman Putnam asked where fund balance stands. Mr. Sheehy does not
33 think the town should tap into fund balance at this point; this budget has a 2% payroll increase across the board for
34 employees. Chairman Daniels said the Board has gone through the budget and the requests, now we are looking at it
35 from the other side. Based on things that have been requested, are there things we want to put back in? Do you
36 want to build it back up from the default? Selectman Federico said the existing department that we typically would
37 cut is the one department that the town is asking the most of - DPW. It is drastic to see a 7.1% increase in taxes.
38 The reality is, that it is only \$284,000 more than the default budget. In the last six years, Selectman Putnam said we
39 have kept the budget at a 1% or 2% increase; now it is catching up with us. We have to do what we have to do.
40 Selectman Federico said the economy is getting better, but not for everyone. The town has to keep up with things.
41 We have put things off for years and it has caught up with us. We need to start doing things and getting projects
42 completed. Budget versus warrant articles-Selectman Putnam said we might not be able to get some warrant articles
43 in order to take care of the budget items. When Selectman Putnam needs equipment for his business, sometimes he
44 has to look at trade-offs. Under "General Government-Buildings" there was a broken meter in 2013, Chairman Dan-
45 iels asked if that was corrected in the default. Mr. Sheehy said the default budget is based on the 2014 budget.

46 In 2008, the Board cut the budget back to 1%; Chairman Daniels said that the town administrator brought in a
47 budget that was less than 2% and for six years the budget increase averaged .6%. Vice Chairman Fougere asked
48 Chief Viola if all his positions are now filled? Chief Viola said with these three new officers, yes, and then Captain
49 Nervik is planning to retire in 2015 and he does not plan to fill that position in 2015. Chairman Daniels said there
50 are some things that were requested that might be able to be done but those are the things we need to determine if
51 they will be put back in or just left out. Right now, we do not have the extra things that departments have requested.
52 We could go department by department to determine if things should be added or not. If we see things that might be
53 reduced we might invite that department head in to talk about it.

54
55 Selectman Putnam said the biggest costs are out of our control, being benefits, the only way to control that is to
56 reduce that, but we are already short as it is, there is nothing that is unnecessary in the budget; Selectman Putnam
57 does not see any other option, we are a small town having some growing pains. Selectman Bauer agrees and has
58 thought a lot about this. Selectman Federico said we have taken on a lot of debt and not a lot has dropped off. We

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1 can look at it different, but when we do that, we are not making much progress. We are looking at the Brox property
2 to offset taxes by selling the materials that are there, we have to look at those possibilities. If we are looking at get-
3 ting to do layoffs, we are not even close to that yet. There are other ways to reduce the taxes through the sale of
4 property, sale of materials, there are other ways to do this. Selectman Bauer echoed Selectman Putnam, stating at
5 the beginning of the recession the budget was cut lower and lower and now it has caught up with us. Selectman
6 Putnam has racked his brain and looked at it and cannot find anywhere that it can be reduced.
7

8 Vice Chairman Fougere asked what the budget deadline was. Mr. Sheehy answered that deliberative session is
9 January 31 and prior to that is the Budget & Bond hearing on January 12. It can change right up to those dates.
10 Chairman Daniels said a 7% increase is too high, the requests made have been reasonable, but he does not see the
11 merit in putting forward a budget that could put us in a worse position. Selectman Bauer asked where we would cut.
12 Chairman Daniels does not know, but are we ready to decide that we are going with a 7.1% increased proposed
13 budget? Selectman Bauer said she is, Selectman Federico and Selectman Putnam also are ready to go with that
14 number. Selectman Federico said it is not desirable to do that, but it is also not a desire to go backwards. We have
15 not taken off things we can, the requests that were made were reasonable, there is not a lot that can be taken out.
16 Vice Chairman Fougere said we only took out very low hanging fruit. Vice Chairman Fougere would like to look at
17 it one more time. Selectman Federico asked what the drop dead date is. All members concurred to go with Decem-
18 ber 8 as the drop dead date. Mr. Sheehy would also like for December 8 to be the night for the warrant articles and
19 projected revenues. We have to look at the effect of everything and look at what the tax rate will look like with the
20 warrant articles. Mr. Sheehy submitted a warrant article list (starting point) to the board members for review. Se-
21 lectman Putnam would like the Conservation Commission warrant article reduced to \$5,000 because they also have
22 funds in the budget. Mr. Sheehy stated the budget item is the salary of the part time staff, the warrant article is for
23 something different.
24

