

**4:00 Site Walk at Hartshorne Road Bridge and  
127 Elm Street.**

5:30 Public Hearing - Mobility Device Use Policy  
Andy Hughes and Chris Costantino

**Town of Milford**  
CONSERVATION COMMISSION

Town Hall  
1 Union Square  
Milford, NH 03055-4240  
(603) 249-0628  
Fax (603) 673-2273  
www.milford.nh.gov  
conservation@milford.nh.gov



May 10, 2018

To: Board of Selectmen for your Information and Concurrence

**Re: Hiking Trails Mobility Device Policy**

Dear Board,

The Milford Conservation Commission spent several months working on a policy that addresses the use of Mobility Devices on town trails. The Commission hosted an event which featured Janet Zeller, who is the National Accessibility Manager for the U.S. Forest Service. Members of the surrounding Conservation Commissions attended the event looking for guidance in managing the changes in the American Disabilities Act of 2011. One of the changes was directed towards accessibility guidelines for outdoor recreational areas for the mobility impaired.

The purpose of this Mobility Device Policy is to preserve the uniqueness of our trails and features while ensuring that accessibility is provided for all users.

Respectfully,

Andy Hughes, Chair  
Milford NH Conservation Commission

# Milford Conservation Commission



## Mobility Device Use Policy

The U.S. Department of Justice (DOJ) has adopted revisions to Title II and III of the Americans with Disabilities Act (ADA) that took effect March 15, 2011. The definition and regulation to permit the use of mobility devices has been amended. The rule adopts a two-tiered approach to mobility devices, drawing distinctions between wheelchairs and "other power-driven mobility devices" (OPDMDs).

The DOJ requires that each group which owns a trail(s) "make reasonable modifications in its policies, to permit the use of OPDMDs by individuals with mobility disabilities. However, if a group can demonstrate that certain OPDMDs cannot be operated safely on their trails those devices can be prohibited.

Therefore, the Milford Conservation Commission (MCC) adopts the following guidelines concerning the use of mobility devices by individuals with mobility impairments.

To accommodate mobility disabled persons:

1. Wheelchairs and similar devices built specifically for mobility disabilities are allowed. Individuals with mobility disabilities are permitted to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. The Commission recognizes and adheres to the ADA definition of wheelchair listed in the definitions section of this policy.
2. Other Power-Driven Mobility Devices (OPDMDs), not specifically designed for disabilities, may be used provided:
  - a. Motors on electric devices are 250 watts or less,
  - b. Devices weigh less than 100 lb. (43kg),
  - c. Devices are no more than 36" wide,
  - e. Devices must be capable of being turned around within the trail tread in a safe manner.
  - f. Devices must have the capacity to safely negotiate trail features and obstructions
3. No internal combustion devices are permitted.

By adopting these guidelines, the MCC is not representing that its properties are safe for use by an OPDMD and it is not assuming any liability. Certain risks are inherent in the use of the properties and all users must exercise reasonable care

Each trail will be assessed based on the following factors suggested by the DOJ. Requirements for prohibition must be based on actual risks.

- (i) The type, size, weight, dimensions, and speed of the device;
- (ii) The trail's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (iii) A facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- (iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific trail; and

- (v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

(Full text and information of regulations and assessment factors can be found at <http://www.ada.gov/regs2010/ADAREgs2010.htm>)

### **Rationale for Above Listed Policies**

#### **Preface:**

The trails owned and/or operated by MCC have been designed and constructed for non-motorized uses such as bicycling and walking (unless otherwise specified, i.e. *share-the-road* segments). There is a significant volume of local, regional, national, and international trail users that have come to expect a safe, relaxed, quiet environment without the concerns related to automobile centric spaces. Trail users range in age from infants to young children, adults and seniors. Walkers use the trail singly and in company with others. Families walk or bicycle together, parents enjoy the out-of-doors pushing baby strollers or pulling trailers, and children and seniors are regularly found in friendly groups. The culture of the trail environment has been established to be a low key, relaxed travel, comfortable environment.

The trail(s) has been built in a rural, natural environment including areas of sensitive natural resources such as wetlands, waterways and unique habitats. Other cultural and historical artifacts are also evident along the corridor. Some segments of trail(s) may enter neighborhoods that may have other regulations regarding use of OPDMDs.

The MCC believes that persons with mobility disabilities are welcome the same as any other trail user. The trails are designed to enable many who would not be able to enjoy the pleasures of outdoor recreation a chance to experience what others have found to be a wonderful asset in Milford and the Souhegan Valley. The Commission also believe that limiting the sound, potential emissions, size, weight, power and speed of trail use devices is necessary to maintain this established and expected environment and to protect the natural and cultural resources found along the trail(s). In order to permit many different users to share the same limited and linear space, the rules can be adjusted, but must be structured to allow users to pass each other safely and interact together in that limited space.

The MCC believes that the policies listed above and the justifications for those policies meet the intent of the ADA regulations by allowing other mobility devices, and at the same time maintaining the existing trail culture and the safety of all visitors.

#### **Assessment Factors:**

- (i) The type, size, weight, dimensions, and speed of the device;

The DOJ requirements for prohibition include speed as a parameter for regulating OPDMDs. Because speed is impossible to assess from vehicle specifications, the power of the motor has been used as an equivalent, with higher power translating to higher top speed. Average human power on a bicycle is approximately 125 watts. The trail is non-motorized. Allowing mobility disabled individuals the use of devices equal to a strong person is similar to having tandem bikes sharing the trail. There are potential OPDMD vehicles with motors of 250 watts and above. However the power, and thus speed of those higher than 250 watts, is deemed to be a danger to other trail users.

Bicycles are in the 20 - 40 lb range. Considering the heaviest vehicle now allowed on the trail to be a tandem tricycle pulling a fully loaded trailer, that combination is nearly 90 lbs. The 100 lb limit should thus be applied to all vehicles on the trail.

Most of the town trails are single track or rustic hiking trails. Much of the trail has been built to 8' specifications. Also the shoulders tend to be soft, and surrounding vegetation encroaches from the edges. With two way traffic, that gives a 4' or less lane width for vehicles to pass. Any device wider than 3' begins to encroach on the opposite lane and becomes a safety hazard. Bicycles easily fit this width requirement. A search of the typical equipment available today indicates most are within that width. In addition, bollards or boulders at trail access areas and road crossings have openings of approximately 36" and thus are significant barriers to wider vehicles.

