

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
June 22, 2015

PRESENT: Mark Fougere, Chairman
Kevin Federico, Vice Chairman
Gary Daniels, Member
Mike Putnam, Member
Katherine Bauer, Member
Mark Bender, Town Administrator
Darlene J. Bouffard, Recording Secretary
Dave Bosquet, Videographer

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

INSTRUCTIONS: After the non-public session, Chairman Fougere called the public meeting to order at 5:52 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. Chairman Fougere 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 Fougere announced that in non-public session there was a land acquisition discussion. There were no decisions made nor votes taken.

2. APPOINTMENTS:

5:30 p.m. – Non-Public (RSA 91-A:3, II(d) Land Acquisition. Selectman Putnam moved to enter non-public session in accordance with RSA 91-A:3, II (d) Land Acquisition. Selectman Daniels seconded. All were in favor. Motion passed 5/0. After discussion, Selectman Daniels moved to come out of non-public session at 5:50 p.m. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0. Selectman Daniels moved to seal the minutes of this non-public session. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0.

5:50 p.m. – Appointment of Veeral Bharucha to the Planning Board. Chairman Fougere invited Mr. Bharucha up to the table for this appointment. Chris Beer, Planning Board Chair, indicated that Mr. Bharucha has been volunteering and participated in many meetings and is looking forward to being an alternate on the Planning Board. Mr. Bharucha explained he moved to Milford five years ago and has been following the town politics closely. He has been attending Planning Board meetings for three or four months now and also attended the workshop in Concord to better understand the meaning of being on the Planning Board and to have a better grasp of what it takes. He feels he can be of value to the Planning Board. Selectman Daniels asked what is his five year vision for Milford. Mr. Bharucha responded that he does not have a problem finding an answer or a vision but before that, he would gather information from the people on the Planning Board. He would also like to become involved in the CIP process, but right now he is learning how the committees work in Milford. Board members thanked Mr. Bharucha for volunteering for this position on the Planning Board. Selectman Daniels moved to appoint Veeral Bharucha to the Planning Board as an alternate member. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0.

6:00 p.m. – Employee Recognition – Chris Nervik. Chairman Fougere has known Chris Nervik for many years. Chris is retiring after many years with the town of Milford Police Department. Captain Nervik completed his police training and began his career in Mont Vernon, joining the Milford Police in 1993. He was promoted to Sergeant and then Captain and has managed the support division ever since. His last day with Milford is June 30. Chairman Fougere indicated Captain Nervik will be sorely missed in the department who was presented an outstanding service award for his 22 years with the Milford Police Department. Chris Nervik said it has been a rewarding career after being an electrician for many years and then getting into the police career at age 30 because he wanted to make a difference. Law enforcement is an opportunity to serve others. At the end of the day, he always felt that he has done something good. Chris indicated he will be moving down to Equador to raise scholarship money for kids who want to attend school. Mr. Nervik appreciates the opportunity to work in Milford. Police Chief Viola thanked him for everything he has done over the 22 years he was with the Milford Police; he has always been dedicated to the community and has dealt with a lot of different issues including domestic violence and school issues. Chief Viola also thanked Chris for what he did for him in his transition to Milford from another state.

6:10 p.m. – Land Use Change Tax and Abatements. Milford Assessor Marti Noel explained she is presenting four property abatement applications and recommends denial for them all. Ms. Noel has spoken to the representative of these applicants regarding the denials. After speaking with the town attorney, Ms. Noel feels it is justified to

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1 recommend denials on the applications. Vice Chairman Federico asked about application number 1404 and what if
2 they come back with new appraisals. Ms. Noel responded that they can appeal the decision. Selectman Daniels
3 asked about the Fairpoint abatement and if the decision is in favor of them, how much money would the town need
4 to return? Ms. Noel responded there is so little information at this point to respond to that request. The worst case is
5 that the town returns all of it, but that is worst case. Ms. Noel feels the town values are solid, the biggest risk is for
6 an appeal value on the right of way. There is a possibility that a formula will come out of this that the town will
7 have to use. We are hoping that is not the case. Selectman Daniels asked how much tax revenue have we collected
8 that we might have to return if the court rules in their favor? Ms. Noel would guess it is in the range of \$60,000 but
9 can work out a better guess if Selectman Daniels would like. This goes back to 2011 and she can work out a figure.
10 Selectman Putnam moved to deny the four abatement applications as recommended by the Town Assessor. Vice
11 Chairman Federico seconded. All were in favor. Motion passed 5/0. Ms. Noel also noted that she has a couple of
12 forms that require Board signature tonight.
13

