

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
September 26, 2016

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

EXCUSED: Mark Fougere, Chairman

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

INSTRUCTIONS: After the non-public session was adjourned, in the absence of Chairman Fougere, Vice Chairman Federico called the 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:

5:00 p.m. – Non-Public Session, RSA 91-A:3II(e) Legal. Selectman Putnam moved to enter into non-public session at 5:00 p.m. Selectman Daniels seconded. All were in favor. Motion passed 4/0. After a legal discussion, Selectman Daniels moved to come out of non-public session at 5:30 p.m. Selectman Bauer seconded. All were in favor. Motion passed 4/0. Selectman Daniels moved to seal the minutes of this session. Selectman Putnam seconded. All were in favor. Motion passed 4/0. Vice Chairman Federico announced that in non-public session the Board discussed a legal issue. No decisions were made.

5:30 p.m. – Certificate of Appreciation to Resigning Zoning Board of Adjustment (ZBA) Member Len Harten. Vice Chairman Federico indicated that Len Harten has volunteered for the ZBA since 1989 and presented him with a certificate of achievement for his time spent volunteering for the town. All congratulated Len for this achievement.

5:40 p.m. – Departmental Update - Recreation. Recreation Director Arene Berry provided an update for the Recreation Department. After the presentation, Selectman Daniels asked if the group of teenagers is still maintaining the Skate Park at Keyes Field? Ms. Berry explained that group was no longer in place when she came to Milford. Selectman Daniels asked for an update on 127 Elm Street. Ms. Berry explained there is a survey out right now which the committee has put out to collect information on short term and long term plans. Right now the plan is for the 127 Elm Street Committee to attend the October 24, 2015 Board of Selectmen meeting with preliminary numbers. There were no further questions or comments.

6:00 p.m. – Social Services Warrant Article. Welfare Director Susan Drew thanked the Recreation Commission and the Board of Selectmen for approving the Recreation Program scholarships for some of the programs offered by the town in 2016, it is great that this could be done to help the less fortunate residents of Milford. Ms. Drew noted that the Social Service Warrant Article has been looked at by the Social Service Committee and they are considering requesting an increase from \$35,000 to \$50,000. The 7 members of the committee agree and are here tonight and the other four members also support it. The committee has been working on the selection criteria for the awards and feel it would be good to ask for an increase now so that we know what we are working with. If the Board of Selectmen would like to have time to review the request and then come back, the Committee can do that. Selectman Daniels asked if there is a list of those organizations that the committee is considering? Ms. Drew said no, the deadline for the request is not here yet. The committee was not able to fund some agencies last year but does not have all the requests in. Vice Chairman Federico asked if this is based on past history. Ms. Drew said that it is. Selectman Bauer said the total amount of the warrant article has been \$35,000 since 2009. Vice Chairman Federico responded that the Board has not talked about warrant articles yet but we can take this under consideration.

6:15 p.m. – Review of Potential Land Donation Lot 6-15. Andy Prohlman, Mark Prohlman and Eli Labine were at this meeting for this discussion. Mark Prohlman indicated this meeting is for the formal statutory process of the

