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APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
July 27, 2015

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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

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

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INSTRUCTIONS: Chairman Fougere 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 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. The videographer indicated that there was a problem with the connection and the meeting would be recorded but not broadcast live tonight.

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2. APPOINTMENTS:

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5:30 p.m. – Assessing Evaluation Discussion. Town Assessor Marti Noel indicated she has reviewed the revaluation bids which were opened July 10, 2015, there were two responses. After comparing the bids, which were close, she would recommend using KRT. Both companies are good but the town has been working with KRT since the last reval. The town has had a good relationship with them and they have been very responsive. Ms. Noel recommends using KRT although the bid was slightly higher. Selectman Putnam moved to go with KRT because of the good relationship with them. Vice Chairman Federico seconded. Chairman Fougere is okay with that and asked about Vision and their internet presence. Can the public still access the Vision information? Ms. Noel said they can and they will be able to continue accessing that information. What is on the Vision site for values will remain. Selectman Putnam asked about the person that owns homes and rents them out in Milford, will they be notified when access to the home is needed? Ms. Noel said that a reminder is sent for any new assessments. Selectman Putnam asked if the home owner will be notified of the visit. Ms. Noel said that is for the cyclical review, it is totally separate from the reval. The physical review is done every year. All were in favor of the motion. Motion passed 5/0.

6:00 p.m. – First Public Hearing for the Boundary Line Agreement between Thomas H. Lorden and the Town of Milford. Chairman Fougere opened the public hearing at 6:00 p.m. Attorney Bill Drescher and Water Utilities Director Dave Boucher were in attendance for this discussion. The Water Utilities is asking the Board of Selectmen to entertain a boundary line agreement establishing the yellow line between the Lorden property and the town property on the right of the plan provided to members. Tonight we are here to talk about the exploration done by Water Utilities; they have found a potential well location and need to test it. The property is made up of two lots owned by Tom Lorden which holds promise for an extra supply of water for Milford. The agreement is that Tom will let the Town of Milford go on the property for the exploration and if it is successful, we would enter into an agreement with him. In order to go on the property, Tom Lorden has to give the town a license. Attorney Tom Quinn did the title work for the two properties for Tom Lorden, which showed that one property was fine but the other was not. A survey is required and they found they are sure of the boundaries of three sides but no one is really sure of where the east boundary is. The deed description was that the boundary starts and goes back to the flood area. The town always assumed the town owned the pond (Osgood) but we wanted to define that property line so that we could get on with the drilling after getting the license. In talking with Mr. Kokko, the other abutter, and Tom Lorden, they have agreed to the proposed lot line. The town must go through the process of what is done to define the property boundary, which requires two public hearings, which tonight is the first. Last Tuesday, the Planning Board and Conservation Commission were in unanimous agreement. They are all comfortable with it; one issue is if the town is giving up any land. This can only be done when you cannot figure out where the lot line is.

Attorney Drescher said this is a good solution and this is for the Water Utilities project. This is the first of two hearings; another one is in two weeks. You cannot make a decision until 7-14 business days after the second public hearing. William Drescher asked if there were questions.

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1 Chairman Fougere said that the Water Commissioners, Bob Courage, Dale White and Mike Putnam are also in at-
2 tendance for this discussion and want to get this taken care of.

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4 Suzanne Fournier, Brox Environmental Citizens Group asked where the Water Department would perform the ex-
5 ploration, where will the tests be conducted. Selectman Putnam said the Water Commissioners have not made that
6 decision yet, since they need to get permission to get on the property first. The Commissioners are waiting to get on
7 the property before anything is done and because of the lot line mystery, we have not gotten there yet. Ms. Fournier
8 asked if it could be on either property. Are you willing to cross the marsh? Commissioner White said they will not
9 be doing exploration drilling or digging in the wetlands. That will be done on higher ground. Attorney Drescher
10 added that the access will be from the lot that goes under the highway. Part of the agreement is from the company
11 that has the easement; they will give the town license to cross for the exploration and will give the town an easement
12 if it is successful. Chairman Fougere said they will access the lot from Perry Road. Ms. Fournier asked why the
13 town doesn't buy the lot; it is only a small lot. Selectman Putnam responded that the town does not want the lot
14 unless there is water there. Chairman Fougere said if there is water there, we will pay fair market value for the land.
15 Right now, the town is looking for water. Ms. Fournier said the lot is in current use, but if the town cannot buy the
16 parcel, why would we let it expand? Attorney Drescher commented that Dave Boucher and Dale White attended
17 meetings with the surveyor and this is what came from that. Chairman Fougere said the Board does not know where
18 the line is, all the deeds were looked at and a surveyor looked at it and this is the best we can do. Attorney Drescher
19 said when doing a boundary line agreement, you have two known points, that line does identify boundaries that are
20 known. Ms. Fournier said just because they are there does not mean they are right. Ms. Fournier asked if it can be
21 surveyed again to better locate the two pins. Ms. Fournier asked if the town could look at having it surveyed.

