

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
January 19, 2015

PRESENT: Gary Daniels, Chairman
Mike Putnam, Member
Katherine Bauer, Member
Kevin Federico, Member
Mark Bender, Town Administrator
Dave Bosquet, Videographer

EXCUSED: Mark Fougere, Vice Chairman

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

INSTRUCTIONS: Chairman Daniels called the meeting to order in the Town Hall auditorium 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:

5:30 p.m. – Release of Town Interest in Lot 29-88 Adjacent to Railroad Pond. Chairman Daniels indicated the Board has had two hearings on this and asked for a motion from the Board. Selectman Federico moved to approve the release of lot 29-88. Selectman Bauer seconded the motion. There was no discussion. All were in favor. Motion passed 4/0. Attorney Tom Quinn asked for the vote to be reconsidered to include the details. Selectman Federico moved to approve the release deed with the condition that the Town be granted the easement for the filled lot for the parcel 29-88 located at 17 Lincoln Street; there is a 50 foot buffer around this property to protect Railroad Pond and no additional impervious surface will be allowed on the property without approval. Selectman Bauer seconded. There was no additional discussion. All were in favor. Motion passed 4/0.

5:35 p.m. – Review and Approval of MS-636. Jack Sheehy, Finance Director, indicated there are two forms before the Board for signature in order to post for deliberative session. Both of these forms are NH Department of Revenue Administration (NH DRA) forms that are required to set the tax rate in the fall. The first form is the MS-636, the Budget of the town of Milford with all the Warrant Articles. The second form is an MS-DT which is the default budget. Chairman Daniels asked if the MS-DT is part of the MS-636? Mr. Sheehy responded no, they are two separate forms, eventually the MS-636 will be sent to the DRA; the MS-DT will not be sent, but it still has to be done. There were no questions. Selectman Putnam moved to approve the MS-636. Selectman Federico seconded. All were in favor. Motion passed 4/0.

5:45 p.m. – Request for Board Certification of Default Budget (MS-DT) Department of Revenue Administration Form. Selectman Putnam moved to approve the MS-DT. Selectman Federico seconded. All were in favor. Motion passed 4/0. Mr. Sheehy asked that the Board all sign where indicated so they can be posted by the deadline

6:00 p.m. – Pipeline Discussion with the Board of Selectmen at the Request of Milford Residents. Chairman Daniels said he understands there will be a presentation and asked who will be presenting this evening? David Wilson introduced himself as one of the residents on Federal Hill to present and discuss this proposed pipeline. Mr. Wilson introduced Todd McCartney for the presentation, who asked after the presentation what the Board of Selectmen has done in support of the Milford residents opposed to this proposal. Chairman Daniels explained the Board is looking at establishing a Task Force to coordinate actions on behalf of the residents. Chairman Daniels noted that he represented Hollis as a NH representative for the past two years and is very familiar with what they have been going through. Chairman Daniels appreciates all of the comments coming in because it helps the Board to understand. There is a Kinder Morgan Open House at Hampshire Hills on January 27 that he plans to attend. Many questions have been raised that we need to have answers to. Chairman Daniels has been in communication with Kinder Morgan as has the Town Administrator who submitted questions to Kinder Morgan for which we have not received answers yet, but we expect to have answers by tomorrow; when those answers are received they will be posted on line. One thing Chairman Daniels has told Kinder Morgan is if they can't be truthful with the people, they will not get trust at all.

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1 Selectman Federico elaborated on what Chairman Daniels said, stating the Board has been in communica-
2 tion with Kinder Morgan, there have been phone calls back and forth between the different communities, especially
3 with Hollis and Vice Chairman Fougere has been speaking to different representatives because of his employment
4 being a planner; we haven't formally done anything as of yet, we are doing a lot of background research of what we
5 can and cannot do and what this Board can do as the town and what can we do as a State; it's brought up a lot of
6 questions. So there are things that we are trying to figure out what we can and cannot do to fight it. Selectman Fed-
7 erico did not want to speak for the Board, but he is in opposition of the pipeline but that's him personally, that's not
8 this Board but he is more of an advocate of having people's voices heard.

