

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
August 10, 2015

PRESENT: 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
Mitchell Hemmer, Videographer

EXCUSED: Mark Fougere, Chairman

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

INSTRUCTIONS: In the absence of Chairman Fougere, Vice Chairman Federico called the public meeting to order at 5:30 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. Vice Chairman Federico 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.

2. APPOINTMENTS:

5:30 p.m. – Library – Departmental Update. Library Director Michelle Sampson, and Library Trustees Chris Costantino and Kim Paul were in attendance for this update. The last update was provided in January 2015 when the focus was on the library building project; tonight the statistical information will be the focus, which indicates the Wadleigh Library has double the state’s average of checkouts. 60% of the meeting room reservations are for “quiet time” space. The Library building project was presented to voters in March and failed, however, another attempt will be made in 2016; this project has been further studied by five different committees and has been brought forward to the CIP committee a total of ten times. The Trustees have contracted with the architectural firms that presented twelve building concepts. The plan was brought to the CIP and plan number 4 was brought to the voters; this plan was voted down but did receive 43% of voter support. The plan is the least expensive of the options and is the most creative use of available space and will bring Milford to the state average per capita. 2016 is the year for this project and Ms. Sampson hopes to have it on the ballot in March 2016. The architect has a guaranteed maximum price of \$6.2 million. In terms of relevancy, the Milford Library is still relevant, in the first six months of 2015, there was an average of 10,000 visits per month and over 20,000 items were checked out each month. Additional websites have also been provided for reference materials.

Selectman Putnam asked about the meeting room reservations and if some of those can be spread out among other meeting areas in town buildings? Ms. Sampson responded that some of those reservations are for cub scouts or girl scouts, political meetings, local functions or groups. Selectman Putnam asked if the other meeting rooms could be used? Ms. Sampson answered that they try to do some of that, but sometimes no other rooms are available. Selectman Daniels asked how many library cards are issued to town residents. Ms. Sampson responded there are 11,000 library cards issued to town residents but she did not bring that information tonight and can provide that tomorrow. There are also out of town users that pay a small fee for a card at the Milford Library. Selectman Bauer stated she uses the library a lot and there is no doubt the library is very busy. All members thanked Ms. Sampson for the presentation.

5:45 p.m. – Request from Vendor for use of Town Owned Land. Cindy McCreery requested Board permission to sell snack mix on town property at various locations. Vice Chairman Federico read the request and mentioned there are several locations she has identified, including one location which is private property. He has some questions regarding the times of sales and what days of the week, noting the request is a little confusing and it does not identify if it is for profit or the money is being raised for a non-profit. Ms. McCreery said that she does have a homestead license because she makes the product in her home. She would like to try to sell it at Keyes Field and some events and at some point be able to give back to the community. Selectman Daniels asked how many people work for her. Ms. McCreery said it is just her. Selectman Daniels asked if she might be in different locations each day. Ms. McCreery said she will have a tent with a table at the various locations and her vehicle which she uses to

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1 transport the product; the only thing she needs is some shade. The product is bagged and tagged with ingredients as
2 well.

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4 Vice Chairman Federico is not sure of the precedents and if a hawkers & peddlers license is required, as well as the
5 times and dates of sales, whether it is for profit or non-profit; these are questions he would like answered. Select-
6 man Putnam indicated the town has Phil's BBQ selling on town property, that is for profit, but he pays the town
7 rent. There have been requests for hot dog stands on town property such as at Shepard's Park but that did not work
8 out. Selectman Putnam noted the Board has allowed other vendors to sell for single events but nothing in various
9 locations. Selectman Putnam asked what the criteria would be for the location? Ms. McCreery would like to sell
10 between 10 a.m. and 2 p.m. at Keyes field and also offer water and juice. Vice Chairman Federico indicated there is
11 a concession stand at Keyes and MCAA already. Selectman Putnam does not think we should stop competition; he
12 wants to know about the liability and if she carries the necessary liability insurance. Ms. McCreery answered that
13 she does have insurance. Selectman Putnam suggested having the Town Administrator look into the questions the
14 Board has asked and the Board can talk about it again at the next meeting. Selectman Daniels asked if the Rail Trail
15 is on town property or private property? He thought it was private property; we need to look at the various locations
16 and see if they are in fact town property and then go from there. If we allow one vendor on town property, will oth-
17 ers show up? Ms. McCreery asked if there are other locations that this could product could be sold? Could she sell
18 along Route 13?
19