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1 town accepting a donation of a parcel of land as a gift to the town of Milford, after which it will go to the Conserva-
2 tion Commission for the presentation. This is for 17 acres along the Souhegan River; it was originally tied to the
3 mills. The owner is currently working with the town on the self-storage facility on one side of this property. Any-
4 thing that would be conveyed would come with an access easement across Lot 16. The conveyance would also con-
5 vey the railroad crossing that is there. The Phase I and II was done back in 2009. Mark Bender asked if Phase II
6 had also been done. Andy Prohlman said it appears that it was done. Somewhere on the lot there was a debris field
7 that was covered up in the 80's and 90's but it has a clean bill of health. We have had preliminary input from the
8 Planning Board and Conservation Commission but we have not gone through the formal hearing yet. If it passes
9 through them, it would come back to the Board of Selectmen for final approval. Selectman Daniels asked if the
10 warehouse will remain intact? Mark Prohlman answered it is gone and that the site was cleaned up. The groundwa-
11 ter was acceptable in 2009; environmentally it is in good shape. Vice Chairman Federico indicated that Milford has
12 a history of contaminated properties and would want to make sure the land has a clean bill of health. Mr. Prohlman
13 said they did a level I and II noting they would not buy a parcel that was contaminated, but the town might want to
14 have the testing updated. It is important to make this gift during 2016, so he would want to move quickly on it. The
15 land is unencumbered. Vice Chairman Federico has no problem moving this on to Conservation and the Planning
16 Board. Selectman Putnam moved to move this to the Planning Board and Conservation Commission. Selectman
17 Bauer seconded. All were in favor. Motion passed 4/0.
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19 Mark Bender noted that the taxes are past due for 2014, 2015 and 2016, and asked what is the intention of
20 the current owner as far as those taxes. Mark Prohlman asked if there would be any trade off for the unpaid taxes?
21 The Board said there would not. Mr. Prohlman indicated the taxes will be paid by the time the gift is made to the
22 town. Selectman Daniels asked about the railroad crossing. Andy Prohlman said it is a limited crossing. Selectman
23 Daniels asked if the crossing is used today? Mark Prohlman responded that it is used, but infrequently. Andy
24 Prohlman said he will square that away with the attorney. Selectman Daniels asked who is responsible for the
25 Pennstock and its maintenance? Eli Labine responded that The Mill is responsible for that. Every year, someone
26 would walk there from the dam house to the mill to inspect it. Mark Prohlman asked if there is concern about it be-
27 ing a liability? Mark Bender responded that is a concern. Selectman Putnam said that FERC is the regulatory office
28 on the Pennstock and they come out every year too. Selectman Bauer said there used to be a wood frame warehouse
29 out there that is long gone. Mark Prohlman said there is an excavation plan and there is sand and gravel on the lot.
30 In closing, Mr. Prohlman noted there are two hearings required for this gift, which need to be at least 14 days apart.
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32 **6:30 p.m. – Citizen Complaint – Roadway Paint Damage to Vehicle.** Jerry Duclos, who lives by Hampshire
33 Hills, traveled up Ponemah Hill Road on his way home; it is a narrow and windy road. Last week he saw mylar
34 signs indicating there were lines being painted, but he did not see that on Ponemah Hill Road, if he had he would
35 have taken an alternate route. Mr. Duclos said he has a nice truck and he did not try to do this on purpose. After he
36 realized he drove through wet paint, which marked up his truck, he went right to DPW the next day and was told it
37 was water based paint and should come right off. He tried to remove the paint himself but it did not work. After
38 asking for help in the removal, he was told he should have gone an alternate route. Vice Chairman Federico said
39 roads in New England are tough; he reviewed the paperwork and spoke with the DPW Director and it is common-
40 place to put cones down when lines are being painted. The mylar signage he saw was for work being done on Route
41 122 which is a State road, in another town. Selectman Daniels asked about the cones being every 200 feet. It states
42 in the paperwork that they are set every 20 feet. Vice Chairman Federico understands it and has run into this, this is
43 something that has a mechanism in place for when painting is done. Vice Chairman Federico does not see this as
44 the town's responsibility; there were cones and signs and the paint truck also had a sign. Mr. Duclos took a video of
45 where the cones were and his estimation was every 200 feet not every 20 feet. He feels 200 feet is not a good warn-
46 ing. Mr. Bender indicated when painting center lines, there are signs on the paint truck, the follow truck and place-
47 ment of cones. The town crew drove the road and the only spot where the lines were crossed (in the paint) was near
48 the end of Wallingford Road at the stop sign. Mr. Duclos did not know where he picked up the paint. Selectman
49 Putnam suggested the Board check with Town Counsel to see if there is a precedent set. He does not remember any-
50 thing in the ten years he's been on the Board. Selectman Daniels would like to look at the video and hear from the
51 other people Mr. Duclos has referred to that got their paint fixed. Selectman Daniels has questions that he would
52 like to get answered before making any decision. Selectman Putnam moved to table to no later than the October 10
53 meeting. Selectman Daniels seconded. All were in favor. Motion passed 4/0. Vice Chairman Federico suggested
54 talking with Bill Drescher about the history of the town paying out for other similar issues.
55

