# APPROVED

## MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING April 11, 2016

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**PRESENT:** Mark Fougere, Chairman

Kevin Federico, Vice Chairman

Gary Daniels, Member Mike Putnam, Member Katherine Bauer, Member

Mark Bender, Town Administrator
Darlene J. Bouffard, Recording Secretary

Niko Giokas, Videographer

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

**INSTRUCTIONS:** Chairman Fougere 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 Fougere 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:

**5:00 p.m.** – **Non-Public Session (RSA 91-A:3, II(c) Reputation.** Selectman Putnam moved to enter into non-public session for Reputation at 5:00 p.m. Selectman Daniels seconded. All were in favor. Motion passed 5/0. Chairman Fougere announced that in non-public session the Board discussed a reputation issue. The Board also reviewed and approved the non-public minutes of March 14, 2016 and March 21, 2016 after a motion made by Selectman Putnam and seconded by Selectman Daniels to unseal. Motion passed 5/0. The minutes of March 14, 2016 and March 21, 2016 were re-sealed on motion made by Vice Chairman Federico and seconded by Selectman Putnam. All were in favor. Motion passed 5/0. No decisions were made in non-public session other than the approval of the non-public minutes of March 14, 2016 and March 21, 2016.

5:30 p.m. - Appointment of George Skuse to the Nashua Regional Planning Commission (NRPC). George Skuse was invited to join the Board for this discussion regarding his nomination to be the Milford representative to the Nashua Regional Planning Commission (NRPC). Chairman Fougere asked why George is interested in being an advocate for NRPC? Mr. Skuse responded that he is not particularly into politics but this is a good way to provide service between the residents and the Board of Selectmen and he would like to be involved in making decisions on infrastructure. Mr. Skuse said he feels it is time for him to give back to the community a little. Chairman Fougere said we could not do what we do in town without all the volunteers. The NRPC does a lot of important things in the region. It all starts at NRPC. Selectman Daniels asked what Mr. Skuse thinks about the rail. Mr. Skuse thinks it is a good idea if we could get to Boston without having to drive. It would be a good solution and cut down on a lot of traffic. Selectman Daniels asked how Mr. Skuse feels the rail would affect Milford. Mr. Skuse said it would benefit Milford to provide another way to get to work in Boston; it would not have direct impact on businesses coming to town but it would benefit people that work in the Boston area. Mark Bender said that NRPC has taken input from citizens about the pipeline that would cross through part of Milford. Mr. Skuse said he opposes the pipeline as there is no benefit to Milford, it goes back out to Dracut, it is not something we need here in town. It is not a worthwhile loss of land. Selectman Daniels asked how prepared Mr. Skuse would be to present a position of the Board of Selectmen if it was contrary to his own. Mr. Skuse said he is there to convey the opinion of the town and not a personal opinion. Selectman Daniels would hope that he would come to the Board to show the different view. Selectman Putnam moved to approve George Skuse being appointed to the NRPC. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

**5:35 p.m.** Appointment of Jason Plourde to the Zoning Board of Adjustment. Jason Plourde was asked to join the Board at the table for this appointment. Chairman Fougere indicated that Mr. Plourde has been working as a member of the Traffic Safety Committee (TSC) and Economic Development Advisory Council (EDAC), and saw that the Zoning Board of Adjustment (ZBA) needs help. He is a traffic engineer and works on land development projects, currently working for a municipality. Mr. Plourde has experience dealing with the different boards and there is plenty of opportunity to get involved in the community and if the help is needed, Mr. Plourde said he is ready to step up. Selectman Daniels noted that Mr. Plourde has been a very productive member of the TSC and because of his expertise he has been very helpful; he would be a good addition to the ZBA. Selectman Bauer started

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her town involvement on the ZBA many years ago. It is not a rubber stamp board and it should not be. Chairman Fougere said we still need additional members on the ZBA and thanked him for volunteering. Mark Bender asked how much work Mr. Plourde's employer does in Milford. Mr. Plourde said right now they are not involved in any project in Milford. Selectman Putnam moved to approve Jason Plourde as a full member of the Zoning Board of Adjustment. Selectman Daniels seconded. All were in favor. Motion passed 5/0.

