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2014

MINUTES OF THE

SPECIAL TOWN MEETING

TOWN OF MILFORD

Submitted by Darlene J. Bouffard

Date: 9/18/14

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2014

Special Town Meeting of the
Town of Milford

August 11, 2014 – Deliberative Session

September 9, 2014 – Elective Session

Total Registered Voters: 9659

Number of Voters at Deliberative Session: 39

Total Votes Cast: 2186

The Deliberative Session of the Special Town Meeting opened at 6:30 in the afternoon in the Town Hall Auditorium.

The Moderator, Peter Basiliere, opened the meeting and advised that the inhabitants qualified to vote were called upon to act upon the Warrant in accordance with Senate Bill #2, more precisely known as New Hampshire RSA 40:13, officially known as the "Official Ballot Referendum form of Meeting". This was the twentieth Town Meeting under this law.

The Chairman of the Board of Selectmen put a motion on the floor, seconded by the Chairman of the Budget Advisory Committee and voted unanimously in the affirmative to suspend the reading of the Warrant.

The inhabitants were called upon to transact all business other than voting, and were advised by the Moderator that on September 9, 2014, the Second Session, voting by official ballot, would take place with the polls opening at 6

a.m. and closing no earlier than 8 p.m., to be held at the Milford Middle School Gymnasium, to act upon all matters of the Warrant as well as election of officers and other matters to be voted upon.

Present for the meeting were: Board of Selectmen, Gary Daniels, Chairman, Mark Fougere, Vice Chairman, Michael Putnam, member, Katherine Bauer, member and Kevin Federico, member. The Budget Advisory Committee: Matt Lydon, Chairman, Bert Becker, Karen Mitchell, Peggy Seward, Rose Evans, Jim Roccio, Chris Pank, Steve Sareault and Jolie Whitten. Board of Water and Sewer Commissioners: Robert Courage, Chairman, Michael Putnam, member and Dale White, member. Town Clerk, Peggy Langell; Deputy Town Clerk Clare Callahan; Town Administrator, Guy Scaife; Police Chief, Michael Viola; Police Captain, Christopher Nervik; Police Captain, Stephen Toom; Director of Public Works, Rick Riendeau; Fire Captain, Ken Flaherty; Director of Community Development, Bill Parker; Library Director, Michelle Sampson; Finance Director, Jack Sheehy; Welfare Director, Susan Drew; Recreation Director, Arene Berry; Water Utilities Superintendent, David Boucher; IT Director, Bruce Dickerson; Executive Assistant, Tina Philbrick; Community Media Director, Michael McInerney; Town Counsel, William Drescher.

Election Officers present: Peggy Langell, Town Clerk; Clare Callahan, Deputy Town Clerk.

Audio Assistance and video taping was prepared by Michael McInerney, assisted by Zachery Steinbrecher, Dan Finan and Niko Giokas.

The Minutes were prepared by Darlene J. Bouffard.

The invocation was delivered by Gary Daniels.

The assembly was led in the Pledge of Allegiance by Pete Basiliere, Moderator.

The Moderator advised the assembly that the Annual School District Deliberative Session took place on August 4, 2014.

The Moderator advised the assembly that the Board of Selectmen and the Budget Advisory Committee will be meeting this evening to discuss their support/lack of support on the warrant articles. The Moderator also noted that this year the ballot will include details of the support or lack of support for the ballot question to be voted upon, as had been done in the past, but will not include numbers for or against.

The Moderator recognized and thanked Town Counsel, William Drescher, for his presence at this meeting.

The Chairman of the Board of Selectmen, Gary Daniels introduced the members of that Board: Mark Fougere, Katherine Bauer, Michael Putnam and Kevin Federico. He also introduced the Town Administrator, Guy Scaife, and the preparer of the minutes, Darlene Bouffard. He introduced Jack Sheehy, Director of Finance and William Drescher, Town Counsel.

