

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
October 23, 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
Mitchell Hemmer, 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 the Board held a non-public session under (RSA 91-A:3, II(c)) Reputation at 4:45 p.m. this evening, after which he announced that three decisions were made. Chairman Fougere indicated that those people in the audience who want to speak or add to the discussion should please use a microphone in order to be heard on the PEG Access live broadcast.

2. APPOINTMENTS:

4:45 p.m. – Non-Public (RSA 91-A:3, II(c)) Reputation. Selectmen Putnam moved to enter into non-public session for Reputation. Selectmen Daniels seconded. All were in favor. The motion passed 5/0. After discussion, Chairman Fougere announced that 3 decisions were made. Selectmen Federico moved to come out of the non-public session at 5:21 p.m. Selectmen Daniels seconded. All were in favor. The motion passed 5/0. Selectman Putnam moved to seal the minutes of this non-public session. Selectman Federico seconded. All were in favor. The motion passed 5/0.

5:30 p.m. – Approval for Land Use Change Tax Warrant – Assessing Director Marti Noel

Land Use Change Tax (LUCT) 0 Mile Slip Road Map 50 Lot 7-3 - Ms. Noel stated that the property was sold and it's now under new ownership, it is too small to remain in Current Use. Selectman Putnam moved take the land out of Current Use as recommended. Selectman Daniels seconded. All were in favor. The motion passed 5/0.

5:35 p.m. – Departmental Update - Assessing Director Marti Noel presented an update on the Assessing Department. The review covered goals and objectives, the MS-1 Report, 2017 exemptions and credits, taxable property, 2017 sales data, (based on 9 months), estimated equalization ratio, estimated COD, (coefficient of dispersion), PRD, (price related differential) and looking ahead to 2018. In 2016 they had 21 abatements and so far no appeals have come in for those abatements. The town experienced a 1.97% growth for 2016 with a net valuation of \$1,355,508,844. 505 Veterans are receiving the Veterans tax credit. 99 households are receiving the elderly exemption credit. 48 households are receiving the solar exemption credit. The median assessed value for a single home is \$254,000, and the averaged assessed value is \$242,400. Assessing is in the accepted DRA parameters for equalization ratio, estimated COD, and estimated PRD. For 2018 they are looking to get a Vision CAMA software update which involves conversion from Oracle base to Sequel base. The cost will be approximately \$20,000 plus a little more to update historical data. The post reevaluation audit by New Hampshire DRA identified two areas is having weaknesses: exemptions and credit applications were lacking in evidence of signed approvals, this dated back to the 1970s, and current use assessments were found to be lacking any value variation for site characteristics. We are working on this to be up-to-date. Selectman Daniels asked Marti when our last audit was. Marti said 2012. Selectmen Daniels asked if the DRA continue to identify infractions that may have happened long ago even though they may have already been addressed since then. Marti said that if it had been addressed it would show when they did their review. They are just looking to see if the Board of Selectmen, at some point in time approved the request. Growth predictions seem to be in line for 2018. Chairman Fougere asked if there were any other questions, hearing none, thanked Marti.

5:50 p.m. – Departmental Update - Community Development Director Lincoln Daley presented an update on the Community Development Department. The reviewed covered Office of Community Development initiatives, project updates, activity updates, and development updates. OCD is simplifying permit applications and fees, streamlining the review and permitting process and implementing a MUNIS inspection field module. They are further providing online education and guidance documents on processes and requirements. The South Street improvement project

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 10/23/2017

1 was completed the summer. The Osgood Pond dredging project completed phase 1. Phase 2 funding was awarded
2 for \$175,000 to dredge the remaining 6 acres. This requires a town match of \$175,000. The BROX reclamation and
3 excavation project is on hold. Nashua Street/Oval improvements public meetings sessions will begin in November.
4 The Capital Improvement Plan, (CIP) will be presented to the Board of Selectmen on October 30th and to the Plan-
5 ning Board on November 7th. Community Development and the Conservation Commission are currently reviewing
6 and updating the Town's Conservation Plan. Updates have been made to Zoning Ordinances and the town's GIS
7 Database System. Revised building permit fees were adopted in 2017, and they are working on a citizen's self-
8 service software program and implementation of an on-line credit card payment program. Several commercial, in-
9 dustrial and residential developments are currently on-going. Building activity is coming along at a very consistent
10 level. Selectmen Daniels said he would like to thank and commend Community Development and the Water Com-
11 missioners for working very hard on Contemporary Auto, and he apologize for the state almost messing up the pro-
12 ject. Chairman Fougere asked if there were any other questions, hearing none, thanked Lincoln.