(ii) The trail's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

Viewing the various access points and parking areas during the summer months shows a high volume of trail users at all times of the day. Use of high speed or heavy/large vehicles would present a danger to this volume of non-motorized users.

(iii) The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);

This factor refers to indoor facilities and thus is less applicable to a trail. But the design includes stationary bollards and boulders placed within the travel lane at road crossings and access areas to prevent unapproved access. Trail users cannot move or adjust these bollards. The original intent and expected operational characteristic of the trail is for non-motorized two way traffic use where users can safely pass each other.

(iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific trail;

While safety requirements, such as a speed limit, could be created and posted on the trail, it would be difficult to enforce since the MCC is a volunteer organization with no enforcement personnel or capabilities. Other physical factors, such as the remote area of some segments of trail and limited sight distances, are also prohibitive in the use of larger, wider or faster devices. Those segments of trail that share the road or use municipal sidewalks or parking areas are governed by the rules and regulations established for such areas.

(v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

The trail(s) is constructed in a natural setting with vegetation and/or waterways directly adjacent. OPDMDs typically have wider wheels and have the power to cause damage such as crushing of vegetation or erosion of soil.

Internal combustion powered devices, gasoline, diesel or propane, are inherently loud, emit unpleasant, possibly noxious fumes and have the possibility of spilling or leaking toxic substances. The noise and fumes do not fit in with the natural qualities of the trail, and present a potential danger to users as well as the adjacent vegetation and wildlife. Those segments of trail that share the road or use municipal sidewalks or parking areas are governed by the rules and regulations established for such areas.

Definitions:

**ADA Part 35 (Title II) - § 35.104 Definitions.**

**Wheelchair** means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.

**Other power-driven mobility device** means any mobility device powered by batteries, fuel, or other engines--whether or not designed primarily for use by individuals with mobility disabilities--that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section.

Adopted this \_\_\_\_\_, 2018 by the Conservation Commission of Milford, NH

Chair:

\_\_\_\_\_  
(Print)

Adopted this \_\_\_\_\_ 2018 by the Milford Board of Selectmen

Chair:

\_\_\_\_\_  
(Print)

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conservation@milford.nh.gov  
TDD Access:  
Relay NH 1-800-735-2964

5:40 ARM Grant Submittal Request -  
Chris Costantino

Town of Milford  
CONSERVATION COMMISSION



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## MEMO

June 4, 2018

Board of Selectmen

RE: Requesting approval to apply for NH DES Aquatic Resource Mitigation Fund Grant to contribute to cost of the Brox Community Lands Conservation Easement

To the Board:

The Milford Conservation Commission (MCC) would like the approval of the Board of Selectmen to pursue an Aquatic Resource Mitigation (ARM) Fund grant. This grant is part of a program funded by the NH Department of Environmental Services. If the application is successful, the monies would assist in funding the expenses for a conservation easement on the Open Space on the Brox Community Lands Gravel Removal Operation Plan, dated Last Revised: January 25, 2017.

The Easement is one condition of the AoT (Alteration of Terrain) permit for the Gravel Removal Operation, being part of the approved plans on which the permit is predicated. The easement will protect and preserve roughly 75 acres of Open Space. This forest upland area is an important component of the existing successful wetland habitat. It supports a healthy population of wetland species requiring dry soils for nesting.

A conservation easement is a document which defines the activities which are allowed on the land. The Town will retain ownership and acknowledges, by this easement, that there are certain activities that will not be allowed on the property. The intent is to protect the needs of the natural community while meeting the recreation interests of the Milford residents.

The ARM Fund grant application is due August 31, 2018. The Conservation Commission submitted a Notice of Intent to file a grant application. We subsequently received notice that our project passed the initial screening. The grant application requires that the Commission include a BOS letter of support.

Respectfully,

Andy Hughes, Chair  
Milford Conservation Commission

**6:00 Gateway signs - verbal**



4. a) 1) Acceptance and Appropriation of Unanticipated Revenues Under \$10,000  
(31:95(b)) - see below.

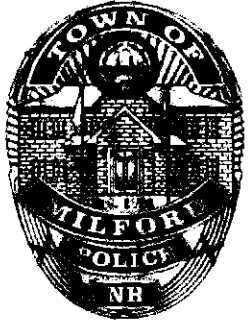
**Board of Selectmen**  
**Agenda Date: 6/11/18**

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

<b>Source</b>	<b>Amount</b>	<b>Purpose</b>
Annual Milford Police Fishing Derby	\$ 358.00	Proceeds from Fishing Derby raffle ticket sales to be used towards future Fishing Derbies.
Town of Hollis	\$ 300.00	Donation to the Milford Police Department for the IPMBA Mountain Bike training to cover the costs of on Town of Hollis Police Officer. See attached memo from the Police Chief.
2017 Homeland Security Grant - EMS Warm Zone Equipment	\$ 6,000.00	Funding through the State of NH for Warm Zone equipment for the Ambulance Department.

**Acceptance of Gifts of Property Under \$5,000 (31:95(e))**

None at this time.

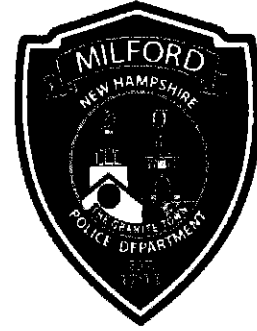


# **Town of Milford**

**POLICE DEPARTMENT**

19 Garden Street  
Milford, NH 03055  
603-249-0630

**Michael J. Viola**  
Chief of Police

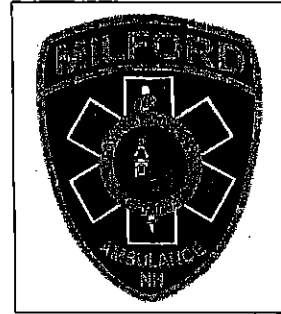


To: Mark Bender, Town Administrator  
Board of Selectmen  
From: Chief Michael J. Viola  
Date: June 1, 2018  
Ref: Unanticipated Funds from the Town of Hollis

On behalf of the Milford Police Department, I am respectfully requesting the Board of Selectmen to consider and approve unanticipated funds in the amount of \$300.00 (three Hundred dollars), from the Town of Hollis. These unanticipated funds are being paid to cover the costs of one Town of Hollis Police Officer to attend the upcoming IPMBA Mountain Bike training that is being hosted by the Milford Police Department.

