

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

November 25, 2019

PRESENT:	Gary Daniels, Chairman	Mark Bender, Town Administrator - EXCUSED
	Paul Dargie, Vice Chairman	Tina Philbrick, Recording Secretary
	Mike Putnam, Member	Tyler 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. – Public Hearing – Open Space Conservation Easement – BROX

Chairman Daniels opened the public hearing: This is a second public hearing under RSA 41:14-a to discuss and approve a Commitment Agreement between New Hampshire Fish & Game and the Town of Milford that will lead to establishing a Conservation Easement on a portion of the “BROX” Community Land as required by the previously approved Alteration of Terrain (AoT) Permit Number 1313. This easement will set aside approximately 75 acres for conservation purposes, provide an additional buffer for sensitive resources and a wildlife corridor link to other conserved areas. As required by the statute, both the Milford Planning Board and the Conservation Commission have reviewed and recommend the proposed action. Hearing no public comments, Chairman Daniels closed the public hearing

Chairman Daniels stated the process for this was to have two public meetings and hold a vote on December 2nd. There was a challenge in court on the permit that was submitted, the court ruled with the petitioner and has remanded it back to DES. At this time we have sought legal counsel and all three Attorneys have recommended that the Board not take a vote until this is resolved between the state and the department. Unless that gets resolved prior to December 2nd, his intention is to not have a vote on the December 2nd agenda. The three Attorneys are Biron Bedard – Town Attorney, Chris Aslin – Attorney General, and Eric Maher – Attorney for North East Sand and Gravel.

Selectman Dudziak said she didn’t read the Supreme Court’s decision to suggest that. It’s been remanded but DES will just have to re-issue the permit citing the correct standard. There is no reason to suggest that wouldn’t happen. It would be a shame to lose the \$20,000. Chairman Daniels agrees but it would also be a shame if we went forward with this and then something happened and it never came about. Selectman Dudziak said in reading the opinion, DES seemed fairly confident advocating for their position and there isn’t any reason to believe that they are not going to re-issue it. Chairman Daniels is hoping within the next week we will see something that might reflect positively that will clear us to go forward.

Selectman Dargie said he would like to keep it on the agenda for the next meeting and decide that night. He agrees with Selectman Dudziak. Selectman Labonte said at what point would the rest of the Selectmen be filled in on legal counsel having anything to do with all of this? This is the first he’s heard that legal counsel suggested not to proceed. When do the rest of the Selectmen get put into that loop? Chairman Daniels said he found out a couple of days ago. Selectman Dargie said she got the original e-mail from the Town Administrator. Chairman Daniels said they all received that e-mail. Selectman Dudziak said the e-mail stated the recommendation to not move forward from Attorney Bedard. Selectman Labonte said if there’s been other conversations on this, he would like the Board to be updated on them. Selectman Dargie stated that if the other attorneys provided their opinion on paper, he would like a copy. Chairman Daniels said he would put it on the agenda for the next meeting.

Andy Hughes, Conservation Chair asked if the vote to be taking at the next meeting would be a vote to approve the ARM agreement. Chairman Daniels said yes. Andy said the process is two parts; the commitment agreement and then the approvals required to accept the ARM grant. The ARM grant is conditional on two things, the signature of the contract and the commitment agreement. We now know that they are not going to hold fast to the commitment agreement requirements. They do not need that to move forward to release these funds. They will require signature on the contract paperwork. He believes that the Board has that paperwork. He read the paperwork in detail and if that paperwork is agreed to, it doesn’t commit the Town to the Conservation agreement. It is just the contractual agreement that if we take these funds, we will undertake certain things. There is a clause in the paperwork that states if the easement doesn’t go forward, they will either not pay any money or in the event that they have paid it, they will be refunded. The paperwork needs to be signed by December 3rd or they will lose the \$20,000 grant.

