

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
August 28, 2017

**PRESENT:** Mark Fougere, Chairman  
Kevin Federico, Vice Chairman  
Laura Dudziak, Member  
Gary Daniels, Member  
Mike Putnam, Member  
Mark Bender, Town Administrator  
Tina M. Philbrick, Recording Secretary  
Darlene J. Bouffard, Recording Secretary  
Dave Bosquet, Videographer

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

**INSTRUCTIONS:** Chairman Fougere called the 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. The Board of Selectmen would like to extended condolences to the family and friends of Rosario Ricciardi "Sarooch" who passed away last night, if you ever got the chance to meet "Sarooch" he was an old timer, World War II vet and longtime selectmen who was very involved in the community, just a great gentleman who lived a long and interesting life and he will be sorely missed. Also, I failed to mention last month and I apologize Lee Mayhew our former Town Administrator for many, many years passed. We offer our condolences to his family as well.

**2. APPOINTMENTS:**

**5:00 p.m. – Non-Public (RSA 91-A:3, II(c)) Reputation.** Selectman Putnam moved to enter into non-public session for reputation. Selectman Federico seconded. All were in favor. The motion passed 5/0. After discussion, Chairman Fougere announced that in non-public session four decisions were made. Selectman Putnam moved to come out of nonpublic session at 5:15 p.m. Vice Chairman Daniels seconded. All were in favor. The motion passed 5/0. Selectman Fougere moved to seal the minutes of this non-public session. Selectmen Putnam seconded. All were in favor. The motion passed 5/0.

**5:30 p.m. – Public Hearing for NH RSA (31:95(b)) Acceptance for Expenditure of Unanticipated Funds over \$10K and NH RSA (31:95(e)) Acceptance for Gifts of Property over \$5K .** Chairman Fougere opened the public hearing at 5:30 p.m. for the acceptance for the expenditure of unanticipated funds as follows:

- NH DOT Additional Highway Block Grant Monies for Road Maintenance - \$278,330.86

The funds are provided by the NH legislature in adopting Senate Bill 38. The unanticipated funds are specifically intended to be used for highway purposes not already budgeted and funded (new projects). Funding can be used for paving, sidewalks, drainage, traffic signals, guardrails, bridges, equipment used for highway maintenance, etc. The funds are non-lapsing, meaning they can be carried over to the following year. We appreciate this additional allocation of highway funding from the state and welcome the public input on projects. Please submit ideas to the Town Administrator or Director of Public Works.

Chairman Fougere asked for any comments or questions from the public. There were none. Chairman Fougere closed the public hearing. Selectman Putnam moved to accept the grant. Selectman Daniels seconded. All were in favor. The motion passed 5/0.

**5:40 p.m. – Public Hearing – Sale of Land: 124 Prospect Street, in Accordance with NH RSA 41:14-a**

Chairman Fougere opened the public hearing at 5:36 p.m. The Town of Milford is the owner of a parcel of land identified as 124 Prospect Street, Milford NH. The property is depicted as Map ID: 35-31 with an assessed valuation of \$4,800. The property was previously used by Milford Water Utilities for a water storage tank that was dismantled in 2015. The Town of Milford NH has stated its intent to sell this parcel by sealed bid or other appropriate means.

**Whereas,** the Milford Water Utilities Commissioners have stated the "Prospect Street Water Storage Tank Site" is no longer needed and agree that the Milford Board of Selectmen may do as they feel appropriate with

1 the property.  
2

3 **Whereas**, the Milford Planning Board and the Conservation Commission have reviewed the proposed sale of  
4 this property and agree with the sale.  
5

6 **Whereas**, the Milford Board of Selectmen have the authority to sell land in accordance with NH RSA 41:14-a.  
7

8 **Now, therefore**, the Town of Milford will hold two public hearings regarding the sale of 124 Prospect Street,  
9 Milford NH:

10 The first public hearing will take place on Monday, August 28, 2017 followed by: The second public hearing  
11 on Monday, September 11, 2017 then:

12 The Milford Board of Selectmen shall vote on the sale of 124 Prospect Street, Milford NH on Monday, Sep-  
13 tember 25, 2017.  
14

15 Chairman Fougere asked for any comments or questions from the public. Cynthia Boyce 122 Prospect Street ex-  
16 press concerns about special approval needed if someone buys the property to build on it. Her concern is that it's a  
17 very small piece of property close to her line; she doesn't want to buy it or need it but doesn't want it built on. Town  
18 Administrator Bender told Cynthia that it was a non-buildable lot which is why it was assessed at \$4,800; a builda-  
19 ble lot would be considerably higher. He suggests that she buy it or go in with other abutters, maybe re-do the lot  
20 line. Chairman Fougere said that they don't currently have anyone interested in the lot. Administrator Bender said  
21 that letters were sent to all abutters making them aware of the potential sale which included the assessed value of the  
22 property. Another hearing will take place in two weeks after which a couple of weeks later the Selectmen will vote  
23 to sell and accept sealed bids. Cynthia said that she could not make the next hearing and Chairman Fougere said it  
24 will be discussed again on September 11th then again on September 25th. Raul Ramirez 128 Prospect Street had the  
25 same concerns; anyone making a parking lot will be right under his windows. Raul asked about the due date for  
26 bids and Administrator Bender said sometime after September 25th.  
27

28 Chairman Fougere asked for any additional comments or questions from the public. There were none. Chairman  
29 Fougere closed the public hearing at 5:41.  
30

31 **5:50 p.m. – Public Hearing To Rescind Stop Sign on Osgood Road at Mason Road, in Accordance with NH**  
32 **RSA 41:14-b** Chairman Fougere opened the public hearing at 5:45 p.m. There was an ordinance passed in 1989 to  
33 install the stop sign. The intersection was recently reconfigured and a decision was made that the stop sign was no  
34 longer needed. To make it official the ordinance has to have two public hearings and a decision. This is the first  
35 public hearing with the second to follow on September 11<sup>th</sup> and a decision to be made on September 25<sup>th</sup>.  
36

37 Chairman Fougere asked for any additional comments or questions from the public. There were none. Chairman  
38 Fougere closed the public hearing at 5:47.  
39

40 **6:00 p.m. – Request for Approval of Property Abatement Applications (Denial), Prorated Assessment for**  
41 **Damaged Building, Jeopardy Tax Warrant, Land Use Change Tax and Annual MS-1 Report.**

42 2016 Property Abatement - Ms. Noel presented 1 abatement application, with the recommendation for denial. Se-  
43 lectman Putnam moved to deny the abatement application as recommended. Selectman Federico seconded. All  
44 were in favor. Motion passed 5/0

45 RSA 76:21 (Prorated assessment for damaged buildings) 66 Boxwood Circle M 37 L 59 - Ms. Noel said that the  
46 property was damaged in a fire in February and recommends that the board approve the abatement request. Select-  
47 man Daniels moved to approve the abatement application as recommended. Selectman Federico seconded. All  
48 were in favor. Motion passed 5/0

49 Jeopardy Tax Warrant 545 Elm St. #12 M 7 Lot 3-M-12 – Ms. Noel stated that RSA 80:2-a allows for the collection  
50 of taxes prior to the removal of a manufactured home. This is a tax warrant in advance of a typical tax warrant prior  
51 to removal and she recommends that the board approve the request. Selectman Daniels moved to approve the Jeop-  
52 ardy Tax Warrant as recommended. Selectman Dudziak seconded. All were in favor. Motion passed 5/0

53 Land Use Change Tax (LUCT) 0 Mile Slip Road Map 50 Lot 7-4 – Ms. Noel stated that the property was sold and it  
54 no longer qualifies for Land Use and recommends that the Board takes the land out of current use. Selectman Put-  
55 nam moved take it out of land use as recommended. Selectman Federico seconded. All were in favor. Motion  
56 passed 5/0

57 Annual MS-1 Report – Ms. Noel stated that this report is due annually and is the summary of value for the town.  
58 The net value for the town is \$1,355,508,844, an increase from 2016. The increase is as of April 1, 2017. Selectman  
59 Daniels asked how Fox Run was handled and Ms. Noel stated that Fox Run has to submit their own paperwork and

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1 the Board does not sign off on it, but overall it is included in the total value in the town. Administrator Mark Bender  
2 stated that it's about a 1.7% increase.