14 **6:30 p.m. – Public Hearing Notice – Community Development Block Grant (CDBG) Application.** The public
15 hearing was opened at 6:30 p.m. There are three aspects to the CDBG application:

- 16 1) Red Oak expansion, \$500,000 for 60 unites of new affordable housing
 - 17 2) Review and re-adopt the town housing and community development plan
 - 18 3) Review and adoption of anti-displacement and relocation plan for Red Oak
- 19

20 Chairman Fougere asked for public input at 6:35 p.m. There was none. The public hearing was closed at 6:40 p.m.
21 Chairman Fougere indicated there needs to be three motions and they all relate to the same project. Selectman Dan-
22 iels will recuse himself from the vote. Selectman Putnam moved to approve the Red Oak development. Vice
23 Chairman Federico seconded for discussion. Chairman Fougere said he will not support this proposal because he
24 thinks Milford has done more than its share of affordable housing. Chairman Fougere asked if they would consider
25 restricting some of these apartments for elderly housing and if not, he will be voting against this. During Planning
26 Board discussions, Selectman Bauer stated the concern on the amount of traffic that would be coming out onto
27 Nashua Street from the expansion. Vice Chairman Federico asked what would happen if the Board does not support
28 this? What is the next step? Bill Parker said the town has to support this for the CDBG application to go forward.
29 Quite a bit of background has been put together and is in the Board packets but traffic is still under consideration.
30

31 Joya Hughes, Red Oak Development Manager, said a handout was provided to members; the concerns of
32 the Board were heard at the last meeting. The traffic study was completed and there was no traffic impact that need-
33 ed to be addressed by traffic signals. There was a question on the number of units deemed affordable. It has been
34 dropped from 90 to 60 affordable units. The new units will be substantially less than other Red Oak properties in
35 town. A one bedroom unit will be between \$769-\$915 and a two bedroom between \$916-\$1101. There will be a
36 part time resident service coordinator that will have access to local programs. A first time teacher would qualify for
37 this type of housing depending on family size. These units would provide safe, quality housing for the future of
38 Milford. This plan conforms to the town zoning requirements.
39

40 Selectman Bauer supported this as a Planning Board member and will support this as the process moves
41 forward. Selectman Bauer was in favor. Chairman Fougere, Selectman Daniels, Selectman Putnam and Vice
42 Chairman Federico were not in favor. Motion failed 4/1. Selectman Putnam moved to approve the CDBG as pre-
43 sented in 2012. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0.
44

45 **3. PUBLIC COMMENTS.** Bill Parker, Director of Community Development, indicated the Planning Board has
46 been reviewing an application for a new CVS on Nashua Street at the intersection of Clinton Street. One thing being
47 considered is a traffic light in that area. Because the traffic generation does not meet the requirements for a signal,
48 they need to apply for a waiver to convince DOT that it is warranted. Chairman Fougere thought it might be helpful
49 to support the signal, especially at peak hour. Milford has spent a lot of time talking about traffic issues on Tonella
50 Road and this might relieve some of that traffic. This might help all of that area. Chairman Fougere wanted to get
51 this out on the table for consideration; this application was just in front of the Planning Board once. Bill Parker not-
52 ed that CVS agrees that a signal is very important to them and they are willing to help pay for a signal. Chairman
53 Fougere said there was a corridor study about 5 or 6 years ago to address the traffic along Nashua Street. Bill Parker
54 said when that study was done a signal was not warranted but that was before CVS was coming in. Vice Chairman
55 Federico asked if a turning lane was presented to the Planning Board? Mr. Parker responded not at this point; we
56 are hoping to meet again either the first or second of July.

