

1
2 **APPROVED**
3 **MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING**
4 January 23, 2017

5 **PRESENT:** Mark Fougere, Chairman
6 Kevin Federico, Vice Chairman
7 Gary Daniels, Member
8 Mike Putnam, Member
9 Katherine Bauer, Member
10 Mark Bender, Town Administrator
11 Darlene J. Bouffard, Recording Secretary
12 Amy Concannon, Videographer
13

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

15 **INSTRUCTIONS:** Chairman Fougere called the public meeting to order at 5:30 p.m., introduced Board members
16 and then led the audience in the Pledge of Allegiance. Chairman Fougere indicated that those people in the audience
17 who want to speak or add to the discussion should please use a microphone in order to be heard on the PEG Access
18 live broadcast.
19

20 **2. APPOINTMENTS:**
21

22 **5:30 p.m. – Second Public Hearing – Proposed Fernwood Drive Tank Site Purchase, Map/Lot 48-55-1.**

23 Chairman Fougere opened the public hearing and explained the Water Department is proposing to purchase a prop-
24 erty off of Fernwood Drive for a future water tank. There were no comments or questions. Town Administrator
25 Mark Bender indicated this is the second public hearing and the final hearing will be either next Monday (5th Mon-
26 day forum) or at the deliberative session meeting. Water Commissioner Dale White expressed that they would ra-
27 ther do it at the forum. Chairman Fougere asked that the final hearing be on the agenda for the forum on January 30.
28

29 **5:35 p.m. – Land Use Change Tax Warrants.** Town Assessor Marti Noel wrote letters to the owners of four
30 properties that may be coming out of Current Use. Only two of the properties are before the Board this evening, as
31 the other property owners requested a bit of time before it is presented. Map 40 lot 26 and Map 42 lot 55 are
32 brought forward this evening, with Map 8 Lot 23 and Map 8 Lot 46 being delayed as the owners are considering
33 agricultural use of those lots. Selectman Daniels asked how a lot line adjustment would get initiated? Ms. Noel
34 responded the two parties would agree and then hire a surveyor and have a plan drawn up, it is quite costly. There
35 were no further questions. Selectman Putnam moved to approve the Land Use Change Tax Warrants for Map 40,
36 Lot 26 and Map 42, Lot 55 as recommended by the Town Assessor. Selectman Daniels seconded. All were in fa-
37 vor. Motion passed 5/0.
38

39 **5:45 p.m. – Conservation Warrant Articles Discussion.** This warrant article is to merge two properties with the
40 Mile Slip Town Forest. Andy Hughes, Conservation Commission Chair, and Chris Costantino, Conservation Com-
41 mission Coordinator, were in attendance for this appointment. Town Administrator Mark Bender indicated that in
42 tonight's packet is the information regarding the merging of two lots and the land fund warrant articles. The warrant
43 articles are also in tonight's packet. Ms. Costantino explained that there seems to be some questions about ease-
44 ments. Vice Chairman Federico indicated the memo she wrote explains the easement but there was a question about
45 who controls the land. Ms. Costantino responded that the ownership and management would remain with the Town
46 and Conservation Commission with oversight by the NE Forest Foundation. Mr. Hughes explained their job is to
47 make sure the commission keeps it as it is in perpetuity. Ms. Costantino emphasized no construction, subdivision or
48 motor vehicle use would be allowed. Chairman Fougere said the warrant article is the merger, the two lots will be
49 merged into the Mile Slip town forest. Chairman Fougere asked if there are easements on the property? Mr.
50 Hughes answered on the Pratt property only. Ms. Costantino explained this warrant article is strictly to merge the
51 two lots with the town forest.
52