Your consideration in this request would be greatly appreciated.

# MEMORANDUM



To: Board of Selectmen

CC: Mark Bender, Town Administrator

Jack Sheehy, Finance Director

From: Eric Schelberg, Director

Date: May 10, 2018

Subject: Grant Award Notification and Acceptance

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This memorandum serves to notify and request the Board to approve acceptance of an EMS in the Warm Zone grant in the amount of \$6,000 through the NH Homeland Security Grant Program Unit.

Last week the department applied for and was informed of award approval by the Grant Program Unit.

The grant is a purchase and reimbursement program wherein the department is reimbursed after expending funds on approved items under the grant provisions, up to maximum \$6,000 limit.

The EMS in the Warm Zone program has been established to offer EMS agencies the ability to purchase equipment and supplies to work with law enforcement in an active shooter situation. EMS providers will work in areas that have been cleared of an active threat by law enforcement, be equipped with protective equipment and carry medical supplies for bleeding control and breathing interventions of injured parties.

Equipment to be purchased through this program include: six each ballistic helmets, goggles and vests with plate carriers; trauma plates; supply carriers and caches of medical supplies – tourniquets, wound control bandages and hemostatic dressings, chest seals and decompression needles.

At no time will EMS providers be equipped with firearms or engaged in active engagement of a shooter.

Both the police and fire department support this program and plans will be developed to respond to and operate in such an environment if ever called upon. Initial training as required by the grant has been completed with advanced training is in process.

4.a) 3)

4. a) 3) Request for Acceptance of Roadway "Walnut Street".

MEMO TO: Board of Selectmen  
FROM: Raine Carson, Town Roads Researcher  
DATE: June 5 2018  
SUBJECT: ACCEPTANCE OF WALNUT STREET

Dear Board of Selectmen,

Attached please find a copy of the unrecorded deed for Walnut Street running from the intersection with Hemlock Street and terminating at a dead end on Map 43 Lot 1.

Also attached is a copy of Tax Map F-5 of April 2017, and a section of the As Built Plan and Profile dated August 23 2017.

I offer the following suggested working for the Board's acceptance vote of this roadway, if said wording meets with the Board's approval:

Walnut Street: commencing at the intersection with Hemlock Street/Oak Street and running southerly a distance of about 463.21 feet at 50 feet wide to a dead end on Map 43 Lot 1, with a turn-around of 75 feet width on the remainder of Map 34 Lot 68 as shown on the April 2017 Tax Map F-5 and on the subdivision plan entitled "Definitive Subdivision Plan and Lot Line Adjustment, lots 34-68 and 43-1, Kokko Builders Inc., Walnut Street Extension, Phase II, Milford, New Hampshire" dated December 14 1998 and recorded in the Hillsborough County Registry of Deeds as Plan #30119".

A section of the As Built Plan and Profile dated August 23 2017, Sta. 0+00 to Sta. 4+75 is included.

Thank you for your time and consideration.

*Raine Carson*  
Town Roads Researcher

WALNUT STREET

COPY OF UNRECORDED DEED  
OF WALNUT STREET

(TO BE RECORDED AFTER ACCEPTANCE)

2 pages

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Kokko Builders, Inc.** a corporation duly formed and existing under the laws of State of New Hampshire having a place of business an address of 97 Osgood Road, Milford, Hillsborough County, New Hampshire 03055, and **William E. Kokko, Jr. and Patricia E. Kokko**, husband and wife, of 11 King Street, Milford, Hillsborough County, New Hampshire, 03055 for consideration paid grant(s) to **The Town of Milford**, a municipal corporation duly having a place of business an address of 1 Union Square, Milford, Hillsborough County, New Hampshire 03055, with WARRANTY COVENANTS:

All our right title and interest in and to land referred to as Walnut Street, Milford, Hillsborough County, New Hampshire, shown as "Walnut Street" on a Plan of Land Entitled "Definitive Subdivision Plan & Lot Line Adjustment, Lots 34-68 & 43-1, Kokko Builders, Inc. Walnut Street Extension, Phase II, Milford, New Hampshire" Scale: 1" = 50', dated December 14, 1998, prepared by Meridian Land Services, Inc. and recorded in the Hillsborough County Registry of Deeds as Plan No. 30119. Reference to said plan may be made for a more particular description.

This is homestead property of the within grantors.

Executed this 24 day of April, 2018.

Kokko Builders, Inc.

By: William E. Kokko, Jr.  
William E. Kokko, Jr., President

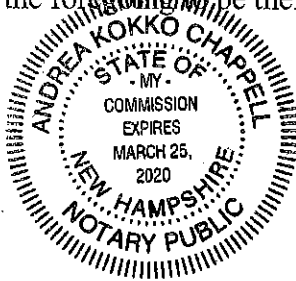
William E. Kokko, Jr.  
William E. Kokko, Jr.

*Patricia E. Kokko*

Patricia E. Kokko

State of New Hampshire  
County of Hillsborough

Then personally appeared before me on this 24<sup>th</sup> day of April, 2018, the said William E. Kokko, Jr., President of Kokko Builders, Inc., William E. Kokko, Jr. and Patricia E. Kokko and acknowledged the foregoing to be their voluntary act and deed.



*Andrea Kokko Chappell*

Notary Public

Commission expiration:

Z Drive:Cara:Deeds:Kokko Walnut St to Town (Whole).docc

## **Town Status Report – June 11, 2018**

**Mason Road Bridge Update** – Work was completed last week with the installation of guard rails. The contractor finished the culvert replacement in two weeks and had the road open to traffic. We were very happy with the work and timely completion. We also utilized the contractor to replace a small, failing culvert on Mile Slip and that work was completed in one day.