13
14 **6:10 p.m. – Update on Fire Department Construction Manager and Proposed Building Upgrade** – Fire Chief
15 Jack Kelly introduced Kelly Davis of Port One Architect and John Deloia of Eckman Construction and, Mr. Kelly
16 gave a detailed update of the proposed Fire Department Upgrade. Before updating the Board, Chief Kelly thanked
17 all the committee members that have been working on the Fire Department upgrade. Kelly Davis said that Field-
18 stone was hired to provide a proposal to clarify boundaries. WV Engineering out of Keene came in to look at the
19 existing mechanical, electrical and plumbing. Once everything is finalized they will give us an update on the new
20 electrical, plumbing and fire prevention. Selectman Putnam asked when a number will be available. Kelly said it
21 would be available around the December timeframe. Chairman Fougere clarified that this a total renovation of the
22 existing station along with an additional second floor to include office space, overnight space and other rooms. It
23 would also include an additional bay and additional space around the back. The station was built in 1974. Selectman
24 Putnam clarified that this is not a total renovation, the apparatus bays will remain where they are. We will be using
25 as much of the building as possible that's already there. Chief Kelly said that they've had a structural review of the
26 building as well. Kelly Davis said that they were waiting for Fieldstone's work to be done so that they know how
27 they are doing as far as foundations and retaining walls. The proposal is being reviewed. Chairman Fougere asked
28 Administrator Bender when the deadlines were for warrant articles. Administrator Bender said December, Chief
29 Kelly showed the proposed drawings to the Board and Kelly Davis explained the structure. It will keep the existing
30 bays, and add a new bay with an additional mechanical room. He believes the current Fire Station was designed for
31 second-floor which will be living space, a day room, a kitchen, a fitness room and additional storage as well as of-
32 fice space. There will be one elevator and two stairwells. They have been working to pinpoint dates and have been
33 meeting almost weekly. They will provide a brochure for the deliberative session and other information that could
34 be handed out or mailed. Chairman Fougere said that having a video would be nice as well. Chief Kelly said that
35 Eckman Construction is also going to be putting up a website for information, which we will have links on our town
36 website. Chairman Fougere said that obviously the building will need to be used during construction, so there will
37 have to be a lot of coordination. Chief Kelly said that they will have to find some space, like a trailer for daytime
38 office hours. They have some ideas that they are working on. Chairman Fougere asked if there were any questions.
39 Selectmen Federico asked if they could put the preliminary drawings on the website with a big disclaimer saying
40 this is preliminary, for people to see. Chief Kelly said yes. Chairman Fougere asked if there were any other ques-
41 tions, hearing none, thanked everyone for coming in.

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43 **6:30 p.m. – Beaver Flow Device at Heron Pond** – Public Works Director Rick Riendeau and Conservation Com-
44 mission Member Chris Costantino. Rick said that he's been asked to come up with what would be a good reasonable
45 elevation to lower the pond. There were numerous reasons for maintaining an optimal level of water in Heron Pond;
46 Protecting of species that utilize the pond, preventing flooding to upstream residents, keeping the road beds dry,
47 maintaining access for maintenance and emergency repairs along the sewer easement and keeping the road access to
48 Heron Pond School clear. Beaver dams can be managed to control water elevations. They have lowered the pond
49 before because it has backed up into properties on Whitten Road. They maintain several beaver dams throughout the
50 year. Chairman Fougere said that several years ago there were concerns about flooding because Birch Brook feeds
51 into Heron Pond. Administrator Bender asked Rick what levels he was recommending. Rick said that a beaver de-
52 ceiver device can be installed to avoid a flood condition while maintaining adequate water elevations within the
53 pond and he is recommending lowering the water levels at a minimum of 1 foot to 16 or 18 inches which would in-
54 clude a storage area and give us some free boarding level and access. Selectman Federico asked what would lower-
55 ing the pond do over all. Rick said that it would drop it down about 18 inches and still maintain a deep channel in
56 the middle. Eversource was going to do some work out there and the channel was 6 feet deep, so it will still maintain
57 a good depth. Chairman Fougere asked if Fred Elkind (Town Environmental Engineer) had anything to add. Fred
58 said that they have been looking at this issue for about three or four years. There are a lot of concerns that we just
59 mentioned. The elevations that Rick suggested would take all of the issues into account. Originally Heron Pond was
60 a marsh with very little water. The beaver dam holds the water back so that you end up having water there all the

