

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
June 24, 2019

**PRESENT:** Gary Daniels, Chairman Mark Bender, Town Administrator - excused  
Paul Dargie, Vice Chairman Tina Philbrick, Recording Secretary  
Mike Putnam, Member Alex Berry, Videographer  
Laura Dudziak, Member  
Chris Labonte, Member

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

**INSTRUCTIONS:** Chairman Daniels 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 Daniels 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: (Approximate times)**

**5:30 p.m. – 1st Public Hearing in accordance with RSA 147:1 Local Regulations – Ordinance for “Fletcher Site Land Use Restrictions.**

Administrator Bender gave a brief summary of the public hearing. The purpose of the hearing is to implement a Town Ordinance pursuant to NH RSA 147:1 Local Regulations. The ordinance (Chapter 5:34) is referred to as “Fletcher Site Land Use Restrictions”. The 1998 Consent Decree with the EPA requires the Town of Milford to implement activity and use restrictions to protect the low permeability cap on the Elm Street property (Lot 25-12) and a portion of the abutting cemetery (Lot 25-13). Practical restrictions include recreation land use only and no disturbance of the surface without prior contact with the US EPA and NH DES. These protections are similar to the groundwater management zone (GMZ) restrictions implemented in 2018.

Chairman Daniels opened the Public Hearing, there were no questions, and he closed the public hearing. Administrator Bender said the 2<sup>nd</sup> public hearing will be held on July 8<sup>th</sup> at 5:30 in the Board of Selectmen’s meeting room and the Board can vote on the ordinance at that time.

**5:40 p.m. - Approval to Appoint John Yule to the Conservation Commission**

Andy Hughes, Conservation Commission Chairman said the Milford Conservation Commission voted at the June 13<sup>th</sup> meeting to recommend that the Board of Selectmen appoint John Yule as an Alternate Member to the Conservation Commission, with a three year term to expire in 2022. John attended 3 meetings and went on several site visits.

John Yule, Milford resident said he has lots of relevant experience and knowledge that should serve well to assist the Conservation Commission with its very important job of protecting our natural resources in town. He was educated as a forester including wildlife management. He worked for 35 years in land surveying. This experience has given him valuable experience in things like soil, wetlands and developments effect on our land and the regulatory framework at the town and state level we need to work within.

A motion was made by Selectman Putnam to appoint John Yule as an alternate to the Conservation Commission. Seconded by Selectman Labonte. The motion passed 5/0. The Board thanked John for volunteering.

**5:45 p.m. - Permission to Allow Snow Mobile use on the Granite Town Rail Trail.**

Andy Hughes, Conservation Commission Chairman has a grant application in process to receive funding from the Recreational Trails program (RTP) to help reopen the filled underpass at Melendy Road. One condition of the application is to make sure that snowmobiles can access that area. This is to reaffirm what has always been an existing right. They also have a LWCF grant application in. The LWCF is more demanding and we have to make sure there is no encumbrance on the rail trail. Snowmobilers maintain the trails to the south but can get any further than the tunnel.

Chairman Daniels asked if they will require both grants to do the tunnel. Andy said no, one or the other. Chairman Daniels asked if the LWCF looks at the total amount given to the town. We are also using them for the dredging of Osgood Pond. Andy said this isn’t contingent to anything else.

Selectman Putnam has concerns about the infrastructure under the tunnel. Andy said they will have a proper engineering plan in place. One of the main concerns is drainage. The grant covers engineering and excavation. The RTP grant is matching funds. Conservation has a fund dedicated to the rail trail and we will be using funds from that for matching funds. Administrator Bender asked how much they will be applying for. Andy said the total cost of the project is between \$75,000 and \$120,000. The RTP grant is for \$80,000. Administrator Bender clarified that it isn’t to replace the tunnel, just to dig it out. Andy said yes and put a structure in place and pave Melendy Road where they dig out.

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Selectman Putnam made a motion to allow the rail trail to have snow mobile usage. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.

### 5:50 p.m. - Abatements – Marti Noel

#### Approval of (1) Property Abatement Application, Map 43, Lot 33

This abatement was an error on Marti's part where the height of the cell tower was incorrect. Selectman Putnam made a motion to approve the abatement as presented. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

#### Denial of (2) Property Abatement Applications, Map 53-37-2 Lot 5-3 and Map 30

These were two request for value changes, the first on Poles, conduit, and ROW (right of way) for telephone poles. The owner is looking for more value than what we have. They feel we didn't have the right to tax the ROW, which we do. The second one requested a reduction in value. The owner purchased the property for significantly more than the analysis provided. The owner has not replied to Marti's request to provide the appraisal for that property. She is requesting denial for lack of information.

