

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
January 8, 2018

PRESENT: Mark Fougere, Chairman
Kevin Federico, Vice Chairman
Gary Daniels, Member
Mike Putnam, Member
Laura Dudziak, Member
Mark Bender, Town Administrator
Tina Philbrick, Recording Secretary
Mitchell Hemmer, 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 informed the public that prior to this meeting, the Board was in a non-public meeting for (RSA 91-A:3, II(e)) – Legal and two decisions were made. We have a Budget and Bond Hearing at 6:30. 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.

2. APPOINTMENTS:

5:00 p.m. – Non-Public (RSA 91-A:3, II(e)) - Legal

6:30 p.m. – Budget and Bond Hearing. See separate set of minutes.

3. PUBLIC COMMENTS. (items not on the agenda). There were no public comments this evening.

4. DECISIONS.

a) **CONSENT CALENDAR.** Chairman Fougere asked if there were any items to be removed from the Consent Calendar for discussion. There were no items removed for discussion. Selectman Putnam moved to approve the Consent Calendar as presented. Selectman Daniels seconded. All were in favor. Motion passed 5/0.

- 1) Signature Pages for Pre-Deliberative Session Voting/Re-voting on all Appropriation/Non-Appropriation 2018 Warrant Articles.
- 2) Request for Approval of Donation to the Heritage Commission “Save the Swing Bridge” fund: LJB Consulting - \$100.00

b) **OTHER DECISIONS.**

5. TOWN STATUS REPORT. N/A

6. DISCUSSIONS

a) **Discussion – MACC Base Letter** – Chairman Fougere said that we have been communicating with adjoining communities relative to MACC Base. A letter was sent on October 3rd outlining some of Milford’s concerns. We received letters from Mont Vernon Board of Selectmen on December 11th and Wilton Board of Selectmen on December 8th. We crafted a response letter in more detail that we are getting ready to send out, which will include an opinion from Attorney Drescher. This information will be made public as soon as it goes out to those Boards. We are trying to keep the lines of communication open.

b) **Citizens Complaint: Traffic Control – tabled from 12/26/17** – Selectman Daniels moved that we remove from the table the Citizens Complaint. Selectman Putnam seconded. All were in favor. The motion passed 5/0. Selectman Putnam said that he reviewed the area of concern and found that east bound from the Oval to McDonalds starting at Franklin Street is 25 miles per hour. West bound from the Waste Water Treatment facility is 30 miles per hour and 25 miles per hour going towards the Oval. He said it made sense to him. Selectman Dudizak said that the complaint was also about an issue with people stopping at the Oval stop sign which wouldn’t allow for traffic to get out on Middle Street. She travels that area and hasn’t noticed a problem. It’s a busy time around 5:30 to 6:00. If the

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Police Bikes are patrolling that area, they do stop cars as needed. She doesn't feel that there is a problem. Selectman Putnam said that the speed limit is 25 miles per hour next to Shepard's Park and it should be because of the children playing in the park. Selectman Putnam said that another question came up over the weekend about why the Oval was 35 miles per hour. He looked at a few other roads and they all are 30 miles per hour to the Oval except for Nashua Street which is 25. On Union Street there is a school zone 20 miles per hour sign that may have been left over from when Garden Street had a school on it. He thinks it should be taken down. Chairman Fougere said it would be an ordinance. Administrator Bender asked if the Oval isn't posted, does it fall under the 30 mile an hour town speed limit unless otherwise posted. Selectmen Putnam said yes. The Board decided to leave the speed limits as is.

c) Designation of Majority/Minority Report Authors on 2018 Warrant Articles & Voting