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 10/23/2017

1 time. We need to come up with a solution that balances the pond, and what Rick came up with would work. Admin-
2 istrator Bender asked how many times have we breached the dam in the last two or three years. Chris Constantino,
3 from the Conservation Commission, had the board reference the pictures in their board package that she provided. In
4 2014 was an emergency breach and then couple of times in the past just to maintain levels. She has been letting the
5 water down gradually in anticipation of this. She spoke to a Fish and Game agent who was at the pond two weeks
6 ago, and he said that the turtles are still moving but they’re starting to localize where they are going to spend the
7 winter, they overwinter underwater. We don’t want to have them get settled and then take the water away. We are
8 hoping to get the water down to a reasonable level before that happens. The Commission feels confident that putting
9 in a beaver flow device will not alter and will actually enhance the diversity. Rick said when they do go out there
10 they don’t breach a huge area; they do a little at a time. Chairman Fougere asked if the device will go in this follow-
11 ing spring. Fred said he would like it to go in this fall. There is no perfect time; it’s always going to interfere with
12 something but it would’ve been nice to have it in by now. Administrator Bender asked if they had any idea when the
13 contractor was available. Chris said she has a call into him and hopefully, we will know soon. The contractor had
14 said early to mid- November would be the soonest he could come. Chairman Fougere asked if there were any other
15 questions. Selectman Putnam made a motion that we install the beaver deceiver device. Selectman Daniel seconded.
16 All were in favor. The motion passed 5/0. Chairman Fougere asked if there were any other questions, hearing none,
17 thanked everyone for coming in.
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19 **4. DECISIONS.**

20 a) **CONSENT CALENDAR.** Chairman Fougere asked if there were any items to be removed from the Con-
21 sent Calendar for discussion. There were no items removed from the Consent Calendar. Selectman Putnam moved to
22 approve the consent calendar. Selectman Daniels seconded. All were in favor. The motion passed 5/0.
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- 24 1) Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 NH RSA (31:95(b)) –
25 • Donations during the Pumpkin Festival to the Milford Fire Department’s Fire/Life Safety Educa-
26 tion Special Purpose Fund - \$115.86
27 • Donations from the Coed Wooden Bat Softball Tournament Fundraiser to the Kaley Softball Field
28 Development Special Purpose Fund - \$1,439.04
29 • Donation from the East Milford Improvement Society Trust Fund for a replacement liner for the
30 Shepard Park skating rink #1 and to secure fencing at the ice rinks - \$4,860.00
31 • Federal Grant – NH Highway Project #308-18A-004 for Milford DWI Patrols conducted from Oc-
32 tober 1, 2017 to September 20, 2018 - \$8,505.00
33

34 **b) OTHER DECISIONS.**

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36 **5. TOWN STATUS REPORT.**

37 **1. DRAFT Warrant Article Discussion** – Town Administrator Mark Bender. Prior to warrant article dis-
38 cussions Administrator Bender updated the Board on important dates. He has already met with staff for the first
39 round of budget reviews. He is anticipating having the first draft of the budget to the Selectman on Monday,
40 November 6th and to the Budget Advisory Committee on Wednesday, November 8th. We are planning our Sat-
41 urday review session where the department heads present their budgets to both the Board of Selectmen and the
42 Budget Advisory Committee on Saturday, November 18th. The Saturday meeting will start at 9 o’clock. If we
43 can, we will get the budget to the Board sooner. Moving on to warrant article discussion, the draft is in the
44 Boards packet, many are placeholders and we do not have final numbers yet.
45

46 **Warrant Articles (possible)**

47 Main Fire Station Upgrade – BOND - \$3,500,000 – the numbers will be refined soon. Chairman Fougere asked if
48 they would run different scenarios as far as bond time, (years) cost. Administrator Bender said yes.