20 Selectman Daniels answered that should be looked at by the applicant, maybe sell it at different events. Vice
21 Chairman Federico suggested this be tabled to get these questions answered before moving forward with any other
22 ideas. Selectman Bauer indicated the next meeting is not for another two weeks, is that alright with the applicant?
23 Ms. McCreery just wanted to take advantage of August and September, so that is not a problem. Selectman Daniels
24 moved to table this to the next Board meeting on August 24. Selectman Putnam seconded. All were in favor. Mo-
25 tion passed 4/0.
26

27 **6:00 p.m. – Second Public Hearing for the Boundary Line Agreement between Thomas H. Lorden and the**
28 **Town of Milford.** Vice Chairman Federico opened the public hearing at 6:00 p.m. Attorney Bill Drescher and At-
29 torney Tom Quinn were in attendance for this second public hearing. Attorney Drescher indicated he presented the
30 whole story at the first public hearing and provided a summary of the proposal, indicating he is here on behalf of the
31 Water Utilities Department who is interested in acquiring land that has shown potential for a water source to sup-
32 plement the town's existing water supply. The Water Commissioners have met with Tom Lorden, identified the
33 request on maps and the first public hearing has been held. We have entered into discussions to allow exploration
34 on two lots owned by Mr. Lorden to determine if it will be successful as a water source. A title search was neces-
35 sary; the town is not buying the property yet, just trying to determine the extent of water supply. In order to do that,
36 the town does not want to be on someone else's land. Attorney Tom Quinn did the title search and found there was
37 an issue with one of the tracts and questions about the notice provided in earlier transfers with the tax deeds. Tom
38 Lorden has agreed to go forward to get that taken care of, when the two deeds were looked at, the eastern boundary
39 was incapable of being located. The line is not discernable. The description on the other western line is not accu-
40 rately described. In order to go to court for this, we must identify that one of the lines is in doubt. A line agreement
41 was provided which would establish the boundary. That agreement, because it will have to be signed by the Board
42 of Selectmen, must introduce an agreement to buy or sell land for the town so that it can be recorded. Once that is
43 done, the town can go drill and see if there is adequate quantities of good, quality water. Bill Drescher asked if there
44 were questions from the Board. There were none. Vice Chairman Federico asked for questions from the public.
45

46 Suzanne Fournier, Brox Environmental Citizens Group, asked for changes to where that line is being drawn in order
47 to protect the town's access. Ms. Fournier made measurements using the town GIS system; there was 15 acres men-
48 tioned on a document. Another document also mentioned 22 acres. The 19.9 acres is what is currently on the GIS
49 system. Ms. Fournier understands it does not equate to what is on the ground but the line is being moved. 24.2
50 acres is the tax assessor's tax measurement. Where the line is drawn now favors Mr. Lorden, with 27.9 acres. That
51 line needs to be pulled back. Ms. Fournier had the maps available for people to look at. The deed of the lot at 117
52 Mason Road was pulled in 2011 and in that deed it states in 1991 it includes the northeastern corner. There is an
53 existing pin. We want to be fair to the town and fair to Mr. Lordon. Because it is walkable land, a surveyor could
54 go out and set a pin. You can end up with 24.2 acres if you put it in the upland and preserve the upstream and wet-
55 land and keep it in town ownership. This would be much fairer to the town. Vice Chairman Federico asked for fur-
56 ther questions or comments. Ms. Fournier provided copies of the drawings that you are requesting to be drawn.
57 There were no further public comments.
58

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1 Bill Drescher indicated all reference to acreage and deeds are clearly not reliable numbers, which is why this bound-
2 ary line agreement must be reached because most of it is wetland and has never been properly surveyed. The num-
3 bers come from the basis that we should keep it at a certain acreage. The property is in current use, but the acreage
4 has never been accurately determined until we agree on a boundary line. The property is walkable but you will find
5 that a pin may or may not be the high water mark; it was established 50-100 years ago. This is an attempt to get a
6 boundary line we can agree to in order to move forward. Mr. Lorden agrees with Bill Drescher and any talk about
7 losing property assumes one property is getting larger and one is getting smaller, but we are not moving land from
8 one owner to another. Selectman Putnam said we have had a professional surveyor do this, and he wants to go with
9 their expertise. We need to get this moving. Vice Chairman Federico closed the public hearing at 6:13 p.m. and
10 noted we are talking about making this decision to the next meeting August 24, but the Board will be having the
11 vote at that particular meeting. Vice Chairman Federico said we were talking about taking a meeting off in August
12 on the 24th, but we will plan to still have the meeting on that date.
13