**Rotch Wildlife Preserve Complaint** – The town received a complaint from a Massachusetts resident about a cross standing on town owned property in the Rotch Wildlife Preserve. The individual copied the ACLU, American Humanist Association and Americans United. We have been contacted by ACLU of NH and American Humanist regarding a possible First Amendment violation – separation of church & state. A brief background:

- Two parcels comprise the Rotch Wildlife Preserve:
  - Map 52 Lot18 was a gift from the Rotch family to the Town of Milford in 2002.
  - Map 52 Lot 18-6 was conveyed by the Rotch Trust to the Episcopal Church and subsequently to the Town of Milford in 2014.
  - The above lots were merged in 2014.
- The cross is on the property previously owned by the Episcopal Church. We are unaware when or why the cross was installed. We are not maintaining the cross and have no plans for maintenance or reconstruction.
- There is historical evidence that the Rotch family spread ashes in the woodlot during the 1950's and reference to a "sacred grove".
- We have received only one objection to the cross dated January 1, 2018.
- The preserve is minimally maintained as open space by the Milford Conservation Commission.

Their request is to have the cross removed. What is the board's preference?

**Electricity Pricing Update** - Jack Sheehy and I met with third party providers to solicit electricity pricing for 2019/2020. Our contract expires in November, but we wanted to get an early start due to recent volatility trends in the market.

Current contract pricing for 2017 was \$0.06503 and 2018 is \$0.06999.

We decided to maintain a 24 month term and secured pricing from 4 providers. The best deal is 2019 at \$0.07033 and 2020 at \$0.06913 for an average price of \$0.06973. This maintains our hydro option, would be inclusive of all town departments including Library and Water Utilities and is reasonably close to current prices (3% increase over 2 years). Pricing changes daily and is trending upward, so we would encourage the town to lock in this pricing structure. We are requesting authorization to execute the agreements?

6. 1) Review of Proclamation for LGBT Pride Month



# BOARD OF SELECTMEN PROCLAMATION

## *Recognizing June as LGBT Pride Month in the Town of Milford*

**WHEREAS**, the Town of Milford has a diverse Lesbian, Gay, Bisexual, Transgender (LGBT) community and is committed to supporting visibility, dignity and equity for all people in the community; and

**WHEREAS**, many of the residents, students, city employees, and business owners within the Town of Milford who contribute to the enrichment of our Town are a part of the lesbian, gay, bisexual, transgender, and questioning community; and

**WHEREAS**, various advancements have been made with respect to equitable treatment of lesbians, gay men, bisexual, transgendered, and questioning persons throughout the nation, but there continues to be some opposition against people from this community and around the world making it important for cities like Milford to stand up and show support for our residents who are affected; and

**WHEREAS**, several communities and states across the country recognize and celebrate June as LGBT Pride Month; and

**WHEREAS**, June has become a symbolic month in which lesbians, gay men, bisexual people, transgender, and supporters come together in various celebrations of pride; and

**WHEREAS**, the rainbow flag, also known as the LGBT pride flag or gay pride flag has been used since the 1970s as a symbol of Lesbian, Gay, Bisexual, Transgender pride and LGBT social movements; and

**WHEREAS**, flying the rainbow flag on the Milford Oval throughout the month of June further symbolizes the Town's celebration of diversity and support for the Lesbian, Gay, Bisexual, Transgender community.

**NOW THEREFORE**, the Town of Milford, Board of Selectmen does hereby declare the month of June as LGBT Pride month in the Town of Milford, and invites everyone to reflect on ways we all can live and work together with a commitment to mutual respect and understanding, and further, recognizes Pride Month by flying the rainbow flag on the Milford Oval during the month of June.

Requested and submitted by George Hoyt  
Date submitted: 6/7/2018

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**Kevin Federico, Chairman**

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**Gary Daniels, Vice Chairman**

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**Mike Putnam, Selectman**

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**Laura Dudziak, Selectman**

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**Paul Dargie, Selectman**



## 6. 2) Dog Park Questions

### **DOG PARK QUESTIONS: 1<sup>st</sup> draft**

1. Who would clear the land?
2. How much would it cost if DPW was to complete the work?
3. If the park came to exist, and we had a buyer for the land, would we move the park?
4. Could we move the park?
5. What would happen to the road?
6. Currently it's a class 6, would we make it a class 5?
7. Can we make it a class 5?
8. Does it take a town vote to make the road a class 5?
9. What would the estimated additional cost be to DPW if we accepted the road as a class 5?
10. Lighting was mentioned, what type of lighting? Area lighting for walking or sports field lighting?
11. How would that affect the neighbors?
12. Should this request be going thru Zoning and Planning for approvals?
13. Who would take on the long-term costs of the park?
14. Would this location prevent hunting in the area?
15. Who can actually enforce the rules of the park?
16. Can we get an opinion from the Conservation Commission about the buffer?
17. Ultimately, it does not seem to be the most ideal location, can we please take a look at other possibilities, both with town owned land and explore the possibility of non-town owned land?

### 6. 3) MACC Base Surplus Monies (tabled from May 29, 2018)

MaccBase Board of Governors

At a meeting of the MaccBase Board of Governors held 14MAY2018, 0900hours, the Board voted unanimously to withhold \$56,000.00 dollars from 2017 surplus (\$92,522.00 dollars) for the following:

\$15,000.00 dollars for replacement generator at Milford Town Hall

Reason: generator not up to code, exhaust leak into the building, 30 years old plus

\$20,000.00 dollars for continued funding of Microwave system extended warranties.

Reason: covers complete replacement any hardware issue for 5 years  
Each microwave site replacement would be estimated at \$20,000.00 [6 sites]

\$16,000.00 dollars for replacement of the phone-radio recorder.

Reason: no longer serviced, 5 years old, nearing capacity

\$ 5,000.00 dollars for replacement of dispatch and spots computers.

Reason: Dispatch computers are 5 years old, SPOTS computer is 7 years old  
Needed updating for CJS [FBI requirements]  
Improve capacity, speed to meet security requirements.

