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**APPROVED**

**MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING**

October 25, 2010

**PRESENT:** Tim Finan, Chairman  
Gary Daniels, Vice Chairman  
Katherine Bauer, Member  
Mike Putnam, Member  
Nate Carmen, Member  
Guy Scaife, Town Administrator  
Darlene J. Bouffard, Recording Secretary  
Jodie Gaffney, Recording Secretary

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

**INSTRUCTIONS:** Chairman Finan called the meeting to order at 5:30 p.m. Chairman Finan introduced Board members and led the audience in the Pledge of Allegiance. Chairman Finan noted that those people in the audience who want to speak or add to the discussion should please use a microphone in order to be heard on the PEG Access live broadcast.

**2. APPOINTMENTS:**

**5:30 p.m. – Departmental Update – Human Services.** Ruth Bolduc, Human Services Director, presented an update for the Human Service Departments consisting of Mediation/Host Homes, Welfare and Human Resources. Ms. Bolduc indicated that last year the State cut funding from the mediation/host homes program; this year's budget was \$18,000. Mary Pat Jackson, the Administrator of the Host Homes and Mediation, will need to stretch her funds; in addition other towns that participate in the program did not budget for it. Ms. Bolduc fears Mary Pat might need to reduce hours again. The Court Diversion Program is new and provides an alternative to arresting juveniles; instead they will meet with the juvenile officer but avoid having a record by doing this program. The Welfare Department has spent \$107,000 so far this year, Ms. Bolduc met with Susan Drew, Welfare Director, today who indicated some clients are getting temporary work but those are few and far between. Food Stamps have been cut. People must apply for food stamps before getting Welfare assistance. SHARE helps a lot with items not covered by Welfare. The poverty rate in the US is increasing, this is the largest increase in 51 years; and as a side, the food pantry visits (at SHARE) increased 51%.

Regarding employee benefits, Ms. Bolduc indicated Harvard Pilgrim works with the town to minimize the premium increase for health insurance. This past year, the deductible was raised to \$1,000. Additionally, employees are now picking up 15% of the premium. In November the not to exceed (NTE) premium for health insurance will be released. The retirees plan will be changing next year; rates for seniors are going up. Dental insurance rates for 2011 will be held at the 2010 rates so there will be no increase there. Long term disability will also be held at the 2010 rate. Ms. Bolduc is working on the AFSME contract going into mediation in November.

Selectman Bauer asked what Host Homes is. Ms. Bolduc explained Host Homes is for youth that cannot stay in the home for whatever reason; so they are placed in a host home with a volunteer family so they are away from their situation. Mediation is to talk with two parties on different sides of an issue, which Mary Pat is also the administrator of. Selectman Bauer asked if those programs will need to be cut back or eliminated. Ms. Bolduc explained that Mary Pat's hours may need to be cut back; she is doing 14 hours per week right now. Vice Chairman Daniels asked if mediation and host homes require the director to attend court. Ms. Bolduc said she does not. Vice Chairman Daniels asked if the new Primex health insurance rates will be effective in 2011. Ms. Bolduc said they will be effective January 1. Vice Chairman Daniels said there are Medical Advantage Programs out there that are not going away. Ms. Bolduc said what she has read and been told is that they are all going away. Guy Scaife indicated with the subsidy being removed it is not economical so Ruth needs to convert 20 retirees to a new plan. Ms. Bolduc said all Medicare Advantage is going away – that is what she was told.

**6:00 p.m. – Departmental Update – Information Technologies.** Bruce Dickerson, Director of IT, presented an IT update for 2010, noting that wireless and VOIP have been moving forward. DPW is still on the old phone system but that is planned to be done this fall and will save about \$300 per month. The IT Department has pushed off buying new servers; currently Milford has servers that are over nine years old which the manufacturer will no longer support. Virtual servers seem to be the way to go; by having one at town hall and one at the police station so that if one goes down the other one can be brought on line quickly. Two servers versus nine will save cooling and electric-

