

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
November 28, 2011

PRESENT: Nate Carmen, Chairman
Gary Daniels, Vice Chairman
Tim Finan, Member
Mike Putnam, Member
Katherine Bauer, Member
Guy Scaife, Town Administrator

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

INSTRUCTIONS: Chairman Carmen called the public meeting to order at 5:30 p.m. Chairman Carmen introduced Board members and led the audience in the Pledge of Allegiance. Chairman Carmen 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. – 31:95 (b & e) Public Hearing for Acceptance of Unanticipated Funds Over \$5,000. Chairman Carmen opened the public hearing at 5:31 to present the listing of unanticipated funds over \$5,000 as follows.

| <u>Amount</u> | <u>Purpose</u> |
|---------------|---|
| \$ 5,850.00 | Federal Grant – NH Highway Safety Project #315-12A-057 – Funding for overtime for Milford “Operation Safe Commute” Patrols conducted from October 28, 2011 – September 4, 2012 |
| \$75,000.00 | Comcast Cable PEG (Public/Education/Government) funds – Funding for purchase of PEG Access equipment and or facilities. Monies to be paid at \$25,000 per year for a Three year period beginning in 2011. |
| | Donation from Steve Trombly Excavation to be used for Phase II development of Kaley Park. This donation has an approximate value of \$3,000. See memo from Rec. Director. |

After discussion, Chairman Carmen closed the public hearing at 5:35 p.m. Selectman Finan asked if a special vote is required to dedicate the PEG funds to the revolving fund or can that just be done administratively? Guy Scaife said he believes it automatically goes there because of its designation. Selectman Finan said that makes sense. Guy Scaife continued that he does not think a special vote is required. Chairman Carmen asked for a motion. Selectman Finan moved to accept the unanticipated funds and property as presented. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

5:35 p.m. – Building Permit Status Update – 1 Nashua Street. Chairman Carmen invited Richard LaBonte to join the Board of Selectman for this discussion. Also involved in this discussion was Bill Parker, Community Development Director, and Bill McKinney, Code Enforcer. Chairman Carmen indicated he wished to review a brief history of this case but wants to talk about what we can do to get things on track. This year there were several parcels for which letters were sent out regarding dilapidated buildings; the letters are part of the course of doing business with these types of properties, with the status of the property across the street a letter had been sent out and it was discussed by the Board of Selectman a couple of weeks ago and when it comes before the Board, we want to find out what we can do to help work with Mr. LaBonte to get the building moving. The Board knows this is a tough time to be doing what is being done, which is renovate that building, since the economy is not booming, and it can be very intimidating getting letters and so forth from the town saying we need this done and so forth but that is the way it all works, and nobody likes it, but it is all by State law that the town has to do these things. Once it is in front of this Board, we can look at things and decide what we’re going to do. Chairman Carmen’s preference is to find out from Mr. LaBonte if there is some kind of plan or timeline or something since it mostly just needs to get buttoned up. So at this point, Chairman Carmen would like to hear from Mr. LaBonte if there is something put in writing about getting some things done. What is realistic for you?

Mr. LaBonte acknowledged that this should have happened about a year and a half ago, the door is always open over there, Mike’s been over there, and my team is here tonight. The letters are intimidating and I don’t see any reason

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1 for it, the doors is open and it's always been open to Bill Parker and Bill McKinney and I'm glad to tell you where I
2 am and what I'd like to do, but I'm getting notices of violation, I mean I made you each a packet if you're interested
3 in reading it or whatever, I did not make a copy for Mr. Scaife, I'm sorry, here you go. Mr. LaBonte continued that
4 the packet is basically some of the letters he has received of the deficiency, and you should have the original letter of
5 deficiency, and then the letter of violation which points out you'd like to fine me which I'm a little confused about
6 why that would occur when we're trying to get something done. I mean with the economic times, I don't know any-
7 body that hasn't been affected by that, maybe a guy that gets a regular paycheck everyday, which I don't, but I know
8 most of you probably do. Mr. LaBonte gave a little history on himself, stating he's built 18 homes in this town from
9 start to finish and he's very aware of codes and what needs to be done and they all went to occupancy, this is his first
10 commercial venture as owner. Mr. LaBonte has a building permit for miscellaneous structural work, but the word
11 "miscellaneous" is up for interpretation, it's pretty major structural work. Everybody is concerned about the appear-
12 ance of the building but we took 110 tons of debris out of there, when I bought the building it was ready to be con-
13 demned, now we are putting the finishing touches on the structural work. He was not able to get into one of the
14 stores until the last tenant left and then he found additional things that needed to be addressed. The roof is about
15 90% done now, there were four roofs that were holding water inside one another. As far as a timeline, I have a
16 problem with timelines because I don't like to be held to them, I would love to get the thing done and would love
17 some incentives to get it done, my tax bill is up to \$7,000 on that building and it was going to be condemned two
18 years ago and \$7,000 is a lot of money for a building that is under construction that was built in 1860, I don't know
19 if there can be any incentives talked about in that way, let's talk about incentives.