**5:40 p.m.** – **Elderly Exemptions, Veterans Credits and Solar Exemptions.** Town Assessor Marti Noel explained she has applications for Elderly Exemptions and Veteran's Credits that were submitted by April 15 for review. The deadline was April 15 and she is recommending 67 elderly exemptions for approval, which are based on income and asset limitations. Eleven of them are new applications. The RSA prohibits producing a list of applicants, therefore the listing does not include names. Selectman Daniels asked what is an override? Marti Noel explained an override is at ages 65-74 have an exemption of \$69,000, ages 74-85 it is \$100,000 and above 85 it is \$133,000. Selectman Putnam moved to approve the recommended applications. Selectman Daniels seconded. All were in favor. Motion passed 5/0.

Marti Noel presented three new Veteran's Credit applications, there are 479 current veteran's credits in Milford. Selectman Daniels asked about how many applicants are turned down based on criteria? If new legislation goes through, there may be more that qualify. Marti Noel said it could be about 700 total recipients if that legislation passes. Selectman Putnam moved to approve the veteran's credit applications as presented. Selectman Daniels seconded. All were in favor. Motion passed 5/0.

**5:50 p.m.** – **Current Use Application.** Town Assessor Marti Noel presented the current use update for map 53, lot 68-1 which is subject to litigation involving the previous owner for tax year 2014 which affects the current owner for tax year 2014/2015. Ms. Noel recommends placing the property in current use at this time. The court date is in September with the previous owner. Selectman Putnam moved to approve placing this parcel in current use. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0.

5:55 p.m. – Finance Department Update. Finance Director Jack Sheehy provided an update of the Finance Department. He indicated the Affordable Care Act (ACA) process has taken up a lot of time and needs reporting. Chairman Fougere asked about the Cadillac tax, noting that also needs to be monitored. Jack will continue to work with Human Resources and is very pleased with Karen Blow who has a good grasp on the HR and is continuing to update the town policies. Karen is taking care of a lot of things that had not been taken care of in the past. Selectman Daniels asked Jack about the difference in revenue versus expenditures and why they are different. Jack Sheehy explained it does not agree because of the timing, so it will not be equal. It is the timing and we did not collect as many taxes by year end. Selectman Daniels said 2016 goals include three projects that cost money, asking how can the town do them with a default budget? Mr. Sheehy indicated the credit card process requires a MUNIS interface which has been paid for already, there will be no new cost with that. The processing with Gateway will be paid by the user, not the town (this is for the one-check system and credit card processing) which is already built into Interware for town clerk customers, so there is no extra software needed. The electronic timekeeping system funds were from the 2015 budget.

Every April, the Mission Statement for Finance is reviewed, which is the same as it has been in the past except there have been updates through legislation. The investment policy has updates from RSA 41:29. Our deposits are done daily. Jack Sheehy is asking the Board to approve the investment policy as is done every year. In addition, there should be a signature for the Treasurer's delegate. Selectman Daniels asked how many bids are received for investments? Jack Sheehy explained that we stay with our main bank which is Citizens and we receive 2.5%. The rates are so low everywhere and the rates are not good enough to bother getting different bids. Jack Sheehy indicated we do not go out for bids as the money in the town is very fluid, what we bring in we pay out, so there is no longer term instruments. We are limited in the instruments that we can use to invest our money. The trustees have long term deposits. Chairman Fougere asked for questions on the policy. There were none. Selectman Putnam moved to approve the policy as presented. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0.