9 One resident asked what they can do, with everyone having full time jobs, what can be done to keep this
10 going, he said he doesn't have money for a lawyer, we are all spending our money on our mortgages, what can we
11 do? We've seen what other towns have done, Hollis threw some money at this so they had funding behind them but
12 what do we do, I'd like to hear the opinion of other selectmen. Chairman Daniels said the Board has been talking
13 about contacting legal counsel on this just as they did in Hollis, probably following their lead since they were suc-
14 cessful. Personally, Chairman Daniels thinks things will pick up a little bit more after the January 27 Open House
15 when the other side of the story is heard to put everything together, but he doesn't see this issue going away for the
16 Board, so he thinks it's going to be front and center for a long time. It was said that a decision would be made this
17 fall, that the "final route" would be decided in Fall 2015.

18 Another resident asked if the Town of Milford Board is ready to make a statement to FERC or is it still
19 taking a look and listening to Kinder Morgan and listening to residents, or are you going to send in comments to
20 FERC? Every citizen, town, community, Board has a right to make a comment to FERC and we wonder if the
21 Board is ready to make a comment or is that still being looked at? Chairman Daniels said the Board has not talked
22 about making a comment yet; personally Chairman Daniels wants to hear what Kinder Morgan says on January 27;
23 take what was presented tonight and he would expect within a month that the Board would take some sort of posi-
24 tion.

25 Selectman Bauer is personally against this but it has to be more than just "against" there have to be specific
26 reasons and this talk/presentation tonight has gathered information together, she said she has all the points in front of
27 her and agrees with all of them, so as soon as she can back up her "no", that's what she will do. Selectman Putnam
28 echoed the fact that tonight's presentation was very good; it wasn't boring, he got a lot of information from it and at
29 this point in time he is opposed to the pipeline and is ready to push the Board a little faster to make a comment to
30 FERC and do whatever we need to do and whatever is in our power to block it; we would have to talk about financ-
31 ing an attorney through the town but again, that will impact the taxes for the whole town so there are still some deci-
32 sions that need to be made; that's where I stand.

33 Selectman Federico indicated in looking at what other communities have done around us, specifically Hol-
34 lis, they came up with a pipeline impact study task force; that is something that he will present to this Board that we
35 enact to allow a group of citizens to become a task force for the Town of Milford to review this study. Another
36 thing Selectman Federico commented on is the fact that a lot can be said on both sides that make the pipeline look
37 great and also the citizens can make it look horrifying, it can go both ways. What the NH Energy Facility Site Eval-
38 uation Commission (EFSEC) will look at are very specific arguments and that is something that needs to be in the
39 Charge of the Committee, or this Task Force that we put together, so it's a very specific, a very focused argument so
40 that this committee will have to answer for the town.

41 Selectman Putnam motioned that the Board start the beginning phases of putting together, or have the
42 Town Administrator start to put together, the Task Force.

43 Town Administrator Mark Bender indicated that some of the other town administrators are meeting tomor-
44 row to discuss some of the actions that those towns are taking; Mr. Bender will attend and report back with that in-
45 formation. The point of the Task Force is facts, figures, details, not opinions, we have to get into the details and
46 make it very specific and detail-oriented. Mr. Bender spoke with Attorney Drescher who provided the name of the
47 attorney that worked with the Hollis Task Force, which Selectman Federico also has and we will get that name to
48 this group as well.

49 Robert Maciorowski, 11 Wildflower Point, thanked the group for pulling this information together, there is
50 a lot of communication between residents about this on Facebook; he wants to be sure the town is taking a serious
51 look at this and doing it quickly. Amherst has filed to be an intervener, we know what Hollis has done and other
52 communities, Todd has reached out to the Milford Conservation Commission and was told the Conservation Com-
53 mission is made up of 7 volunteers and the pipeline is the last thing they need as they are working on several differ-
54 ent development proposals in town and focusing on the Kinder Morgan proposal would require the Commission to
55 suspend its attention on the other matters. He understands the work the Conservation Commission does is critical,
56 but what would be out there that is more critical than protecting this amount of land, both natural land and land for
57 the residents and he asked that everyone contact whoever they can that has a say in this or will be reviewing it and
58 encourage them to move as quickly as possible.