3 Selectman Putnam moved to accept the MS-1 report as recommended. Selectman Daniels seconded. All were in  
4 favor. Motion passed 5/0

5  
6 **6:05 p.m. – Clarification of Statutes – RSA 41:11-a and RSA 159:26** – Attorney Drescher was asked to clarify  
7 statutes called out in the previous target shooting discussions. Chairman Fougere gave a brief overview of a proposal  
8 brought forth for target shooting on the town property “BROX”. Attorney Drescher stated that he gave an opinion  
9 back in February and it has not changed. The two statutes have to be read as being consistent as one with the other  
10 like a court would. Attorney Drescher's view of the two statutes is that they address two completely different func-  
11 tions. The function of dealing with town property is like dealing with control like an owner would have on his/her  
12 property or corporate property. The statute makes it clear that the town has the authority to manage town property,  
13 and BROX is the issue here. BROX is no different than Keyes Field or the back yard of the Library or the Oval,  
14 that's your jurisdiction. You have the right to designate times or run the property, closing or opening as needed or  
15 charge for it. Town property is managed the way a private owner would. In Attorney Drescher's opinion, you are  
16 not regulating the use of firearms when you regulate town property to either outlaw shooting on that property or you  
17 decide to lease a piece of it. You have the power to do that or not to. Attorney Drescher reference a case in 2001 in  
18 Windham in which a shooting range was proposed and found by the Planning Board to be inconsistent with the Zon-  
19 ing laws in Windham. It was appealed but it was also 10 years before the adoption of this statute. The court didn't  
20 have a problem deciding that it was a valid exercise of authority with the Town of Windham. 159:26 also goes on to  
21 say that nothing in this section shall be construed as affecting a political subdivision's right to adopt zoning ordi-  
22 nances for the purpose of regulating firearm's, or knives businesses in the same manner as other businesses. Attor-  
23 ney Drescher understands how people feel but if he has to defend a position he would much prefer to defend that the  
24 town has the right to control or regulate activities that are inherently dangerous to property that the general public  
25 uses then to say that this is a free ride and anyone can go in there and do what they want. Some attorneys and legis-  
26 lators would disagree with my view but others would agree. It's not a black and white question. It's just my opinion.  
27 You have to start with trying to make sense out of the ordinances and interpret them so that one is consistent without  
28 the other because the legislator did not intend a direct conflict. You're not writing regulations to cover the whole  
29 town. You're not controlling the use or development of a shooting range on private property other than through your  
30 zoning. You are just saying in this location we are going to control this use. Shooting is dangerous, it can be, if it's  
31 done properly and controlled properly it's perfectly safe. The legislator has made clear that not only safe but some-  
32 thing which the state wants to encourage. It's good for the Police, the public a good form of recreation and if you  
33 tried to outlaw it everywhere in town you run into that statue. Attorney Drescher believes that it's a defensible posi-  
34 tion and you have the right to control it within the limits of the municipal property that you are charged with. To do  
35 otherwise would mean that this activity could go anywhere in town on town property without you having the ability  
36 to control it. It doesn't make sense. There is no case in New Hampshire that has nailed this down. There are several  
37 towns in which shooting is completely outlawed, I'm not sure how they get away with that one. There are towns  
38 where they do regulate it and towns where they sanction it as a town operated facility, and in other cases like in  
39 Franklin, they lease the property. I looked at the Franklin lease, and if you are considering using that lease there are  
40 two guidelines to consider; they have to pay the taxes and although the town is exempt from zoning, if you lease the  
41 property, the private use is not exempt. It has to be a town regulated facility in order to be exempt from zoning. I  
42 doubt this board would want to do that without having a town meeting vote. If you have any question I will try to  
43 answer them, again this is only my opinion. It's not a black and white rule of law, the supreme court hasn't spoken  
44 on it and we won't know the answer to which of those two statutes can be read together the way I suggest or whether  
45 we are done with that activity and can't do anything with them until someone takes it up with the supreme court and  
46 they rule on it. Selectmen Daniels questioned one comment that Attorney Drescher made about them going any-  
47 where on town land, Selectmen Daniels feels that it's probably not true, that they could go on town land under the  
48 statutes of the state but it's not like they could fire within 300 feet of a house. Attorney Drescher said he was sorry,  
49 Selectman Daniels is correct, there are rules setup by DRED, but he's not sure, but they establish parameters for  
50 legitimately licensed shooting ranges, it would be hard to meet them on the Oval, but you might be able to at Keyes  
51 Field, if not you can certainly go up to the town forest and meet them. If the concern is that we are being too restric-  
52 tive by suggesting that you have the ability to control your property then I think that's a defensible place to be.  
53 There are other issues with this as well, one of the towns that I represent is having an issue over remediating the lead  
54 that for the last 40 years has been landing on the ground and that's become a federally identifiable hazardous waste  
55 that needs to be mitigated so these are other reasons why that if you are going to do this you want to be able to say,  
56 here is the standard and some of the standards are contained in the DRED rule and some are not. Selectmen Daniels  
57 asked if they could open the discussion up for questions from the group that is here that may have questions.  
58 Chairman Fougere said that he didn't want to get into a debate but asked if anyone had any questions. Bob Grogan