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 10/25/10

ity costs. Chairman Finan indicated that may introduce a single point of failure. Mr. Dickerson said the town would have two servers and it is just a big disk file, so if one goes down here, we should be able to utilize the one at the police station instantly. Mr. Dickerson is very happy with the service organization that handles the copiers and the copiers seem to be working well. The ambulances are now set up to send information directly to the hospital from the ambulance. This was paid for mostly through grant money. The last department to move over to VOIP is DPW which will happen this fall. The Library was added to VOIP. Guy Scaife noted the Library budget does include VOIP. Bruce would like to transition the whole town officially over to the 249 series of phone numbers through everything including phone books, etc. Bruce said he could use some help in the IT department for which he has some ideas. Chairman Finan asked if tech support (at the Library) is provided by the town or outside contractors. Bruce said the Library farms it out, Bruce stated adding on the Library to what he already does would not be possible, he does not have enough time in the day, but Michelle would like Bruce to help out over there. Selectman Bauer asked about the MACC Base connectivity and what it is. Bruce explained that MACC Base needs to connect to the cruisers so we need to maintain two versions of the software in order to allow that connectivity. Bruce has provided assistance to MACC Base in that area and it seems to have gotten better. IMC was not as responsive as they should have been; it took months to resolve the problem but it seems to be better now.

**6:30 p.m. - 31:95(b) Public Hearing on Acceptance of Unanticipated Funds Over \$5,000.** Chairman Finan opened the Public Hearing at 6:40 p.m. and read the listing. There were no public comments. Vice Chairman Daniels asked about the 60/40 match on the Watershed Restoration Grant and how that works. Guy Scaife explained that would be the town's match covered by in-kind services being the time Guy Scaife and Dawn Griska have spent on this project. Selectman Carmen pointed out the letter attached to the \$50 donation to the Police K-9 Unit and asked that it be read to the public. Selectman Putnam moved, with Vice Chairman Daniels seconded, to accept the listing of Unanticipated Funds Over \$5,000 as follows. All were in favor.

<u>Amount</u>	<u>Source/Purpose</u>
\$11,303.00	Federal Grant- FY2010 JAG #2010-DJ-BX-0386 Funding for the purchase of one laptop computer with software and accessories, Blackberry cell phone with service for 24 months, 2 radar units, Armoror certification, and ANSI approved Traffic Safety Vests
\$50,000.00	Federal Grant - NHDES FY2011 Watershed Restoration Grant Funding for The Souhegan River Restoration Project in Milford: Phase I - Feasibility Study
\$ 50.00	Police K-9 Unit Special Purpose Fund - Donation from Timothy J. Wall

Selectman Carmen read the letter attached to the \$50.00 donation from Timothy J. Wall.

**6:35 p.m. - First Public Hearing on Ordinance 2010-012 to Repeal Milford Municipal Code 7.28 - Private Recreation Areas.** This is the first public hearing on this ordinance to repeal Milford Municipal Code 7.28. Chairman Finan opened the public hearing at 6:45 p.m. and read the recommendation to repeal provided by Bill Parker, Community Development Director, which states this ordinance has not been the responsibility of any particular department and is therefore an orphan ordinance. Chairman Finan asked if there was any input from the public. There was none. The public hearing was closed at 6:47 p.m. The second hearing on this ordinance will be held November 8, 2010 at the next regular BOS meeting.

**6:40 p.m. - First Public Hearing on Ordinance 2010-011 to Amend Milford Municipal Code 4.04 - Dogs.** Chairman Finan opened the public hearing at 6:47 p.m. and indicated that because this ordinance failed its third reading, it now must be amended and starts as the first reading again. Chairman Finan reviewed the amendments which expand on areas where dogs are able to run off leash in Milford (paragraph 4.04.070), which is where Vice Chairman Daniels had a concern at the last hearing. Chairman Finan asked if the amendments address Vice Chairman Daniels's concern. Vice Chairman Daniels said that he is sufficiently satisfied, because this amendment gives examples of where dogs can go off leash. Selectman Bauer indicated it also identifies public lands where dogs are now allowed on leash. Anyone reading this ordinance can see where their dogs can go on or off leash. The town is looking at establishing a dog park; the Dog Park Committee has its first meeting November 1. Vice Chairman Daniels asked about the signage requested. Nicole Banks, Recreation Director, said that she provided that as a suggestion to take to the Dog Park Committee, it was not intended to be in the ordinance.