53 At one time the MileSlip property allowed ATVs, but Selectman Daniels said now it does not. Mr. Hughes
54 explained the town rules state if an organization or club comes in and guarantees no damage, they could, but at the
55 time that was not being done, so it was stopped. People were coming in from out of town and it became a problem.
56 If this warrant article gets passed, Selectman Daniels asked if it would prevent the land from ever from being opened
57 to ATV use. Ms. Costantino said no, the code lays out motor vehicles use and it is on a case by case basis. They
58 would need to ask permission. Selectman Daniels asked if a group came in and wanted to maintain that land for

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1 ATV use, would it be up to the Conservation Commission whether or not to allow it? Mr. Hughes believes so, be-
2 cause that was delegated to the Conservation Commission on Conservation land. Chairman Fougere added that
3 when Milford bought the land, we allowed ATVs and people were coming in and it was a mess, so it got shut down.
4 It was agreed that if a group managed it we would allow the activity, but no group came forward. Selectman Put-
5 nam noted that last year Brookline contacted Milford about people parking in Brookline so they could ride up there
6 and they were tearing everything up. Mr. Hughes was looking at the RSA today about management of town proper-
7 ty. Chairman Fougere said it is basically the resources management that Conservation is responsible for. Chairman
8 Fougere asked how long ago was the discussion with the club? Mr. Hughes responded it was in the fall. Chairman
9 Fougere asked for the information on that meeting.

10
11 Selectman Putnam asked if this was put before voters last year. Ms. Costantino said it was not, the
12 Hitchiner Town Forest was on the ballot last year. Selectman Putnam asked if there was any merging of town prop-
13 erties last year? Ms. Costantino said that was putting an easement on the Hitchiner Town Forest. Mark Bender
14 asked if there are trails that connect Map 45, Lot 2 with the Mile Slip Forest that go through Mason. Ms. Costantino
15 said she does not know that it is in Mason. Vice Chairman Federico said this draft is asking us to merge the two
16 properties, that is it. Wade Campbell, Mile Slip Road, said that Jeeps and trucks that were not even registered were
17 coming up to tear up the land, they were coming in off road vehicles and ripping it up. Selectman Putnam moved to
18 keep the warrant article as worded and recommended by the Conservation Commission. Vice Chairman Federico
19 seconded. All were in favor. Motion passed 5/0.

20
21 Conservation Land Fund (petition warrant article) - Ms. Costantino said the current Land Fund balance is at \$74,789
22 and it will go down a little by the time of town vote. Peg Seward, BAC, said the BAC was asked to discuss what the
23 balance should be of the land fund, in 1999, \$75,000 was recommended. The BAC came up with \$125,000 as the
24 minimum balance. The BAC is considering an amendment to the current warrant article up to \$25,000 to bring it
25 closer to that minimum. Selectman Putnam noted the Board of Selectmen does not normally take votes on petition
26 warrant articles.

27
28 **5:55 p.m. – South Street Parking Concern.** The owner of Amigo’s Restaurant Mike Heeny, filed a complaint to
29 the Board of Selectmen regarding the South Street expansion during which the four parking spaces in front of his
30 establishment were removed. Parking in the TD Bank lot is no longer an option. His customers have complained to
31 him that there are no places to park. Other business owners are also complaining. South Street was widened 7 feet
32 and Mr. Heeny has watched as large trucks come around that corner and they clear where his awning is, which is
33 where the parking spaces were located. Mr. Heeny respectfully requests that those four parking spaces be put back
34 in. Selectman Daniels asked if any spaces were added at the other end of parking on the same side? Selectman Put-
35 nam does not think any spaces were added. Mr. Heeny said parking on the oval has always been a problem.