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1 108 Wilton Road, if you stop the shooting up there, how does it affect the hunting. Chairman Fougere reminded him  
2 that the rule being proposed is target shooting, not hunting, its two different things. We are not prohibiting hunting.  
3 He feels he can 300 feet from a house and shoot deer and it's still dangerous and just as dangerous as a mountain  
4 biker getting hurt out there so the liability is still the same. Chairman Fougere said the proposing wouldn't prohibit  
5 hunting, it's still allowed, it occurs all over the state. Bob said the liability between mountain biking and hunting is  
6 still the same as someone shooting themselves in the foot. If you stop one, shouldn't you stop the other. Chairman  
7 Fougere said if you can have legal questions, we can discuss them now or you can talk about other things after At-  
8 torney Drescher is through. Selectman Daniels asked, Attorney Drescher, if we regulate this so that they couldn't  
9 use it for target practicing would that also apply to prohibiting hunting? Attorney Drescher said not unless you said  
10 it would. Selectman Daniels said that when we look at 159:26 and we look at the use, how do we differentiate be-  
11 tween hunting and target practicing and say that target shooting is not defensible but hunting is? Attorney Drescher  
12 said that he didn't say that you couldn't regulate hunting, it's his understanding that you don't intend to. He thinks  
13 that if you put signs up around Keyes field and said no hunting even in the hunting season you have the right to do  
14 that. If you had a very sensitive area that conservation said acquired and wanted to keep it locked down, you could  
15 do that. He said he's not talking about regulating hunting; he's talking about the usage allowed on a particular piece  
16 of public property. It's a subjective thing, one piece of property might be fine for this type of activity and another  
17 might not. It's the boards' legal responsibility to be able to look at the property and judge what can and cannot go on  
18 there. It's not private property; it's this particular property and this particular use. Hunting is a tightly regulated ac-  
19 tivity in this state. The state has rules and police who go out and make sure that those engaging in it do it correctly.  
20 That isn't the case with an unregulated portion of BROX property that is used by anyone who wants go there for the  
21 purpose of setting up targets and shooting. A responsible shooting club would probably do everything right, but a  
22 group of people coming in at 8:00 at night might not be. Stephen Takacs, 175 Whitten Road said that he lives right  
23 across the road from the proposed range and he would like to know if you have answers to the questions that came  
24 out of the target shooting discussion last month, like who is going to pay for the lead? Chairman Fougere stated that  
25 this discussion is legal questions and he would have an opportunity to talk about the other stuff after this. Paul Ama-  
26 to, 462 Mason Road; A number of years ago a club formed to ride 4 wheelers on the town property out by Mile Slip  
27 and they came to the town and Planning Board and were turned down because the town didn't think that it was good  
28 use of town property. They had a similar proposal and would clean up and keep the trails up and they were turned  
29 down. So we have precedence to say that we own property and we are not just going to let a club use it. So what is  
30 the difference between then and now? Selectman Putnam said that we did give them permission to ride and they  
31 didn't follow the rules. The town of Brookline came to us to the Selectmen because they were parking at the end of  
32 Mile Slip and doing their 4 wheeling through our property and into Brookline's property. Conservation complained  
33 because they were destroying the soft wetland areas and it turned it into a mess. We rescinded their use of town  
34 property. Selectmen Fougere said that the group in just recently was a different group, another group was in before  
35 them before my time on the Board. The most recent group needed to give the Commission more information. Attor-  
36 ney Drescher said that we had a case in Lyndeborough in which the property owner said that they would turn over a  
37 section of their property for recreation trails for OHRV's. The Lyndeborough Planning Board said that they would  
38 need to see a sight plan prior to approving. The state said no, read the statute that looked a lot like the one here and  
39 they said we preempt this because once it's a state designated trail even on private property the town is out of the  
40 loop. It went to the Supreme Court and overturned it. When there is an activity like that unless it's totally clear that  
41 it's totally preempted, the town still had the right to control it. This was through Zoning and Site plan regulations.  
42 What we have here is two statutes that can be read one of two ways; either the town has the right or it's a free ride. I  
43 would rather defend the town taking control of that issue rather than another potential suit. Chairman Fougere  
44 brought the discussion back to the board for questions. After no other questions he thanked Attorney Drescher for  
45 coming out.

46  
47 **6:25 p.m. – Target Shooting Rule/Proposed Public Shooting Range** – Chairman Fougere said that since our last  
48 meeting we went through the minutes and came up with a list of questions that came up either by the club or people  
49 who spoke, it was sent to the club to look at. The list was posted. We also went out to get proposals to look at and  
50 analyze the existing range for lead. We got two back, one from NOBIS at \$31,881 and SANBORN HEAD at  
51 \$11,000. I haven't looked at them yet, but there is a big delta between the two and we need to find out why one is so  
52 much more expensive. I'm familiar with NOBIS, I worked with them when Lonepine was doing their analysis on  
53 their facility. I spoke with a member of Lonepine and they received a lot of help with labor but have spent approxi-  
54 mately \$70 to \$80 thousand dollars to clean up their lead. They have a covered pile of lead on their property now  
55 that they are trying to raise money to dispose of. The analysis would be the 1st phase to evaluate the contamination,  
56 if any and evaluate what it would cost for clean-up. Administrator Bender had a chance to read both proposals.  
57 NOBIS is very extensive with 490 test samples at various depths and when complete would come back with results  
58 as well as best management practices. The SANBORN HEAD is less extensive with only 48 samples to include



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1 surface and a depth of 12 to 18 inches and they will only test those if the results of the surface samples show some  
2 issues. I would recommend meeting with both companies, I'm uncomfortable with only 48 samples spread out over  
3 a potential two acre parcel. More may need to be down where the actual shooting takes place. So the total cost  
4 would be between \$11 and \$33 thousand dollars to an adequate test. Chairman Fougere said that looking quickly  
5 through the SANBORN proposal that some of the sampling looks a bit away from where the shooting takes place.  
6 Selectmen Putnam clarified that it's just to establish a baseline so that going forward we would know who is respon-  
7 sible for what. He feels that it's not worth, financially for \$30 grand to see just how much is there now. If we have  
8 to pay that kind of money just to let them target shoot I can't go along with that. If we come up with something we  
9 have to mitigate, that's even more money. We don't have it in this year's budget and a warrant article in next year's  
10 budget and it will just drag on. Selectmen Daniels said we would have to do it anyway if we are going to sell the dirt  
11 that is the berm. Chairman Fougere said that we are not selling this area but we still own it. Chairman Daniels said  
12 he heard differently at the last meeting; this would be a temporary thing because we would be selling the dirt as a  
13 back. Chairman Fougere said that this area is all town sand, set aside for future town use we are not selling it. We  
14 have approximately 10 to 15 years supply of sand in the pit now to address Public Work needs and once it's used up  
15 we will use materials from here. Chairman Daniels misunderstood the use. Chairman Fougere does agree that it  
16 will still need to be cleaned up before we use it around the town. Selectmen Putnam agrees but said we could do that  
17 down the road. Chairman Fougere knows that shooting has been going on for a long time, he just doesn't know to  
18 what extent it needs to clean it up, it may not be expensive, we just don't know. Selectmen Federico appreciates the  
19 clarification as he thought the same thing as Selectmen Daniels. Administrator Bender said that the SANBORN  
20 HEAD did a similar study in the Town of Kingston that pertained to an informal target shooting range and the re-  
21 sults of that study found that the contamination was not at a point that required extensive cleanup. That is the value  
22 of going with a study. Chairman Fougere said that it's complicated; we heard a wide range of comments at the last  
23 meeting relative to this. The club wants a place to shoot so they don't have to join a club outside the community  
24 which is understandable, but this is on public property and there will be a cost associated with this to operate this,  
25 nothings for free. Kids playing baseball and hockey on fields have to pay a fee, someone is going to have to pay to  
26 build this and mitigate it when it has to be moved. If this were to go forward, it will be cost related. There will be  
27 no free ride, no avoiding liability for the cost of insurance etc. it's not a simple path. Selectman Daniels asked that in  
28 reference to insurance, do those using the skate park have to have insurance? Chairman Fougere said he doesn't  
29 know but he had to sign a liability waiver to sign up with the MCAA and MCAA leases the North River Road  
30 Fields. They have their own insurance. Selectmen Federico said that they are a separate group, a non-profit and they  
31 have to carry liability insurance for each child playing sports based on head count in order for the town insurance  
32 PRIMIX to sign off on the MCAA leasing and using the fields. Selectman Daniels asked that when we have people  
33 playing on town property, in the skate park or baseball he doesn't believe that they have to have their own insurance.  
34 Chairman Fougere said not at the skate park, but yes if they are in baseball. Selectman Daniels said that in his mind  
35 he isn't looking at it like they would be leasing it out, people would be using the public property just like they do the  
36 skate park so when you talk about insurance, do they really need a policy, and we don't require that of others. Se-  
37 lectmen Federico said that the town's insurance carrier is well aware that we have recreational fields and a skate  
38 park, what would it do to our insurance liability if we were to sanction, govern, and manage a target range. That  
39 would be a much different question than a skate park. Selectmen Daniels said "who's going to get hurt more, riding  
40 in the skate park or someone target shooting? Chairman Fougere said that one of things that they wanted to find out  
41 was if other communities allowed target shooting. We found a small sample in Franklin. They have a group that  
42 leases from the town. A group in Exeter has a group that leases as well. Administrator Bender said that there were  
43 three town in NH that have shooting ranges on town owned land, Newport, Franklin and Exeter. Chief Viola and I  
44 both talked to our counterparts in each of those towns. In Newport they have a planned target shooting range that  
45 has wide public support; the town manager noted that Ruger Firearms is the largest employer in Newport. The town  
46 appropriated \$50K for the construction of the range with many donations of labor and materials to build the range. It  
47 will be built on a closed landfill surrounded by dense forest that abuts another closed landfill in a neighboring town  
48 and the nearest road is about ½ mile from the proposed area. They plan to build a 50 yard range to start and expand  
49 to 100 yards to accommodate rifle shooting. They plan to build a concrete bullet trap filled with ballistic sand to  
50 eliminate any ricochet hazards. They don't want a range into a berm of native materials because of the ricochet risk.  
51 They plan to screen the sand every few years to remove potentially hazardous materials. The range will be 5 to 6  
52 shooting positions in a wood frame firing line with a metal roof, which will be donated. It's restricted to Newport  
53 PD and club supervised use. The hours will be 9 am to 3 pm Monday through Saturday. Selectmen Fougere asked  
54 that if they received that money, it must have gone to a vote at town meeting? Administrator Bender said yes. Frank-  
55 lin has a shooting club called the Franklin Targeteers. They have a 5 year lease which has been in place for many  
56 years. The lease requires them to carry insurance and they are required to do all maintenance and improvements.  
57 They have never done a lead assessment. The range is located several miles from the closest residence, with very  
58 few noise complaints. Shooting is restricted to members and the Franklin PD. Their city Attorney handles the lease