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 11/25/2019

Chairman Daniels said he understands. He just wants to make sure the legal aspect is complete. He will talk with the Town Administrator and Attorneys to find out where we are in the process. Andy said it is the fault of the state that this happened in the first place, he will also see if he can get more flexibility in regards to these funds. He stated that it's not the fault of the Commission or the Board of Selectmen that we ended up to this point.

Audrey Fraizer, Milford citizen said they have asked that the survey to be put on hold so they don't spend the money. The signature to accept the ARM grant would be just for the State to commit the money, it doesn't mean we are going to spend it or accept it. It's important for the State to go forward to Governor and Council with the application. The town has done much work out on BROX already and our commitment was to have the Conservation easement in place two years after the permit. It should have already been accomplished. Even if it's not 75 acres, the Town in good faith, needs to put a certain percent into mitigation because we've already created an impact to the property.

Chairman Daniels said it's frustrating to the Board because we received this so late and we are under a tight deadline on getting it done. He repeated, we have three legal people saying don't sign this and we need to sort this out so that we are comfortable going forward. Andy asked if gravel was still being removed. Chairman Daniels said yes, there was nothing in the court order that called for a cease and desist.

5:45 p.m. – Municipal Assessment Data Sheets (MADS) – Marti Noel

In summary: The Municipal Assessment Data Sheets contain the real estate transfers that have taken place in Milford between October 1, 2019 and September 30, 2019. This information is used to measure the level of assessment within the community, and provides the basis for the Equalization Ratio, a measurement of assessed value to market value. The report is due to the DRA by December 15th each year. Marti referred to a DRAFT spread sheet showing what the median ratio should be. This shows where the assessments are compared to property values. They were trying to reach 100% in value they are showing single homes are showing 94.5% assessment to market value. This supports the fact that this update needed to be done.

Chairman Daniels asked Marti to explain why some homes have gone up and others have stayed flat. Marti said not every property increases at the same percentage over the same amount of time. We look at individual neighborhoods, ages, sizes and styles of the property. We saw the following increases:

Percent Change # of Properties Affected

1	0-11%	1,261
2	12-15%	642
3	16-20%	2,369 bulk of sales
4	21-30%	966
5	31-200%	449
6	>200%	68

Total affected 5,755

Location Property Type % Increase

545 Elm St	Manufactured Homes	38%
26 Melendy Rd	Manufactured Homes	40%
511,517,&529 Nashua St	Manufactured Homes	40%
Great Brook Condos	Condominium	42%
Sunview II Nbhd	Single Family	31%

Selectman Putnam asked what was the advantage of doing the re-value now versus year five? Marti said they were seeing certain market segment changes and commercial and land sales not showing any increases at all. The residential market segment was showing significant and accelerated increase. When the Board made the decision to go with the update, we were at 83.6% for assessments to market value for residential properties, but we were at 102% for commercial properties. The idea was to bring things back in line. We saw a lot more increase in the last 6 to 8 months in resi-

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 11/25/2019

dential. If we didn't do an update we would have seen approximately a 75% ratio for residential properties and still 102% for commercial properties. We would have seen an abundance of abatements come through for appealing the commercial property values. There would have been very little argument to support and abatement was not justified.

Selectman Dudziak said people are more upset with apartment buildings. Marti said she previously talked with this Board and they decided not to do a full re-evaluation. Going back to the definition of a Partial Update, it has been identified that there is a segment of the market, the large apartment projects that did not see an increase in value. There were no sales data to support it. We now have two sales demonstrating a need to update this segment in the coming tax year. This effort is already built into the 2020 budget, along with recruiting a contractor to conduct property visits so she can maintain the ongoing cyclical review program. She recommends that the Board let her look into the commercial market for 2020.

Selectman Putnam made a motion to approve the Municipal Assessment Date Sheets as presented. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.