One concern raised by Jack Sheehy is the Fox Run Village District. They need to certify procedures and get certain reports in to the Department of Revenue Administration (DRA) each year. Last year, it was very difficult to get any response from them. Because of that, our tax bills went out very late in the year. Jack requested the Board to request a meeting with them. Every year, there is trouble trying to get the reports to the DRA. Jack would like a meeting to be held to solve this issue once and for all. Fox Run Road is a private road, Selectman Daniels asked why is it called a "District"? Jack Sheehy said in order to maintain the road, but it is an issue when it comes

to tax time every year. For a village district, there is an issue that causes a problem in town finance for information to be submitted to the DRA. Jack Sheehy said this is nothing new, part of the Village District must provide reports of a trust to the DRA, it is similar to a town. They created a district. Mark Bender said they had a change in officers in the district and were late in getting meetings scheduled. It took a number of calls from both Jack Sheehy and Mark Bender to get the paperwork filed. Mr. Bender said we have to follow up months early to make sure they get the paperwork filed. Chairman Fougere suggested having Mark Bender make an appointment with them. Chairman Fougere said it is an oddity. Jack Sheehy said in other towns the districts are Fire Districts or Water Districts. Jack Sheehy said this is the only one in Milford. And every year it is a fight to get the paperwork in. Selectman Daniels asked if there is a penalty from the DRA in the filing of those reports. Jack Sheehy was not aware of any penalties. NHMA is looking for policy proposals and they solicit the towns about legislative changes. The deadline is April 22. Jack serves on the Finance and Revenue Committee. If the town is looking for any legislative changes, now is the time to do it.

6:15 p.m. – Approval to Building on a Class VI Roadway of Garden Street. Community Development Director Lincoln Daley explained whenever a property owner wants to use a Class VI roadway, this must be done. On March 22, 2016 the Planning Board approved a renovation of two buildings on Garden Street. One is on a 108' section of a Class VI road. The site plan was approved and it was recommended to approve the building on a section of a Class VI road. Scott McEntree is the owner. Lincoln Daley is very excited for them to take over the structure and improve the site. Chairman Fougere asked for comments or questions from the Board, noting this section is currently a driveway and would allow for continued access of the driveway. Selectman Daniels asked if the American Legion has been made aware of this. Mr. Daley said they have been notified and they have not shown any concern. It will be a two way entrance for access and exit. Chairman Fougere said it was looked at previously for the ambulance facility. The American Legion uses this section of road. Selectman Putnam moved to approve with permitting for that property. Vice Chairman Federico seconded for discussion. Selectman Daniels asked if it can be contingent upon agreement as recommended by Town Counsel Drescher. Selectman Putnam and Vice Chairman Federico agreed to the amendment. All were in favor of the amended motion 5/0. This approval is contingent on the following suggestion from Town Counsel

"...the Planning Board having reviewed the plan as well as RSA 674:41 approves the same, such approval being conditioned on the applicant procuring approval under said statute from the Board of Selectmen to utilize the Class VI road which constitutes the western extension of Garden Street on the west side of Cottage Street as access to the site as proposed and the Planning Board also recommends that the Board of Selectmen grant such approval subject to such terms and conditions as are required and/or they deem appropriate ..."

Lincoln Daley said there is talk of eventually discontinuing the road. Chairman Fougere responded that would be a town meeting issue.

3. PUBLIC COMMENTS. (items not on the agenda). There were no public comments this evening.

### 4. DECISIONS.

- a) **CONSENT CALENDAR.** Chairman Fougere asked if any member wished to remove any items from the Consent Calendar for discussion. There were no items removed. Selectman Putnam moved to approve the Consent Calendar as presented. Selectman Daniels seconded. All were in favor. Motion passed 5/0.
  - 1) Request for Re-appointment of Leighton White to the Recycling/Solid Waste Committee. Leighton White was approved as a member of the Recycling/Solid Waste Committee through March 31, 2019.
  - **2) Building Permit Refund Request**. The building permit refund request for Solar City in the amount of \$152.00 was refunded as requested as no work was done.
- b) OTHER DECISIONS.