Chairman Finan asked if there was input from the public. Gil Archambault asked if the wording in paragraph 4.04.050 could be changed from "may be destroyed" to "may be put up for adoption." He would like the wording to say that if the dog is not claimed that it gets put up for adoption instead of stating it will be destroyed. Chairman Finan agreed to look into the language and whether or not it comes from the statute. Gil Archambault

1 also agrees that signage should be a topic for the dog park committee to remind people to pick up after their dogs;  
2 most people obey signs. All concurred to move this ordinance forward to the second public hearing November 8,  
3 2010.

4  
5 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** William Bishko, Country Bear, asked  
6 if it would be acceptable to read his petition regarding the proposed ordinance for secondhand dealers. Chairman  
7 Finan said that would be appropriate under this public comments portion of the agenda. Mr. Bishko read the petition  
8 as follows, noting he currently has 32 signatures and expects to get more signatures:  
9

10 **PETITION**  
11 **TO THE MILFORD BOARD OF SELECTMEN TO REJECT ENTIRELY THE**  
12 **PROPOSED ORDINANCE RELATIVE TO SECONDHAND DEALERS**

13 The key provision of the proposed ordinance is a 14 day hold period covering certain high traffic items of high val-  
14 ue: jewelry, precious metals, gold, watches, electronics, tools, cell phones, etc. Each item listed is capable of com-  
15 prising 100% of a second-hand dealers principal business. These items must be held from sale for 14 days, while  
16 tedious and redundant documentation with accompanying photos must be delivered to the police within 72 hours.  
17 The cash value of items in hold has no limit. The dealer will constantly face financial instability as his cash flow  
18 basically remains outside of his control. In a poor economy, maintaining cash flow is life sustaining. Dealers will  
19 move out of Milford to avoid financial ruin, while those in unregulated towns will enjoy the competitive edge and  
20 even pay higher prices to move their inventory.  
21

22 THE PROPOSED HOLD HORDINANCE IS AN ANTI-BUSINESS FINANCIAL HARDSHIP THAT GIVES  
23 THE COMPETITIVE EDGE TO OUT OF TOWN BUSINESSES. THERE IS NO GUARANTEE THAT THE  
24 POLICE WILL TREAT ABUSINESS OWNERS FAIRLY IN THEIR ENFORCEMENT OF THIS ORDINANCE.  
25

26 Customers need only to over to the next town to enjoy a higher price and a less regulated and aggravating expe-  
27 rience. There is no hold in Amherst, Wilton or Mount Vernon.  
28

29 All second hand dealers, whether they sell antiques, electronics, or jewelry, MUST BE FREE TO BUY AND SELL  
30 WITHOUT RESTRICTION or ENCUMBERING POLICE REGULATIONS!  
31

32 LIVE FREE OR DIE  
33

34 This ended Mr. Bishko’s reading of the petition. Chairman Finan indicated the ordinance for secondhand dealers  
35 was on the table at the last meeting and was voted down. It may come back at some point in the future. Mr. Bishko  
36 noted again that there are 32 signatures as of this date on the petition.  
37

38 **4. DECISIONS**

39 **a) CONSENT CALENDAR.** Chairman Finan asked if there were any items to be removed from the Consent  
40 Calendar. There were none. Selectman Carmen moved and Selectman Bauer seconded to approve the Consent Ca-  
41 lendar items as follows, with all members in favor.  
42

43 **(1) Request for Partial Release of Securities (Map/Lot 9-1) .** The request for partial release of securities for  
44 Map 9, Lot 1 (Patch Hill LLC) was approved for \$1,000 leaving \$22,626.55 remaining for extension of the  
45 one-year maintenance bond.  
46