The returned surplus is \$36,522.00 dollars with anticipated breakdown as:

Milford: \$ 26,037.92

Mont Vernon: \$ 4,149.89

Wilton: \$ 6,334.19

Meeting was adjourned at 0955 hrs

Chairman

Jay S. Wilson, Mont Vernon

Vice-Chairman

Michael Putnam, Milford

James Cutler, Wilton

DRAFT

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

May 29, 2018

**PRESENT:** Kevin Federico, Chairman  
Gary Daniels, Vice Chairman  
Mike Putnam, Member  
Laura Dudziak, Member  
Paul Dargie, Member  
Mark Bender, Town Administrator  
Tina Philbrick, Recording Secretary  
Amy Concannon, Videographer

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

**INSTRUCTIONS:** Chairman Federico 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 Federico informed the public that prior to this meeting, the Board was in a non-public meeting for (RSA 91-A:3, II(c)) – Reputation, no decisions were made. 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: (Approximate times)**

**5:30 p.m. – Interview of Heritage Commission Alternate Candidate – Bill Parker**

Chairman Federico thanked Bill for volunteering. Bill was a founding member of the Souhegan Valley Rides Program better known as the “Blue Bus”. Bill actively contributes his hands-on interest in the Milford and Souhegan Valley community. He is an original member of the Recreation Commission and the original DO-IT Oval restoration group and former member of the Conservation Commission. Bill sits on the Board of the Community Facilities Committee, the Vietnam Memorial Committee and the Milford Historical Society. Selectman Daniels said that Bill has been around long enough so he knows that he will do a good job on the Heritage Commission. Selectman Putnam made a motion to approve Bill as an alternate member of the Heritage Commission. Selectman Daniels seconded. All were in favor. The motion passed 5/0. The Board thanked Bill for coming in.

**5:35 p.m. – Interview of Heritage Commission Alternate Candidate – Chris Thompson**

Chairman Federico thanked Chris for volunteering. He’s known Chris for a while and he has always stepped up to help. Chris introduced MCAA’s fall softball league for Milford and the entire Souhegan Valley league. He earned a Certificate of Outstanding Service to the MCAA in 2007. His service to MCAA lasted 11 years. Chris is currently an officer and trustee of the Milford Historical Society. Selectman Daniels said that the Heritage Commission and the Historical Society are great for Milford and he thinks that Chris would be great on the Heritage Commission. Selectman Putnam made a motion to approve Chris as an alternate member of the Heritage Commission. Selectman Daniels seconded. All were in favor. The motion passed 5/0. The Board thanked Chris for coming in.

**5:40 p.m. – Keyes Memorial Park Subcommittee: Capital Reserve Request – Arene Berry and Lincoln Daley.**

The Keyes Memorial Park Expansion Subcommittee has been identifying and prioritizing phase I of the Keyes Memorial Park Expansion Committee Report of 2016. They are requesting Boards approval as the spending authority to expend funds from the Keyes Memorial Park Capital Reserve to complete two projects from phase I.

**1. Signage at both the East and West entrances not to exceed \$1,000.00.** Arene referred the Board to a photo in their packet of a sign from Kaley Park. Their goal is to be consistent among all the parks. The Kaley Park was an endeavor between Recreation, the Town and Milford High School ATC program. A similar sign at Adams Park was an Eagle Scout project, but it has the same layout and colors. There isn’t any signage at 127 Elm Street or at 45 Elm Street, although there are granite pillars there, donated by Milford Rotary. You can’t see it when you are driving by. We would like signs at both entrances. By using the High School, we save money and are able to include the students in our project. Included in your packet is a quote from Milford Lumber for materials, reference signs and two cad drawings from the High School Program. We have a company that has agreed

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 05/14/2018**

1 to route the sign for us at no cost. The students would paint and install the signs. The Milford lumber quote is  
2 for \$676.32. We are requesting \$1,000 for additional materials needed to complete the signs. Chairman Federico  
3 asked the Board if they had any questions. Selectman Daniels questioned granite signs at other facilities and  
4 asked why we aren't being consistent. Lincoln said that they are being consistent with the parks around our  
5 community for size and designs. They will be incorporating granite posts and benches in the parks. The com-  
6 mittee has been discussing signage and they are being as consistent as possible. If the Board prefers granite, they  
7 will revise their estimates to incorporate granite signs at all the parks. Selectman Dargie said he views the main  
8 entrance to Keyes as being different than the other spots because it's the main park in the town. He would be in  
9 favor of a granite sign in that area. Arene said they hope to have both entrances be equal. Part of phase I is to  
10 have an access road going from one entrance of the park to the other without having to go back out onto Elm  
11 Street. Currently, the 127 Elm entrance is busier because of what you can access from that end, and there's more  
12 parking available. With the survey plan, the hope is to combine all three lots into one big lot. Lincoln said that  
13 they can look into the granite post on both sides.

14  
15 Administrator Bender asked if they were suggesting moving the granite pillars at the front entrance. Arene said  
16 no. He also asked where they would put the sign on the east entrance. Arene said they're still reviewing the area  
17 and need to speak to Community Development and DPW so they don't impede on other signs. Selectman Dar-  
18 gie said he would be in favor of authorizing the higher amount. Selectman Putnam asked if they know how  
19 much a granite sign cost. Arene said they could look into it, but if they are looking at consistency for the other  
20 parks, they would have to look at ways to come up with the funding. Selectman Daniels asked how many parks  
21 we have. Arene said Kaley, Keyes, Adams, Shepard and Emerson. Selectman Daniels said he doesn't have a  
22 problem keeping parks as one. He would like town buildings to be granite. He asked if there would be a problem  
23 finding space to erect a sign on the east entrance? Arene said no, the west entrance has concerns because the lot  
24 ends at the pavement. Selectman Putnam said they have to be careful at the east entrance because of the cap to  
25 the hazardous waste site. Lincoln said they have a good understanding of where the cap terminates.

26  
27 Chairman Federico likes the consistency of sticking with what is already there. The signs look good and stand  
28 out. He likes the idea of using the High School to help. Selectman Daniels made a motion to authorize using  
29 \$1,000 from the Keyes Capital Reserve Account for signage for Keyes Park. Selectman Putnam seconded. All  
30 were in favor. The motion passed 5/0.