14 **6:15 p.m. – Discontinuation of Linden Street Extension.** Attorney Prunier explained his clients (Mr. and Mrs.
15 Vanetti) have requested that the Linden Street Extension be discontinued which would require a Warrant Article and
16 town vote in March 2016; this has been discussed with Attorney Bill Drescher, so the decision for the Board of Se-
17 lectmen is whether the BOS wants to have a warrant article on the ballot. Attorney Prunier indicated last fall it was
18 found that a 1914 petition was done to add this extension and now the abutters want to get rid of it. It goes right
19 down the driveway. If the Vanettis try to sell their property, they must disclose this. Attorney Prunier requests the
20 BOS put a draft warrant article on the ballot, subject to the town rights on the property for access. They are trying to
21 clear up the title to this property. Vice Chairman Federico indicated that clears up his questions for this item regard-
22 ing water and sewer rights. Selectman Putnam said there is a storm drain down there, since 1953 and it is close to
23 the main line. Selectman Putnam moved to put this warrant article on the 2016 town ballot. Selectman Daniels se-
24 ceded for discussion. Selectman Daniels asked if the town votes to pass this, it would become a private driveway
25 for snow plow, etc. Mrs. Vanetti said that is what we have done for many years anyways. All were in favor of the
26 motion. Motion passed 4/0. Attorney Prunier noted that Town Administrator Mark Bender has been very helpful in
27 getting his going. Mrs. Vanetti asked if the Board will recommend this warrant article? Selectman Daniels thinks if
28 the Board were not going to support it, we would not have just passed it tonight.
29

30 **6:30 p.m. – Public Hearing for Acceptance of NH RSA (31:95(b)) Appropriation for Funds and/or Gifts over**
31 **\$10,000.** Vice Chairman Federico opened the public hearing at 6:40 p.m. for appropriation of funds and/or gifts
32 over \$10,000. Vice Chairman Federico asked for comments or questions. There were none. The public hearing
33 was closed at 6:42 p.m. Selectman Putnam moved to accept the funds and/or gifts over \$10,000 as follows, which
34 Selectman Daniels seconded. All were in favor. Motion passed 4/0.

<u>Amount/Value</u>	<u>Source</u>
\$10,000.00	Cellular Communications Tower Special Purpose fund; Monies from US Cellular for roof repairs at Milford Town Hall.
\$12,000.00	Donation of one Laerdal SimMan and SimBaby high fidelity training Manikins and associated accessories from Southern NH Health Systems To the Milford Ambulance Dept.

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42 **3. PUBLIC COMMENTS.** Suzanne Fournier, Brox Environmental Citizens Group, said she is here to talk about
43 the Brox issue, noting that fifteen years ago, at that time it was the intent to incorporate preservation and conserva-
44 tion on the Brox land and Article 3 in 2000 noted that. In the 1999 Master Plan, it is identified that the town would
45 work with conservation groups. Why is this BOS not working with these groups? The Milford Conservation Com-
46 mission Chairman came to the BOS meeting and asked if there was interest in this property and was told no. In July
47 2015, we were told there were negotiations going on, blindsiding everyone and yet the Board is supposed to be
48 working with conservation groups. Ms. Fournier thinks the conservation groups deserve better.
49

50 **4. DECISIONS.**

51 a) **CONSENT CALENDAR.** Vice Chairman Federico asked if there were any items to be removed from
52 the Consent Calendar for discussion. There were no items removed. Selectman Putnam moved to approve the Con-
53 sent Calendar as presented. Selectman Daniels seconded. All were in favor. Motion passed 4/0.
54

- 55 1) **Request for Partial Release of Securities: Harvest Lane Subdivision – Map 39, Lot 66-1.** The
56 Town Planner requested a partial release of securities for Harvest Lane subdivision, Map 39, Lot 66-1
57 in the amount of \$16,401.