47 **(2) Request for Full Release of Securities (Map/Lot 38-2).** The request for full release of securities for Map  
48 38, Lot 2 (Roger A. Bucknam) was approved to release the remaining \$1,300 plus interest that was held for  
49 gravel removal off of Perry Road.  
50

51 **b) OTHER DECISIONS**

52 **(1) Development of Fletcher Paint and Savage Well Superfund Site Questions in Advance of No-**  
53 **vember 15, 2010 Meeting.** This meeting is scheduled for November 15, 2010, time to be determined.  
54 The EPA has requested the Board of Selectman develop questions to be submitted so they can be pre-  
55 pared to address them at the meeting. Questions should be forwarded to Dawn Griska or Guy Scaife  
56 who believe the time of the meeting will be at 5:30 p.m. unless it is pushed to be at a different time.  
57 Guy Scaife said there are two components: the physical clean up and the river clean up. The river is  
58 smaller but still needs to be done so we will ask for clarity. We hoped they could be done simulta-

neously but it does not appear that will be the case. Guy Scaife indicated the Feasibility Study for the dam removal is also in process; if the dams are not removed, will we need five years to clean up the river? Guy Scaife said that is a good question to ask, the parking lot plan is another issue.

**5. TOWN ADMINISTRATOR REPORT**

**a) Fletcher Paint Superfund Site Update.** Plans were submitted for how to use the site for parking and a future memorial and walkway to Jacques School and Keyes Field. Guy Scaife is continuing to work with GE and the engineering firm. Feedback has come in; a new plan was submitted to GE and EPA and the town is waiting on additional feedback. There is still concern in obtaining the Cemetery Trustees agreement due to issues with the proposed walkway in the northwest corner of the cemetery. Once we get feedback and pass that hurdle, we can move on to talk with the Cemetery Trustees.

**b) Osgood Pond Dredging Project Update.** Guy Scaife met with the Colonel of the Army Corps of Engineers on October 13 noting it was a positive meeting, and they understand our interest and desire to move the project forward. A new project manager is coming to the site to meet with Guy Scaife, Bill Parker, Marti Noel and Bill Ruoff; the value of the property is important for the in-kind services, which is why the Town Assessor will be a part of that meeting. Details will be worked out for the PPA which will commit both parties. Bill Ruoff hopes to refine his level of commitment. One thing that has become apparent since we were worried about the cost of the project. Trucking the materials was a costly concern, the third and final plan shows the materials being piped directly to the sites (Adams Field and Brox) which saves construction costs and it allows the town to spread out the effort over multiple years. That is in the town's favor. Once the site is prepped, the moving of materials can happen at any time. The PPA should come before this Board soon.

**c) Miscellaneous.** Gomez & Sullivan are working on the feasibility study for possible dam removal, which is going quite well, it is a lot of work. An update was received on Friday. A survey of dams is complete, the report is not out yet but the legal work is done. Wetland delineation is complete as well as checking for wildlife. A site inspection of the Route 13 bridge must be done. Sediment measurement is also complete. Working with sediment sampling plan. The focus of PAL is cultural resource management, archeological and architectural service through the oval area. There has been good progress in a couple of months.

**6. DISCUSSIONS:**

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

**a) FROM SPECIAL BOARDS, COMMISSIONS & SPECIAL COMMITTEES.** Selectman Bauer indicated the ordinance on secondhand dealers is not up for discussion this week; it will be asked what the opinion of LGC is regarding having licenses for only those secondhand dealers who are in violation, but at this point, it is not ready to come back before the Board. Selectman Bauer also noted there is a Dog Park Committee meeting on November 1 at 3:30 p.m. in the Community Development conference room.

Vice Chairman Daniels asked if each committee or subcommittee must have minutes of the meetings. Chairman Finan said the minutes must be taken, but they may not be posted on the web. Selectman Bauer said the subcommittee meeting announcements for pawnbrokers and secondhand dealers were posted, but she is not sure the minutes got posted on the web. The CIP and Traffic Safety Committees do have minutes but they may not come to the Board of Selectman. Chairman Finan said the minutes need to be made available on request.