1 and renewal and Franklin is insured by Travelers. Selectmen Daniels asked if they put up any money for the  
2 maintenance of the property and Administrator Bender said he will check but doesn't believe that they do. Chair-  
3 man Fougere asked Administrator Bender if he would ask how Franklin was handling the lead cleanup. Administra-  
4 tor Bender said that they were closing their eyes at this. Town Administrator Bender said that Exeter has the longest  
5 operating sportsman's club in the nation. They lease property from the town and have been in their current location  
6 since 1955. The Town Manager said that noise is an issue but because it was an existing range they are exempt from  
7 the noise ordinance. DES has been involved in the site since 2005. They did a lead testing proposal in 2005 and the  
8 cost was \$29,850 to do the analysis. They have a long term lease that goes through 2049 and they would like to  
9 build an indoor range and require the use of lead free ammo. DES actively monitors the site and there is a remedial  
10 action plan in place. Their estimate from 2004 for clean of the site is \$400 thousand dollars. The Town manager is  
11 going to forward copies of the lease and some DES information. Chief Viola also talked to Franklin and Exeter PD  
12 and they have a good relationship with the gun clubs. Exeter mostly uses Sig Sauer for training but has the option to  
13 use the other range if they want. Years ago there were issues but everything has come together.  
14 Chairman Fougere opened the discussion to the floor. Stephen Takas, 175 Whitten Road understands that this club is  
15 not an actual organized club so he would like to know who will be allowed to use this club? Is it restricted to Mil-  
16 ford residents and if there is a cost involved, like insurance can they not restrict to just their members, especially if  
17 they lease can they not say who can use it? Chairman Fougere felt that because it's town of Milford's property he  
18 would think it could be Milford residents only. Stephen Takas said that if their group has a cost; can they not restrict  
19 it to just their group, or anyone who pays dues to their group? Chairman Fougere said that he suppose that they  
20 could if they became an organization similar to the MCAA. They can setup their own rules but given that it's on  
21 town property I would personally only want to see Milford residents there. If someone is standing in line to use it  
22 and they are a resident and pay taxes and those using it are one Milford guy and three of his friends who are out of  
23 town, how does that work?  
24 Chairman Fougere said that the club provided operational guidelines last month, training, either military or a certifi-  
25 cate stating that you had training with fire arms and other rules would need to be followed. You can't just show up  
26 and shoot. Chairman Fougere invited Christopher Skinner, Milford Gun Club to sit at the table to answer questions.  
27 We spelled it out was that Milford residents and their guest. We drafted this in the blind with no guidelines so this a  
28 draft to be worked. Chairman Fougere said that a list was forwarded to the club with questions from board, residents  
29 and the club; do you have any thoughts on those? Christopher said that they went over the questions and wanted to  
30 know if the board had any questions to ask them? Selectmen Putnam asked if the club would want to lease the  
31 property or just set it up? Christopher said they would probably discuss that and look into the insurance. Would the  
32 cost of the lease be similar to what Franklin pays? Chairman Fougere said that they would be welcome to reach out  
33 to Franklin for information. Franklin leases for \$1 per year. Christopher asked if the board would consider the same  
34 cost. Selectman Putnam said that he was sure they would have restrictions, requirements, insurance cost, are you  
35 guys ready to step up and pay this kind of money just to use that spot? Christopher said you would be surprised.  
36 Selectmen Federico said that this now month 8 and I applaud the time you've put into this. Chairman Fougere men-  
37 tioned that they club was ready to talk to us in June and we postponed. Selectmen Federico said that now we are  
38 talking about a gun club and that wasn't the original question. The original question was a rule or ordinance against  
39 target shooting at BROX. We need to figure out what we want. I'm not comfortable authorizing a gun club without  
40 a town vote. We need to decide if we are going to put a rule or ordinance in against target shooting at BROX proper-  
41 ty and then move forward from there. We tabled that question 8 months ago before the club got into the mix. We  
42 answered a lot of questions and now need to answer the original question and move forward. Chairman Fougere  
43 said that the proposed rule has remained on the table. He's talked to a lot of people and gun owners who don't think  
44 that this is a good idea at all. He's talked to people who belong to Fish and Game clubs that don't think it's a good  
45 idea. He doesn't want to waste others time to chase something that will be difficult to achieve. The club is being  
46 proposed in an area that is not currently used but will be in the future. There are concerns on constructing this in  
47 front of a berm that Ricky and his crew are going to go. It started with a rule and was tabled for the club to put to-  
48 gether a proposal. Christopher asked if they have a decision on the rule? Chairman Fougere said that there has to be  
49 a motion made to bring it off the table. Christopher asked if Attorney Drescher was still here, he was not. He said  
50 that if sounded to him that Attorney Drescher was completely down the middle of the road. He didn't know exactly  
51 what the RSA's actually mean. Chairman Fougere said that Attorneys give you opinions. He said that we have the  
52 authority to pass the rule if we want to, and we have the ability to lease the property. Christopher said that if no other  
53 progress can be made tonight, what would be the decision as it stands right now? Would it still be wide open like  
54 before? Chairman Fougere said yes unless the rule is passed. Administrator Bender asked about the Newport  
55 planned range, the concrete, not shooting into the berm, how would your club feel about that? Christopher asked if  
56 it was something that would be funded by the town. Selectmen Putnam said he wouldn't be in favor of funding it. If  
57 the property is leased from the town, the club deals with the liability and builds the stuff while keeping within the  
58 guidelines established. Administrator Bender said that even the skate park was not constructed with the town's