Selectman Federico asked to discuss the KENO vote of 2/2 at the last meeting when he was absent. He feels that it should be left up to the voters and put on as a regular warrant article. He would like to take another vote on it. Selectman Putnam said it's being submitted as a petition warrant article. Selectman Federico said it hasn't been submitted yet. They were waiting until tonight's meeting was over. He signed it because he feels that it should go to the taxpayers and the town should decide. He would like to ask what the thoughts were against it. Selectman Daniels said that he was against it because it's a flawed bill. It picks winners and losers and you can only have KENO in your establishment if you are pouring liquor. Restaurants that don't serve liquor can't participate. Variety stores also can't participate. The bill specified pouring liquor and he doesn't think it's fair. During the legislative discussions he feels that it's only that way because it was easier for the liquor commissioners to keep control of it. Selectman Putnam said that he agrees with Selectman Daniels. Selectman Federico said he may not agree with the way it was passed, but Massachusetts allows it in places that don't pour. He would rather fight that decision at the state level as opposed to saying no at a local level. Selectman Daniels said that the state is leaving it to the locals to decide. The decision before us is that we can put something out there knowing that if it passes that there are some establishments that may want to have KENO but can't because of the way it's written. We can decide that it just not fair and we want our businesses treated fairly. Administrator Bender said he understands the logic but to take it a step further, aren't we taking any KENO players and asking them to go to the next town down the road where it is allowed so then all the Milford businesses are losing business. Selectman Daniels said that this is the carrot that has been dangling out there for kindergarten. He doesn't know that there is anyone who really believes that this will cover administrative fees and all the cost of kindergarten. If that doesn't happen then they will come back to the tax payers for the money. This may have consequence if the money raised doesn't cover the cost per student? Administrator asked if the bill set a limit in the revenue to the towns per student. Selectman Daniels said that if KENO is passed he understands that the school district will get \$1,100 per student. He thinks that the cost is around \$3,600 or \$3,800 per student. The school is estimating that it will generate around \$138,600 to defray the cost. Administrator Bender asked if they estimated the total cost? Selectman Daniels said \$583,000, which will be going on the school warrant this year. The KENO money will not be available until fiscal year 2019, which starts in July 2019. It looks like the town will be bearing the full \$583,000 this year. Janet Langdell asked Selectman Daniels if there were any business in town that has approached him or Town Administration about KENO?. Selectman Daniels said no one has approached him. Administrator Bender said that a few of the local restaurants have approached the Town Clerk about this bill. Joan Dargie, Town Clerk said that so far the Pasta Loft, American Legion and the VFW have approached her. Chairman Fougere said that the funding based on the NHMA Q&A said that the full funding from the state is only going to be available if there is money there down the road. Selectmen Federico said that it wouldn't cost the towns people anything to allow it to be present in Milford businesses. The income from it is questionable, but it would be there eventually, a year and a half later although we are not sure what amount that would be. Selectman Daniels said that is correct, but some money would be available. The gray area is whether KENO would generate enough money. There are places that KENO has already been approved: Manchester, Nashua, Claremont, Laconia, Somersworth, Franklin and Berlin. It was rejected in Concord, Rochester, Dover and Keene. Chairman Fougere said that in the Q&A the basic grant is \$3,561 per student, subject to certain adjustments. Kindergarten students are counted as "1/2 day attendance," even if they attend for a full day. In other words, adequate education grants are provided only for half-day kindergarten, a little under \$1,800 per student. Under SB 191, for fiscal year 2019 only, the state will distribute an additional \$1,100 (for a total of about \$2,900) for each student attending a full-day kindergarten program. These distributions do not depend on KENO revenue. For fiscal year 2020 and later years, the state will instead distribute an additional on-half share (approximately \$1,800) so that districts are receiving the full grant of \$3,561 for full-day kindergarten students. However, that amount is to be funded by KENO proceeds, which will be paid (after certain deductions) into the state's education trust fund. If the amount of revenue raised through KENO is less than enough to find these additional grants, the grants will be reduced proportionally, but not below \$1,100 per student. Getting the whole grant will depend on the revenue from the KENO. Selectman Putnam asked if

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1 revenue from our town will be mixed with the rest of the state and divided out to everyone so there would be no
2 direct revenue to us? Chairman Fougere said yes, unless we went full day. Selectman Daniels said that this past
3 March there was a warrant article for full day kindergarten and it passed but the participants would pay for it. He
4 questioned how it was setup or if it was even constitutional because they were going to limit it to 80 students and he
5 didn't know how you could take a public program and tell number 81 that they can't go. They didn't get half of what
6 they were going to allow in. They didn't get the participation and now they want everyone to go through it through
7 the state/KENO money and tax payer money as well. Selectman Federico said he still stands by his opinion that it
8 should go to the tax payers as a question and the town should make the decision. He knows that it isn't guaranteed
9 funding, and understands that is only allowed only in certain businesses but he doesn't have a problem with it. If
10 there is enough of a push from businesses that don't pour liquor then maybe the state will make a change to fix it.
11 He doesn't think that saying no would fix it either. He wants it to move forward as a warrant article. Selectman
12 Federico made a motion to move the KENO question "to see if the town will vote to allow the operation of KENO
13 within the town pursuant to the provisions of NH RSA 284:41 through 51 on the warrants. Selectman Dudizak se-
14 conded. The motion passed 3/2.

15
16 Selectman Daniels asked if the \$6,000 added to the operating budget for the part-time firefighter be found some-
17 where else because he feels that we need it to continue with the Bridge Street parking lot lease for employees. He
18 said that parking around the oval is difficult especially around Christmas. Chairman Fougere said that the Town
19 Administrator was asked to find the money for the firefighter and he did. Selectman Putnam asked if the parking
20 was for town employees only. Administrator Bender said that it was setup for town hall employee parking during
21 the day, and public parking after 4:30 with no overnight parking allowed. There were 20 spaces. Administrator
22 Bender said that in his observation during the day there was plenty of parking on Middle Street for employees, mer-
23 chants and the public. He rarely saw anyone from the public park use the leased parking lot. Selectman Putnam
24 asked if it was ever put out to the public. Administrator Bender said yes, there was a sign at the lot, discussed at
25 meetings, and it was put on the web site. Selectman Federico asked if Selectman Daniels wanted to add \$6,000 to
26 the budget or re-allocate \$6,000 that is already in the budget. Selectman Daniels said his preference would be to re-
27 allocate it. Parking has always been a high priority and for \$6,000 a year it's inexpensive. Administrator Bender said
28 that speaking for town hall employees; he didn't think that parking area was well received. They did it, but they
29 didn't like being forced to park over there, especially when they saw that the public and merchants are never utiliz-
30 ing it. Chairman Fougere said he understands that people don't want to walk far. Tina Philbrick, town hall em-
31 ployee, said that by having the employee's park on Bridge Street, it opened up the Middle Street parking for all the
32 tenants of the buildings close to the oval. In her opinion, a majority of the people who parked on Middle Street in the
33 past year have been tenants and it didn't do much for the businesses because everyone else used it. Chairman Foug-
34 ere asked if anyone had any other questions. Selectman Federico said that he wanted to continue with the warrant
35 articles and debate the parking later.