6:00 p.m. – Application for Restoration of Involuntarily Merged Lots – Marti Noel

In summary: This lot was inadvertently merged back in the 80's. The owner demonstrated that this lot was never intended to be merged. The property owner of 106 Knight Street is requesting the Town of Milford restore parcel 20-25, 106 Knight Street to its pre-merger status for the purposes of being assessed and treated for regulatory purposes as separate tracts or parcels of land. All research has indicated that there are two lots. Assessing and Community Development have reviewed the information. The new parcel will be identified on the tax maps as Tap Map 20, Lot 25-2, with Street Address, 0 Knight Street. There may be a tax increase once the parcel is restored.

Selectman Putnam made a motion to approve the Restoration of Involuntarily Merged Lots on 106 Knight Street. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0

6:10 p.m. – Nashua Area Radio Society Request for Waiver of Ordinance 7.16.070 – Jerry Doty

In summary: The Nashua Area Radio Society would like to reserve areas of Keyes Field for an event on January 24-26, 2020. The event includes operating a temporary radio station for a 24 hour period starting on Saturday and ending on Sunday. This event will be similar to the one approved by the Board of Selectman in January 2019. This is an international contest to demonstrate emergency communications in less than an ideal environment. They are given twelve hours over a Twenty four hour period to setup a radio structure to make as many contacts as they can using voice mode, computer digital mode and morse code. It was well attended last year. They took 2nd place last year overall and 1st in their category with 1,100 confirmed contacts. This event will take place the last weekend in January. Ordinance 7.16.070 states the Keyes Memorial Park is closed from the hours of 10 pm to 6 am except under the direction or permission of the Board of Selectman. Jerry is asking for consideration of a waiver for the event.

Selectman Putnam made a motion to approve the waiver of Ordinance 7.16.070. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0

3. PUBLIC COMMENTS.

Wade Campbell, Milford resident said there seems to be more water main breaks this year showing up on NIXLE, is it more than usual or are they common. Selectman Putnam said it's common. Times change, things in the ground move and the pipes are getting old.

4. DECISIONS.

a) CONSENT CALENDAR. Chairman Daniels asked if there were any items to be removed from the consent calendar. There were no items to be removed. **Selectmen Putnam made a motion to accept the consent calendar as presented. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.**

1) Request for Approval of (1) Yield Tax Levy, Map 53 Lot 29 – 84 Abbott Hill Road.

2) Request for Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 (31:95(b))

- Donation to the Milford Fire Dept. for the Fire/Life Safety Education Special Purpose fund from Stone House Condominium - \$50
- Donation for the Recreation Bus Special Purpose Fund from the Milford Area Seniors - \$5,000
- Donation for the Recreation Bus Special Purpose Fund from Judy Maloney - \$34
- Donation for the Recreation Bus Special Purpose Fund from Gerald Riely - \$5
- Donation for the Recreation Ice Rink Special Purpose Fund from the East Milford Improvement Society Trust Fund - \$4,610.

b) OTHER DECISIONS.

1) Traffic Safety Recommendation – Philips Way

Traffic Safety met last week to review the two letters received about traffic on Philips Way and recommended that the traffic pattern be left as it is, one way from Prospect Street to Ledgewood. They also said unless there are changes to the structure, any further request that comes to the Board not be forwarded to the Traffic Safety Committee. This issue has been taken up about four or five times now.

Selectmen Putnam made a motion accept the recommendation of the Traffic Safety Committee. Selectman Dudziak seconded. The motion passed 4/0/1 with Selectman Dargie abstaining.

5. TOWN STATUS REPORT – Finance Director Paul Calabria and HR Director Karen Blow

a. 2020 Health Insurance

In Summary: Karen said they received one response back from SchoolCare, there were two plans costing more than what we currently offer and one plan did not provide any substantive savings for the Town or Employees. It actually would have cost the employees more, after meeting the deductible, there would have been a 20% additional co-insurance they would have to pay. The other insurance company we reached out to didn't provide a quote.

Mark, Paul and Karen are recommending keeping the plans as is. Offering the AB15/40 at 85/15 split and offering the SOS at no cost. The full cost for the Site of Service, (SOS) remains less than the 85% the Town pays at the AB15/40 level. The strategy is to do more education (evening sessions so spouses can attend), to hopefully transition more people to the SOS, and have those on the SOS share their experiences at the open enrollment sessions, so far there has been positive experiences, and to convey to staff strategies in how to make this a win/win for them and the Town.