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23 Chairman Fougere said Ms. Fournier was making a statement that the town is losing land with this. Ms. Fournier
24 said her information is based on the assessing records that are the best records we have. Someone will gain and
25 someone will lose land, the town should know how much land is in dispute here. Selectman Putnam is confident in
26 the surveyors that went out there, the history is so long and it would be a waste of money to survey it again. There
27 won't be a loss of land. Ms. Fournier said we might want to spend a little money up front but spend less in the fu-
28 ture. Ms. Fournier asked if a surveyor could set pins so that it is a better boundary. Attorney Drescher said anything
29 can be done, but the boundaries are located, they are there except for one. If the deed says a number of acres, that is
30 part of the description and is the least likely description of what you are getting, the acreage numbers in the deeds
31 are not something that anyone can rely on. Attorney Quinn said the acreage does not matter because in order to de-
32 termine the acreage you need the boundaries. We only know three of the boundaries, any statements of acreage are
33 just a guess. The town could not spend enough money to determine the boundaries. We cannot even find a deed. A
34 surveyor will not find anything better than what we have here. The actual boundaries cannot be found on the
35 ground. The boundary is undetermined. Ms. Fournier said if we expand the Tom Lorden lot and then buy the land,
36 would we be buying back what we own at this time? Chairman Fougere said we do not know what we own.

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38 Ms. Fournier replied that we know what is assessed. Attorney Drescher said nobody really knows the acreage, the
39 acreage in Assessing is just a number, when we finish this exercise, it will be as close to accurate as it gets. It is a
40 fallacy to state anyone is getting or giving up any land because we cannot determine where the boundary is. Ms.
41 Fournier appreciates this discussion and the water test for additional sources of water. There were no further ques-
42 tions. The public hearing was closed; the next public hearing will be in two weeks.

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44 **6:15 p.m. – EPA Savage Superfund Update.** Richard Hull, EPA Project Manager of the Savage Superfund site,
45 indicated they are currently looking at a change in the remedy and that is why he and Robin Mongeon, NH DES, are
46 here tonight. This Superfund site is located along Elm Street about two miles west of the center of town and is bro-
47 ken into two sections, OU-1 and OU-2. OU-1 has some challenges; OU-2 has had a successful remedy and is meet-
48 ing the cleanup goals and it still operating. The remedy of OU-1 is not doing a great job of taking out contamination
49 that migrates into the aquifer, not bedrock. One thing that triggered interest is the homes on North River Road. We
50 wanted to make sure the aquifer was not pulling contamination toward the wells. There was no contamination in the
51 overburden of the wells, but there is contamination of the bedrock. Deep bedrock wells (16) were put in there.
52 There has been testing of the wells along North River Road and no contamination was found. Residential wells are
53 clean so we then focused on the bedrock wells. Robin Mongeon said the bedrock was only just recently looked at
54 and found that it is still contaminated; we know what kind of problem we have. Richard Hull said the bedrock frac-
55 tures are pretty tight. We have remedies in place that contain contamination. OU-1 is not up to the extracting level
56 of contamination. We are looking at a number of alternatives and looking to define the site into two sectors for OU-
57 1. The levels of OU-2 do not rise to the level to change that remedy. We feel to change the OU-1 remedy might
58 eliminate further migration. Robin Mongeon said they want to contain the contamination in the slurry area. Chair-