Selectman Carmen confirmed that he, Chairman Finan and Selectman Bauer will all be attending the spaghetti supper on November 9 to serve and/or clean up. One school board member will also attend.

**1) Legislative Filing for District Court Funding Status.** Guy Scaife said a Legislative Service Request (LSR) was filed by Peter Leishman that goes into a group that will craft the wording on the bill. That is required to ensure the wording is correct and that it does not conflict with existing legislation. As soon as it comes back, hopefully corrections can be avoided. Vice Chairman Daniels said Milford will have a chance to review the draft, it then goes to the committee with a LSR number which gets changed to a House Bill (HB) number.

**b) OTHER ITEMS.** Guy Scaife noted the Board needs to define what was included in the Warrant Article to be paid for from franchise fees which go into the PEG Revolving Fund. Currently the PEG budget comes out of that

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1 Revolving Fund and includes all of Mike McInerney's time which includes the website. The question is if the web-  
2 site time should come out of the General Fund instead of the PEG Revolving Fund. Chairman Finan read from the  
3 Mission Statement for RSA defining the PEG Revolving Fund and asked if the Board feels that the Community Me-  
4 dia programming related to the web should come out of that fund. Vice Chairman Daniels stated the Warrant Ar-  
5 ticle clearly says "TV Use" how can that be website? Chairman Finan asked what if the content is distributed over  
6 the website? It is more than just an issue for us. Mike McInerney said the content is created, such as High School  
7 sports events, and then it is put on FaceBook or broadcast on the website. The two are becoming more and more  
8 joined, so it is a grey area. Comcast is also wrestling with this issue. Selectman Carmen said the programming  
9 scheduling is also on-line, so you have to go to the website to find out what is being broadcast. Mike McInerney  
10 agreed stating it is on both PEG and the website. There is an interrelationship with them both. Chairman Finan said  
11 the intent is to get it on demand as well.  
12

13 Vice Chairman Daniels said the intent was because Milford has three TV stations (Public, Education, Govern-  
14 ment) the Revolving Fund was brought forward for cable subscribers (television) for those who have cable and pay  
15 for it through franchise fees. Vice Chairman Daniels thinks it is a stretch to say because the contents appear on the  
16 website it should be able to use the Revolving Fund money. The Revolving Fund money should be for television  
17 only. Guy Scaife suggested it could be broken out by Community Media versus Website, but if we do that, he is  
18 afraid of unnecessary bureaucracy. It could get into having certain content on the web, and the use of Finance Sup-  
19 port, etc. we could end up micromanaging the time. Selectman Carmen indicated that putting together cable pro-  
20 gramming takes a lot more than just pushing a button and its there. These two things cross over. They are suppor-  
21 tive of the main goal. Is the franchise fee money just to run the two channels and the third channel to come on line?  
22 Or is it to support the interconnecting activity? What does the Warrant Article encompass? Chairman Finan agreed  
23 there should be some kind of cross charging. If we have to buy services for the town website, would that be General  
24 Fund stuff? That is something that maybe should come out of the Revolving Fund. Chairman Finan suggested  
25 maybe Mike McInerney's salary comes out of the General Fund completely. It is a grey area now but we should try  
26 to define it. Selectman Putnam indicated there must be something to follow; Revolving Funds have been around for  
27 years, there must be a precedent somewhere. Selectman Putnam does not want to complicate it. Vice Chairman  
28 Daniels asked if we are charging organizations for their announcements. Mike McInerney said we are not. Then  
29 why would we charge anyone, asked Vice Chairman Daniels. The Revolving Fund was set up for long term use; the  
30 Revolving Fund would be built up for long term expenses.  
31