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1 Harry Standel, Osgood Road, understands this process to be the yea or nay decision that is not really sub-
2 ject to the approval of anyone in this room or in fact of the Board, it is rather a Federal decision, and with all due
3 respect, Hollis is not Milford, Hollis is one of the wealthiest communities in New Hampshire and they can muster up
4 resources that we probably can't here. With respect to the Federal Government, that really raises a more sinister
5 issue and that is Federal campaign financing. Kinder Morgan and its subsidiaries and all of those who will benefit
6 from this pipeline are huge contributors to Federal campaigns. The President of the United States has said that he
7 wants to expand gas production in the United States; he seems to be fully behind it, the Republican Congress are also
8 in favor of energy production, so the problem here is we are going to have to match whatever influence the Kinder
9 Morgan folks and all of those who benefit from this pipeline; he thinks that will be very, very difficult to do. Mas-
10 sachusetts was able to fight it because both Senators were vehemently opposed to it and whatever opposition they
11 raised in the Senate was influential. It's not a local issue, it's a Federal issue and it's going to be a very difficult
12 uphill battle no matter what is done here.

13 Selectman Putnam noted that the Market Basket situation over the summer resulting in Arthur S. getting
14 back into place was all because of the employees' pushback and Selectman Putnam thinks it's going to take that
15 kind of effort from everybody in this room or everybody in town to push the Federal government in the right direc-
16 tion.

17 Bukkiah Golden, 10 Bear Court, indicated we can hope for the best, but should be prepared for the worst,
18 noting that the tax revenue that has been mentioned that the town will receive, could a tax rate be set specifically for
19 this project so that Milford could gain the money it needs to take care of it properly; and is Milford prepared to take
20 care of those residents that are not "eminent domained" out by providing some sort of abatement on their property
21 because they are affected by this? What is the control that Milford has to mitigate the effect of this? Chairman Dan-
22 iels responded that the Board has not discussed that, the amount that Kinder Morgan said Milford would receive was
23 based on something, but we have not even talked about money, I don't see money as being the issue. There would
24 need to be discussions with the Town Assessor, but I do not know that this would be taxed any differently and it
25 might be guided by State statute as opposed to the Board of Selectmen coming up with our own figure and being
26 able to tax Kinder Morgan unlimited amounts. This is precisely what the Task Force would be looking at.

27 Selectman Bauer sees absolutely no reason why this pipeline should go through; but she will keep an open
28 mind. Carl Phillips reminded everyone that if we are waiting to hear what Kinder Morgan has to say, we just heard
29 what they said and that is that they will say whatever it takes to allow them to get their way; the presentation had lots
30 of lies in it, about jobs, leaks, property values, running along a corridor. If they've lied about everything thus far,
31 what value is there to hear them out? Ultimately the Federal government can railroad this through but Massachu-
32 setts prevented it; we should take a strong stance against this to protect our residents and our community.

33 Andy Hughes, Vice Chair of Conservation Commission, stated the pipeline proposal has only recently been
34 published. We are looking at development proposals in three Milford locations for which many town residents are
35 very upset about, there are other issues out there and we cannot just stop working on those right now because those
36 proposals are going forward and they will not sit and wait for us so we can talk about the pipeline; that does not
37 mean we think the pipeline is not important. It is. Thus far the only information received is the information from
38 Kinder Morgan and now the information presented this evening, which is great information and the Conservation
39 Commission and the Selectmen will be going to the Open House presented by Kinder Morgan and we've got a list
40 of questions as long as your arm that we would like to get some answers to but we are only seven volunteers, we all
41 have full time jobs, town meeting is coming up, we have plenty of other stuff that we have to attend to, that we can-
42 not just drop. But we are not just going to drop this to let it sit and stew and wait until somebody comes up with
43 plans in six months; just understand that we are going to do as much as we can and we will make a good effort at it
44 but don't expect miracles.

45 Nick Darchik has been spending a lot of time in the past month online with NHPIPELINE.org; one of the
46 things he has come across is a letter from Congress requesting additional time before Kinder Morgan makes any
47 moves on this, this was cc'd to the people that matter except for our Governor so if we want support from the State
48 level, we need to push at the Governor. The signatures are from Jeanne Shaheen, Kelly Ayotte, Ann Kuster and
49 Frank Guinta. This is a very informative website; they are there for us, the people.

50 Eric Anderson indicated a Facebook Group will be started after tonight's meeting: Federal Point Pipeline
51 Info, which people can join. Chairman Daniels thanked the presenters and looks forward to working together to
52 plow through this. Selectman Federico brought up that Selectman Putnam had motioned to form a Task Force for a
53 Pipeline Impact Study. Selectman Federico indicated the charge needs a little work but he seconded the motion
54 made by Selectman Putnam to form this Task Force. Chairman Daniels asked if the charge is based upon the charge
55 in Amherst? Selectman Federico said no, the charge from Hollis. Selectman Federico believes Milford can start
56 with this charge and have it finalized by the next Board meeting. Selectman Federico indicated he has 25 copies of
57 the information packet and the attorney's name from Hollis that can be shared with those interested this evening.
58 All were in favor of the motion. Motion passed 4/0.