36
37 Chairman Fougere stated that Town Hall employees have recently been asked to park down by the river,
38 away from the oval and Middle Street, which should open up more parking spaces. Vice Chairman Federico would
39 like to take a look at this, we do not want to add spaces back if it is going to clog up the intersection again. Vice
40 Chairman Federico wants to ask the DPW Director what can and cannot fit. Mr. Heeny said people still park there
41 and they ask him about it, noting the delivery trucks still park there as well. Selectman Putnam said this town has
42 been talking about parking for ten years and even back when he was a kid, parking was a problem. Selectman Bauer
43 asked what Mr. Heeny would like the Board of Selectmen to do. Mr. Heeny would like the four parking spaces to
44 be put back in front of his business. With those four spaces, he is okay. Chairman Fougere would want some input
45 from Police and DPW and have each Board member take a look. Selectman Daniels asked if this should be sent to
46 the Traffic Safety Committee (TSC). Chairman Fougere would hate to go back to what it was, the flow is much
47 better now but he understands the effect on the businesses. Selectman Putnam moved to send this issue to the TSC.
48 Selectman Daniels seconded for discussion. Selectman Bauer hopes we can help because there are two sides to eve-
49 ry situation, the flow and the business parking. Maybe we can somehow compromise. Selectman Daniels said the
50 TSC holds meetings as needed, so in the next few weeks this can be reviewed. Selectman Daniels suggested if any-
51 one has information on the turn radius of trucks that might be helpful to the TSC and would be appreciated. Chair-
52 man Fougere also added that the TSC has a traffic engineer as a member. Also make sure that Mr. Heeny gets invit-
53 ed to the TSC meeting. All were in favor of the motion. Motion passed 5/0.

54
55 Town Administrator Mark Bender also added that the employee parking lot down by the river is also open
56 to the public daily after 5 p.m. It is at the end of School Street, right across from the Fire Department. Selectman
57 Daniels asked if Milford Improvement Team (MIT) could send out a flyer to all businesses indicating where the
58 parking is around the Milford oval.

1
2 **6:05 p.m. – Proposed Ordinance: Unauthorized Use of Firearms on Town Owned Property (Brox).** Police
3 Chief Viola and Police Captain Frye explained there has been an ongoing issue of people using Brox property for
4 target practice. It is felt now is the time to take a look at what the town wants to do. The Police Department has
5 received complaints from the school and also from citizens. A lot of time the complaints are during the week while
6 kids are in school. Right now, there is nothing on the books that states people cannot shoot out there; but it is a gray
7 area. Recently the Police Department received an e-mail about shooting out there. A history of related calls was
8 developed to show the activity: in 2012 there were three incidents during the week in daytime. Selectman Daniels
9 asked what is considered an “incident”? Captain Frye responded that it was a call for service “shots fired”. In that
10 instance, an officer would go out and check it out. In 2013 there was one call during daytime. In 2014 there were
11 two calls. In 2015 there were eight calls, mostly during the day. In 2016 there were four calls and one person was
12 injured, in that case we used the ATV to get him out of the area. After looking in the ordinances, we got the RSA
13 chapters that are applicable and went to the Fish & Game agent for this area. Todd is on the same page as we are,
14 we feel that it should be stopped for target practice; hunting is fine. Brox will have more people now with the fields
15 and hiking and biking. Chief Viola noted the Police will do their best to deter the shooting in that area. Captain
16 Frye said there is an area right off Heron Pond road where people will walk in and shoot. Most people that shoot
17 there are from out of town. Mark Bender asked if people are restricted to shooting guns used for hunting or can they
18 use a rifle or a high power weapon? Chief Viola responded that it is guns only and that there is also trash left by the
19 people doing target practice. The police have talked a lot about it and everyone is on the same page and feel we
20 should not allow the target practice there anymore.