Chairman Daniels asked if they would have a chance to come back on the denials. Marti said they have the right to appeal through Superior Court or the Board of Tax and Appeal. They have until September 1<sup>st</sup>. Selectman Labonte asked if it's required to provide an appraisal. Marti said it wouldn't be required for the abatement itself but because they just purchased the property, for more money than they were requesting it be assessed for, she felt that it was reasonable to ask them to produce the appraisal. Selectman Labonte asked if they could still be eligible for the abatement even if they didn't provide the appraisal. Marti said yes, if they had additional information that could substantiate their request an appraisal would be a good piece of information to use. Upon appeal they would have to bring something to back up what they were saying. Selectman Dargie said they paid more than what they are asking the property to be appraised for.

Selectman Putnam made a motion to deny the abatements as presented. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

#### Approval for (1) Land Use Change Tax, Map 45 Lot 3-35

This parcel is located in the Autumn Oaks Subdivision and construction for a new single family home has begun, rendering the lot ineligible for Current Use. The property owners have been notified of the action being taken tonight. The Land Use Change Tax is based on 10% of estimated market value at the time of removal from current use.

Selectman Putnam made a motion to approve the Land Use Change Tax as presented. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

### 6:00 p.m. - Fundraising for purchase of Recreation Bus – Arene Berry

Arene referred the Board to a power point in their package. In summary, the Recreation Department is looking for authorization to fund raise for the purpose of purchasing a bus for trips. Their senior trips have increased. She provided data from 2014 to current. They currently contract buses through Jaffrey Recreation Department and Southern NH Services. They've used Amherst Recreation Department buses twice and for two trips they added a second date as another bus was not available. Anything larger than a 14 passenger bus requires a CDL and restricts where they drop the seniors off due to walking constraints. Their current contract with Jaffrey Recreation ends at the end of 2019. They are unsure of the availability and/cost in 2020 due to program restructuring current taking place in Jaffrey.

She thanked the Board for coming out to see a bus similar to the one they are looking to purchase. The bus will include wheelchair tie downs with a handicap access lift. If they don't have a wheelchair, they could only transport 13 people. They are looking at other models to see if they can have 14 seats.

The purchase cost is around \$68,400. She provided terms and lease options for monthly payments. No voter requirement would be needed according to New Hampshire Law. The financing may be prepaid at any time. Local incentives and rebates are for the exclusive use of the Town of Milford. The new Finance Director may be able to provide other lease options with lower interest rates. If a warrant article is needed and for some reason the item is not funded, we will have a non-appropriation clause so we will not be obligated to continue the payments.

They currently have \$2,100 designated for bus purchase in the Recreation Revolving Fund. The Recreation Committee is in full support and they are waiting for the end of the summer programs to determine how much money they can pro-

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vide towards this. They are researching possible grants but haven't found one that doesn't restrict either seniors or children. They are putting together a sponsorship program, for a certain level they can get a logo of their company on the bus. Their plan is to raise all the money but if they are short in October, they want to put in a warrant article. Once we are through budget season and as other donations come in, they can lower the warrant article.

Additional uses for the bus will be to expand their youth programs. The schools have expressed interest in using the bus for some of their smaller programs. They could also charge rental rates to other Recreation Departments and combine trips with Amherst to meet minimum group rates. Primex said their insurance would increase \$540 per year.

Selectman Dargie is in favor and if we were to fund the \$68,000 completely, the increase in the tax rate would be 05. Selectman Labonte asked if they had a guess on what they could raise. Arene said no, but they fund raised \$190,000 for the 127 Elm Street project. Chairman Daniels doesn't have a problem authorizing the fund raising, but would have to revisit it if it becomes a warrant article.

Zack Williamson, Recreation Chairman said they have filled all of their sponsorships for all events this year and doesn't feel this will be an issue. Selectman Dargie cautioned that they keep track of the donations in case they have to return the money for any reason.

Selectman Putnam made a motion to authorize the Recreation Department to pursue fundraising for the bus. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.

### **6:15p.m. - Civil Forfeiture Fines – Joan Dargie**

Joan asked the Board to authorize a warrant for unlicensed dogs. Pursuant to NH RSA 466:14 they are directed to collect the fees due the Town of Milford, to be turned over to the Town Clerk, or seize any unlicensed dog for holding in an appropriate facility. They are down to 885 dogs that are not registered. Working with the Police Department, they will be sending a letter out on Police letterhead informing people about their civil forfeiture fine. There is also a \$7 processing fee, a \$6.50 registration fee plus all late fees.