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1 funds. It was constructed using donations; the Lions Club was involved with it. The ice rinks were funded with  
2 donations as well. No town tax dollars were involved in these programs. Christopher said that there are programs  
3 available to help set up a gun range, one being the National Rifle Association, they were just waiting to see which  
4 way this goes before looking further into it. We also have organizations that will issue grants. Selectmen Daniels  
5 wanted to know if we have answers to the questions in our packets. Chairman Fougere said no, they were questions  
6 raised by the entire public hearing. We wrote them all down and sent them to the club. Christopher said that some  
7 of them didn't really seem like questions for them. Selectman Putnam asked about the list sent to Arene. Adminis-  
8 trator Bender said that she answered the information on the ice rink and skate park, and how they were funded. The  
9 two groups that were involved were the Riders for the skate park and the MICE for the ice rink. The Riders became  
10 active when the town shut down the skate park due to vandalism. It was cleaned up and improved the use of the  
11 skate park. They disbanded quickly after everything was complete. MICE (Milford ICE) is still active in maintain-  
12 ing the ice rinks. Christopher asked if there was anything else for them. Administrator Bender said that just be  
13 clear, Christopher made a comment that Attorney Drescher was completely down the middle of the road, he didn't  
14 hear it that way. He felt that Attorney Drescher was very clear that the Board of Selectmen have the authority to  
15 manage and regulate the use of town owned land, and he would defend that. Chairman Fougere said that in many  
16 cases you get a legal question that has a path that makes it easier to answer, in this case you don't have that, history  
17 is thin. Christopher asked if there were another other questions, there were not and he left the table. Tina Vallier, 59  
18 Mile Slip Road said that with all due respect they are not just a bunch of people looking to shoot in the BROX pit,  
19 they are just looking for a safe place, they are not just looking for a free ride. Chairman Fougere clarified that he  
20 mentioned free ride because during other discussions gun club members mentioned that cost of joining another club  
21 was a concern. He's just pointing out that nothing is free. Having a safe place to go is a good thing. Bob Grogan  
22 asked that if they lease the land does that give them the right to charge people. The answer would be yes, depending  
23 upon how the lease was worded. Administrator Bender said that when you charge people, you lose some of the  
24 statutory protection of the liability. Similar to the skate park, the town has some protection from liability because  
25 we don't charge people to use it. Paul Amato said that from the time that you tabled the rule you have had time to  
26 gain wisdom and you know that today there is more lead out there than there was yesterday so he suggest that  
27 Chairman Federico is right, stop and vote on the rule then continue the discussion further for the other things. Right  
28 now it's a free for all, incurring additional cost that were unexpected and no one voted on to incur. You need to do  
29 your jobs and vote on the rule. It's not fair to the group or town people to continue kicking the can down the road.  
30 Chairman Fougere asked for other comments, seeing none, brought it back to the board. Selectmen agreed that we  
31 need to move forward and make a decision. The town should not take any responsibility for owning, operating a  
32 target/gun range at all. The Gun Club needs to get their stuff together, insurances etc. and come to us and ask for a  
33 lease, but we need to move forward we should enable the question. Chairman Fougere said that to be fair to the  
34 club, if the rule is passed any shooting out there would be prohibited. Unless an amendment is made to the rule in  
35 the future, he wouldn't want the club to go through a ton of effort with insurances and what not, come back with the  
36 whole package and we say that we are not changing our minds. Selectmen Federico said that the only way this  
37 would move forward would be for them to lease the property making it a public non-profit organization. That has a  
38 different starting point than a rule on public property. If the Milford Gun club came in and said that they wanted to  
39 lease 5 acres, anywhere, so we can put up a range for \$1 a year for 10 year, that's a whole new conservation, not  
40 open target shooting at BROX property. Selectman Daniels said that this is the first time we actually talked about  
41 leasing the property, which is keeping with his issue of keeping it on the table until we actually have a plan. We  
42 should know what the plan is before going forward; he doesn't think its wasted time. Chairman Fougere said it is  
43 wasted if there are three people sitting up here that, if the vote was passed to prohibit shoot would never vote to go  
44 forward. Selectmen Federico said he would not be opposed to sitting with the club and taking about this in the fu-  
45 ture after everything is clarified and presented. He doesn't feel that the 5 board members or the town should take on  
46 that liability under our own insurance, name and liability. If they want to go forward it's done with the understand-  
47 ing that the owner of responsibility if totally on them, but on town owned property, public property, we need to  
48 move forward. Chairman said he was ready to go forward with the rule 6 months ago. The longer that the rule is not  
49 in place, the lead keeps accumulating. If we proceed with the lease we will incur an unknown clean-up cost. Se-  
50 lectmen Putnam said that Stephen Takas brought up a good point at a previous meeting that the people who aren't  
51 involved in it are not going to care one way or the other. They may just vote it in and the people around the shoot-  
52 ing will just have to suffer. Chairman Fougere said that others may feel differently as it's a town asset and town  
53 property. The master plan was never proposed with a shooting range, everything was spelt out in the plan. A plan is  
54 a plan, doesn't mean that it covers every possible scenario and things come up. Selectmen Putnam said he isn't will-  
55 ing to spend any money on the analysis or mitigation at this time. He would not vote in favor of leasing the property.  
56 Maybe looking for another site because they have their rights and this isn't an easy decision. Selectmen Daniels  
57 said that we will have to pay for the mitigation at some point. Selectmen Putnam said he understands, but at that  
58 time it would be planned, if we plan on leasing the property, it would need to happen immediately. Someone asked,