21
22 Selectman Daniels asked where is the Police area for qualifying? Captain Frye said it is way out there and
23 it is not near any residences. Selectman Daniels is not sure the town is authorized to pass any ordinances regarding
24 firearms. Chief Viola said he can research that further; he knows that other towns have adopted similar code. Mark
25 Bender noted there is a place in Merrimack that used to be a shooting area people used for target practice and also
26 left trash behind. The town went in and cleaned it up then passed an ordinance prohibiting target practice. Select-
27 man Daniels said there are other regulations in place that are Statewide or Federal. There are things that could be
28 controlled federally or statewide included littering laws. Do we have the authorization to pass such ordinances?
29 Chief Viola believes we do, but will research further; most of the time it is after the fact regarding the litter, the peo-
30 ple are gone and the trash is left behind. If the town were to designate an area where people can do target practice
31 there might be liability. Mark Bender asked if there is a public shooting range or gun club in Milford? Chairman
32 Fougere responded there is not, but Lyndeborough and Nashua do. A lot of times, the people shooting know the
33 police are coming out and they get out. If there is a designated area where they can shoot, Chief Viola said the town
34 would have liability. Selectman Putnam wants to think about this; there is a place to shoot where the railroad ties
35 are; he would rather have a citizen practice than not, we bought the land to use it. Selectman Putnam stated we are
36 taking more and more away from people. Chairman Fougere understands we have a school there and DPW is in and
37 out of the property. Chief Viola stated Weare has an outside range where citizens can sign a waiver (for liability) in
38 order to use it. Chairman Fougere feels if it is a town citizen using it, that is fine but if it is an outsider, that is not.
39 Chief Viola said everyone has been cooperative thus far. Selectman Putnam said the research done does not identify
40 what time of year the calls came in on the shootings. Chief Viola said it is usually the School Resource Officer that
41 gets flagged down by a teacher who reports it and the SRO takes care of it. Chief Viola knows of one call that was
42 during night hours. Let’s get the questions answered that have come up before having a second ordinance reading.

43
44 Chief Viola said the town could be responsible for lead counts and safety. Captain Frye said when going to
45 qualify on the Brox land, they have to almost go 4-wheeling to get to the shooting range, there is a lot of stuff hap-
46 pening on Brox now and a lot of people out there. The people that live out near the area are the ones calling. Chief
47 Viola said he will research further and get back to the Board.

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49 **3. PUBLIC COMMENTS. (items not on the agenda).**

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51 **4. DECISIONS.**

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53 a) **CONSENT CALENDAR.** Chairman Fougere asked if there were any items to be removed from the
54 Consent Calendar for discussion. Finance Director Jack Sheehy asked if item 4a8 could be removed since it is not
55 ready to be signed. Selectman Daniels moved to remove item 4a8 from the Consent Calendar for discussion. Se-
56 lectman Bauer seconded. All were in favor. Motion passed 5/0. Selectman Daniels moved to approve the Consent
57 Calendar with the exception of item 4a8. Selectman Putnam seconded. All were in favor. Motion passed 5/0.
58

- 1) **Request for Approval of Donation to the Conservation Commission for Rail Trail Maintenance.** The Board approved the acceptance of a \$2000 donation from Faye Richey to be used for Rail Trail Fund for trail maintenance.
- 2) **Request for re-appointment of Zoning Board of Adjustment Member.** The Board approved the request for re-appointment of Joan Dargie as a full member of the ZBA to expire in March 2020.
- 3) **Request for re-appointment of Recycling Committee Member.** The Board approved the request for re-appointment of Celeste Barr as a full member of the Recycling Committee to expire in March 2020.
- 4) **Approval and Acceptance of Milford Fire Department UTV Response Guideline.** The Board approved the Fire Department Utility-Terrain Vehicle (UTV) Response guidelines as presented.
- 5) **Approval and Acceptance of Milford Fire Department New Driver/Operator Requirements.** The Board approved the New Driver/Operator Requirements as presented.
- 6) **Request for Acceptance of Building Permit Refund.** The Board approved the request for building permit refund for Solar City in the amount of \$100 as presented.
- 7) **NH RSA 31:95(b) Request for Acceptance and Appropriation of Unanticipated Revenue Under \$10,000.** The Board approved the request for acceptance as follows:

Source	Amount	Purpose
Healthtrust	\$500.00	Donation to the Milford Fire Department for the Fire Wellness Campaign Special Purpose Fund.
Heathtrust	\$500.00	Donation to the Milford Administration Dept. For the town Wellness Campaign Special Purpose Fund
- 8) **Review and Approval of MS-636, Budget of the Town.** This item was removed from the Consent Calendar for discussion at the request of Selectman Daniels and prompted by Finance Director Jack Sheehy as the form is not complete, nor ready for signature.
- 9) **Request for Board Certification of Default Budget.** The Board approved the default budget as presented.

b) **OTHER DECISIONS.** Chairman Fougere indicated he would like to dedicate the 2016 Town Report to Richard Mace who did a lot for the town and recently passed. All concurred.