31  
32 **2. Consolidated Survey Plan of 3 lots on Elm Street (25-133,25-12 and 19-10) not to exceed \$15,000.00.**  
33 Three quotes were received, Meridian \$12,000 to \$15,000, Fieldstone \$17,650 to \$22,250, and Sanford \$12,800.  
34 They would like to go with Meridian because they feel they would be the best fit for the job. Chairman Federico  
35 asked them what they were looking to get out of the survey. Lincoln said the master plan was adopted by the  
36 Board in 2016. It included several phases, one of which included creating a pedestrian path, combining the  
37 three properties into one, and constructing a vehicle road to connect the east and west parking lots. We need to  
38 locate property bounds outside people's property lines. Looking at aerials, there are areas around Keyes that  
39 people are using for their own use. We also need to make sure we don't infringe on other people's properties.

40  
41 Selectman Putnam asked why it wasn't done when we purchased the property. Lincoln said they have past  
42 plans but they are inconsistent and outdated. We also need to take into account the Souhegan River to make  
43 sure we are set back enough. Lincoln said that Meridian has previously done work in the field locating existing  
44 ball fields and other things. Selectman Putnam made a motion to approve \$15,000 for the survey proposed by  
45 Meridian from the Keyes Capital Reserve Account. Selectman Daniels seconded. All were in favor. The mo-  
46 tion passed 5/0.

47  
48 **3. PUBLIC COMMENTS. (Items not on the agenda).** There were no public comments at this time.

49  
50 **4. DECISIONS.**

- 51 a) **CONSENT CALENDAR.** Chairman Federico asked if there were any items to be removed from the  
52 Consent Calendar for discussion. Selectman Daniels asked to remove 4. a) 1) for discussion. Selectman

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Putnam moved to approve items 4. a) 2 through 5 as presented. Selectman Daniels seconded. All were in favor. The motion passed 5/0.

- 1) Request for Approval for the Milford Jr. Spartans Youth Football and Cheer Organization to conduct outdoor fundraising raffles in 2018, in accordance with RSA 287:7.
- 2) Request for Approval to re-appoint Joe Kasper and Tom Schmidt to the Granite Town Media Advisory Committee.
- 3) Request for Approval of (1) Yield Tax Levy, Map 41 Lot 1.
- 4) Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 (31:95(b))
  - Donation from the American Legion Ricciardi Hartshorn Post No. 23 for the Annual Fishing Derby - \$500.
  - Donation from the Sons of the American Legion, Squadron No. 23 for the Annual Fishing Derby - \$500.
  - Donation from Walmart to the Milford Police Department to upgrade electronic equipment - \$750.
- 5) Approval of 2018 Preliminary Tax Warrant.

Selectman Daniels asked if the raffle was an event that was going to take place somewhere, or will it be ongoing? Chairman Federico said he understands that it will be ongoing to sell in different places for separate things throughout the year. Selectman Dargie said the letter references having a truck activity. Administrator Bender said that ticket sales will be on Community House lawns and surrounding private properties and the raffles will likely be held at Keyes Field. Selectman Putnam moved to approve item 4. a) 1) as presented. Selectman Daniels seconded. All were in favor. The motion passed 5/0.

**b) OTHER DECISIONS.**

- 1) N/A

**5. TOWN STATUS REPORT –**

**a) Town Hall Auditorium Rental Agreement and Fees: Administrator Bender and Tina Philbrick**

Administrator Bender said that the current agreement and fee schedule was revised in 2013. Tina, Russ and I reviewed the information and suggest a few changes that are noted in red on the document in your packets. We suggest a few changes for your consideration, they include:

- o Non-profit organizations from other communities will be charged rental & custodial fees. Non-profits from Milford would not be charged a hall rental fee as long as they are not charging a fee for their event.
- o Auditorium is not available for weddings, baby showers, etc. This is just documenting an unwritten rule.
- o Simplified fee structure so that the Rental Fee includes setup and take down fees. It’s currently based on the amount of people attending and we feel it should be based on the amount of hours the custodians are there.
- o Change custodial fees to \$30/hour for weekdays and \$50/hour for weekends to cover overtime rates and additional cost for having staff here on a weekend event.

In 2017 we generated \$2,380 and in 2016 we generated \$3,710 partly because of presidential campaigns. Selectman Putnam asked if the week day fee cover weeknights. Administrator Bender said yes, we have people here until about 10:00 p.m. Selectman Dudziak asked what the current custodial fees now? Administrator Bender said \$30 and we are introducing a weekend rate.

We will also need the Boards guidance on a few “grandfathered events”:

- o Indoor Farmers Market – We charge a flat \$60 rental. Custodians arrive at 7:30 and leave at 1:30 for a total of 6 hours and clean-up is usually completed during week to keep the overtime cost down. The farmers market charges a booth rental fee to their people.
- o Nashua Chamber Orchestra – We currently charge \$120 for custodial fees and no rental fee for the use of the hall. The Orchestra charges admission to their event.

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1 Selectman Dargie asked what non-profits out of town would end up being charged a hall rental fee. Tina said  
2 most are Church non-profit groups. They've never had an issue paying custodial fees. Some have offered to  
3 pay for the hall, but we always had the non-profit rule for free. We change the rule in 2013 that non-profits  
4 charging a profit should pay something for the hall, but that was basically for Milford groups. She feels that it  
5 should apply to out of town groups as well.

6  
7 Selectman Putnam said he would be okay with charging enough to cover our cost but not turning it into a reve-  
8 nue stream. Selectman Daniels asked about the availability of the hall in trying to find space. Tina said she  
9 monitors it carefully. The town groups, Recreation, Boards, Committees and Departments get first dibs. If  
10 there's a conflict there other avenues that I can suggest. Sometimes I send them to the Police Station and Am-  
11 bulance Community rooms as well as the Library. I have contacts for the Community house, VFW and Legion.  
12 The Legion charges \$250 for their hall and you get \$50 back if you clean up. The space holds 100 people and  
13 they allow liquor which we don't. The VFW charges \$350, you don't get anything back and they also allow liq-  
14 uor. I can usually schedule so that everyone gets ample time. I just want to cover our cost. Custodians have to  
15 split shifts on weekends to cover hour and not everyone wants to work every weekend.