We can make a suggestion that the employee put their foregone "monthly premium" into their own savings account. By year two – would have the deductible IF needed. For example: A single person premium would be \$129 x 12 months (24 pays) = \$1548 so by the end of year two, they would have their \$3,000 deductible met and it's in their own savings account and the town doesn't have anything to do with it.

To move forward with the plans Mark, Paul and Karen recommend staying at the 85/15 for AB and at the Town paying 100% for the SOS and we would need the Boards approval to move forward.

Karen would also need Boards approval for to sign the renewal rates for Dental and Medical for the 2020 renewal period in Mark's absence. It has to be returned by 11/27/19.

Selectmen Putnam made a motion to approve the insurance program as presented, the Access Blue at 85/15 and the Site of Service, with the Town paying 100%. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

Selectman Putnam made a motion to allow Karen to sign the renewal rates for Dental and Medical for 2020 in Mark's absence. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

FSA – Flexible Spending

Karen said the Health FSA limit increased in 2020 to \$2750.00. We currently allow people to set aside \$2,700 in pre-tax dollars to pay for medical expenses (co-pays, etc.) We can either leave as is or increase to the \$2,750.00. We will need a determination from the Board.

Selectman Dargie asked what they recommend. Paul said he recommends going up the additional \$50. Chairman Daniels asked how many employees used this in the past year. Karen said most people don't hit the max. Most put in \$1,500 to \$750. Chairman Daniels clarified that this is an extra \$50 coming out of the employees check and we are just allowing them to put it aside. Karen said yes. Selectman Labonte asked Karen for a copy of the quote from the second insurance company. Karen said yes.

Selectman Putnam made a motion allow the flexible spending to go up to \$2,750. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

b. 2020 Operating Budget, Questions, Concerns or Changes

Paul asked if there were questions since the meeting with the BAC. Chairman Daniels asked if the default budget was complete yet. Paul said it would be around \$200,000 less than the proposed budget as it stands currently. Chairman Daniels asked how much the increase to the town was. Paul said around 4.9%. Selectman Labonte asked if the increase

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 11/25/2019

was with the budget that was given to them. Paul said yes except for the two radios that they will be buying from the capital reserve fund for Fire and Police. Selectman Labonte asked if the \$30,000 for the Community Development vehicle still the same. Paul said yes.

Chairman Daniels said we will be having budget discussions each time we meet until January so if there are any other questions, please let Paul know.

Selectman Dargie said, per the discussion at the Saturday meeting, he's in favor of buying two police cruisers, he's not in favor of leasing them. Selectman Putnam agreed and asked where the excess funds are coming from? Selectman Dargie said there was \$240,000 estimated; (roughly), and it would be \$140,000 for the police vehicles all outfitted and \$30,000 for the Community Development vehicle. He recommends that we do all three vehicles. Selectman Putman asked which budget the excess was coming out of. Paul said there are little pockets here and there that add up to that total. We will have a better number for accuracy on Tuesday, December 2nd.

Selectman Dargie made a motion to move the two Police vehicles and the Community Development vehicle out of the budget and buy them this year. Selectman Putnam seconded. Selectman Dudziak asked what the plan was for the Community Development vehicle? Selectman Dargie said they want to buy a new one for Community Development and give the old one to the Public Works department.

Selectman Labonte asked if we buy two new cruisers, what are we getting rid of for a cruiser. Selectman Dargie said that was outlined in the Saturday discussion. Selectman Labonte asked if we would be getting rid of a cruiser that could be repurposed, or is it not worth repurposing it?

Chaptain Frye said the Town Administrator wanted to give a presentation about the cruisers at the next meeting. Selectman Dargie said he would be fine with that. Chairman Daniels said the motion and the second have been withdrawn and we will take it up at the December 2nd meeting. Selectman Labonte asked if there is a reason we have to spend the money and we can't just give it back. Paul said there is no reason.