20
21 Chairman Carmen indicated that timelines are important for the town because that is why those letters go out, those
22 letters go out to anyone with this type of building. The Board wants to listen and see what it can do, but there's a
23 limit to what we can do. Mr. LaBonte suggested the violation letters stop coming. Chairman Carmen stated if we
24 can come up with a plan to get enough things buttoned up or done, that is something we would entertain but I sense
25 you are getting overwhelmed. Mr. LaBonte said he is not overwhelmed, he is frustrated. Chairman Carmen said it
26 looks like it is mounting, and by law, this is what we have to do, but we want you to talk to us and figure out how
27 we can work together to get it done and it would be great if the economy turned so you can do what you want to do
28 with the building. Once done, there is no doubt that the building is going to generate cash flow and is a great in-
29 vestment, but there's got to be something that we can do to get this figured out, so if we can talk about the fines and
30 violations and so forth, let's do that. Mr. LaBonte asked what can be done. What are your ideas? I just gave you an
31 idea on a tax break. Chairman Carmen said the tax break is something that is totally separate that we would talk
32 about after the fact. Mr. LaBonte said he understands and doesn't expect an answer tonight. But on the fines,
33 Chairman Carmen said the fines are something we can talk about if we can get the progress moving, we want to
34 work with you and we need you to work with us with what is realistic when the four or five things can be taken care
35 of to get it weatherproof, then we can come up with an agreement and then talk about getting rid of some fines. We
36 do want to have some pressure on you to get things done, but we don't want to have unnecessary pressure on you.
37 Mr. LaBonte asked if the Board is trying to create a happy business atmosphere? Chairman Carmen said he would
38 love that because your success is important to the town; we would like a working relationship with lines of commu-
39 nication open, to figure out some kind of timeline and see what the town can do to help, but we are looking for a
40 plan that's going to outline when things can get done. Mr. LaBonte said he addressed that in his letter to Bill. Se-
41 lectman Finan asked if there are new dates from the letter sent two weeks ago? Chairman Carmen said the dates
42 identified have come to pass, so are you saying those items are done? Mr. LaBonte said the majority of them are
43 done and not all the dates have come to pass. Mr. LaBonte said the Board is obviously worried about aesthetics,
44 siding and windows, we are making progress with the structural plan, maybe the permits we have should be re-
45 viewed to see the progress that has been made. The plan approved by the town is the one we are making progress
46 on. Chairman Carmen asked Bill to join the discussion.

47
48 Bill McKinney indicated the concerns are that buildings need to be weather tight to protect the structural compo-
49 nents, currently the structural components are continuously being exposed to weather conditions, the roof is not
50 complete, or was not completed when we were there on October 28 and the siding itself is a vital component to mak-
51 ing the building weather-tight. Ty-Var products and other various wraps have an exposure life of 6 months, after six
52 months they begin to break down due to exposure from the elements - rain, wind, and the sun, so the manufacturers
53 ensure that those products will be weather-resistant but they need to be installed with their approved fasteners, the
54 joints need to be taped and the products needs to be covered with an approved siding material within six months, so
55 my concern is not aesthetics, my concern is that money and products are being put into this building that are just
56 going to have to either be replaced or are going to fail. Mr. LaBonte is listening and agrees that it needs to be cov-
57 ered but as far as addressing the letter, it doesn't say anything about siding and windows, it addresses "weather-
58 tight" which can be interpreted differently; if I get another roll of house-wrap, I'll get another six months out of it.

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1 Bill McKinney said there are other products that can last up to a year. Mr. LaBonte said they want to get the siding
2 on it; he has siding on site and we can follow through by getting more siding on in the next couple of weeks; the
3 windows – we are facing the economy, I am working with Currier Lumber to get pricing on windows and a lot more
4 work has been done since Bill’s initial inspection. Bill McKinney said that might be some of the disconnect, you
5 say you have an open door policy, but there are limitations on what we can and cannot do; inspections should be
6 scheduled with us so that we have a set time to be there, if you are doing improvements that are addressing the no-
7 tice of violation, call us up, meet us there, your schedule is random when you are there. Mr. LaBonte said that is
8 because he’s trying to make a living. Mr. McKinney responded that you say it is an open door policy but it is not
9 always an open door because you are not always there. Mr. LaBonte said you do have my phone number and ob-
10 viously you know where I live because you delivered the letter there, I don’t even want to get into that, I just want to
11 move forward. Mr. LaBonte said his goal is maybe to set up an appointment so that you can see what’s been going
12 on inside the building so you can see what point the plan is at, yes we should have called for some inspections prior,
13 I am not disagreeing with that, but I’m not saying I did anything out of bounds but he can call for inspections as we
14 continue to work on the building, Bill was in the building before I bought it, while I was working on it, and he made
15 some very good suggestions and the goal is not to try to debate what is going on, I just want to move forward.
16