The Chairman of the Budget Advisory Committee, Matt Lydon, introduced members of that Committee: Bert Becker, Karen Mitchell, Peggy Seward, Rose Evans, Jim Roccio, Chris Pank, Jolie Whitten and Steve Sareault. He explained that the Budget Advisory Committee is appointed by the Moderator and that all are volunteers, some of whom are absent this evening.

Matt Lydon, BAC Chairman, indicated that the role of the Budget Advisory Committee (BAC) is to advise the Board of Selectmen and Town Administrator in putting together the budget and developing positions of support or non-support. The BAC meets with the Town Administrator, Finance Director, Department Heads, representatives of local organizations and other representatives of the warrant article.

The Moderator introduced the Board of Water and Sewer Commissioners: Robert Courage, Chairman, Michael Putnam and Dale White.

The Moderator explained to the inhabitants that this session of Town Meeting is to put the article on the Warrant into the form of questions which would then be placed on the Ballot. This ballot would then be voted upon at the second session of this Special Town Meeting on September 9, 2014. The complete Special School Warrant will also be part of the official ballot to be voted on at the second session on September 9, 2014.

The Moderator advised that this meeting would be conducted from the Warrant as posted and as provided at this meeting. It would be assumed that the Board of Selectmen has moved the question and that the Budget Advisory Committee has seconded it unless otherwise stated. Should the Budget Advisory Committee not support an article, then the Moderator will assume it is seconded by a member of the Board of Selectmen. After all discussion is complete he will instruct the Town Clerk to place the question on the ballot.

Moderator Basiliere indicated that today we need to decide on the wording for the ballot and agree on an amount of what we will vote on in September.

Moderator Peter Basiliere stated he would conduct the Town Meeting following the "Moderator's Rules". These rules were provided in written form to all individuals present at this meeting. Those rules are as follows:

"New Hampshire law gives the moderator the authority to establish rules of procedure for the Deliberative Session and also gives the voters the power to overrule the moderator's rules and rulings. These Rules of Procedure are how the moderator intends to govern the meeting, in the absence of any challenges to the rules, to ensure a fair and orderly meeting.

Registered Milford voters must check in at the checklist table, where they will receive a sticker that must be worn while in the hall and a voting card. Anyone wishing to speak must wear this sticker in order to be recognized. Non-residents will be allowed to speak only after a positive vote by the meeting on a motion to allow the non-resident(s) to speak.

When a vote is called for, registered voters will vote on the motion by holding up their voting card. The moderator will cast a vote only to break a tie or to create a tie.

Anyone wishing to speak must do so at the microphone located at the center aisle. Please state your name and street address your first time at the microphone. For subsequent trips to the microphone, stating your name will be sufficient.

All questions or comments must be directed to the moderator, not to individual officials, committee members or audience members.

Except for presenters explaining proposed articles, speakers have a three minute time limit. If the speaker asks a question, one follow-up question is allowed before stepping away from the microphone. If the speaker has additional questions about or comments on a particular issue, they may be raised only after all other speakers already in line have spoken.

Anyone wishing to call the question must do so from the microphone. A speaker may not call the question immediately after speaking on the issue.

The motions to call the question and to restrict reconsideration are not debatable. Upon a second, the moderator will ask for a vote by the meeting.

Upon an affirmative vote to call the question, anyone already in line as well as members of the Board of Selectmen and the Budget Advisory Committee who had already indicated a desire to address the topic will be permitted to speak on the issue.

Discussion and voting will be taken one amendment at a time.

While a proposed amendment to a dollar amount may be made verbally, an amendment that changes the language of a question must be submitted in writing. Time will be allowed for the voter to write the proposed language on a piece of paper. Important note: The language of the warrant article for the operating budget is stipulated by state statute and may not be changed.

The meeting may, on an article-by-article basis, restrict subsequent reconsideration of the vote on a warrant article.

Upon a vote to restrict reconsideration, the moderator will prohibit any further action on that question. The motion to restrict reconsideration does not have to be made immediately after the original vote.

An affirmative vote to restrict reconsideration may be reconsidered. If the restriction is overturned, however, by statute the actual reconsideration will take place at a recessed session of the town meeting held at least seven days later (RSA 40:10).