5. TOWN STATUS REPORT.

a) **Warrant Article Revisions/Updates.** Town Administrator Mark Bender explained the suggested revisions to the warrant articles are in tonight's packet and asked if there were any further comments or questions. Selectman Daniels asked Jack Sheehy if people can make a donation to put into a Capital Reserve Fund? Mr. Sheehy responded that in order to add money to a capital reserve fund it must be voted on, it could be money that is designated for that purpose, but it could not be added to the fund. Vice Chairman Federico asked why there is a limit of \$75,000 on the spending of the capital reserve funds? Peg Seward, Budget Advisory Commission, responded it is a gray area, one concern is how will the money be allocated. The town has a CIP for projects to keep taxes flat. How will the capital reserve fund be utilized for the town facilities, will it be repairs or renovations? There are a lot of unknowns. By allowing only under \$75,000 to be spent, there would be more checks and balances. There would be more of an understanding of what the money is being spent on. Peg Seward added that there are 21 different town buildings that it could be used on. Mark Bender suggested new wording and can see both sides of this issue. Vice Chairman Federico asked if both the town hall boilers broke and we needed funds to replace both at the same time, where would we come up with the funds? Jack Sheehy said that is what Fund Balance is for but we need permission to do that because it would be over the amount allowed. It depends on what the fund balance looks like. If we could not use fund balance, he does not know where the money would come from; maybe a Special Town Meeting would be held.

Arene Berry, Recreation Director, asked about the warrant article for Keyes Expansion and explained that it would be for park improvements, the intent of this fund is for improvements not repairs. Selectman Daniels asked if this Keyes Expansion Committee Report has been accepted or adopted by the Board? Chairman Fougere said it is a recommendation for the future; we are not bound by it, it is a guiding document. Chairman Fougere understands the recommendation but he does not want to be bound by that report. If the voters want to renovate the building they should have that option. Mark Bender asked if the reference to the report could be removed. Ms. Berry would want that question to go to the committee, she feels they would want the report referenced in the warrant article. Chairman Fougere said it could be removed and it can always be discussed at deliberative session. Peg Seward suggested an amendment to the language, she thinks the report needs to be identified and also the designation of the Fletcher

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1 site and 127 Elm Street. Mark Bender thinks that is premature and we should wait until all the work is done at
2 Fletcher. Selectman Daniels said the Board has not accepted or adopted the report; it was presented only. Select-
3 man Daniels moved to strike the reference to the report. Selectman Putnam seconded. All were in favor. Motion
4 passed 5/0.
5

6 Gil Archambault indicated the Veteran's Credit started at \$50 per year, then moved to \$200 then \$300, all
7 on his recommendation. He proposed \$400 which was disapproved. As a war veteran, he stated one cannot com-
8 pare combat veterans to other veterans. The Assessor does not know how many more veterans will come in for the
9 credit if this is approved. A change is being brought forward to change the qualifications to receive the credit. The
10 war vets do not receive more, but now you have to vote on what to put in the warrant article. We do not know how
11 many more will apply. Selectman Daniels thanked Mr. Archambault for his service and noted there are people that
12 receive the credit during a war but not necessarily in combat. Mr. Archambault indicated one must currently have a
13 medal to get the credit or have served in certain years. He read an article that estimates there may be an additional
14 400 people applying and that will increase the impact to taxes. Chairman Fougere explained that the DRA has rec-
15 ommended changing Milford's warrant article to make it simpler and more concise. Selectman Putnam moved to
16 approve the revised language as presented. Vice Chairman Federico seconded. Selectman Putnam, Vice Chairman
17 Federico, Selectman Bauer and Chairman Fougere were in favor with Selectman Daniels abstaining. Motion passed
18 4/0/1. Selectman Daniels noted that he is tracking a bill to allow this to be phased in over three years. Chairman
19 Fougere asked if that will be brought forward at deliberative session, to which Selectman Daniels said he hopes he
20 will be able to bring it then.
21