36
37 Because Selectman Federico was absent at the last meeting, Chairman Fougere reviewed warrant article 23, the Au-
38 thority to Grant Industrial Development Tax Relief. It's written as a 50% exception for 10 years which we threw in
39 for a place holder, limited to industrial development within approved zoning districts of the town. Selectman Federi-
40 co said he was in support of this article. Chairman Fougere said he would like to lower the length of time. He also
41 mentioned that the Town Administrator's suggested 50% for the first year and lowering it by 10% for each year
42 forward. Chairman Fougere said he liked that idea. Selectman Daniels said he was fine with the 5 years. He just
43 wondered what percentage was enough to entice someone. Selectmen Dudizak and Putnam said that they liked 50%
44 and 5 years. Selectman Daniels said he was good with 33% for 5 years. Selectman Daniels asked if there were other
45 towns doing this. Administrator Bender said Coos County and he knows of another town that is offering 50% for 5
46 years and lowering the percentage per year. Selectman Daniels said that he would be fine with that. Chairman Foug-
47 ere said it could be changed next year if it didn't work out. Chairman Fougere clarified that it would be a 5 year term
48 with 50% the first year, 40% the second year, 30% the third, 20% the fourth year and 10% the fifth year. The Board
49 supported this 5/0.

50
51 At this time, the Board assigned Majority and Minority authors for warrant articles.

52 Chairman Fougere took article 4, Town Operating Budget, article 18, AFSCME Contract, article 22, Appointing
53 Agents to the Keyes Park Expansion Committee Project CR, and article 23, Authority to Grant Commercial and
54 Industrial Development Tax Relief.

55 Selectman Federico took article 8, DPW Vehicles and Heavy Equipment CR, article 9, Fire Apparatus Replacement
56 CR, article 10, Town Facilities Renovation and Major Repair Replacement CR, article 11, Ambulance Vehicle Re-
57 placement CR, article 12, Public Safety Communication Equipment Replacement CR, article 14, Replacement
58 Sidewalk Plow Lease/Purchase and article 27, KENO.

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Selectman Dudizak took article 7, Bridge Replacement CR, article 13, Assessing Revaluation CR, article 15, Social Services, article 16, Non-Emergency Community Transportation Bus Services, article 24, Rename Bridge Replacement CR, article 25, Swing Bridge and article 26, Mile Slip Town Forest Easement.

Selectman Putnam took article 3, Main Street Fire Station Upgrade – Bond, article 17, Pumpkin Festival, Holiday Decorations and Plantings, and article 19, Summer Band Concerts.

Selectman Daniels took article 20, Funding of the Annual Labor Day Parade, article 21, Memorial, Veterans & Labor Day Parades and Recognition Town Support for majority and articles 26, Mile Slip Town Forest Easement, and article 27, KENO for minority.

At this time, petition warrant articles were not discussed. Chairman Fougere said that the Board will take a 10 minute break before starting the Budget and Bond Hearing, and then continue this meeting after the hearing.

7. SELECTMEN'S REPORTS/DISCUSSIONS.

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

Chairman Fougere said that HB 1749 will be heard on Wednesday, January 10th in Concord. This is the bill that calls out the Town of Milford for not allowing target shooting at BROX. Chairman Fougere plans to speak at the hearing. He sent out his thoughts to the Board for their review. Selectmen Federico said it was well written. Selectman Dudizak said that she would try to make it. This information is available to the public.

b) OTHER ITEMS (that are not on the agenda).

8. APPROVAL OF FINAL MINUTES. Selectman Daniels had a change to the minutes. Selectman Putnam moved to approve the amended minutes of December 26, 2017 as presented. Selectman Dudizak 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. Approval of non-public minutes RSA 91-A:3,II(b) Personnel and (RSA 91-A:3,II(c)) Reputation - December 11, 2017

12. ADJOURNMENT: Selectman Putnam moved to adjourn at 8:10 p.m. Selectman Daniels seconded. All were in favor. Motion passed 5/0.

Mark Fougere, Chairman

Kevin Federico, Vice Chairman

Gary Daniels, Member

Laura Dudziak, Member

Mike Putnam, Member