## 5. TOWN STATUS REPORT.

1) Capital Reserve Charge and Potential Members. Town Administrator Mark Bender explained that the charge for the Capitol Reserve Fund Committee was drafted and potential members were presented for approval this evening. All members will have voting positions. Vice Chairman Federico moved to approve the draft charge as presented. Selectman Putnam seconded. All were in favor. Motion passed 5/0. Vice Chairman Federico moved to approve the potential members list as presented for the Capital Reserve Fund Committee. Selectman Putnam seconded. All were in favor. Motion passed 5/0.

- 2) South Street Update. Town Administrator Mark Bender indicated the South Street project is getting closer to final approval on South Street, hopefully it will be by Wednesday. Some coding errors were put into the Federal system and need to be corrected. Chairman Fougere said the shops on South Street want to stay open during the work and it will be challenging. Good communication with everyone will be helpful. Mark Bender wants to get out and meet with the businesses on South Street to hear their concerns. Traffic control will be an issue.
- 3) Eversource Milford Facility Update. Mr. Bender indicated the Milford work center of Eversource will be closing later this year. The offices are consolidating as part of streamlining for Eversource to improve response times with outages. A 24/7 team of trouble shooters are available on a 24 hour basis to respond to the outages throughout the State, but it seems to be a good plan for them. Chairman Fougere is not happy about this, it does not help Milford or the businesses. Selectman Putnam said we cannot do anything about it. Chairman Fougere said we should ask Mark Bender to get thoughts from area Boards of Selectman and businesses and express our concerns about the service; we have a lot of businesses in town and surrounding communities; it is highly populated and will not improve service here. Janet Langdell asked if they are going to sell the property? Where is the next station like this where staff might come from? Rick Riendeau added they are in Keene. Janet added there is nothing until you get to Keene or Bedford. Mark Bender said the property will be for sale once they close and move out. Selectman Daniels said they have systems that could identify closures, they do not have trucks just waiting around for a call. It is not good for the town or the region. Chairman Fougere said that abutting towns will also not like this move. Selectman Putnam moved to have the Town Administrator write to the surrounding towns regarding this. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0.
- 4) 2005 Holder Sidewalk Plow. Rick Riendeau, DPW Director, has found a 2005 used sidewalk plow in good condition considering its age. It has been used by Concord and is available for \$15,000 which is about the same as it would cost to repair our older plow. This would be a purchase and not a lease, therefore it is a legal purchase. It is operational and we could use it immediately, and we would have a machine we could use for parts. It costs \$15,000 pending tonight's decision and this might allow the town to defer purchasing a new one for a couple of years. Selectman Putnam asked if the machine comes with attachments. Mr. Bender said it is just the tractor, but the attachments the town has for the current one will work on this one. Vice Chairman Federico said the repair costs for the town machine would be \$12,000 and that has stopped working at this point. Selectman Daniels asked how many hours are on the machine Milford owns. Rick Riendeau was not sure, but typically there are not a lot of hours on these, maybe a couple thousand. Mr. Bender said we are over 3,000 hours on our old machine. Rick Riendeau did not test drive this machine but has heard that it runs and it operated this past season.

Selectman Putnam asked where the \$15,000 will come from? Mr. Bender said it will come from the repair budget in the DPW budget. Selectman Putnam asked if that will impact anything else that needs repairs? Rick Riendeau does not know what will need repairs, hopefully there are less repairs with the mild winter. Chairman Fougere said these machines are expensive, new ones cost \$151,000. Selectman Daniels indicated the figures provided by Jack Sheehy show the town will save money with fuel within DPW and that could be used toward this purchase. Mr. Bender said we are seeing savings, but the gas prices are starting to go up. Selectman Putnam asked if the town will continue to look for a new sidewalk plow? Mr. Riendeau said the 2012 sidewalk plow should last a long time. Chairman Fougere said this used plow should stretch the life of the newer one. Mr. Bender added that this gives us an operable back up. Mr. Riendeau said that Polar came out with some smaller plows which cost less. There are a lot of options to look at. Mr. Bender said the town is looking for approval from the Board to purchase this used machine if it passes the inspection of Rick Riendeau and his team.