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1 man Fougere said that is a huge job. Mark Bender asked if that is within the fenced area. Richard Hull responded
2 that it is; hydraulic containment can be used to pump contaminants from the bedrock. This would require putting a
3 pump into bedrock to contain it from migrating off site. Richard Hull said maybe three wells would be required; the
4 primary goal is to keep it from migrating. Another option is insitu containment. ICRS or ISCO would be estab-
5 lished with inspection wells in highly contaminated areas to treat contamination along the outer boundary. Another
6 option is thermal treatment. Elements would be inserted into the bedrock to treat on-site. The range of treatment is
7 \$7 million to \$80 million based on a 30-year evaluation of implementing the remedies. Thermal treatment is the
8 highest cost in order to fully implement it over 30 years. We have determined that all have timeframes of hundreds
9 of years. At that point, it still may not meet the 5 mg per liter requirement. It may never meet the requirement;
10 some of these areas may have a waiver applied and we will still try to control the migration but the cleanup may
11 never meet it. We went down 500 feet, since some wells are that deep. Selectman Putnam indicated that does not
12 make sense to just go down 500 feet since some wells are 1500 feet down. Richard Hull said that is where we are
13 now and we will now recommend an alternative. After that, there will be a thirty day public comment period.
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15 Once the announcement is done, we will go into the design phase and evaluation if we choose one option to go with.
16 Richard Hull indicated the plume extends two miles to the east. Part of the remedy will include controls which will
17 be within the perimeter of OU-1 and up the river. Chairman Fougere said someday Milford might get that aquifer
18 returned since it was providing a lot of water. Chairman Fougere asked for questions from the Board. He stated he
19 appreciates them coming to visit with the Board with this update. Another update will occur next Monday in this
20 same room.
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22 Steve Tromblay, resident, asked if he could look at the maps and asked where the garage was and if it was being
23 dumped outside of the slurry wall to the west. Robin Mongeon responded they would be testing outside of the ring
24 and there is no data showing contamination outside of that area. Mr. Tromblay was involved in the cleanup of that
25 side when it originally started and asked if aeration is a treatment method. Robin Mongeon responded that is what is
26 being done now. Mr. Tromblay commented this cleanup has been going on for 25 years, Hitchiner has a waterfall
27 area that aerates the water and it might be because of the contamination, so could we have been running some water
28 in the area to get the contamination out of the water? Richard Hull added that aeration is being done now, a water-
29 fall type aeration actually releases the contaminants into the atmosphere which we should not do. It can be as dan-
30 gerous in the air as in the water. Mr. Tromblay asked what the liability of the landowner is where the test wells are.
31 Richard Hull said the superfund site has those test wells, they are subject to controls we have on-site. If there were
32 soil contamination there might be deed restrictions.
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34 **3. PUBLIC COMMENTS.** Suzanne Fournier, Brox Environmental Citizens Group, stated people are not just go-
35 ing to stand around while the Board of Selectmen railroads the town, selling 93 acres of land in the center of the
36 Brox site. The development of these areas would negatively impact Heron Pond and the endangered and thriving
37 species that have lived around the property and would be impacted by the sale. The right thing would be to discuss
38 the sale with town Boards and the Conservation Commission, and hold town hearings so that they could have a say
39 about what happens to their public land. There were public hearings in previous years when there were proposed
40 sales, why not now? Will Milford become the town that sells the land that protects these species? The plans should
41 be brought to the public so that they can have a clear view of the impact and let people have a chance to speak in a
42 forum. Ms. Fournier asked if there were questions.
43

44 Chairman Fougere commented that the public has been involved since the inception back in the year 2000, there has
45 been planning going back to that time, we have a very detailed plan that you are aware of Ms. Fournier. The Indus-
46 trial land has been zoned as such for the last 40 years. It has been planned to be developed, the voters have given
47 the Board of Selectmen permission to sell the property. At that time, it was overwhelmingly passed at town vote.
48 The Board is aware of the statutes and has consulted with the town attorney on that. We are not trying to railroad
49 anybody and we have been up front and have been in negotiations since the fall in non-public session, which is fully
50 allowed by state statute. We are not trying to bamboozle anybody. When you negotiate in non-public session, it
51 must stay non-public. Ms. Fournier said the Board has kept things in the dark until now, where is the full plan of
52 what is expected on that land? Only a land sale deal has become public. The larger plan and the impacts of the
53 property have not emerged. This is 2015 and this land had twenty years to come back to have endangered species
54 on it. The Natural Resources Inventory had wonderful things on that property. Ms. Fournier thanked the Board,
55 having nothing further to add.
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57 **4. DECISIONS.**

