

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
April 25, 2016

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
Niko Giokas, Videographer

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

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. Chairman Fougere announced that in the 5:00 p.m. non-public session, the Board discussed a Personnel and a Reputation issue and reviewed non-public minutes of April 11, 2016. The Board made four decisions. Chairman Fougere also asked to correct the minutes of the last meeting where it was announced the Board did not make any decision in the non-public meeting, but in fact made one decision.

2. APPOINTMENTS:

5:00 p.m. – Non-Public Session (RSA 91-A:3, II (a & c) Personnel and Reputation. Selectman Putnam moved to enter into non-public session for Personnel and Reputation at 5:00 p.m. Selectman Daniels seconded. All were in favor. Motion passed 5/0. After discussion, Chairman Fougere announced that in non-public session the Board discussed a personnel issue and a reputation issue and made four decisions, the Board also approved one set of NPS minutes from April 11, 2016. Vice Chairman Federico moved to seal the minutes of the non-public session. Selectman Putnam seconded. All were in favor. Motion passed 5/0. Selectman Putnam moved to come out of non-public session at 5:25 p.m. Selectman Daniels seconded. All were in favor. Motion passed 5/0.

5:30 p.m. – Public Hearing NH RSA (31:95(b)) Appropriation for Funds over \$10,000. The public hearing was opened at 5:30 p.m. to accept the expenditure of unanticipated funds over \$10,000 under RSA 31:95-b. Chairman Fougere read the list of these funds:

<u>Amount</u>	<u>Purpose</u>
\$ 10,000.00	Keyes Park Expansion Project Special Purpose Fund; third installment of a 5-year \$50,000 grant from the Kaley Foundation, Bank of America, NA, Trustee for the Benefit of the Keyes Expansion Project to purchase land to add to recreation fields and future community center.
\$150,000.00	Federal Grant – National Park Service Dept. – Land & Water Conservation Fund Project #33-00702. Funding to restore Osgood Pond and develop boating and support Facilities at Adams Field Park (ends 12/31/18). Matching funds are required for a Total amount of \$150,000. Matching monies from the Milford Recreation Commission were accepted at the Board of Selectmen meeting held 2/22/16. The balance of the matching funds consist of monies from the Osgood Pond Capital Reserve, a Fish & Game Grant, the Marchesi Town Trust Fund and the Town General Fund 2015 Budget.

There were no comments. The public hearing was closed. Selectman Daniels moved to accept the listing of unanticipated funds. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0.

5:35 p.m. Review/Acceptance of Boat Registrations – Town Clerk. Joan Dargie, Town Clerk, indicated the Town of Milford has not done boat registrations for at least ten years, she is not sure why it stopped. Ms. Dargie would like to do them again; she has no idea how many there would be and has been told it requires Board of Selectmen approval. Chairman Fougere asked where customers were sent for boats and how much would the town receive. Ms. Dargie explained that she does not know how much revenue it would bring in, but she has been trying to find that out; noting it has been difficult to obtain this information; previously customers were sent to the Motor Vehicles to register boats, or to the Town of Amherst who will process them for Milford. Selectman Daniels asked

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1 why it was stopped in Milford? Ms. Dargie explained that it took up a lot of time from what she can see because the
2 wives were often sent it and were unable to answer questions required in order to register. Chairman Fougere sug-
3 gested getting something on the website that the Milford Town Clerk is now processing boat registrations. Ms. Dar-
4 gie indicated that Executive Assistant Tina Philbrick is going to make up a form for the Board to sign which gives
5 authorization to offer boat registrations. There were no further questions. Selectman Daniels moved to approve the
6 Town Clerk office to process boat registrations. Vice Chairman Federico seconded. All were in favor. Motion
7 passed 5/0.
8

9 **5:45 p.m. – Review of Elderly Exemptions, Charitable Exemptions, Veterans Credits, Solar Exemptions and**
10 **Residences in Industrial or Commercial Zones.** Town Assessor Marti Noel explained that she has 27 applications
11 for Elderly Exemption that she is recommending for approval, noting this should be the last batch for this year. Four
12 of the 27 are new applications. There were no questions. Selectman Putnam moved to approve. Selectman Daniels
13 seconded for discussion. Selectman Daniels indicated some of these will receive both the Elderly Exemption and
14 the Veteran’s Credit; are the veteran’s tax credits identified by name or will they appear on the Elderly list? Ms.
15 Noel indicated the name will not appear on the Elderly Exemption list but will appear on the Veteran’s Credit list.
16 Ms. Noel also indicated the Elderly Exemption and Veteran’s Credit are approved completely separately. All were
17 in favor of the motion. Motion passed 5/0.
18