A petition for secret ballot must be submitted to the moderator prior to the vote by at least five voters. The five voters must be present when the petition is submitted.

The Moderator shall take a secret yes/no ballot vote when seven or more voters who are present question any non-ballot vote immediately after the moderator declares the result of the vote and before any other business is begun (RSA 40:4-b).

Five voters present may request a recount of any vote taken by secret yes/no ballot if the request is made immediately after the announcement of the result. The moderator will order a recount immediately if the secret yes/no vote margin is less than 10 percent (RSA 40:4-a).

The Moderator may command a police officer or legal voter to remove from the meeting and detain any person conducting himself or herself in a disorderly manner (RSA 40:9).

Any of the Moderator's Rule(s) may be overturned by a simple majority vote."

The Moderator explained that the article can be discussed and debated and deliberated and after that one of two actions needs to be taken. The original wording of the warrant article can be maintained in which case it will appear on the Ballot as it is in the Warrant, and no vote is required because nothing was changed. The other action is to vote to amend the wording of the warrant article. If this amendment is approved the amended article is placed on the Ballot. To amend the wording, a simple majority vote is all that is required.

The Moderator requested that each individual wishing to speak, make every effort to limit discussion in an effort to avoid a lengthy town meeting. He requested precise presentations be made also. Chairman Daniels moved to allow the following non-residents be allowed to speak, to which Vice Chairman Fougere seconded and all were in favor:

Bill Drescher
Tom Roy
Jack Sheehy

WARRANT ARTICLE/BALLOT QUESTION 1 — PURCHASE OF 127 ELM STREET

Selectman Gary Daniels moved that Warrant Article 3 be placed on the ballot. Selectman Fougere seconded.

Warrant Article/Ballot Question #1 as presented at the Deliberative Session is as follows:

To see if the Town will vote to raise and appropriate the sum of \$190,000 (gross budget) to acquire the land and buildings in the town of Milford located at 127 Elm Street which property is depicted on the town of Milford Tax Maps as Map 19, Lot 10, in accordance with the terms of contingent purchase and sales agreement entered into between the Board of Selectmen and the owner of said property, which property is adjacent to Town owned Keyes field, and to authorize the Town to expend up to \$109,200 from unrestricted fund balance, and to authorize the Board of Selectmen to accept \$80,800 in pledged 2014 donations, and to further authorize the Board of Selectmen to accept \$110,000 in pledged donations over the ensuing 4 years, and any other amounts of pledged donations such pledged amounts to be used to reimburse unrestricted fund balance up to \$109,200, with any additional donations to be used to reimburse unrestricted fund balance up to \$109,200, with any additional donations received to be applied to the Keyes Park Expansion Project. This Article has no tax impact.

Chairman Daniels indicated this article deals with the purchase of 127 Elm Street, formerly known as the PermaTach property, for \$190,000 with \$88,000 of taxes dismissed for back taxes. The Recreation Commission has worked to raise the \$190,000 for the purchase through fundraising. Chairman Daniels then turned over the presentation to the Recreation Commission.

Tim Finan, Recreation Commission, explained this warrant article is to purchase the property adjacent to Keyes Park West, which is the premiere Recreational facility in town with the pool facilities, fields, courts, all of which are used by organizations in town and from out of town. This particular property looks like a puzzle piece that was missing and now it is found. The property is 5.8 acres and has existing access to Keyes Park. It is flat and dry, there is a little wet area, and it has an existing metal industrial building. There has not been a decision yet about the building and if it will be demolished or kept. The closure of Keyes Drive during the Fletcher clean up is planned for next year. During that, the access to Keyes Park will be closed for up to two full summer sessions. Any kind of large event requires extra parking. This property gives us additional field space and parking. This would be an ideal place for a senior center or office building. Once we get this property, we can look at the entire Keyes Park and maybe we could re-arrange what exists now. Security and emergency access to the park has been an issue. Right now there is access through the Permatlach property for emergency vehicles. A dog park is another idea that has been talked about for many years. The Fletcher clean up is a superfund site. Keyes Drive is currently the only access to the park and will be closed for up to two years. In 2015, Keyes Park will celebrate its 50th anniversary of the pool. The Mayo Group is the current owner of this property and wishes to sell the property before the end of 2014. \$88,000 in back taxes will be forgiven in this transaction; initially the fundraising goal was \$190,000 and the Board of Selectmen will abate the back taxes. The Recreation Commission took the lead on fundraising, there will be more costs once the parcel is purchased and a number of organizations have identified that they will be willing to