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- 1 2) **Request for Acceptance of Agreement for Lease Between the Town of Milford and the Milford**
2 **Community Athletic Association (MCAA).** This agreement to lease fields to the Milford Communi-
3 ty Athletic Association was approved.
4

5 **b) OTHER DECISIONS.**

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7 **5. TOWN STATUS REPORT.**

8 **1) Budget Process.** Mark Bender indicated the budget process starts this week, and worksheets were sent to
9 Department Heads identifying what they want to discuss regarding staffing, capital items, etc. Mr. Bender is
10 trying to get a rough draft budget by the end of August and is meeting with the Budget Advisory Committee
11 (BAC) on Wednesday, 6:30 p.m. in the Banquet Hall. Selectman Daniels asked how soon a default budget can
12 be made available? Jack Sheehy, Finance Director, responded by asking how soon Gary would like it. Select-
13 man Daniels would like it at the beginning of the process. Mr. Sheehy said we do not have a lot of the numbers,
14 like health insurance is not available until about October. The basic numbers for this were items that are not
15 contracted but the bottom line will not be known until we have those numbers. Mr. Sheehy said they can get it
16 to the Board as early as next week, but health insurance is a big number and will make a difference. Selectman
17 Putnam said the Board should get it as soon as we can. As soon as those numbers are available, Mr. Sheehy
18 will get a default to the Board. Selectman Daniels said we have numbers that are known that will not change.
19 Mr. Sheehy can get it to the Board as soon as he can, but just know that it will change.
20

21 **2) Cooperation Amongst Towns.** The Board of Selectmen discussed with Mr. Bender the possibility of coop-
22 eration between towns; he met with the Town Administrator in Amherst regarding a Health Officer for Milford;
23 and he was receptive to that. Fire Chief Jack Kelly has also expressed interest in that position. There could be a
24 lot of opportunities for the towns to share resources, services, equipment and provide cost reductions to tax pay-
25 ers. We are looking for Board support to continue these discussions. It would be good for the Town Adminis-
26 trator to sit down and discuss some of these agreements. He would like to get this process started and would
27 like to talk to the Town Administrators in Mont Vernon, Hollis and Wilton. Selectman Putnam appreciates this
28 being looked at, but it could also be a slippery slope; problems have been encountered in these types of efforts
29 with personality conflicts. Selectman Putnam has seen a lot of damage done by trying to work like that, but he
30 has also seen some good coming out of it. Selectman Putnam advised approaching with caution.
31

32 **3) Other Items.** Mr. Bender stated that the Prospect Street water tower demo began today, the Green Bridge
33 demo will start at 7 a.m. on Tuesday this week; Mike McInerney will be there to record that demolition. Mr.
34 Bender indicated on July 27, 2015 the Board of Selectmen meeting was not broadcast or taped; we had a disc
35 drive failure. It is eight years old and a replacement is being looked at.
36

37 **6. DISCUSSIONS**

38 **1) Review of Board of Selectmen's Goals and Objectives 2015.** Nothing new on this.
39

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

41 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.**

42 **b) OTHER ITEMS (that are not on the agenda).** Mr. Bender indicated the Fox News Zip tour will be on
43 August 21, 6 a.m. to 10 a.m. in the oval (tentative).
44

45 **8. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes of July 13, 2015 as
46 presented. Selectman Daniels seconded. Selectman Daniels amended the minutes. Selectman Putnam moved to
47 approve the minutes of July 13, 2015 as amended. Selectman Daniels seconded. All were in favor. Motion passed
48 4/0.
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50 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**

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52 **10. NOTICES.** Notices were read by Vice Chairman Federico.
53

54 **11. NON-PUBLIC SESSION.** Selectman Putnam moved to enter into non-public session at
55 6:45 p.m. for approval of non-public minutes of July 13, 2015. Selectman Daniels seconded. All were in favor.
56 Motion passed 4/0. Selectman Daniels moved to un-seal the non-public minutes of July 13, 2015 for review. Vice
57 Chairman Federico seconded. All were in favor. Motion passed 4/0. Selectman Putnam moved to approve the non-
58 public minutes of July 13, 2015 as amended. Selectman Bauer seconded. All were in favor. Motion passed 4/0.

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1 Selectman Bauer moved to reseal the non-public minutes of July 13, 2015. Vice Chairman Federico seconded. All
2 were in favor. Motion passed 4/0.
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4 **12. ADJOURNMENT:** There being no further business to come before this meeting, Selectman Putnam moved to
5 adjourn at 6:52 p.m. Selectman Daniels seconded. All were in favor. Motion passed 4/0.
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Mark Fougere, Chairman

Kevin Federico, Vice Chairman

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Gary Daniels, Member

Katherine Bauer, Member

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Mike Putnam, Member