Selectman Daniels moved to approve the purchase of this used sidewalk plow for \$15,000. Selectman Bauer seconded for discussion. Selectman Daniels noted that the town turned down the warrant article in March to lease/purchase a new sidewalk plow, however the town has a statutory obligation to clear the sidewalks and this used sidewalk plow will cost \$170,000 less than what was asked for in March and will remove liability from the town. That is the only reason Selectman Daniels will vote for this, because the town is obligated and it is a lot less money. Selectman Daniels asked if this equipment has the ability to also mow lawns? Mr. Riendeau said it does but he would not recommend doing that because it is very hard on the machine. All were in favor of the motion. Motion passed 5/0.

5) Fletcher Air Quality Update. Town Administrator Mark Bender indicated Fletcher work has been

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progressing for about two months and they have experienced elevated levels of PCBs especially at Mill Street. Copies of the EPA reports are in tonight's packets and there are handouts in the back of the room tonight and it is also posted on the town website. The EPA met with Mill Street residents March 31. The meeting last week between all parties was to discuss the situation and set up an additional air monitoring station closer to Mill Street and Milford High School. The town has been responsive on this and transparent in providing data to the public which will continue. They will continue to work within the levels and watch it very closely. Vice Chairman Federico asked how often will the Board get updates from the various stations. Mark Bender responded that it takes 4-5 days to get results from the monitors so we will continue to provide updates. Vice Chairman Federico expects that people would be looking for that information on the website. Chairman Fougere asked why the levels are higher on Mill Street? Mark Bender said they do not know conclusively, but that is where the work was started, the timing is part of it, and the severity of the contamination is greater there as well. Prevailing winds can also have an impact on the tests. Vice Chairman Federico reiterated that the work has stopped until the levels go down. Mark Bender said the work at Elm Street site did continue because the levels had come down, tomorrow another discussion will be held with EPA; they put the brakes on pretty fast when the levels got high. Chairman Fougere said everyone wants this done because it has been going on for twenty years but we do not want a public health issue. Mark Bender indicated the contractor doing the work has tried to control the dust. The sooner we can get this done safely, the better.

Brad Wilkins, Cottage Street, has a concern that the EPA talked with Mill Street residents but not Cottage Street residents. The monitoring system is pretty much in his back yard. Those residents had been contacted by Jim Murphy and he wants to express his concern that the EPA did not talk with everyone that abuts the property. Going forward he would like the EPA to also come down Cottage Street and talk with those residents; he has six kids and they play outside all the time. He saw the tarps were down for safety, but they blew off the work, so the safety measure was reduced. He does not want to hear that fifty years from now his kids have health problems. He was a little annoyed that he found this out from the newspaper and EPA did not talk to him or any Cottage Street residents. If we are putting monitoring stations at Milford High School, Chairman Fougere said there should be more outreach to these residents as well.