17 Chairman Carmen suggested that all Board members visit the site, he wouldn’t mind going there, he would like to
18 get a full assessment of those items, the last inspection was in October and then the last letter was explaining the
19 things you are going to do and identify which items are done or in progress or whatever and include what is left to
20 do and then bring it back to discuss it as to a timeline and a plan, Mike do you want to go over there with me? Se-
21 lectman Putnam said he would. Selectman Bauer asked about the rest of the Board? Mr. LaBonte said everybody
22 should go. Selectman Bauer said it seems to her what we need to know what needs to be done now to make it
23 weather tight, we need that written down; if we all go visit with all our own opinions, we can still be not dealing
24 with specifics. It’s only fair to Mr. LaBonte and to the Town to get specific things written down, said Selectman
25 Bauer. Selectman Bauer also thinks Bill knows his job and the timetable, the town and State laws, the rest of us all
26 have varying experience in different areas of construction but we don’t have the expertise that Bill has because he is
27 the Code Enforcer. So we need some goals before we go over to take a look. Chairman Carmen said the reason to
28 go visit is to have a meeting of the minds and he suggested Mike and himself because Mike has been in the trades
29 for years and I’ve been doing construction lending for 25 years so I’ve got a good fix on that too so I just want to
30 bring back to the Board what our perception of things is; we don’t have a list right now because the last one is dated
31 October 26 and Mr. LaBonte is saying he has more stuff done so if we can get it down to three or four things, we can
32 come back to the Board to talk about the three or four things with a timeline and if Community Development feels it
33 works, then we can wrap it up. We shouldn’t have a circus over there and debate it, he just wants to size it up.
34

35 Selectman Bauer asked Mr. LaBonte and Mr. McKinney if they can, before we meet, agree to what needs to be done
36 in order to make this weather tight, since that seems to be the big issue? Can you do that ahead of time? Mr. La-
37 Bonte asked if she is looking to come to an agreement. You mean my interpretation of what needs to be done? Se-
38 lectman Bauer said Mr. LaBonte and Mr. McKinney might have a different perception of what needs to be done, can
39 you at least get together and have a preliminary conversation about what needs to be – no you’re not deciding any-
40 thing if this is in the hands of the selectmen, but she would like to see this get resolved without it going on an on.
41 Mr. LaBonte would like to review what we have the building permitted for, he certainly will talk about siding and
42 windows. Selectman Bauer just wants to have a plan for what can be done before the bad weather comes in. Mr.
43 LaBonte said he can come up with some timelines. Okay, and Selectman Bauer asked if between Mr. LaBonte and
44 Mr. McKinney they could decide what his current permit does and does not cover. Mr. McKinney explained that his
45 permit covers 1900 square feet of structural frame replacement of the roof, repairs to the floor frame supports and
46 interior alterations to the westerly tenant space only, that would be the former Boston Shoe location, future altera-
47 tions of structural work will require a separate plan submittal and building permit application and that’s basically the
48 eastern section which was not included in his permit which was issued in December. Mr. LaBonte said he went a
49 little further, Mr. McKinney added that it was a cost cutting measure for him, he wanted to kind of stage it so it
50 didn’t impact him financially as much, and we do that an awful lot when there is a phased project. He’s gone
51 beyond that scope, but again it’s something we can work with him on, the permit allows him to do structural repair
52 including roof, walls, and floors. It’s listed as miscellaneous construction repairs because that’s the amount of space
53 that’s permitted on the permit to list all the work that needs to be done but in the permit application it’s listed and in
54 the letter of conditions that goes out with all permits it’s listed exactly what the permit covers. Mr. LaBonte noted
55 the structural plan was attached to that, to which Mr. McKinney agreed, noting the structural plan is in the file and
56 that permit was issued December 2, 2010, prior to that there was a permit that was issued in February 2010 to ad-
57 dress the leaking roofs and water damage and start of demo work. Mr. McKinney asked about Dennis Labombard
58 having gone to the site recently? Mr. LaBonte said he is sitting right here.