56 **3. PUBLIC COMMENTS. (items not on the agenda).** There were no public comments this evening.
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58 **4. DECISIONS.**

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2 a) **CONSENT CALENDAR.** Vice Chairman Federico asked if any member wished to remove any items
3 from the Consent Calendar for discussion. There was nothing removed for discussion. Selectman Putnam
4 moved to approve the Consent Calendar as presented. Selectman Daniels seconded. All were in favor.
5 1) **Request for Approval to Reappoint Liz Snell from a previous Full Member to an Alternate**
6 **Member of the Recreation Commission.** The request for reappoint Liz Snell as an alternate member
7 of the Recreation Commission was approved.
8 2) **Request for Approval of (2) Real Estate Tax Payment Agreements.** The Board approved the two tax
9 payment agreements as presented.
10 3) **Request for Approval of Timber Tax Levy Map 43, Lot 2.** The Board approved the Timber Tax Levy in
11 the amount of \$500.45
12 4) **Release of Securities/Alene Candles Scarborough Lane Ext. Map/Lot 6-42-5, 5-42-7, 6-42-8.** The
13 Board approved the release of securities for Alene Candles in the amount of \$2,840.
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15 b) **OTHER DECISIONS.**

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17 5. **TOWN STATUS REPORT.**

- 18
19 1) **South Street Update Osgood Pond Update.** Comcast installation is complete, Eversource is making its
20 final connections and then they remove the old overhead connections. The fire alarm cable needs to be
21 completed. Fairpoint is behind schedule. Mark Bender has stressed the urgency to complete this before
22 Pumpkin Festival. They were to be here today but did not show up. Vice Chairman Federico asked if the
23 rest of the work continued to progress even though Fairpoint is behind. Mr. Bender said it has.
24 2) **Brick Update.** Brick work will not be a problem for the festival. The Osgood Pond work was delayed due
25 to rain on September 17 and 18 which flooded the pond area. Once the water goes down they will finish
26 the dredging which has about one week left of work, weather dependent.
27

28 6. **DISCUSSIONS.**

29 a) **Drought Emergency – NH State Recommendation Measures (with Board of Commissioners).** Town
30 Administrator Bender thanked the Board of Water Commissioners Bob Courage, Dale White and Mike Putnam for
31 attending this meeting for this discussion. Mark Bender passed out the article from the Telegraph which talks about
32 water restrictions throughout the State of NH. Bob Courage has been in close contact with Pennichuck Water from
33 whom the Town of Milford purchases water every year. The town has a twenty year contract with Pennichuck for
34 this service. They have put no additional restrictions on Milford, the town has three wells in town. We are allowed,
35 through DES, up to 1100 gallons per minute and 1,500,000 gallons per day. We also put in the necessary equipment
36 so that we can lower the gallons used. We are currently testing a site as an alternating well and have been advised
37 that it could be a potential supply for a municipal well. We have stopped selling water to suppliers. When the State
38 recommended taking measures to cut back, we did that and we have been talking about this regularly. We will dis-
39 cuss it tomorrow at the regular BOC meeting. We have looked at how much water is used for outdoor watering.
40 About 200,000 gallons per day are used, that was taken from previous data during the summer. The town budgeted
41 \$150,000 for Pennichuck use; 58% of the water used in Milford is from the Curtis Well and the remainder is from
42 Pennichuck. The Curtis Well is currently two feet lower than it was in January 2016, the water table has gone down
43 two feet as well. Vice Chairman Federico said he was not aware that Pennichuck provided water to Milford. Mr.
44 Courage indicated the town has spent \$125,000 to date for 2016 to Pennichuck. It will be very close to the budget
45 by the end of 2016. The question is whether the town should implement an outside watering ban and how do we
46 enforce it? Vice Chairman Federico asked if the town is doing enough?