22 Chairman Fougere stated that he spoke with Doug Bianchi at the VFW about the Labor Day parade and
23 asked if someone would want to manage the parade if the town paid the entire \$14,000 for it, to which he responded
24 that there might be someone that could manage it. Mr. Archambault also noted that the VFW is closed effective
25 tomorrow when it goes on the market as they are disbanding. He asked if the town has found anyone to take up the
26 management of the Labor Day Parade. Mark Bender indicated we are still waiting for someone to come forward.
27

28 b) **DPW Open House.** Town Administrator Mark Bender stated DPW is holding an open house at the of-
29 fice/garage on South Street on January 30 at 4-6 p.m. All residents are welcome to attend.
30

31 c) **Board Review and Approval of Snow & Ice Policy and Mail Box Policy.** The drafts of policies provid-
32 ed in tonight's packet were provided by DPW Director Rick Riendeau who is asking for Board approval. Selectman
33 Daniels is not comfortable with the mailbox policy because DPW is taking less responsibility for damage to people's
34 personal property. Selectman Putnam suggested putting off approval of these until after deliberative session. Mark
35 Bender said this is not any different than what is already in place and used throughout NH. There is a provision
36 where the town is sometimes responsible for damage. It was agreed to table the policies until February 13 when
37 they will be discussed.
38

39 d) **Board Review and Future Discussion on Public Works Standard Operating Procedure and Snow**
40 **Removal and Ice Control.** This item will be discussed at the February 13 Board meeting.
41

42 **6. DISCUSSIONS**

43 a) **Designation of Majority/Minority Report Authors on 2017 Warrant Articles & Voting.** The person on
44 the Board that took responsibility for each majority and minority report was identified.
45

46 **7. SELECTMEN'S REPORTS/DISCUSSIONS.**

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

48 b) **OTHER ITEMS (that are not on the agenda).** Selectman Daniels wanted to ensure that all residents will
49 receive the voter's guide this year, including PO Boxes, since the PO Boxes have not received them the last two
50 years. Mark Bender said we have talked to the Cabinet about delivering the voter's guide with the newspaper and
51 ensure they get into the PO Boxes as well. He was told every household in Milford will get a copy of that edition of
52 the Cabinet, including the voter's guide.
53

54 **8. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes of December 27,
55 2016 as presented. Selectman Bauer seconded. All were in favor. Motion passed 5/0.
56

57 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**
58

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1 **10. NOTICES.** Notices were read by Chairman Fougere.
2

3 **11. NON-PUBLIC SESSION.** Vice Chairman Federico moved to enter into non-public session at 7:50 p.m.
4 Selectman Daniels seconded. All were in favor. Motion passed 5/0. After discussion Selectman Putnam moved to
5 come out of non-public session at 8:15 p.m. Vice Chairman Federico seconded. All were in favor. Motion passed
6 5/0. Chairman Fougere announced that while in non-public session, four decisions were made. Selectman Putnam
7 moved to seal the minutes of this non-public session. Vice Chairman Federico seconded. All were in favor. Motion
8 passed 5/0.
9

10 **12. ADJOURNMENT:** Selectman Daniels moved to adjourn at 8:16 p.m. Vice Chairman Federico seconded. All
11 were in favor. Motion passed 5/0.
12
13

14 _____
15 Mark Fougere, Chairman
16

Kevin Federico, Vice Chairman

17 _____
18 Gary Daniels, Member
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Katherine Bauer, Member
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21 _____
22 Mike Putnam, Member
23