Chairman Daniels asked what the process was for enforcement after the letter is sent. Joan said if they don't come in to take care of the \$25 fine, they will have to go to court and it could be up to \$100 if that happens. Selectman Labonte asked what's been done in the past. Joan said it wasn't enforced in the past but its state law and she's been bringing it up the past two years. Selectman Labonte asked if any of the additional fees go to the Police Department for compensation for their time. Joan said no, it goes into the general fund. She suggested increasing the dog fee by \$1 in the future to go towards an animal control officer. Selectman asked what the Police Department thought of this. Joan said the Chief and she talked and that's why they are going to send the civil forfeiture notice out on Police letterhead. They provide the letterhead and her department will send it out. If the dog owners don't comply, they will get another letter and be obligated to go to court.

Chief Viola said they discussed this last year and felt it was something that needed to be done. Other towns around us do this. We are taking the extra steps using our letterhead. Selectman Labonte asked if someone from the Police Department would have to go to court if someone has to go for non-payment of the fine. Chief Viola said he doesn't know the process yet, he would find out. Joan said if the town had an animal control officer, they would go, since they don't, the Police Department would have to go to court.

Chairman Daniels asked if the letters were being sent out based on the last registration. Joan said it's the last registration and anyone that brought in a new dog. Local Veterinarians are required by law to notify us if any dog gets rabies shots. People who no longer have pets should notify us. Selectman Labonte asked why they have to approve this if it's already an RSA. Joan said its part of the RSA. Selectman Labonte asked if Joan felt it would be a positive financial impact or a negative one. Joan repeated, we are 885 dogs at \$25 each. The whole dog licensing is not a positive financial thing and the state is looking at some changes. It isn't whether or not it's a financial gain or loss, it's a state law. The only way for the Police to locate a dog's owner is by enforcing this. Administrator Bender asked how many dogs are currently registered in town. Joan said about 1,500.

Selectman Putnam made a motion to authorized letters to be sent out regarding civil forfeiture fines. Seconded by Selectman Dudziak. The motion passed 4/1 with Selectman Labonte opposed.

Chief Viola said this won't be high on the priority list. We will work with the Town Clerks office as time permits. Selectman Labonte said he assumes the Police Departments workload is enough already. Chief Viola said everything in his department is prioritized, we are busy, but this is one of the things that need to be looked at. Hopefully the letter will

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make an impression on people. We will also be checking with other departments to see about other options. Joan said she would also like to re-look at adding an additional dollar to dog licensing in a few months.

### 6:30 p.m. - Pumpkin Festival Update -Wade Scott Campbell – Verbal

Wade and Carol Gates gave an update on the pumpkin festival. Things are moving along everything is filling up. They are looking for volunteers to help setup all four days. Rates increased based on the power bill per each unit renting space. There is a \$15 to \$20 increase to offset what they were paying for the electrician. Non-profits in lieu of doing a payment for a spot, can volunteer their time to help out. No amount of time is too small or too much. Volunteers can come from anywhere; they don't have to be town's people. It's a lot for a small amount of people to cover.

They are meeting with the Masons about the haunted trail to make sure their needs are taking care of. They also need volunteers. The talent show is still on; they will start promoting it in July. There will not be carnival rides on the oval this year. They are transitioning towards the grass roots like before. There will be food trucks coming in. They are currently meeting every two weeks until the middle of August then they will meet weekly. The Board thanked Wade and Carol for heading this. Administrator Bender said they had a meeting around town and everyone is very cooperative and have lots of energy. Wade said the music is also a huge part of the festival. Carol asked the Board to think about doing something special for the pumpkin festival's 30<sup>th</sup> anniversary. The Pumpkin Festival web site will be up to date in a couple of weeks.

They will be having another mural painted but they need to look more into it. There was talk about having it at Emerson Park on the back side of the Post office. Wade asked if some the Town Hall windows can be painted this year. The Board will think about it.

**3. PUBLIC COMMENTS.** - There were no public comments at this time.

### 4. DECISIONS.

**a) CONSENT CALENDAR.** Chairman Daniels asked if there were any items to be removed from the consent calendar. Selectman Dargie asked that 4. a) 2) be removed for discussion. Selectmen Putnam made a motion to accept the 4. a) 1, 3 and 4 as presented. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

1) Approval of Two (2) Intent to Cut Wood or Timber, Map 54 Lot 2 and Map 54 Lot 6

2) Approval of 2019 Application for Reimbursement to Towns and Cities in which Federal and State Forest Land is Situated - \$127,300

3) Request for Approval for New Hampshire American Physical Therapy Association to do a day of Service at Keyes Field on October 12, 2019.

4) NH RSA (31:95(b)) Request for Acceptance and Appropriation of Unanticipated Revenues under \$10,000 – Milford Rotary Club Foundation gave a donation of \$1,700 to the Milford Recreation Department to purchase benches at Shepard Park.