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1 if the proposed original ordinance rule were to be voted down and things were to continue as they have been until a  
2 solid plan was in place to deal with the lead and setting up a plan and everything goes on as it was, would that be  
3 more effective on everyone. How many noise complaints do they have a year? Chairman Fougere said it started  
4 when the gentleman from Mass. shot himself in the foot. Could we come together and formulate something, maybe  
5 not formally sit down and hash it out, it's an option. It's what's been already going on. If the rule gets passed, it re-  
6 moves target shooting out there, but we can go forward with lease discussions. Selectmen Putnam said he thinks we  
7 have a good idea where the club wants to go with this; the board is the ones being careful. It's all about the rights of  
8 everyone involved. The Board needs to have a work session and hash it out and come up with a firm plan. Jenny  
9 Segress said that she heard Attorney Drescher say that he would rather defend an ordinance than any kind of liability  
10 legitimation, and I understand different citizens have different rights but looking at a bottom line point of view,  
11 keeping everyone one equal, we have to do the analysis, we have to do the mitigation at some point and it's costing  
12 us more and more money the longer you don't put that ordinance in place. Is this done for all groups that want to  
13 put something in place, does it take this long? The plans should be in place prior to going to the Board for presenta-  
14 tion and not rack up time coming back continuously and taking up everyone's time and dollars for this. This is cost-  
15 ing us money that you don't want to pay for and every day you don't do the ordinance it gets worse. The ordinance  
16 should be put in place as the Chief of Police requested, the School Board backs the Police, and then continue on.  
17 Again, Chairman asked the Board if there were any other thoughts. Selectmen Federico made a motion to take the  
18 rule off the table. Selectmen Putnam seconded it. No discussion. All in favor of taking it off the table 3/2, Federico,  
19 Fougere and Putnam, vs Daniels and Dudziak. Chairman Fougere asked if there are now any discussion and Select-  
20 men Federico asked Selectman Daniels what more does he need. This is going into month 6 or 8. Here is a group  
21 gearing up to their next step off of our decision. Selectmen Dudziak said that it has been a difficult decision. There  
22 are competing statutes, Attorney Drescher's opinion is appreciated, but it could go either way. Selectmen Daniels  
23 agrees, what we are talking about is constitutional rights and that's where the difficult part comes in. It's not black  
24 and white. We know that everyone else that laid down rules have not been challenged, are you prepared to go to  
25 court. Shall we place a ban on target shooting on BROX. Selectmen Dudziak said she is not saying she's in favor of  
26 a gun range or leasing a gun range, she's not, she feels that it should be determined by the voters. Selectmen Federi-  
27 co said he doesn't necessarily disagree; his point is that we have the meeting for 1.5 hours and make no progress, we  
28 answer one or two questions and we are wasting time. Let's make a decision and move on. As far as legal chal-  
29 lenge, I'm pretty sure that the group is going to want to work something out as opposed to just going to court. I don't  
30 think that this is taking away people's rights because it's town owned land. We are not saying you can't fire a gun,  
31 just not on town property. Selectmen Daniels disagrees because Selectmen Federico's comments are going directly  
32 to 159:26 and regulating the use of a firearm for target shooting. Selectmen Putnam said that in either direction it  
33 goes, it's going to be challenged. He agrees with Selectmen Federico that we waste time and he agrees with Select-  
34 man Daniels that we are playing around with the constitutional rights whether the town should make the decision or  
35 we do, but we do have to get moving. Make the motion and move it along. Administrator Bender said that 41:11-a  
36 is very clear; the selectmen shall have the authority to manage all real property owned by the town and to regulate its  
37 use. We are not talking about the constitutional right to own or use a firearm; we are talking about whether they  
38 should be allowed to use it on public land. They can use it on their own land, on private land; it's perfectly up to  
39 them. But you, as the selectmen shall have the authority to manage town property. That's what this comes down to.  
40 Selectmen Daniels continued the rest of the sentence for 41:11-a, unless such management and regulation is delegat-  
41 ed to other public officers by vote of the town, or is governed by other statutes and that's where 159:26 comes in, in  
42 his opinion. Attorney Drescher said that the question is not black and white and the Supreme Court has not spoken  
43 on this. Chairman Fougere said that he was in favor of putting the rule in place a few months ago, although the area  
44 where they can shoot is not happening just there, people are shooting elsewhere which is causing concern. Chair-  
45 man Fougere asked what we are going to do. A motion is on the table to support the proposed rule, Selectmen Dan-  
46 iels asked that the rule be read: At a meeting of the Milford Board of Selectmen held on August 28, 2017, the Board  
47 of Selectmen voted to adopt the rule regarding Target Shooting on Town Community Lands "BROX". Target shoot-  
48 ing on Town Community Lands "BROX" is prohibited. No person shall target shoot with a firearm on the town  
49 owned property known as The Town Community Lands "BROX". If a person is reported to be target shooting on  
50 posted town property they could receive a warning from the police. If the same person is reported to be target shoot-  
51 ing a second time on the posted town property, they could receive a trespass notice, which notifies the individual  
52 that they are no longer allowed on the property. Should a third time occur, the person could be arrested and charged  
53 with Criminal Trespassing. This rule is documented under the Municipal Code/Rule section of Town of Milford's  
54 web site [www.milford.nh.gov](http://www.milford.nh.gov), and any other place deemed necessary. Signs that are approved by the Board of Se-  
55 lectmen will also be posted in the areas where the town has had reports of people target shooting and also main entry  
56 ways onto the Town Community Lands "BROX". Motion made to adopt the proposed rule, passed 3/2 Federico,  
57 Fougere and Dudziak, with Daniels and Putnam opposed. The rule is effective as of 8/28/2017. The board would



1 like more detail from the club which we would entertain and if the board wants to have a meeting to hash it out it  
2 should be sooner than later.

3  
4 **7:00 p.m. – Request Payment Arrangement or Forgiveness of Finance Charges – Taxes 455 Elm Street**

5 Frank Coffey owns Sanford Reality LLC on Elm Street. The property was purchased in October of 2015. I'm re-  
6 questing the town's help with my 2014 tax bill prior to my ownership. I made a deal with the previous owners that  
7 they would pay the 2014 taxes; they didn't do that when we closed on the property so I assumed the taxes. This  
8 property is new to me and was in distressed condition. I took over the previous owner's loan which I am making  
9 payments on. The property has been a struggle due to the previous business and I'm trying to clean it up. There are  
10 actually two lots, and my plans are to merge them together, per the planning board's approval. In the meantime, I  
11 need to bring the taxes current. I'm asking the board to allow me to pay the 2014 tax bill of \$14K, tomorrow and  
12 waive the interest/finance charges. This will avoid my property going to a tax deed. I'm committed to not having to  
13 come to you again because I have a plan in place to go forward. I plan on making regular monthly payments for the  
14 back taxes for 2015 and 2016 and bringing the taxes current. I plan to use some of the money that hopefully you are  
15 willing to forgive to go before the planning board to put this in place. I've lived in Milford since 1977 and I've been  
16 good at paying my taxes every year. He asked if the board had any questions. Selectmen Daniels asked if he current-  
17 ly owns the property, or is there a mortgage on it, and is it current. Mr. Coffey said that there were two mortgages  
18 on the property and they are current. Selectmen Daniels asked what are the total taxes owed to the town, the answer  
19 is \$63, 697.74. This includes finance charges. The total tax for 2014 is \$13,835.78 and Mr. Coffee is hoping to pay  
20 just that and not the finance charges. I will make a \$14,000 payment to the tax collector tomorrow then make month-  
21 ly payments to catch up, and hopefully, this won't happen again. I know that I will be in the same boat next July if I  
22 don't have the 2015 taxes paid. Selectmen Putnam said that you knew that the taxes were in place when you bought  
23 the property, and Mr. Coffey said that yes he did and he was hopeful that it would work out. Chairman Fougere said  
24 that the last thing we want to do is tax deed property but we usually see corporation prior to deeding. They come in  
25 and work with the Tax Collector to come up with a plan, and according to our Tax Collector, this hasn't happened at  
26 all. She has made numerous attempts without success. It's disappointing that three years into this that you are com-  
27 ing here now asking for help when we were trying to work with you and we were being ignored. Mr. Coffey said  
28 that he was unfamiliar with the timing of the tax deed, had he understood, he would have acted on it sooner. I didn't  
29 read the entire letter sent to me in June. I will pay this bill going forward. Selectmen Daniels asked to go into non-  
30 public because there were things discussed earlier in non-public pertaining to this. Selectmen Putnam made a mo-  
31 tion to go into nonpublic, Selectmen Federico seconded. All in favor. 5/0 Under Non-Public (RSA 91-A:3, II(c))  
32 Reputation  
33

34 **3. PUBLIC COMMENTS. (Items not on the agenda).** Chairman Fougere asked if there was anything concern-  
35 ing items not on the agenda. Karen Mitchell and Bob Parker – Scout Master Troop 4, oldest troop in NH celebrating  
36 their 100 anniversary on September 23rd. He wanted to thank the town for fixing a major problem at the scout  
37 house where a root system from the tree went into the septic. Administrator Bender said that he will extend the  
38 thanks to the Public Works and Water Utility Departments. Mr. Parker said that there was here tonight because of  
39 the great clean up. In fixing that area, they had to dig up the ground and they would like permission to put down  
40 donated granite pavers to create a walkway from the street to the entrance way. We will provide the granite and la-  
41 bor, and we are asking the town to provide maybe a yard or yard and a half of crushed stone to complete the project.  
42 It would add to the character of the building and make it look nice, and also keep the mud out of the building. Se-  
43 lectmen Putnam asked if they wanted stone dust. Mr. Parker said that either would work. They would remove the  
44 loam before placing the pavers down. Chairman Fougere said that we could put the acceptance of the donation on  
45 the next agenda, September 11<sup>th</sup> as a (31:95) and he felt that we could do this. We need an outline of the approx.  
46 cost. Karen asked if he also wanted an estimate of the labor, like a total cost. Chairman Fougere said yes. The next  
47 meeting is September 11th; Karen asked if they have to wait for the next meeting to start the work? Chairman Foug-  
48 ere said they could start it anytime, just give us the estimate before the next meeting. The board thanked them for  
49 making it look better. Chairman Fougere asked if there were any other public comments, none were spoken.  
50