57 Chris Beer, Planning Board Chair, was asked to join the discussion. Mr. Beer indicated that CVS would
58 like a signal in that location either at the main entrance or on the intersection, to help traffic going in and out. They

1 will be moving part of the strip mall and the current traffic warrants a traffic signal. Because of the way the law is
 2 written however, it does not necessitate a traffic light. CVS is trying to convince DOT it is necessary. If there is a
 3 light, and traffic backs up toward the oval, Selectman Daniels said it can't get out of the condos and Tonella Road;
 4 he sees a traffic nightmare heading toward the oval. Bill Parker said that came up at the Planning Board meeting
 5 and it would all be timed so there are no blockages; it needs further evaluation. Further, Selectman Daniels said
 6 anyone coming out of Tonella Road or Edgewood Plaza will not be able to get out because it will be backed up.

7 Mr. Beer said the traffic light has not been designed yet but as part of the design, it would include a left
 8 turn lane for west bound traffic. The traffic engineer will address that with the timing. The traffic engineer would
 9 need to work that out. Until there is a consensus that a light can be put there, they are not willing to do all of the
 10 traffic engineering. Chairman Fougere feels a light would improve things, but if you want more information, we
 11 can table this for tonight; he just wanted to start the discussion now. Selectman Putnam is okay with talking to DOT
 12 about putting a light in. Selectman Daniels feels he would like to know a little more about how it will work; because
 13 once we agree to put a light in, the State will take it over. Chairman Fougere said there is criteria involved in getting
 14 a traffic light and this does not meet that criteria; even if it is a town road, signals have to meet the requirements.
 15 Selectman Daniels asked if a waiver is being sought? Bill Parker said this is just the early stages of saying that is
 16 possible. Selectman Daniels asked who determines that? Bill Parker said DOT does. Vice Chairman Federico
 17 wants to know more but supports looking at it; this has been a topic for years but Vice Chairman Federico wants to
 18 know what it will do to the traffic pattern. Bill Parker said they will ask for all the traffic information to determine if
 19 it is necessary. Chairman Fougere added that they will want current traffic counts. Selectman Daniels asked if the
 20 Traffic Safety Commission (TSC) can help with anything on this? Bill Parker is not sure the TSC can add anything
 21 at this point.

22
 23 **4. DECISIONS.**

24 a) **CONSENT CALENDAR.** Chairman Fougere asked if there were any items to be removed from the
 25 Consent Calendar for discussion. There were no items removed from the Consent Calendar for discussion. Chair-
 26 man Fougere read the Consent Calendar items for the benefit of those watching the PEG Access live broadcast.
 27 Selectman Putnam moved to approve the Consent Calendar as presented. Selectman Bauer seconded. All were in
 28 favor. Motion passed 5/0.

- 29
 30 1) **Request for Acceptance of NH RSA (31:95(b) Unanticipated Funds.** The request for approval of
 31 unanticipated funds in accordance with RSA 31:95(b) was approved as follows:

<u>Source</u>	<u>Amount</u>	<u>Purpose</u>
Milford Recreation Dept.	\$ 16.00	Brick fundraiser to be used for the Keyes Pavilion Special Purpose Fund.

- 32
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 34
 35
 36 2) **Request for Approval of Application for Reimbursement to Towns and Cities in Which Federal
 37 and State Forest Land is Situated.** This application was approved for the fire tower land.
 38 3) **Request to Decline use of PA-28 Inventory of Taxable Property Form for 2016.** The approval of
 39 the non-use of PA-28 was approved by the Board.
 40

41 b) **OTHER DECISIONS.**

42 1) **Review and Approval of Change to Policy Regarding Employment of Relatives, Domestic Partners
 43 and/or Significant Others.** Karen Blow, Human Resources Director, presented the amended policy for approval.
 44 Chairman Fougere thanked Karen for this revision. Ms. Blow asked what the effective date of the policy will be?
 45 Chairman Fougere answered as of tonight. Selectman Putnam moved to adopt the revised policy. Selectman Bauer
 46 seconded. All were in favor. Motion passed 5/0.