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2 **3. PUBLIC COMMENTS.** There were no public comments this evening.
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4 **4. DECISIONS.**

5 a) **CONSENT CALENDAR.** Chairman Daniels asked if anything needed to be removed from the Consent
6 Calendar for discussion. There were no items removed. Selectman Bauer moved to approve the Consent Calendar.
7 Selectman Putnam seconded. All were in favor. Motion passed 4/0.

8 **1) Request for Acceptance of a Beaver Flow Device at Rotch Town Forest.** The Conservation Commis-
9 sion requested permission to accept the donation of a beaver flow device from the NH Animal Rights League, val-
10 ued at \$2,000.

11 **2) Request for Board Certification of 2015 Polling Notification Forms.** The Polling Notification form
12 stating that the Deliberative Session will be held Saturday January 31, 2015 at the Milford Town Hall Auditorium
13 and the second session will be held at Milford Middle School on March 10, 2015.

14 b) **OTHER DECISIONS.**
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16 **5. TOWN STATUS REPORT** – Town Administrator Bender said there is nothing this evening.
17

18 **6. DISCUSSIONS**

19 a) **Budget and Warrant Review** – Chairman Daniels indicated there are a few changes the Board would like to
20 make; the Board has received notice of change on warrant article 23. Selectman Putnam indicated he is alright with
21 the modification. Selectman Federico clarified for the public the modification in the language is for clarification in a
22 previous version that was written and voted on, there was no timeframe or limit on it and that has now been put back
23 in. Chairman Daniels further clarified this is for the Brox article for sale or other disposition of resources which was
24 written in a lot of legalize before and has been put in a more legible language so people understand what it is being
25 asked. Chairman Daniels asked for a motion to accept the modified text for warrant article 23. Selectman Putnam
26 moved to accept the modified language for warrant article 23. Selectman Bauer seconded. All were in favor. Mo-
27 tion passed 4/0.

28 Warrant Article 25 for Budget Committee Charge Update; it was recommended to add the words “and Special
29 Meetings” so that if there is a Special Meeting, they are required to follow those procedures for that as well. Se-
30 lectman Federico moved to accept the language as amended for warrant article 25. Selectman Bauer seconded. All
31 were in favor. Motion passed 4/0.

32 Warrant Article 26, Numerical Tallies on the Warrant, it was pointed out that the purpose of this was to have the
33 official tallies on the warrant article and on the ballot; so this amendment to the wording would accomplish that.
34 Selectman Putnam moved to accept the language as amended. Selectman Bauer seconded. All were in favor. Mo-
35 tion passed 4/0.

36 b) **Selection of Town Report and Voter’s Guide Covers** – The Board decided to use the photo of the World
37 War II Memorial on the cover of the Town Report and a photo of the DPW Crew and equipment on the cover of the
38 Voter’s Guide.
39

40 **7. SELECTMEN’S REPORTS/DISCUSSIONS.**

41 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Chairman Daniels
42 indicated the Recycling Committee was supposed to meet tomorrow night, however the School is holding their
43 budget hearing at 7 p.m. at the High School, so the Recycling Committee meeting for January will be rescheduled to
44 February 17 at 6:30 at the Police Station. Selectman Federico indicated Granite Town Media will be coming back to
45 look at the possibility of moving some of the equipment from the High School to the Town Hall to improve the
46 Community Media workflow. Selectman Federico would like to request that the DPW and Community Media Di-
47 rector work together to get an estimate of what that cost would be to move equipment from the High School to Town
48 Hall so a decision can be made. Consensus of the Board was to have that estimate looked at for the cost to move
49 equipment.
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51 b) **OTHER ITEMS (that are not on the agenda).**
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53 **8. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes of December 29,
54 2014 and January 10, 2015 as presented. Selectman Bauer seconded. All were in favor. Motion passed 4/0.
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56 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**
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58 **10. NOTICES.** Notices were read by Chairman Daniels.

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11. NON-PUBLIC SESSION.

12. ADJOURNMENT:

Gary L. Daniels, Chairman

Mark Fougere, Vice Chairman

Katherine Bauer, Member

Mike Putnam, Member

Kevin Federico, Member