16  
17 Selectman Dargie said in terms of the grandfathering, he's in favor of leaving it alone or changing it, it doesn't  
18 matter. Selectman Dudziak asked if we are losing money because of this. Administrator Bender said we are not  
19 covering our cost. Selectman Dudziak said we shouldn't be paying for them to be there. Chairman Federico  
20 said he agrees. He doesn't feel it should be a revenue stream for the town but he feels that we should be cover-  
21 ing our cost. He would be in favor of the adjustment. Selectman Daniels made a motion to approve the changes  
22 to cover our services. Selectman Putnam seconded. All were in favor. The motion passed 5/0.

### 23 24 **b) Fire Fighter Update: Chief Kelly**

25 Two additional full time firefighters were approved in our 2018 Operating Budget. We have completed the  
26 screening process. On April 2<sup>nd</sup> we posted in house for 2 full-time fire positions, 5 candidates applied. Oral  
27 board interviews were held on May 2<sup>nd</sup>. The Chief's interview was on May 17<sup>th</sup> and a decision was made on  
28 May 21<sup>st</sup>. Conditional offers were sent to the two best suited candidates, Ryan Hooper and Michael Goldstein.  
29 Start date will be June 11, 2018.

30  
31 Construction on the new fire station is moving along, we will be staying in the schoolhouse, (old cabinet press  
32 building) during that time. Construction should start the end of July or beginning of August. The Board thanked  
33 Jack for coming in.

### 34 35 **c) North East Sand and Gravel Update – Administrator Bender**

36 Excavation activity started slowly the week of March 23<sup>rd</sup> and is starting to get busy. In your packets is a  
37 spreadsheet showing volume by week. So far we have removed about 18,400 cubic yards for \$26,600. NE  
38 recently completed some pit reclamation work and worked with NH F&G to construct alternate habitat for the  
39 turtles and other species as required by the AoT Permit. Rick is doing a great job verifying all the loads going in  
40 and out of the pit. The week of May 19<sup>th</sup> had the highest amount so far at 6,000 cubic yards.

41  
42 Chris Labonte asked what we do with the money coming from the Gravel operation. Jack Sheehy, Finance Di-  
43 rector said it goes into the general fund into the general revenue stream. It's the same revenue stream that off-  
44 sets what the tax rate will be. Chris asked if we have ever done the math to see if we are in the black or red as far  
45 as what the tax payers have put into the gravel operation. Chairman Federico said they don't have the number  
46 available but we would look into it. To summarize, they will look into what the cost are for sweeping Perry  
47 Road, Legal Fees, etc.

## 48 49 **6. DISCUSSIONS**

1 **a) Board of Selectmen potential site walk, June 11, 2018 prior to the Board Meeting on 127 Elm Street**  
2 **and Hartshorne Road Bridge – Administrator Bender.**

3 Administrator Bender said some of the Board members haven't been to the 127 Elm Street building yet. Com-  
4 mittee members talked about plans for roads and things and we have the 2016 report generated by the Keyes  
5 Expansion Committee. We should revisit and refresh if we have other ideas. Buildings not in use tend to  
6 deteriorate quickly.  
7

8 The Hartshorne Road Bridge was discussed at the deliberative session. DPW recommends closing one of the  
9 two bridges over Hartshorne brook. The bridge they recommend closing is 103-163, it's the one closer to Joslin  
10 Road. The bridge was built in 1910, it's a stone slab on dry abutments and the engineers replacement cost is  
11 \$500,000. The bridge is lightly used and we should look at it. We could start the site walk at 4:00 or 4:30 and  
12 check out the building and bridge.  
13

14 Selectman Putnam said he doesn't remember the engineer's report, what is wrong with the bridge? He didn't  
15 see any cracks, is it because it's old? Administrator Bender said its old and the way it was constructed. There  
16 haven't been any issues with it yet. It's like the corrugated metal pipes, we are getting sink holes and they need  
17 to be replaced. It's cautionary and preventative, and do we really need the bridge. He will get the engineers re-  
18 port for review. Selectman Putnam said you can't compare the metal culverts to the granite. Selectman Daniels  
19 said it could be similar to the stone bridge going into New Boston; it's been there forever and is now red listed.  
20

21 Chairman Federico asked if there was any opposition to starting at 4:00 before the regular Board meeting  
22 Harshorne Road Bridge at 4:00 on June 11<sup>th</sup>, continue on to the 127 Elm Street Building then return to the Board  
23 of Selectmen's Meeting Room for their regular meeting at 5:30.  
24

25 **b) MACC Base Surplus Monies –**

26 Selectman Putnam said that we have a surplus from MACC Base every year. \$20,000 of the surplus monies was  
27 held from the 2016 budget into 2017 budget to cover extended warrantees on the Microwave systems that we are  
28 in the process of installing. This leaves \$72,522, most of which is from two full-time people who were not re-  
29 placed immediately so the majority is in their insurance. At a meeting of the MACC Base Board of Governors  
30 held 14 MAY 2018, 0900 hours, the Board voted unanimously to withhold \$56,000.00 dollars from 2017 sur-  
31 plus (\$92,522.00 dollars) for the following:  
32

33 \$15,000 dollars for replacement generator at Milford Town Hall  
34 Reason: generator not up to code, exhaust leak into the building, 30 years old plus  
35

36 \$20,000 dollars for continued funding of Microwave system extended warranties.  
37 Reason: covers complete replacement any hardware issue for 5 years  
38 Each microwave site replacement would be estimated at \$20,000.00 [6 sites]  
39

40 \$16,000 dollars for replacement of the phone-radio recorder.  
41 Reason: no longer serviced, 5 years old, nearing capacity.  
42

43 \$5,000 dollars for replacement of dispatch and spots computers.  
44 Reason: Dispatch computers are 5 years old, the SPOTS computer is 7 years old .  
45 Needed updating for CJS [FBI requirements]  
46 Improve capacity, speed to meet security requirements and we need it to be dependable.  
47

48 The returned surplus is \$36,500 dollars with anticipated breakdown as: Milford \$26,037.92, Mont Vernon  
49 \$4,149.89, and Wilton \$6334.19.  
50

51 Selectman Dargie asked if this was higher or lower than previous years. Selectman Putnam said the \$20,000  
52 from the 2016 budget and the insurance savings is an anomaly. We usually don't have this much left over.  
53 Chairman Federico asked if this has been presented to the budget committee. Selectman Putnam said not yet.