Selectman Dargie said they are supposed to do a \$2,000,000 bond in a warrant article for three years of road work, he's in favor in increasing the road work in the budget instead of going forward with a bond warrant article, it saves interest in the long run. He would like to increase the paving budget from \$300,000 a year to around \$700,000. Selectman Labonte said he needs to see a plan before raising the budget. He said that Rick made it very clear that he doesn't have a plan. You should have a base plan on where to go; it's common in other towns. Selectman Putnam agreed

Chairman Daniels said everything needs to be done, but we all agreed that communications is our number one priority. IF we keep jacking up the budget, it's more likely that people won't vote on anything. He will keep in mind the other ideas.

Selectman Dargie commended Administration for the presentations that were done at the joint Board and Budget Advisory meeting, it was well presented.

6. DISCUSSIONS:

a. Traffic Safety Concern – Union Street, Excessive Traffic and Speeding

In summary: An unsigned letter was received stating concerns about the amount of cars and trucks that speed on Union Street. It was also stated that there is too much traffic on Union Street. Chairman Daniels said it was generically signed as "the Union Street Neighborhood", and he doesn't really know what that means. He said we would normally give this to Traffic Safety, but the people didn't identify themselves and further explain what the problems are. Selectman Putnam asked why we wouldn't have the police do extra patrols on Union Street first before speaking with the complainants. Chairman Daniels said that Traffic Safety usually does that. If there are issues on a particular street, we need to have someone who could more clearly explain what these problems are so we can better deal with them. Captain Frye said they already started patrols on Union Street today; they will do it for two weeks for speed. Selectman Putnam said as far as the amount of cars on Union Street, there is nothing we can do about that. Chief Viola recommends that the Police be the first step for traffic issues before going to Traffic Safety before going to the Board. He would rather go to the Board and tell them it was done before recommending going to Traffic Safety.

7. PUBLIC COMMENTS:

Selectman Labonte asked how come paving in front of the Bales School on Elm Street wasn't done. He thought it was part of the paving curb to curb plan. How come Elm Street never got that curb to curb down to Union Square? Select-

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 11/25/2019

man Putnam asked if he's asked Rick. Selectman Labonte said no, he's asked Mark. Selectman Putnam replied, why don't you ask Rick direct. Selectman Labonte said because Rick doesn't like him so he went through the chain of command. He also questioned the puddle in front of NAPA on South Street to Prospect Street, is it going to become a liability to the town. The puddle is two inches deep and wasn't there before. Chairman Daniels said they would follow up next week.

8. SELECTMEN'S REPORTS/DISCUSSIONS.

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

Chairman Daniels said the Recycling Committee is getting ready to release their new brochure and they also have new signs up 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 November 12, 2019. Selectman Dudziak seconded. The motion passed 5/0 as amended. Selectman Labonte referenced line 346, he didn't know if it would be a correction or an interpretation "Selectman Dargie clarified that when that was done, our representative was at the meeting and he voted on it. Selectman Putnam, who was the representative last year, said he didn't remember". Tina said, those were his words. Selectman Labonte said Selectman Putnam wasn't at that meeting. There was some discussion and it was noted that Selectman Putnam was at the meeting on November 12th and not at the October 28th meeting.

10. INFORMATION ITEMS REQUIRING NO DECISIONS.

a) Treasurer's Reports – July 2019, August 2019 and September 2019

11. NOTICES. Notices were read. Chief Viola thanked the Board for recognizing Officer Morrow. He's very dedicated to helping the juveniles and victims in our area.

12. NON-PUBLIC SESSION.

13. ADJOURNMENT: Selectman Putnam moved to adjourn at **6:30**. Selectman Dudziak seconded. All were in favor. The motion passed 5/0.

Gary Daniels, Chairman

Laura Dudziak, Member

Paul Dargie, Vice Chairman

Chris Labonte, Member

Mike Putnam, Member