49 Town Operating Budget - TBD

50 Water Department Operating Budget - TBD

51 Wastewater Treatment Operating Budget - TBD

52 Capital Reserve Accounts – various – These were established last year and are the same monetary amount as last
53 year. DPW was removed from the list last year, and we added to the list this year.

54 Replacement Ambulance Lease/Purchase - \$273,000 - The CIP committee discussed the Ambulance Replacement
55 for this year. No decisions have been made; the board will make a decision whether it goes on as a warrant this
56 year.

57 Nashua Street/Ponemah Hill Sidewalks and Signalization - \$800,000 - The town share is \$160,000, we will change
58 the language in the warrant article to read that \$160,000 will be raised by general taxation, and \$640,000 will be
59 given to us in the CMAQ grant. This is also on the CIP.

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 10/23/2017

1 Replacement Sidewalk Plow - \$155,000 - This is also a CIP item, Rick is looking at a couple of different machines.
2 The Holder is the current machine manufacturer, and he’s also looking at another one that’s a little less costly
3 but still does as good a job.

4 Social Services - \$40,000 - The social services committee came in last month and asked to increase their dollar
5 amount from \$35,000 to \$40,000.

6 Non-Emergency Transportation Bus Service (blue bus) - \$30,000 - This is the same as last year.

7 Pumpkin Festival, Holiday Decorations and Plantings - \$23,000 - This is the same as last year.

8 Summer Band Concerts - \$9,000 - This is the same as last year.

9 Fireworks - \$8,500 - This is the same as last year.

10 Funding of the Annual Labor Day Parade - \$10,000 - This is the same as last year.

11 Memorial, Veterans & Labor Day Parades and Recognition – Town Support - \$6,000 - This is the same as last year.

12 Conservation Land Fund - \$25,000 - This was by petition last year, the Board will have to decide if they want to put
13 it on as a regular warrant article this year.

14 Zoning Amendment XX 6.08.0 Fletcher Site Groundwater Management Zone - This is a Zoning/Planning Board
15 warrant article relating to the Fletcher site in creating a ground water management zone. We have had discus-
16 sions with both EPA and DES about creating this zone. There are a couple of ways to do it, and we feel this is
17 the cleanest way. Everyone on this zone is served by town water. The point of this is to make sure that no one
18 is using well water for drinking, or anything else. This is strictly the Fletcher site, and does not go across the
19 river.

20 Authority to Grant Commercial and Industrial Development Tax Relief - attached is New Hampshire House Bill
21 316. This tax relief has been available in Coos County only, and has now been extended to the balance of the
22 state. If the Board chooses to go ahead with this warrant articles, it’s applied to only certain zoning districts of
23 the town. Commercial, Limited Commercial, Industrial, Integrated Commercial – Industrial and Integrated
24 Commercial – Industrial 2. If approved by voters, the percentage rate and duration shall be granted uniformly to
25 all projects for which a proper application is filed. The Board would have to determine the percentage amount
26 and years. We will need to get additional clarification on the way it’s written. The intent is to provide incentives
27 to businesses to build, rebuild, modernize, or enlarge within the town. The exemption applies only to town and
28 school property taxes. Chairman Fougere asked if this were passed, would it be a blanket for anyone to do any-
29 thing in those zones. Administrator Bender said that they would have to complete an application and if complet-
30 ed properly the exemption is applied to all projects. That information will be included in the article.

31 **Other possible warrant articles include:**

32 Osgood Pond Phase II - Milford was awarded the land and water conservation grant of \$175,000 for the second
33 phase of Osgood Pond restoration. The grant is 50% federally funded and requires matching funds. How do we
34 want to raise the funds? There’s a limit to not only how long the grant last, but also for a core of Engineers.

35 Rename the Bridge Replacement Capital Reserve Fund to Bridge Repair and/or Replacement Capital Reserve Fund -
36 this would clarify the intent of the capital reserve fund which has always been “high priority projects for either
37 replacement or repair in place”.

38 Swing Bridge -Should we ask voters to utilize bridge repair and/or replacement capital reserve funds along the dona-
39 tions as matching funds that we’ve already received to refurbish the swing bridge when grant funds become
40 available?