Selectman Dargie clarified that for 4. a) 2), the \$127,300 is the assessed value of the property, not the actual reimbursement. Administrator Bender said the impact is \$1,750. Selectmen Putnam made a motion to accept the 4. a) 2) as presented. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

### b) OTHER DECISIONS.

1) N/A

### 5. TOWN STATUS REPORT – Administrator Bender

**a. MS4 Update** - The US EPA has accepted the town's Notice of Intent under the 2017 General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems. The town continues compliance efforts. Residents will receive mailings regarding stormwater management and ways they can help improve our surface waters. They may also notice interns who are tracking and monitoring our storm water system and outfalls. The interns will carry identification and wear high visibility safety vests.

**b. Solar Lease Update** - Staff continues working with Granite Apollo and attorneys on the long-term lease of town land. Water Utilities exploration for a potential municipal water source in the area is adding time to the process. We do not yet have a lease for public review.

Selectman Labonte asked if TRC was still working at the Solar site. Administrator Bender said not now. They were surveying wetlands and vernal pools in the Spring.

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**c. Paving 101/101A Update** - This is just a reminder for residents that the State will be reclaiming and paving the 101/101A intersection in the near future. This is scheduled for night work.

Other scheduled town paving projects include:

- Crack Sealing starts June 26.
- Chip & Seal on Savage, Mason, McGettigan and Whitten Roads starts July 2.

Starting the week of July 8 we will be working on:

- Milling and paving West and South
- Top paving King, George, Ford and Clinton
- Reclaiming and paving on Cottage, Garden and Union
- Updates will be posted on the Town Website.

The process will take three to four weeks for completion.

**d. Stone Structure Update** - Work is progressing on the stone cutting shed that we are transforming into a stage at the entry to Keyes Park. Excavation, footings and foundation are complete. Reconstruction of the three sided stone stage is underway.

Chairman Daniels said nixle has been very helpful in keeping up to date on happenings around town. He encourages residents to use it. Administrator Bender said it's on the town's web site, easy to use and it's free.

### 6. DISCUSSIONS:

a) N/A

**7. PUBLIC COMMENTS:** There were no public comments at this time.

### 8. SELECTMEN'S REPORTS/DISCUSSIONS.

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

Chairman Daniels said people were asking why they were getting scoop the poop mailings, how much did the town pay for that and was it households. Administrator Bender said the requirement for the MS4 permit was to send a notice to all households in towns whether they have pets or not.

Selectman Labonte referenced the July 12<sup>th</sup> pre-proposal conference for the RFQ on dispatch and asked if the Board will be there for that. Administrator Bender said it's open and anyone can attend. Chairman Daniels said it wasn't a scheduled meeting for the Board. Selectman Labonte asked who would be conducting the meeting. Administrator Bender said staff will be taking questions, and providing answers for this. It would include himself, Captain Frye and Chief Viola. Selectman Labonte asked if other emergency services will be there, it seems like we are focusing on the Police Department. Administrator Bender said they put the RFQ together. Selectman Labonte feels it should non biased. He feels that the Board should be there. Administrator Bender said the proposals are to be sent to the attention of the Board of Selectman, it doesn't mean they have to be there for the conference. They can be, but if three of you are here, it needs to be posted as a meeting. Selectman Labonte asked if the public could come and should it be posted as a meeting. Administrator Bender already stated that anyone could attend the conference.

Administrator Bender said in the RFQ under proposal instructions, item 14 states "Questions regarding this bid shall be made in writing only and should be directed to the individual listed below no later than five working days prior to the bid closing date and time. He is listed as that individual. He would need to know how many Board members will be there so it can be posted. Selectman Labonte and Selectman Putnam plan on attended. Chairman Daniels said to post it anyway. Chairman Daniels repeated that it is a public meeting and anyone can show up for it. It will be posted as a Board meeting.

Selectman Putnam said the committee for the 127 Elm Street building met Thursday and approved an RFQ, (request for qualifications), to study the feasibility study for programs and what their opinions are. Chairman Daniels asked how long before the RFQ had to be back. Administrator Bender said they are making a few modifications based on meeting last Thursday and then they will allow 45 days.

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Chairman Daniels said the Recycling Committee meet and they were able to get signs previously discussed for half the cost of the \$500 allotted. They chose to use the remaining money for additional signage so they will have signage at all the places at the Transfer Station.

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

**9. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes of June 10, 2019, as amended. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

### **10. INFORMATION ITEMS REQUIRING NO DECISIONS.**

**11. NOTICES.** Chairman Daniels read the notices.

**12. NON-PUBLIC SESSION.** N/A

**13. ADJOURNMENT:** Selectman Putnam moved to adjourn at 6:46. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

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Gary Daniels, Chairman

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Laura Dudziak, Member

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Paul Dargie, Vice Chairman

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Chris Labonte, Member

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Mike Putnam, Member