51 **4. DECISIONS.**

52  
53 a) **CONSENT CALENDAR.** Chairman Fougere asked if there were any items to be removed from the Con-  
54 sent Calendar for discussion. Selectman Daniels asked that item 4a)1) be removed from the Consent Calendar for  
55 discussion. Selectman Putnam moved to approve the consent calendar with the exception of item 4a)1). Selectman  
56 Daniels seconded. All were in favor. The motion passed 5/0. Selectmen Daniels wanted to know where and when  
57 the raffle was going to be and held and if it was town private land? Administrator Bender said that the raffle was  
58 being held at Sammy's Sugar Shack at North River Road on Saturday, September 16th. It's a fundraiser for the Mil-

ford Regional Counseling Service, similar to the ones held this summer on the Community House lawn for their concert series. Chairman Fougere asked if there were any other questions. Selectman Putnam moved to approve 4a)1). Selectman Daniels seconded. All were in favor. The motion passed 5/0.

1) **Request for Approval for Milford Regional Counseling Services to conduct outdoor fundraising raffle in September 2017 in accordance with RSA 287-A:7**

2) **Request for Acceptance of Roadway “Beacon Way”**

Town Roads Researcher Lorraine has requested that the Board accept Beacon Way as follows: “Beacon Way – from its intersection with Melendy Road at Sta. 0-18.75 and terminating at Sta. 4+69 as per Asbuilt Plan of Beacon Way prepared for Creative Investors dated July 11, 2017, and Subdivision Plan entitled Open Space Subdivision Plan, Tax Map Parcels 47-5, 47-5-1 and 47-6, Land of Creative Investors dated September 16, 2013, final revision February 7, 2014, recorded as Plan #38028, said roadway being approximately 50 feet wide and 450 feet long. The roadway was conveyed to the Town of Milford by deed dated December 8, 2016, and recorded in Vol. 8986 Pg. 2732 on July 13, 2017”. Tax Map H-4, Plan #38028, the section of Asbuilt Plan dated July 11, 2017, and conveyance deed recorded in Bol. 8986 Pg. 2732. Thank you for your assistance in this Matter.

3) **Acceptance and Appropriation of Unanticipated Revenues under \$10,000 (31:95(b)).** The following was accepted by the Board:

Source	Amount	Purpose
L.D.N. Auto Repair Inc.	\$100	Donation to the Labor Day Parade
Sons of the American Legion Post 23	\$250	Donation to the Labor Day Parade
Leighton A. White Inc.	\$200	Donation to the Labor Day Parade
VFW Harley-Sanford Post 4368	\$250	Donation to the Labor Day Parade
Ricciardi Hartshorn Post 23	\$500	Donation to the Labor Day Parade
I Do Again LLC	\$ 50	Donation to the Labor Day Parade
Cardoza Flooring, LLC	\$500	Donation to the Labor Day Parade
Richard & Bettina Mace Family Trust	\$100	Donation to the Labor Day Parade
Ray & Denise Long	\$ 20	Donation to the Labor Day Parade
Arthur L. Keyes Memorial Trust	\$500	Donation to the Labor Day Parade
American Legion Auxiliary Post 23	\$200	Donation to the Labor Day Parade
Rymes Propane (fundraiser monies)	\$1,300	Donation to the Labor Day Parade
Milford Rotary Club Foundation	\$500	Donation to the Labor Day Parade
Kaley Trust Fund	\$500	Donation to the Labor Day Parade
Cirtronics Corp	\$150	Donation to Fire Department for Fire/Life
PEP Response Systems	\$150	Donation to Fire Department for Fire/Life
George & Barbara Mullin	\$500	Donation to Milford Police Department for
Police Fitness Room		
New Hampshire the Beautiful Inc.	\$500	Donation towards the purchase of recycling container tops

4) **Request for Approval Donation to the Heritage Commission “Save the Swing Bridge” fund - \$1,200.** From MASH – Class of 1977

b) **OTHER DECISIONS.**

5. **TOWN STATUS REPORT.**

**Paving Update** from Town Administrator Bender - Road work on Osgood, Mason, Whitten, Savage, Wilton, Mont Vernon and Emerson and Mile Slip is complete. We also completed significant drainage work on:

- Mason - 1,680 feet of underdrain and 2 catch basins with headwalls
- Whitten - Culvert pipe replaced with headwall
- Savage – 2 catch basins, 4 culvert crossings with headwalls
- Plus we did 7.7 miles of shoulder work

Total 6.32 miles completed to date at a cost of \$746K or \$118,136 per mile. We have additional planned reconstruction work on Savage, McGettigan, and Scarborough to be completed this year. Drainage work on Savage is complete and McGettigan will be completed this week. The contractor is scheduled to start reclaiming and paving the week of September 11. When complete this will be 8.36 miles of road work this year.

1 **Oval ADA Ramps** – Now that South Street is complete, DPW and our contractor will be working on the ADA  
2 ramps around the Oval as part of our sidewalk project. Work should start the week of September 18.