47 2) **Keyes Field Concessions.** Chairman Fougere indicated that Milford Improvement Team (MIT) will be
 48 taking over the concessions at Keyes Field for 2015. Arene Berry, Recreation Director, explained that because no
 49 bids were received for the 2014 concessions, the Recreation Commission opened the concessions in 2014 on the
 50 special occasions (Rotary Swim Meet, 4th of July), but it was extremely limited. An agreement was provided for the
 51 Board to review and it will now be open 7 days a week. Selectman Daniels asked about MIT being a business own-
 52 er, as an independent contractor, and noted they must follow the laws. They would be designated as an employee
 53 unless they are an independent contractor. Ms. Berry explained the agreement states they are a non-profit. Mark
 54 Bender indicated the agreement may have to be re-worded. Ms. Berry used the same agreement/language as has
 55 been used in the past. Vice Chairman Federico suggested having the town attorney take a look at the agreement; he
 56 reads the agreement differently than Selectman Daniels. Selectman Daniels said MIT acts on behalf of the town for
 57 Pumpkin Festival, but if something happens, it would come back on the town's liability. The Department of Labor
 58 might have a problem with it if someone got hurt. Selectman Putnam suggested having LGC take a look at it. Se-

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lectman Daniels agreed. Chairman Fougere asked if Mark Bender could get that taken care of. A decision can be made at next week’s forum.

5. TOWN STATUS REPORT.

1) Linden Street Extension. Mark Bender talked with Dave Boucher and the Board of Commissioners does not have a problem with the discontinuation of Linden Street as long as the easements are protected. Bill Drescher did have those easements protected. It is not up to the Board of Selectmen, this must go to town meeting on a warrant or have the complainants prepare a petition warrant article. Selectman Putnam said the complainant should come in to see the Board. Chairman Fougere suggested having Charlie come in for the next agenda.

2) Bridge Update. The pedestrian bridge report will be done in about a week, there is nothing of immediate concern where emergency action would be required, so some boards will be replaced and then it will be re-opened. Jones and Jennison Road bridge contracts have been awarded. Waiting to see what DOT action is for Savage Road bridge.

3) Fletcher Paint – Aries Role. Mark Bender met with DES, GE, and EPA to talk about the next steps. A report was received from GE and is quite lengthy. Aries Engineering correspondence was also received as they were involved with the town since the beginning and are willing to be involved for about \$8,000. The town has paid them over \$250,000 over the years. They have assisted in this process and we are now in the late stages. GE is being monitored by the EPA and the actions to correct this will pretty much be in place. Mark Bender asked if the town wants to keep Aries in place? Selectman Putnam thinks it is a necessary evil to keep them involved. Chairman Fougere agreed, stating this is very complicated. Selectman Daniels asked if the \$8,000 will be the end of it? Mark Bender does not think this will be the end. Chairman Fougere wants to get updates, to which Selectman Putnam concurred. Vice Chairman Federico also agreed to keep Aries involved.

4) Pipeline Update. Mark Bender said there is a tentative FERC scoping meeting scheduled for July 30, 2015 at the Milford Town Hall auditorium at 6 p.m. to 11 p.m. This is a public meeting when people can come in to ask questions; it is a scoping meeting and it may be one of a few held in NH. Chairman Fougere asked all members to be sure to read the pipeline report that was delivered by the Task Force.

6. DISCUSSIONS

1) Review of Board of Selectmen’s Goals and Objectives 2015. This will be reviewed at the next regular Board of Selectmen meeting.

7. SELECTMEN’S REPORTS/DISCUSSIONS.

- a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.**
- b) **OTHER ITEMS (that are not on the agenda).**

8. APPROVAL OF FINAL MINUTES. Selectman Putnam moved to approve the minutes of May 26, 2015 as presented. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0.

9. INFORMATION ITEMS REQUIRING NO DECISIONS.

10. NOTICES. Notices were read by Chairman Fougere.

11. NON-PUBLIC SESSION. There was no non-public session at the end of the Board meeting tonight.

12. ADJOURNMENT: There being no further business to come before this meeting, Selectman Putnam moved to adjourn at 7:20 p.m. Selectman Daniels seconded. All were in favor. Motion passed 5/0.

Mark Fougere, Chairman

Kevin Federico, Vice Chairman

Gary Daniels, Member

Katherine Bauer, Member

Mike Putnam, Member