19 Ms. Noel indicated that she has 3 applications for Elderly Exemption that she is recommending for denial since they
20 exceed the income limitations. Selectman Putnam moved to approve the 3 denials for Elderly Exemption. Select-
21 man Daniels seconded. All were in favor. Motion passed 5/0.
22

23 Ms. Noel indicated she has 37 applications for Property Tax Exemption for Charitable real estate which she recom-
24 mends for approval. Selectman Daniels requested that Map/Lot 43-13 be removed and voted on separately. Select-
25 man Putnam moved to approve all the charitable exemption applications as listed with the exception of Map/Lot 43-
26 13 which will be voted separately. Selectman Daniels seconded. All were in favor. Motion passed 5/0.
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28 Selectman Putnam moved to approve Map/Lot 43-13 for charitable exemption. Vice Chairman Federico seconded.
29 Selectman Putnam, Vice Chairman Federico, Selectman Bauer and Chairman Fougere were in favor, with Selectman
30 Daniels abstaining from the vote. Motion passed 4/0/1.
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32 Ms. Noel indicated she has two new Veteran’s Credit applications which she recommends for approval. Selectman
33 Putnam moved to approve. Selectman Daniels seconded. All were in favor. Motion passed 5/0.
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35 Ms. Noel indicated she has 8 new Solar Exemption applications which she recommends for approval. Selectman
36 Putnam moved to approve. Selectman Bauer seconded. All were in favor. Motion passed 5/0.
37

38 Selectman Daniels asked what happened to the initial assessment that it would not make a change in the value? Ms.
39 Noel explained there has been a lot of information studied and they do increase the value of the home, but we have
40 no sales to show that. It is based on a national study. Ms. Noel has an estimated value of \$10,000 for the system
41 and as time goes on and we see the re-sale of homes with solar systems, we can amend that. At some point, Ms.
42 Noel said we may have properties for which the solar is not for personal use and we will address that at that time.
43 Chairman Fougere has seen a lot of panels being installed recently.
44

45 Ms. Noel indicated she has one additional residence in an Industrial or Commercial zone appraisal and recommends
46 it for approval. Selectman Putnam moved to approve. Selectman Daniels seconded. All were in favor. Motion
47 passed 5/0.
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49 **5:55 p.m. – Property Abatement Application Recommendations.** Town Assessor Marti Noel presented abate-
50 ment applications for review and approval. Ms. Noel is recommending five for approval and one for denial. Se-
51 lectman Putnam moved to approve the five abatements. Selectman Daniels seconded. All were in favor. Motion
52 passed 5/0.
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54 Selectman Putnam moved to approve the denial of one abatement request as recommended by Ms. Noel. Selectman
55 Bauer indicated that she will recuse herself from this vote. Vice Chairman Federico seconded. Selectman Putnam,
56 Vice Chairman Federico, Selectman Daniels and Chairman Fougere were in favor of the motion, with Selectman
57 Bauer abstaining. Motion passed 4/0/1.
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1 Ms. Noel presented one Land Use Change Tax abatement application that she is recommending for denial. Select-
2 man Bauer indicated she will recuse herself from this decision. Ms. Noel explained that this application has been
3 filled out for the property that was discussed about a month ago (Map/Lot 8/31). Ms. Noel has paperwork for that in
4 moving forward. The abatement being looked at tonight requires a decision from the Board. Map/Lot 8-31 is for
5 farming, in September 2014 the owner regraded the land, but the materials must stay on the site. It is an exception
6 when it is used on the site, the materials however, are being sold and the statute indicates if the materials are sold the
7 land should be removed from Current Use. Vice Chairman Federico moved to deny as recommended by the Asses-
8 sor. Selectman Putnam and Vice Chairman Federico in favor, Selectman Daniels and Chairman Fougere opposed.
9 Selectman Bauer abstained. Motion failed 2/2/1.