assist financially once a plan is in place for its use. The Recreation Commission committed \$29,000 to this from its Revolving Fund. The fundraising goal was \$190,000 but we thought we might get half of that; we were pleased with the enthusiasm and support from every group after they heard the presentation. The Recreation Commission raised \$190,000 pretty quickly. We were very pleased with that number. It is actually a little higher than \$190,000 now. The fundraising will continue, we will continue with the intention to raise more money for its development. There is a band night planned for the fall to appeal to the younger folks, and by working with Milford Improvement Team (MIT) it is planned to include a cowboy supper, and a zombie walk, which was done last year. The oval will be closed for that event. In November a casino night is planned to be held at Hampshire Hills.

Raffle tickets are available as well. Tim Finan continued that we want to be able to get in there right away to make use of that property. The parking area needs to be cleaned as well as the area around the building which is overgrown. Then will come an evaluation of the liability of the building, we would like to form a citizens group to get input from everyone of what to do with this park with this new parcel. We will work with the Planning Board, DPW and other town departments. This is a no-brainer. All the groups contributing say the same thing, it is a perfect piece of land at a great price. We should not let this slip away.

The Budget Advisory Committee (BAC) Chairman Matt Lydon indicated the BAC fully supports this 7/0 and indicated it is very important to keep the park open during the Fletcher clean up.

Judy Hohenadel, said the clean up will be close to the tennis courts and baseball fields and she asked will it be safe to use those during the clean up? Chairman Daniels indicated details of the clean up of Fletcher have not been presented tonight, but it has been presented that those areas will be unusable because there will be equipment down there and it will be a staging area for clean up equipment, Chairman Daniels said the Board has not discussed whether or not it would be contaminated but it is something we should take note of.

Tim Finan, Recreation Commission, indicated there is a whole process in place to make sure the trucks and equipment were not unsafe, to which Guy Scaife agreed.

Judy Hohenadel asked what will be done to the whole property that we buy and where will that money come from? Tim Finan, Recreation Commission, indicated we do not have a formal plan yet, but we have committed that we are continuing the fundraising and will raise as much as possible but we do not have that plan yet, but to raise the money through fundraising and not through taxes. It will end up costing the taxpayers some money in the end, but to get it set up and ready, for use, that will be through fundraising.

Judy Foss, Birchwood Drive, asked how is the maintenance going to be paid for? Chairman Daniels said we do not know if the building will even remain at this point; it needs to be determined if it will be torn down or not. That maintenance will be worked into the DPW budget for 2015.

Judy Foss noted there is time between the land purchase and the next town meeting, but how will you maintain the building with electricity, etc. how will that be paid for? Vice Chairman Fougere indicated the building has no heat or electricity at this time, it is basically abandoned. A committee will be set up to determine whether or not it will remain or be torn down. Judy Foss asked about just basic maintenance, how will that be paid for? Chairman Daniels said there may be money spent on it, if there was a large expansion it would need to go to town meeting, it will depend on the Recreation Commission. Whatever they raise will be spent to recoup the property. Vice Chairman Fougere said one estimate is for \$40,000 to take down the building, plus putting down a slab for a total of \$80,000; but that is just to give people a rough idea.

Walter Smith, Recreation Commission, said we understand there will be other expenses, not just the purchase, we are going to put forth as much as we can.