25 At the last Board meeting, MIT came in to discuss the Pumpkin Festival overages. How would the Board like
26 to proceed? Selectman Putnam moved to cover the overages and look at this year's warrant article amount. Select-
27 man Bauer seconded and agreed in moving forward we should have enough to cover current costs in the warrant
28 article. All were in favor. Motion passed 5/0.
29

30 **2-Warrant Articles** - Chairman Daniels asked about the repairs for Savage Road and bridge in order to remove
31 the weight restriction. Mr. Riendeau responded it could get done but he does not have the numbers tonight. The slip
32 line could be done right now. Chairman Daniels said that would save the cost of a turn around. Mr. Riendeau stated
33 the slip line will cost about \$200,000. The Bridge Capital Reserve Fund has to be considered regarding if we will
34 ask to have an amount added in March; last year it was \$125,000. A sidewalk plow was bought last year, are we
35 looking for another one? Mr. Riendeau said the second sidewalk plow is acting up and is 15 years old – the town
36 has approximately 13.62 miles of sidewalk, most of which get plowed. Jack Sheehy noted that the request for the
37 Bridges Capital Reserve Fund in 2014 was originally for \$250,000 but was reduced prior to Deliberative Session to
38 \$125,000. Mr. Riendeau said the Jennison Road Bridge can go out to bid in July 2015. Chairman Daniels asked if
39 members would like to bring forward a warrant article to authorize the Selectmen to negotiate the re-opening of the
40 Jones Road crossing for eastbound access to Market Basket. Selectman Putnam would like to move forward with
41 that. Vice Chairman Fougere asked if voter permission is required for that. Chairman Daniels said it is required
42 because the voters voted to close it. All concurred to start piecing that together. Selectman Federico said the Board
43 talked about not taking away the voter's choice on warrant articles. We can put it before voters and if the Board
44 does not support it, we can just indicate that, but Selectman Federico feels items should be brought to the voters.
45 Vice Chairman Fougere supports the warrant articles being brought forward, except for the sidewalks and traffic
46 signals down near Shaw's. Selectman Federico said the fireworks should not be up to the Board of Selectmen, we
47 should let the taxpayers make the decision. Vice Chairman Fougere suggested the Board reconsider the Ponemah
48 Hill Road signal; we wanted to see if we could break that down into smaller warrant articles, but not for 2015. Vice
49 Chairman Fougere moved to remove the Ponemah Hill Road/Nashua Street sidewalks and traffic signal from the
50 2015 warrant in order to break it into smaller projects to be more affordable. Selectman Putnam seconded. All were
51 in favor. Motion passed 5/0.
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53 **8. APPROVAL OF FINAL MINUTES.** There were no minutes presented for approval this evening.
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55 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**
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57 **10. NOTICES.** Notices were read by Chairman Daniels.
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1 **11. NON-PUBLIC SESSION.** Vice Chairman Fougere moved to enter into non-public session at 7:28 p.m. in
2 accordance with RSA 91-A:3II(d) Land Acquisition. Selectman Federico seconded. All were in favor. Motion
3 passed 5/0. Vice Chairman Fougere moved to approve the non-public minutes of October 27, 2014 (Land Acquisi-
4 tion). Selectman Putnam seconded. All were in favor. Motion passed 5/0.
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6 **12. ADJOURNMENT:** There being no further business to come before this meeting, Selectman Putnam moved to
7 adjourn at 8:12 p.m. Selectman Bauer seconded. All were in favor. Motion passed 5/0.
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11 _____
12 Gary L. Daniels, Chairman

Mark Fougere, Vice Chairman

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15 _____
16 Katherine Bauer, Member

Mike Putnam, Member

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19 _____
20 Kevin Federico, Member
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