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11 Selectman Daniels moved to approve the abatement request. Selectman Putnam seconded for discussion. Vice
12 Chairman Federico cannot see this being approved, the timing did not meet what was agreed to. Selectman Daniels
13 is going on the statute which is not clear in the formatting. It is not clear. There have been arguments made before.
14 Over the last couple of weeks, the legislature was unwilling to correct the statute. The statute remains ambiguous.
15 The Board went into that agreement with Mr. Trombly and then after that, Selectman Daniels looked into the statute
16 and what it says. It is not formatted correctly. There might be others caught up in this that were forced to pay for it
17 to be taken out of Current Use. Ms. Noel stated with that interpretation, every gravel operation in the State would
18 fall under it. Selectman Putnam, Selectman Daniels and Chairman Fougere were in favor of the motion, with Vice
19 Chairman Federico opposed and with Selectman Bauer abstaining. Motion passed 3/1/1.

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21 **3. PUBLIC COMMENTS. (items not on the agenda).**

22 **South Street.** Anne Marie Johnstone, South Street, asked if there is a timeline for the South Street project?
23 Mark Bender said there is a meeting May 4, 2:00 p.m. in the Board room and a timeline will be discussed at that
24 point. Ms. Johnstone asked if both lanes will be closed during the project. Mark Bender said there might be times
25 when both lanes will need to be closed. Ms. Johnstone asked if the electricity will be shut down. Mark Bender said
26 that will be discussed at tomorrow's meeting. Ms. Johnstone asked how will residents be notified about the meet-
27 ing? Mark Bender said we will be going door to door to let people know, abutters will be notified; they have not
28 been notified yet. Ms. Johnstone asked if that is enough time to let people know? Mark Bender indicated the town
29 was just notified late last week. Ms. Johnstone will not answer the door if they knock, but what can she tell her cus-
30 tomers if they have questions. Mark Bender said that tomorrow's meeting will address any questions people may
31 have. Ms. Johnstone feels it is all confusing. Chairman Fougere said the contract was just finalized last week. The
32 Federal Government changed the criteria and the State had not caught up. We have a contractor and we can sit
33 down and get the schedule. Chairman Fougere said this is a big job that has been going on for ten years. There are
34 businesses down there that we want to keep and we are trying to make it as smooth as possible. Vice Chairman
35 Federico stated the last thing we want is for anyone to be not informed. No construction dates have been set, we are
36 sitting down May 4 to talk about schedule. Ms. Johnstone asked if the crew works on weekends? Mark Bender said
37 he did not know that yet. The meeting tomorrow is open to the public. Ms. Johnstone said she will let other resi-
38 dents know. Mark Bender asked for Ms. Johnstone's business card so that a meeting can be set up.

39 **BROX Property.** Suzanne Fournier, Coordinator, Brox Environmental Group, indicated that the RFP for
40 excavating Brox has some major problems, in that it does not identify the conservation conditions. Ms. Fournier
41 cited the Master Plan of August 2014 where conservation was a part of the plan. The Board of Selectmen had it in
42 this year's warrant article that the RFP would address the conservation conditions. The Master Plan states the wet-
43 lands will be protected, the RFP falls short, it fails to delineate the wetlands. The wetlands were missed in 2013.
44 The RFP states no additional site identification. The flags have been falling down. The plan that accompanies the
45 RFP fails to mention the buffer, that is town law per the ordinance. This allows the operator to access all areas of
46 the site. How will that protect sensitive areas? Ms. Fournier stated the Master Plan states that the RFP is putting the
47 vernal pools at risk. Prior to any site excavation, they should be in the Natural Resource Inventory (NRI). The RFP
48 is going ahead without utilizing the information that was identified in the Master Plan. The expert that did the NRI
49 identified the species and the vernal pools.

50 Ms. Fournier said the RFP makes the mistake of not identifying the species of the area. There are twenty-
51 two locations where turtles and species have been found and documented. The Phase I area is identified in the RFP,
52 and there are twenty-two locations of species in the area that are identified. The southern portion of the land had
53 turtles laying their eggs. Heron Pond has species identified. There are turtles in the pit, they are in the path of dan-
54 ger. The RFP needs to be reviewed. The NH state law will be fully enforced. The RFP is flawed and is questiona-
55 ble legally and the town needs to take a look at it.

56 **Appreciation.** Mark Weinstein, Cross Street, stated many years ago when he first moved to Milford, he
57 enjoyed all of what Milford had to offer. Now he brings his grandchildren to the town Library and to Keyes Field,
58 both of which they truly enjoy. Tonight, he wanted to convey to the Board that he appreciates the good decisions

1 that have been made by the Board for the citizens. He especially appreciates it through the eyes of his granddaugh-
2 ter.