32 Selectman Carmen asked who is paying for the website development. He thought it was grant money. Guy  
33 Scaife said the website effort is using Economic Development Advisory Committee (EDAC) funding, but going  
34 forward, there will be ongoing web maintenance costs. Chairman Finan indicated the entire budget for Mike is com-  
35 ing out of the Revolving Fund. That may change January 1. Selectman Putnam said between the PEG Committee,  
36 Mike McInerney and Guy Scaife, they can come up with some numbers for charging between the General Fund and  
37 Revolving Fund. Selectman Bauer stated the television and internet have become more joined, we will have to rede-  
38 fine how it is charged. In the Warrant Article, it is stated a certain way, at some time we need to have another War-  
39 rant Article to go forward with online activities. Selectman Putnam suggested that Bruce Dickerson get a person to  
40 help him and use that person for website maintenance and have Mike only on the television side. How the town  
41 uses franchise fees is up to the town, said Guy Scaife, who asked if the Board would like him to look at splitting out  
42 the time allocations for those efforts, he could work with Jack Sheehy but he does think there needs to be charge  
43 back for space and support. When we start streaming video on the web where does that come in? This would affect  
44 the 2011 budget effective January 1. Chairman Finan asked for input from the public.  
45

46 Rodney Richey asked why the Revolving Fund was established. Has the Board considered the precedents in-  
47 volved in the other three revolving funds? He believes the intent was to carry money over. Vice Chairman Daniels  
48 agreed, if the Revolving Fund got to be large the option was there that the PEG Committee could ask the Board to  
49 lower the franchise fee. That is why we are talking about it, said Chairman Finan. We are talking about taking the  
50 website out of the Revolving Fund. Vice Chairman Daniels said we are talking about separate funds so that the web  
51 will come out of the Revolving Fund. The General Fund would then pay for all the website work currently paid for  
52 out of the Revolving Fund. The Warrant Article that passed was not for website work, it was for television pro-  
53 gramming. He wants to be sure that the decision gets documented and put in the Granite Town Quarterly and else-  
54 where. Rodney Richey asked if PEG is pushing the content or is the web pulling it? Our website does not have an  
55 Advocating Committee; there is one for PEG but not for the website. He asked that to be considered. Selectman  
56 Putnam stated there has been no need for that, but as stated, anything from this point on for the website will be  
57 charged from the General Fund. Rodney Richey just wants to be sure that is followed. Selectman Bauer assured

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1 Rodney that the BOS allocation chart will be drafted for the website and television. The website will no longer come  
2 from the PEG Revolving Fund.

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4 **8. APPROVAL OF FINAL MINUTES – October 12, 2010.** Selectman Bauer requested two changes to the  
5 minutes. Selectman Putnam moved to approve the amended minutes of October 12, 2010. Vice Chairman Daniels  
6 seconded. All were in favor. Motion passed 5/0.

7  
8 **9. INFORMATION ITEMS REQUIRING NO DECISIONS**

9  
10 **10. NON-PUBLIC SESSION – Non-Public Session (RSA 91-A:3, II(d)) – Land Acquisition.** Selectman Put-  
11 nam moved to enter into non-public session at 7:10 p.m. for a land acquisition discussion. Selectman Carmen  
12 seconded. All members were polled individually and consented to enter non-public session at 7:10 p.m.

13  
14 Selectman Putnam moved to come out of Non Public at 7:30 p.m. Vice Chairman Daniels seconded. All were  
15 in favor. Motion passed 5/0.

16  
17 Chairman Finan announced that while in Non Public session, the Board discussed the possible sale of a piece  
18 of town owned property and also voted to approve an agreement to purchase two other pieces of property.

19  
20 Vice Chairman Daniels moved to seal the minutes of the non-public session, seconded by Selectman Putnam.  
21 All were in favor. Motion passed 5/0.

22  
23 Selectman Putnam moved to adjourn at 7:31 PM. Vice Chairman Daniels seconded. All were in favor. Motion  
24 passed 5/0

25  
26 **11. ADJOURNMENT:**

27  
28 There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 7:31 p.m. Se-  
29 lectman Carmen seconded. All were in favor. Motion passed 5/0.

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33 Tim Finan, Chairman

\_\_\_\_\_

Gary L. Daniels, Vice Chairman

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37 Katherine Bauer, Member

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Mike Putnam, Member

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41 Nate Carmen, Member