Michael Polo, said he keeps hearing if we do not do this, the access to Keyes is closed during the clean up. Will the bridge also be closed (from Boys and Girls Club)? Or are you just referring to vehicular traffic? I walk across that bridge daily and wondered if I will be able to continue? Chairman Daniels responded that yes the bridge will remain open. Mr. Polo asked if there is any danger of asbestos being in that building that may cost more to tear it down? Guy Scaife responded that the demolition is to have an environmental company come in to assess any of that type of material, much like with the other buildings in town that were torn down, it is a building with all open space. It is important to think of the Government's obligation to its residents, we are also looking at a Library expansion to provide for growth in the community. We need growth capabilities and we have to plan for it. This is Milford's

primary recreational facility. Whether or not we keep the building or take it down, there is no rush, the rush is getting access and parking. The building is not a critical issue in the decision making.

Denise Hennessy, Elm Street, asked about the policing of this, will we just have the Milford Police patrolling this property or have others coming in? Last night, I almost hit a truck head on because nobody knew which way to go, will there be other town police coming in? This is a big project and I live on Elm Street and wonder where we will be re-routed. Chairman Daniels asked if she was talking about the new piece of property or the Fletcher clean up? Ms. Hennessy is concerned about the truck traffic. Chairman Daniels said there will be a police person at the entrance of Keyes Drive to maintain traffic flow. Ms. Hennessy asked how long does the town expect for this to take place? Vice Chairman Fougere said the Fletcher clean up will take up to two years, the new land purchase will take time to determine what we will be doing and identify a plan, it will not happen all at once or overnight.

Hub Seward, Pine Street, asked if Fletcher would consider improving the parking lot on the Permatatch site as part of their project to improve parking or could it possibly be turned into another superfund site? Has an inspection been done on the new site? Guy Scaife said the existing property does have an environmental issue that is documented, they are working with the owner to clean that up. As part of our contingency, the owner has to clean up all known issues and gain approval of that from DES as a contingency before the town will sign the Purchase and Sales Agreement. The site must be current to the satisfaction of DES. The Mayo Group has already done some work to the inside, it is Mayo's desire to complete the sale prior to the end of the year. Guy Scaife said the issues are known and were identified in early 2000. There are very specific things identified by DES for Mayo to clean up and they are working on that. The town has employed Aries Engineering who has helped the town monitor this, the engineer Rom Ray, has been working with the town since the problem was identified years ago. The town will not sign off on the contract until the site is clean according to DES.

Gil Archambault, asked if the tests will be done later this year and the town vote is in September before testing, what happens if the tests show it is still contaminated? Chairman Daniels said if the voters authorize the Board of Selectmen to purchase the property, the Board of Selectmen is committed to not buying a piece of contaminated property. Mayo Group is aware of those tests that need to be done and cleaned up before it is official. Gil Archambault noted that \$80,000 in back taxes is a lot, and who is going to pay the water bill? Selectman Putnam does not believe there is any back water on that property. Jack Sheehy, Finance Director, said there is a \$330 back water bill outstanding. It is not a lot. Mr. Archambault asked who will pay that? Tim Finan indicated the Recreation Commission will pay for that.

Matt Lydon asked if anyone has approached the Fletcher Superfund site people about the parking area? Tim Finan indicated the Superfund site has been negotiated for many years, if we went back now to ask that, it might delay the Fletcher Superfund clean up.

Moderator Basiliere asked if there were any further questions on Article 1. Hearing no questions or comments, the Moderator instructed the Town Clerk to place Ballot Question #1 on the Ballot as originally worded and in accordance with State statute.

The results of the official ballot voting at the Elective Session on Article #1 is as follows:

YES: 1758 NO: 392 passed

Article #1 passed.

There being no further comments or questions, the Moderator advised the assembly that the Board of Selectmen and the Budget Advisory Committee will be meeting this afternoon to finalize their positions. Selectman Daniels stated the BOS will be meeting in the BOS room after leaving this meeting. Matt Lydon stated the BAC will be meeting in this auditorium immediately following this session

The Moderator adjourned the 2014 Special Town Meeting Deliberative Session at 7:26 p.m.

Margaret Langell, Town Clerk