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1 a) **CONSENT CALENDAR.** Chairman Fougere asked if there were any items to be removed from the
2 Consent Calendar for discussion. Selectman Daniels had removed item 4a4 from the Consent Calendar during the
3 5:30 p.m. appointment for discussion. Chairman Fougere read the Consent Calendar item for the benefit of those
4 watching the PEG Access live broadcast.
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6 1) **Request for Partial Release of Securities: Harvest Lane Subdivision – Map 39, Lot 66-1.** Select-
7 man Daniels removed this item for discussion. Chairman Fougere received an email a few minutes
8 ago from a resident on this road and she has a concern with the drainage of the road. She is concerned
9 about tonight’s release of the bond for \$16,401. Chairman Fougere spoke with Bill Parker about this
10 but would like to get staff input and then the Board can consider it again in two weeks. Selectman
11 Putnam moved to table this for two weeks for further information. Chairman Fougere will have Mark
12 Bender talk to Bill Parker and to Ms. McDonald. Chairman Fougere will also send the e-mail to other
13 Board members. Chairman Fougere noted that Bill Parker did not seem concerned if it was tabled for
14 two weeks. The email literally just came in today at 4 p.m. Selectman Daniels asked if there is a prob-
15 lem with drainage up there, and if so, the staff should be aware of it. Mark Bender said he will find out
16 if there is an issue and notify all members. Vice Chairman Federico seconded. All were in favor. Mo-
17 tion passed 5/0.
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19 b) **OTHER DECISIONS.**
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21 5. **TOWN STATUS REPORT.**

22 1) **Scoping Meeting and Pipeline Task Force Update.** Mark Bender explained the FERC Scoping Meeting
23 will be held in the Town Hall Auditorium on July 30, at 6 p.m. The scoping format is a brief presentation by
24 FERC followed by comments from elected officials and then public comments. The Task Force encourages the
25 Board of Selectmen to attend this meeting. The Task Force reviewed the Kinder Morgan options presented to
26 Amherst. One of the routes impacts Milford and they wanted to have a discussion about the overall impact to
27 Milford. The analysis showed that it would add two miles of pipe going through Milford. The number of prop-
28 erty impacted, and the number of residents impacted would be about the same as the proposed route but some of
29 the properties are larger. It would impact some apartment complexes and some commercial properties. The
30 Task Force feels Milford should not take action on any alternate routes at this time. Chairman Fougere asked if
31 the Task Force will make a statement or does the Board of Selectmen want to make a statement to FERC? Se-
32 lectman Putnam said the Board of Selectmen already sent correspondence to let them know our position. Mark
33 Bender thinks the Board of Selectmen should make a public statement as well. That is the consensus of the
34 Task Force. The Task Force and the Town Administrator will make statements. Vice Chairman Federico
35 agreed the Board should make a statement as the Board of Selectmen. Chairman Fougere will get together with
36 Mark Bender and come up with a statement. This is the chance to make a public statement to a Federal Agency,
37 we can also address our concerns at the State level. This is the time to make the comments. It starts at 6 p.m.
38 on Thursday, July 30 in the Town Hall auditorium. People can sign up to make comments starting at 5 p.m.
39 Depending on the number of people signed up for comments, there could be a time limit on the comments.

40 2) **Paving Update.** Mark Bender indicated there are four paving projects in the next 2-3 weeks. Advanced
41 Paving will pave Nashua Street (from Clinton Street to Powers Street) and down by St. Joseph’s. All State As-
42 phalt will do chip & seal by Jennison Road and Armory Road. All of the projects will be completed in 2-3
43 weeks. Jennison Road will be north of the bridge.

44 3) **South Street Discussion.** Mark Bender and Bill Parker met with the Department of Transportation (DOT)
45 last week and discussed the poor results of the bid; it will be re-bid and will not be broken into two projects. It
46 was agreed to re-bid it in October and we should see more bidders. Cutting and patching will begin along South
47 Street this week to improve the road surface from TD Bank to the RR tracks. Vice Chairman Federico asked if
48 there was really only one bid. Mark Bender said that is correct and it was double the cost. Chairman Fougere
49 said that is happening around the state. Mr. Bender said contractors have gotten much busier and are booked
50 up. Chairman Fougere likes the idea of doing something soon, since South Street is in bad shape. Selectman
51 Putnam said we should think about maybe moving the telephone pole around the corner and not do the under-
52 ground utilities in that section. Selectman Putnam does not know if that is possible, but we should look at it.
53 Chairman Fougere said we can look at that but it has to get done. Selectman Putnam asked how much is having
54 underground utilities really worth? Chairman Fougere said it is also the widening of the road, so we would
55 have to look at what we would be losing.