47 Mr. Courage feels we are doing enough, we have gotten 3 inches of rain in the past ten days. He would not
48 mind implementing an outdoor water ban on a voluntary basis. Dale White disagrees; we have been very aware of
49 the drought; we need water in my business, it is very dry, but it is not the first dry season. We are fortunate that we
50 have the wells we have in the aquifer. The river is low but to have the wells only two feet lower than normal is pret-
51 ty commendable. We do have an agreement with Pennichuck to supply the town with water in these conditions and
52 it is working as predicted. We are buying half of what we need per day from Pennichuck; it is low but the ponds and
53 rivers have water. We cannot control the water outside the municipal systems. We are responsible for the water in
54 it. We are coming to the end of the season; the dew in the morning is greater and we are going into a rainy season,
55 but it is serious. Selectman Daniels asked what the town did in 2001? Mr. Courage does not recall doing anything
56 at that time. We had a crisis like this back in the 1950's when we had a dry year and we put a pump in Lovejoy
57 Quarry. Selectman Bauer asked if this could be a voluntary compliance and how would it be enforced? Vice
58 Chairman Federico said it would have to be enforced by police or Code Enforcement. Chief Viola said the town
59 would have to write an ordinance in order to enforce. Selectman Putnam suggested it would not hurt to be proac-

1 tive. Mr. Courage asked what happens if there is not a lot of snow this winter? We need to recharge the aquifer.
2 We have done our best to supply the customers with water but now it is the end of the season anyway, he does not
3 think it would be unreasonable to restrict outdoor watering on a voluntary basis.

4 Mr. White asked how much government needs to get into people’s lives? Selectman Daniels said it would
5 be on a voluntary basis, he feels a lot of people will respond. We can do that on a temporary basis and see what
6 happens. Selectman Putnam noted that the town itself has stopped outside watering. Vice Chairman Federico does
7 not want to get into enforcement; but he feels we should be having the voluntary ban on outdoor watering. Mr.
8 White indicated the Board of Commissioners has jurisdiction for water supply. Tomorrow we could vote to imple-
9 ment voluntary restrictions on the municipal system and the Board of Selectmen could implement the restrictive
10 water system for other water users. Mr. White said this voluntary water restriction would be on a temporary basis
11 and it would be re-visited again in the spring. All concurred with this restriction.
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13 **7. SELECTMEN’S REPORTS/DISCUSSIONS.**

14 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Daniels
15 indicated the Recycling Committee cancelled its meeting last week which will be rescheduled. Selectman Put-
16 nam indicated that MACC Base is coming into budget season. Jason will get an update of the actual numbers
17 through August; new budget sheets were provided. Vice Chairman Federico has volunteered to be the MACC
18 Base budget liaison with the Board of Selectmen.
19

20 b) **OTHER ITEMS (that are not on the agenda).** Mr. Bender indicated the recent visit from Vice Presiden-
21 tial Candidate Michael Pence had tight security; he spoke to the audience for about 30 minutes; Middle
22 Street was blocked off and parking out front was blocked off but it was nice to have one of the Presidential
23 candidates in Milford.
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25 **8. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes of August 29, 2016
26 as presented. Selectman Daniels seconded. All were in favor. Motion passed 4/0.
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28 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**

29 **10. NOTICES.** Notices were read by Vice Chairman Federico.
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31 **11. NON-PUBLIC SESSION.** Selectman Daniels moved to enter into non-public session at 7:35 p.m. in accord-
32 ance with RSA 91-A:3,II (a) Personnel. Selectman Bauer seconded. All were in favor. Motion passed 4/0. The
33 non-public minutes of August 22, 2016 (Personnel) were approved on motion made by Selectman Putnam. Select-
34 man Daniels seconded. All were in favor. Motion passed 4/0. After discussion Vice Chairman Federico announced
35 that in non-public session two issues were discussed and one set of non-public minutes were approved. Vice Chair-
36 man Federico moved to seal the minutes of the NPS session. Selectman Putnam seconded. All were in favor. Mo-
37 tion passed 4/0. Selectman Putnam moved to come out of non-public session at 7:50 p.m. Selectman Bauer second-
38 ed. All were in favor. Motion passed 4/0.
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41 **12. ADJOURNMENT:** Selectman Putnam moved to adjourn at 7:50 p.m. Selectman Daniels seconded. All were in
42 favor. Motion passed 4/0.
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47 Mark Fougere, Chairman

Kevin Federico, Vice Chairman

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51 Gary Daniels, Member

Katherine Bauer, Member

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55 Mike Putnam, Member