3 **Proposed Part-time Ambulance Employee Pay Rate Adjustment** – Proposed Part-time Ambulance Employee  
4 Pay Rate Adjustment – Administrator Bender and Ambulance Director Eric Shelberg have had several conversations  
5 about ambulance staffing in light of the changes made last year and our ongoing ability to retain and recruit PT em-  
6 ployees. Our concern is that our wage rates are no longer competitive with other communities and private ambu-  
7 lance services. Eric asked the Board to enact a \$2.00 per hour wage adjustment to the part-time EMT and EMT  
8 starting hourly rate. The transition to part-time has been successful but recently several departments around Milford  
9 both municipal and private services have adjusted their hourly wage which is higher than Milford's. There is con-  
10 cern about the department's ability to recruit new providers and retaining current employees. The annual cost asso-  
11 ciated with this request is \$35,809, which includes wage driven benefits, and the cost of implementation for the re-  
12 mainder is 2017 is \$11,936. 7 out of 16 of Milford's staff works for the larger employer and most just received an  
13 increase from the other employer. The volume in Milford is only going to increase with the town growing. Eric  
14 strongly recommends that this is authorized because it's only going to be tougher to maintain staffing. Chairman  
15 Fougere opened the discussion for questions. Selectmen Daniels wants to know how long has this problem been  
16 happening? Eric said it's been on the back burner for a while, understanding that one of our neighbors has been pay-  
17 ing far better than us since we started this program. Selectman Daniels concern is the independent handling of this as  
18 opposed to looking at it in the context of a whole budget. What repercussions are we facing on approving this re-  
19 quest? Selectmen Putnam has the same concerns as they came to us mid-year last year to increase the part-time and  
20 now he's coming mid-year again. Didn't you realize at budget time last year that this would happen and we would  
21 need to upgrade a pay scale? Eric said they did include the merit increase as part of this last year but this type of  
22 adjustment has been more in the last few months than it was at budget time last year. Selectman Putnam said we are  
23 also having problems staffing the Fire Department, correct? Administrator Bender said we are having problems  
24 recruiting new people to the volunteer staff. Chief Kelly had submitted a grant request that would have allowed us  
25 to look at some potential staffing changes but the grant hasn't been awarded. Selectman Putnam asked if Eric and  
26 Jack have talked about any alternatives to maybe utilizing the manpower back and forth. Eric said that they have not  
27 specifically talked about it since 2005 and there would still be similar concerns about the volume for the depart-  
28 ments. Selectmen Putnam said that other towns do it so there must be a way to work it out. He is definitely disap-  
29 pointed with the mid-year request two years in a row. Administrator Mark Bender asked when were the rates  
30 change in the private ambulance services? Eric responded two weeks ago. Administrator Bender is aware that some  
31 of the surrounding towns are on a fiscal year versus a calendar year so their pay rate adjustments started in July. He  
32 understands the concerns about the mid-year increase and has discussed it many times with Eric. He supports Eric's  
33 proposal. Selectman Federico understands the mid-year concern but this has been discussed for three years so it  
34 shouldn't be a surprise that it's here again. There was a significant pay increase in one of the largest private ambu-  
35 lance departments and coming from this field and understanding the thinking, you go where the money is. Eric could  
36 lose people because they are going to go where the money is. Selectmen Federico supports this because you have to  
37 stay competitive to keep the good people. This ambulance service is something the town has decided over and over  
38 again to keep and we have to keep moving forward with it. Selectmen Dudziak supports the increase. Chairman  
39 Fougere shares the concern about mid-season adjustment and understands the problem so is this something you can  
40 absorb in your budget if adopted? Your budget will go up to \$35,000 so what happens when/if we go into a default  
41 budget, what will you have to cut if you already committed to the increase if the budget doesn't pass? Eric said the  
42 budget approved with the thought that it will be spent but the revenue side is dependent on the call volume although  
43 you can't rely on it is up and should bring in more revenue. We have been consistent about bringing in 13% of non-  
44 taxable revenue to the general fund to help offset these increases. Our net cost has gone down even with the other  
45 increases. Chairman Fougere asked if Eric could bring in an outline of projected revenue increase for the board to  
46 look at. Eric said yes. Selectmen Putnam pointed out that the last few year of Ambulance predictions were way off.  
47 Eric said yes in some instances but he did not anticipate that the Medical Center was going to switch from emergen-  
48 cy care to urgent care and that cause a 60% loss of calls for a period of time but that call volume has increased to  
49 about 25 calls per month on average which is almost at the same amount per day as it was. Over the 43 years that the  
50 departments been in service it has seen a 4% increase overall yearly on average and I don't see it going down. He is  
51 being as accurate as he can. Chairman Fougere would like to see what revenue projections that you have and where  
52 the money is going to come from in your budget now and next year, and if this goes forward and we go to default  
53 where are you going to find the \$35,000. He feels that it would be very helpful in Eric's argument. Selectmen Put-  
54 nam agrees totally. Chairman Fougere asked if there were not any other questions he would like a motion to table  
55 the discussion. Selectmen Putnam asked if Eric has any immediate people leaving that he is aware of and are they  
56 stable and happy with what they are getting and we are not going to end up in a crisis next week where everyone is  
57 going to walk out. Eric said no. Chairman Fougere said that they need to understand that we are not a Mayor form of

1 government and we only get direction from the community once a year which makes it challenging to shift gears  
2 mid-year when things like this happen. Selectman Daniels moved to table to the next meeting, Selectmen Federico  
3 second. All were in favor. The motion passed 5/0.  
4

5 **6. DISCUSSIONS.**

6 1) **Milford Area Communication Center Discussion.** Chairman Fougere asked if there were any updates:  
7 Selectmen Putnam said they were still establishing the Wilton location which should cover the west end, and they  
8 are chasing down prices with no solid pricing. There are a lot of unknowns. We will try to narrow it down as soon  
9 as we can. We are starting discussions on who is going to own the site, pay for equipment etc. Chairman Fougere  
10 said that the last time they checked the Governors were looking into bringing in an outside vendor to look at things.  
11 Selectmen Putnam said that they contacted two vendors and they prices are up around \$7k. They have a list of things  
12 that they do hourly. We are trying to negotiate with them to get the hours down. We voted to expend \$3k, not \$7k,  
13 so we are still shopping. Chairman Fougere asked if it was the board intent to get other pricing aside from Belltron-  
14 ics? Selectmen Putnam said that at the last meeting said yes. Chairman Fougere said that given the size of the ex-  
15 penditure needed we should go out to bid, understanding the number of companies doing this work is limited. Se-  
16 lectmen Putnam agrees, but he's a big fan of Belltronics as they have been doing the work for a long time. Chairman  
17 Fougere asked if there were any other thoughts. Chief Viola said that they also needed to look into the contract part  
18 of MACC Base to think about making decisions because we have that year part that's coming up. Selectmen Putnam  
19 said that it's still a year away and if things go with the lease purchase than we don't have to touch the agreement, we  
20 only have to worry about it if we want to pull out. We have to decide by December of this year if we need to give a  
21 year's notice. Selectmen Federico said that we are not getting what we asked for, we wanted an outside consultant  
22 and reflected that it would cost from \$10K to \$20K because of the large project. Selectman Putnam said we don't  
23 have that kind of money. He said that Selectman Federico voted last year to take \$50K out of the equipment side of  
24 the budget, and we are strapped for money. We are doing the best with what we have. We have been here for 35  
25 years and it's worked well, there shouldn't be a reason to do another 35 years once the equipment is up to date. We  
26 are only paying 70% of the cost and using 95% of the system. Selectmen Federico said that the \$750k proposal from  
27 Belltronics wasn't a complete package, there isn't a solid RFP out there and questions haven't been answered which  
28 is why we wanted a consultant. Selectmen Putnam said that they are working on it. If you want a consultant, maybe  
29 we pay for it. If the other two towns are happy with what Belltronics is proposing and we are not then we should  
30 pay for it. Selectmen Federico said we want a complete solution, not a start to it. We only have part of the solution  
31 and it's not what we asked for. Selectman Putnam said he didn't think it was part of the solution. We are looking at  
32 upgrades for the Police Department only, the Ambulance and Fire Department don't have a problem and we are  
33 looking at phasing it in. Chairman Fougere asked when the Board meets again, Selectmen Putnam thought Wednes-  
34 day. Chairman Fougere asked if there were any other questions.  
35

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

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

38 Selectman Putnam indicated the Fire Station committee sent out RFPs and nine companies responded, three of  
39 which will be brought in.

40 Selectmen Daniels said that the Traffic Safety Committee met and signed off on the Center Line Traffic Mark-  
41 ings Guidelines which will be presented at the next meeting.

42 Selectmen Federico - GTM transition is underway from the old video on demand to the new video on demand,  
43 there are 900 programs in there now with another 4 to 5 hundred to go. It takes a while because you can only do 2 or  
44 3 a day. We are also making updates at the schools. I did not attend the last Planning Board Meeting.

45 Selectmen Dudziak - nothing to report for Library, Zoning or Conservation.

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

47 1)

48 **8. APPROVAL OF FINAL MINUTES.** There were no final minutes for approval.

49  
50 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**

51  
52 **10. NOTICES.** Notices were read by Chairman Fougere. Chairman Fougere made a motion to go into non-public  
53 Selectmen Federico Seconded.

54  
55 **1. 11. NON-PUBLIC SESSION. (RSA 91-A:3, II(e)) - Legal and Approval of Non-public minutes**  
56 **(RSA 91-A:3, II(d)) Land - July 14, 2017.**  
57  
58



**APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 08/28/2017**

1 **12. ADJOURNMENT:** Selectman Daniels moved to adjourn at 9:40 p.m. Selectmen Federico seconded. All were in  
2 favor. Motion passed 5/0.  
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Mark Fougere, Chairman

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Kevin Federico, Vice Chairman

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Gary Daniels, Member

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Mike Putnam, Member

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Laura Dudziak, Member