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4 **4. DECISIONS.**

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6 a) **CONSENT CALENDAR.** Chairman Fougere asked if any member wished to remove any items from
7 the Consent Calendar for discussion. Selectman Daniels asked that item 4A1 be removed for discussion.
8 Selectman Putnam moved to approve the Consent Calendar with the exception of item 4A1. Selectman
9 Daniels seconded. All were in favor. Motion passed 5/0.

10 1) **Request to Approve (3) Taxicab Licenses.** This item was removed by Selectman Daniels for discus-
11 sion. Selectman Daniels wished to discuss this item since he only saw two drivers in the packet.
12 Chairman Fougere indicated there are two drivers with the same last name and one other driver for a
13 total of three. Selectman Putnam moved to approve. Selectman Daniels seconded. All were in favor.
14 Motion passed 5/0.

15 2) **Request for Approval of donations to the Heritage Commission "Save the Swing Bridge" fund in**
16 **the amount of \$125.** A donation to the "Save the Swing Bridge fund" was accepted in the amount of
17 \$125.00.

18 3) **Request for Permission for the Milford Improvement Team (MIT) to hold the 27th Annual Mil-**
19 **ford Pumpkin Festival, scheduled for October 7, 8 and 9 2016.** The 27th Annual Milford Pumpkin
20 Festival was approved for the dates October 7, 8 and 9, 2016.

21 4) **Request for Approval of Timber Tax Levy Map 47, Lot 2.** The Timber Tax Levy for Map 47 Lot 2
22 in the amount of \$727.86 was approved.

23 5) **Request for Approval of (3) Gravel Tax Levies Map 58, Lot 3; Map 50, Lot 4-4 and Map 8, Lot**
24 **31.** Three Gravel Tax Levies for Map 58 Lot 3; Map 50 Lot 4-4 and Map 8 Lot 31 in the amounts of
25 \$615.48; \$337.60 and \$106.00 respectively were approved.

26 6) **Approval of Building Permit Refund Request, 21 Badger Hill Drive.** A refund of \$31.40 for a
27 Building Permit Fee that has not been and will not be used was approved; this refund does not include
28 the nonrefundable application fee of \$10.

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30 b) **OTHER DECISIONS.**

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32 **5. TOWN STATUS REPORT.**

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34 **6. DISCUSSIONS.**

35 a) **South Street Update.** Town Administrator Mark Bender indicated required approval from the Federal
36 highway works has been received; a meeting on May 4 will be held in Town Hall to sign the contract and then a
37 preconstruction meeting will be held with the contractor and with abutters. The South Street project will start seeing
38 progress now. Chairman Fougere said a meeting with owners and a talk to lessors will be conducted.

39 b) **Osgood Pond Bid Update.** There have been four responses received for the Osgood Pond RFP. Mark
40 Bender looked at them this afternoon and they are still under review. No final decision has been made. A meeting
41 will be held to meet with three of the four bidders to get additional questions answered; this is continuing to move
42 ahead.

43 c) **Kinder Morgan Pipeline.** Mark Bender indicated that Kinder Morgan is suspending the pipeline. A letter
44 has been sent to FERC and also that they would have a final report on May 26. It is not over until Milford gets to
45 that point, but it looks like the pipeline passing through Southern New Hampshire is diminished.

46
47 **7. SELECTMEN'S REPORTS/DISCUSSIONS.**

48 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Daniels
49 indicated the Recycling Committee met Tuesday and continues to work with the schools and see about getting a
50 recycling policy in place. We also started looking at pay as you throw, and are in the talking stage now and
51 over the next month we will get information and look at the past studies that were done so that we can have a
52 document that shows the pro's and con's of that program. Mark Bender stated the Recycling Committee could
53 get a presentation from the company on the changes in pay as you throw. Selectman Daniels said at some time
54 they will, but we can set that up in the future.

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

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57 **8. APPROVAL OF FINAL MINUTES.** There were no minutes presented at this meeting.
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1 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**

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3 **10. NOTICES.** Notices were read by Chairman Fougere.

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5 **11. NON-PUBLIC SESSION.** There was no non-public session at the end of tonight's meeting.

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7 **12. ADJOURNMENT:** Selectman Putnam moved to adjourn at 6:25 p.m. Selectman Daniels seconded. All were in
8 favor. Motion passed 5/0.

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12 Mark Fougere, Chairman

Kevin Federico, Vice Chairman

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15 _____
16 Gary Daniels, Member

Katherine Bauer, Member

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19 _____
20 Mike Putnam, Member