1  
2 Chairman Federico said that the MRI study isn't back yet. He doesn't want to invest a lot off the top until he  
3 sees where we are at going forward. He's also been in this room when the generator backed up so he's reserving  
4 judgement on what's needed. We have a say in what happens at this point, whether we want to allow MACC  
5 Base to withhold the money or not. Selectman Dargie thought we gave them money and they are authorized to  
6 use it under their own governance. Chairman Federico said that when surplus money is left over at the end of the  
7 year, it reverts back to back to the towns at the appropriate percentages. They can ask to expend it. This is a  
8 request of what they would like to do with it. Selectman Putnam said that Board voted on it, but it isn't set in  
9 concrete because they haven't met with the budget committee yet. He highly recommends that we do this. It's  
10 comes to a point where we need to invest some money and it's already there to use. It needs to be done. It will  
11 be two or three years before we are able to do anything with our own dispatch center if we even go that route.  
12

13 Selectman Daniels asked if there was a point in time where they have to make a decision on this. Selectman  
14 Putnam said yes, as soon as possible so we can move on. Administrator Bender said that according to the  
15 agreement the decision should be done by June 30<sup>th</sup>. It also needs to be reviewed by the budget committee and  
16 they need to hold a public hearing. He asked Selectman Putnam if any of the above line items were included in  
17 the 2018 operating budget. The Microwave system extended warranties in the write up appears as continued  
18 funding. Selectman Putnam said it wasn't continued funding, we haven't use the funding held over from 2016  
19 and we are holding them until 2018. Administrator Bender asked when the microwaves purchased. Selectman  
20 Putnam said they are in the process of being built, it's part of the new microwave system out of the \$288,000 in  
21 grant money. Administrator Bender asked what the warrantee period was. Selectman Putnam said he would ask.  
22 Administrator Bender asked if the phone radio recorder was part of the consoles bought 3 years ago under a  
23 warrant article. Would that be part of the \$50,000 emergency repair item to purchase them? Selectman Putnam  
24 said no. Administrator Bender asked if Selectman Putnam could have Jason send him the 2017 actuals. Select-  
25 man Putnam said yes. Selectman Daniels asked if there is any intention of the budget committee getting togeth-  
26 er. Selectman Putnam said not yet. We intend to do it, we just haven't yet.  
27

28 Selectman Daniels asked what the actual process was. Chairman Federico said it typically gets approved by the  
29 budget committee, which consist of our MACC Base representative and one other member of this board. We  
30 each speak as one voice and have one vote that counts as two. It's not a bad thing for them to give us the num-  
31 bers ahead of time. They have a public hearing approving the expenditures of the public funds. We are not mak-  
32 ing the decision for MACC Base; we are making a decision for him to carry forward. It tells our representative  
33 to say yes or no. He has more of an open communication about what is happening with the funds. Administrator  
34 Bender said that the Board of Governors has already voted unanimously. Selectman Putnam said that they had a  
35 whole list that was presented to them and they sat down as a Board and made the decision as to what they felt  
36 was more important. Chairman Federico said that this is a good thing and we have the opportunity to let them  
37 know what we want. Selectman Dudziak asked if we could get Administrator Benders questions answered be-  
38 fore making a decision. Chairman Federico said yes. We will table this until June 11<sup>th</sup>.  
39

40 Chris Labonte came up to ask a question. Chairman Federico reminded him that it wasn't a public hearing but if  
41 he had something to add he could. Chris said he agrees with Selectman Putnam. We still have to give MACC  
42 Base a year's notice before we pull out. These are things that have to do with the safety of our citizens. Select-  
43 man Putnam corrected Chris that the contract ends this year. We haven't given anyone a notice. Once December  
44 31<sup>st</sup> passes we will be good faith thing between everyone. Chairman Federico said that in reality, if the Town of  
45 Milford decides that we are pulling out of MACC Base and building our own dispatch center it will take time,  
46 your point is noted. Chris said he looks at it as a bonus coming back.  
47

## 48 **7. SELECTMEN'S REPORTS/DISCUSSIONS.**

### 49 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.**

50 Selectman Daniels said the Recycling Committee recently met and most of their discussion was around whether  
51 we should make a recommendation to ban plastic bags in town. Selectman Putnam asked what types of plastic  
52 bags. Selectman Daniels said it wasn't specified, but he would think any plastic bags used at any business. The  
53 discussion was around a citizen's petition as to whether they should be banned in town or not. Finance Director



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1 Jack Sheehy asked if a municipality has the authority to do that within the State of New Hampshire. Chairman  
2 Federico said it would be a question that would have to be answered. Selectman Putnam said it was ridiculous.

3  
4 Selectman Putnam said that MACC Base is still working on the municipal agreement to reflect Milford’s con-  
5 cerns.

6  
7 Chairman Federico said that he was happy to see additional people at the Granite Town Media meeting and  
8 hopes to more interest.

9  
10 **b) OTHER ITEMS (that are not on the agenda).**

11  
12 **8. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes of May 14, 2018.  
13 Selectman Daniels seconded. All were in favor. The motion passed 5/0.

14  
15 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**

16  
17 **10. NOTICES.** Chairman Federico read the notices.

18  
19 **11. NON-PUBLIC SESSION.** Selectman Daniels made a motion to enter into non-public meeting for Approv-  
20 al of non-public minutes (RSA 91-A:3, II(a)) Personnel and (RSA 91-A:3, II(e)) Legal – May 14, 2018. and a  
21 continuation of the 4:45 non-public meeting under (RSA 91-A:3, II(c)) – Reputation. Selectman DArgie se-  
22 ceded. All were in favor. The motion passed 5/0.

23  
24 **12. ADJOURNMENT:** Selectman Putnam moved to adjourn at 6:45 p.m. Selectman Daniels seconded. All  
25 were in favor. The motion passed 5/0.

26  
27  
28 \_\_\_\_\_  
29 Kevin Federico, Chairman

\_\_\_\_\_

Gary Daniels, Vice Chairman

30  
31  
32 \_\_\_\_\_  
33 Mike Putnam, Member

\_\_\_\_\_

Laura Dudziak, Member

34  
35  
36 \_\_\_\_\_  
37 Paul Dargie, Member