56 4) **Osgood Pond Status.** Mr. Bender explained that Dave Wheeler is still raising funds for this project, trying
57 to reach matching funds for the \$150,000 LWCF Grant. Right now we have about \$56,000 in the Capital Re-
58 serve Fund. Fish and Game has awarded \$50,000 to the town and we received \$13,000 from the Marchesi Fund

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1 and the Recreation Commission has earmarked another \$5,000 so we are at \$124,000. We are in good shape
2 and Mr. Wheeler continues to work on fundraising.

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4 **6. DISCUSSIONS**

5 **1) Review of Board of Selectmen’s Goals and Objectives 2015.** Nothing new on this.
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7 **7. SELECTMEN’S REPORTS/DISCUSSIONS.**

8 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Bauer
9 indicated Milford Improvement Team (MIT) is starting to get things together for the Pumpkin Festival.

10 **b) OTHER ITEMS (that are not on the agenda).** Chairman Fougere thanked Jodie Levandowski, Town
11 Planner, for her years of service to the town for the past 3-4 years and who has accepted a position in Manchester.
12 Milford is looking for a Community Development Planner and thanked Jodie for her dedicated service and wished
13 her the best. Chairman Fougere is working with the Town Administrator on the bricks surrounding the oval, and
14 through the entire square; it seems some of the bricks are twenty years old and some are breaking and becoming a
15 hazard. Mark Bender indicated the brick work on the oval itself would cost \$17,635 to replace, including the foun-
16 dation. The bricks would be placed in the same order. The price to re-work some of the granite in-lays on the oval
17 would cost between \$990 and \$1,800. A quote was received for the WWII Memorial bricks, which would cost
18 \$1,950 and the bricks around the sidewalks, to be pulled up and replaced would cost \$17,160. All of the brick re-
19 placement could be done for \$37,735. That is not in the budget for this year. Selectman Putnam said we should not
20 do that this year, Milford has a default budget, we have to do the Fire Station wall and there are other items that have
21 come up. Chairman Fougere suggested the Board send out requests to the Keyes and Kaley funds and maybe MIDC
22 to see if there are any funds available for the downtown effort and see what they might have. Vice Chairman Fed-
23 erico asked what is being done for the bricks that are a tripping hazard? Mr. Bender said they are replacing them as
24 they can, some are patched; but to do them properly you have to tear out the entire brick and replace it.

25 Selectman Daniels mentioned some of the town road lines are being painted, asking why are double yellow
26 lines being painted on rural roads? Mark Bender said he can look into that.
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28 **8. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes of June 22, 2015 as
29 amended. Selectman Bauer seconded. All were in favor. Motion passed 5/0. Selectman Putnam moved to approve
30 the minutes of June 29, 2015 as presented. Selectman Daniels seconded. All were in favor. Motion passed 5/0.
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32 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**

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34 **10. NOTICES.** Notices were read by Chairman Fougere.
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36 **11. NON-PUBLIC SESSION.** Selectman Putnam moved to enter into non-public session at 7:50 p.m. for a
37 personnel and a reputation discussion. Selectman Bauer seconded. All were in favor. Selectman Daniels moved to
38 unseal the non-public minutes of June 22 and June 29, 2015 for review. Vice Chairman Federico seconded. All
39 were in favor. Vice Chairman Federico moved to approve the non-public minutes of June 22 and June 29, 2015 as
40 amended. Selectman Daniels seconded. All were in favor. Motion passed 5/0. Selectman Bauer moved to reseal
41 the non-public minutes of June 22 and June 29, 2015. Vice Chairman Federico seconded. All were in favor. Mo-
42 tion passed 5/0. After discussion, Chairman Fougere announced the Board discussed a personnel and a reputation
43 issue and made five decisions.
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45 **12. ADJOURNMENT:** There being no further business to come before this meeting, Selectman Putnam moved to
46 adjourn at 8:15 p.m. Selectman Daniels seconded. All were in favor. Motion passed 5/0.
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50 Mark Fougere, Chairman

Kevin Federico, Vice Chairman

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53 Gary Daniels, Member

Katherine Bauer, Member

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56 Mike Putnam, Member
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