6) Oval Brick Fundraiser. Town Administrator Mark Bender explained the town is selling bricks for the oval restoration. The sale last until May 7 so that we can get the project moving in order to finish it. A few people have been injured when walking on this area. It is a priority for the Board of Selectmen. We will not have all the \$60,000 raised for the work but the contractor can start without all the funds being raised. If the Board authorizes that it can start it soon, it will allow it to be completed before the South Street project starts up. Mark Bender asked for authorization for expenditure of funds while the fundraising is ongoing. Selectman Putnam asked where the money will come from? Mark Bender said the General Fund, but we have people getting hurt so we cannot ignore it. Vice Chairman Federico said the orange flags are out on the oval to make people aware of the safety issue. We need to close that gap and get it fixed. Selectman Putnam said the General Fund was a topic a month ago and how will that affect how the town can pay its bills (with this expenditure)? Jack Sheehy, Finance Director, indicated that was fund balance that was discussed, we will have to appropriate funds from the budget and juggle things around. Mark Bender hopes that we can raise all \$60,000. Selectman Daniels asked if grant money could be used? Chairman Fougere indicated we did not want to go that route because we want to get it done sooner and maybe the islands can go through grants because that project is more involved. Any Federal grant money takes forever to get. Selectman Daniels asked if the brick information is on the website? Mark Bender said yes, both the MIT website and the town website have the brick information. Vice Chairman Federico noted that it is also on Facebook. Chairman Fougere indicated we could get brick posters out in the oval as well. Chairman Fougere is confident that we will raise most of the \$60,000. If we want to buy a brick and have it located with other family members, Selectman Daniels asked if that can be done. Mark Bender said yes, we can try to do that. The bricks will be put back in the same place as they were originally located. Wendy Hunt is heading up the brick purchases so she is the one who collects the requests. Selectman Daniels moved to authorize moving forward with this. Selectman Putnam seconded. All were in favor. Motion passed 5/0.

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7) Osgood Pond Update. Mark Bender indicated the RFP is still out, 15 contractors expressed interest. Bids are due April 15 by 4:30 p.m. A review committee made up of Lincoln Daley, Mark Fougere, Rick Riendeau and Fred Elkind will review the bids. Selectman Daniels said he might have another source for funding of Osgood Pond, asking if there is a provision to spend an additional amount for dredging if the money is available? Mark Bender said we have a formal bid out now, but we have also discussed a second phase of

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work. Selectman Daniels received an e-mail but did not bring it with him tonight, it sounded like something that might be able to be applied to this project.

- 8) Milford 2016 Road Maintenance Program. Rick Riendeau, DPW Director, prepared a one page summary of road work needed in 2016. It is going to be busy around town with road work. Selectman Daniels indicated there is land being cleared by the North River Road intersection, asking what is the timing of completing that work and road maintenance. Lincoln Daley, Community Development Director, explained this is for the installation of new gas line. Mont Vernon Road is part of the gas line improvements. Rick Riendeau said that is gas line improvement that ends at Sunset Road. Chairman Fougere added that development was approved three years ago and there is an age restriction on that development for 24 units. Selectman Daniels asked if the exit for the development is on Route 13 or North River Road? Mr. Daley said it will access both roadways. Rick Riendeau said the main entrance is on Route 13 and North River Road will be limited because of sight distance and will be emergency access only with a gate. Mr. Daley will confirm that for the Board. Mr. Riendeau continued that Elm Street in front of the Fletcher site will be done after that work is complete, so not until 2017. We stopped because of that work and it will be all done after the work is complete at the Fletcher site. Mark Bender said a version of the road work plan for 2016 will be put on the website. Right now, the work is just a guess but we can update it as it moves forward.
- 9) 127 Elm Street. The Keyes Expansion project committee met last Thursday, Selectman Putnam will be attending these meetings and keep the Board up to date.
- 6. DISCUSSIONS.

- 7. SELECTMEN'S REPORTS/DISCUSSIONS.
  - a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.
  - b) OTHER ITEMS (that are not on the agenda)
- **8. APPROVAL OF FINAL MINUTES**. Selectman Putnam moved to approve the minutes of the March 21, 2016 work session as amended. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0.
- 9. INFORMATION ITEMS REQUIRING NO DECISIONS.
- 10. NOTICES. Notices were read by Chairman Fougere.
- 11. NON-PUBLIC SESSION. The non-public session scheduled was for the approval of NPS minutes which were taken care of during the 5:00 p.m. non-public session.

**12. ADJOURNMENT:** Selectman Putnam moved to adjourn at 7:30 p.m. Selectman Daniels seconded. All were in favor. Motion passed 5/0.

Mark Fougere, Chairman	Kevin Federico, Vice Chairman
Gary Daniels, Member	Katherine Bauer, Member
Mike Putnam, Member	