41 Chairman Fougere asked if there were any other questions, hearing none, thanked Mark.

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43 **6. DISCUSSIONS**
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45 **7. SELECTMEN’S REPORTS/DISCUSSIONS.**

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

47 Selectman Daniels handed out MACC Base budgets for the Board to review. Selectman Daniels found it a little dif-
48 ficult to try to make comparisons on the budget because MACC Base has been missing two people this year and
49 there is a lot of comp time that will be turned into monetary amounts. He included 2015 and 2016 expenditures for
50 the Board’s review. Some of it is up and down because of liability insurance, and changing providers. They will
51 need a decision made by November 2nd. Selectmen Daniels feels that since the Board is meeting next week for the
52 5th Monday Forum, this will give everyone a chance to review what’s being proposed. Selectman Putnam suggests
53 they start next Monday’s meeting at 5:30, and if someone comes in at 7:00 they can handle the 5th Monday Forum
54 information. Chairman Fougere asked how much time with the CIP take? Lincoln said it would take approximately
55 ½ hour. Chairman Fougere said maybe they could start at 6:00 because they would also want to review warrant arti-
56 cles. Selectman Federico agrees with Selectmen Putnam and suggests a 5:30 start because of the topics they need to
57 get through. Everyone agreed to meet at 5:30 on Monday, October 30th and hold the 5th Monday Forum at 7:00.

58 Selectman Daniels informed the board that the Traffic Safety Committee met on the Marshall Street issue. The man-
59 ual that we use for guidance, does not recommend the children’s playing sign at all because it infers a liability that
60 it’s okay for kids to play the road. We decided that, because it’s a short street, the best way to handle it would be to

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 10/23/2017

1 have the town write a letter to the individual homeowners saying that we've received some complaints about exces-
2 sive speed on the road, to please be aware that there are children playing and to please slow down. Jason Plourde,
3 the Traffic Safety Chairman will be writing a letter to Chris George letting him know of their decision and also rec-
4 commending that he buy, through a private distributor, something like one of those plastic men slow children portable
5 signs to use. Selectman Putnam asked if that means they now have to take down the existing slow children sign.
6 Selectman Daniels said that was not discussed. Selectman Daniels asked if there could be a list of where in town
7 have those signs provided to the Board. Administrator Bender said that Rick was looking into it.
8

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

10 Chairman Fougere wanted to mention that the town had been served a cease notice a couple of weeks ago for the
11 property out on BROX. The contractor had started doing work on the gravel operation, and a judge ordered all work
12 to cease. There was a hearing about a week and a half ago where our attorney and the gravel operator's attorney pre-
13 sented to the judge the reasons why the abutter's concerns should be vacated. We received a decision today remov-
14 ing the cease notice restriction so that we can begin operating again. Unfortunately this delay was almost 2 weeks,
15 and the cost to the town was a significant amount of money. We had to defend the decisions of voters to take out
16 that gravel. It was thousands of dollars spent on time and energy on the part of our attorneys along with the staff. We
17 now have the green light to proceed.
18

19 **8. APPROVAL OF FINAL MINUTES.** The minutes of October 9, 2017 were presented for review and approv-
20 al. A motion made by Selectman Putnam and seconded by Selectman Daniels, the minutes were approved as
21 amended. All were in favor. The motion passed 5/0
22

23 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**

24 **10. NOTICES.** Notices were read by Chairman Fougere.
25

26 **11. NON-PUBLIC SESSION.** Selectman Daniels moved to enter into a non-public session at 7:05 p.m. for approv-
27 al of minutes. Selectman Federico Seconded. All were in favor. The motion passed 5/0. Selectmen Putnam moved
28 to approve and seal the non-public minutes of October 9, 2017. Selectman Daniels seconded. All were in favor.
29 The motion passed 5/0.
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31 **12. ADJOURNMENT:** Chairman Fougere moved to adjourn at 7:20 p.m. Selectmen Federico seconded. All were in
32 favor. The motion passed 5/0.
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37 Mark Fougere, Chairman

Kevin Federico, Vice Chairman

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40 _____
41 Gary Daniels, Member

Mike Putnam, Member

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44 _____
45 Laura Dudziak, Member