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2 Mr. McKinney said one of his key concerns is the condition of the engineered products, asking if Dennis Labom-
3 barde can provide an assessment of those products and what conditions they are in. Mr. Labombarde stated he
4 looked at the building today. Guy Scaife asked that he speak into a microphone. Mr. Labombarde, Structural Engi-
5 neer, worked on a structural plan for Dick on this building, he visited the building briefly this morning for a quick
6 walk around but did not do a detailed inspection so he cannot give a specific assessment of the building but he didn't
7 see anything over there that scared him. Chairman Carmen said if we can get people together and you can get us a
8 little more information and we can get a list then come up with a timeline, we just want to help. Mr. LaBonte said
9 that is great, when it is done it's going to be a valuable asset to the community.

10
11 Guy Scaife wants to make sure that we address some specifics because it seems we just spent a lot of time talking in
12 generalities. The Code Enforcement Officer is the person the town hired that has the skill set, and wrote a letter of
13 deficiency back in June with specific items, if those items are challengeable we should get that on the table. And if
14 they're not and they are not resolved, then it seems like we are either going to enforce the regulations or not but at a
15 minimum, we went from June until late October with no plan to address any of those, and was there a plan submitted
16 in late October? Mr. McKinney responded late October we received a plan. Guy Scaife continued that some of
17 those dates have passed and the work is not complete, so it seems like we should have specifics either of the codes
18 that are in violation, either they are or they are not. Mr. LaBonte said he disagrees with the town saying they are not
19 complete. That is what Guy Scaife is saying, that line by line, by item, they should be addressed. Mr. LaBonte said
20 they have been addressed. Guy Scaife continued that this is the second meeting and he wants to walk away with
21 something tangible as opposed to a more generic discussion, and he's not sure we are any further than we were a
22 month ago. Mr. McKinney agreed and he certainly is looking for an assessment by the engineer of the structural
23 products that have been exposed to the weather. Mr. LaBonte said that is fine. Mr. McKinney said we do need a
24 date set that we are going to have final supporting of the main structural components which are the LVL beams and
25 temporary supporting beams, right now one of the them has a deflection in the floor due to the loading that's on it
26 right now, he knows its going to be jacked back up, but there is no sense in finishing the roof until you're done jack-
27 ing that portion of the building up. Mr. LaBonte said the jacking has been done since you've seen it. So if that's the
28 case, said Mr. McKinney, then you can get some actual support under the beams then we can move forward with the
29 roofs which I'd like to see a date when the roof's going to be completed so we stop having the rain coming in. Mr.
30 LaBonte said the roof is even more complete than the last time you were in, and I believe that date is December 7 as
31 far as completing that section, he could be incorrect but he will check.

32
33 Selectman Finan agrees wholeheartedly that we should do everything we can to help Mr. LaBonte get this thing
34 going, the reason is because that is the right thing to do, it is the right thing to do with the times being bad and what-
35 ever your personal situation, is I don't know, but we should be helping people, but that's the reason we are doing it
36 because it is the right thing to do, not because any particular regulation is unfair or maybe because you might disag-
37 ree with him, if you guys don't agree I don't know what you normally do if you get a third party in there or what.
38 Bill McKinney said there is a process, a code of appeals. Selectman Finan understands but I think the Board comes
39 into play when we can give the Code Enforcer direction to say "work with him" but I respectfully disagree with your
40 comment that you don't like timelines. Mr. LaBonte said he didn't mean, I didn't finish my sentence. Selectman
41 Finan understands the point he was trying to make but you have to have deadlines and you're in the business when
42 you have to have deadlines, you have subs and such and you have to have deadlines; if you can't do it until the mid-
43 dle of January, tell Bill McKinney that and the Board will tell him that is fine. That is where the Board comes into
44 play to provide the philosophical direction, but we have to stick to the regulations, we have to, but they can be
45 spread out. That's where this Board's role comes in, to guide and say let's help him out for the right reasons not for
46 the wrong reasons, if there is a good plan, we can be more lenient and it may take you longer and that is the way we
47 should be heading.

48
49 Chairman Carmen thinks these guys can work out an updated assessment based on what there was and what has
50 been done and then we know what we are working with. During that time, Chairman Carmen would like to see Mr.
51 LaBonte come in with what is outstanding and what is complete and the timeline, but if there is a problem meeting
52 that timeline, then you will come in and communicate. Mr. LaBonte wished to finish his comment about timelines,
53 indicating that it is very difficult in this economy to have a timeline because anything could happen in construction,
54 it could snow three feet and affect the timeline but people don't seem to care about that. The economy, the election
55 coming up, who knows what can happen, but I'm not afraid to do it but I don't want to be held to January 15 and
56 then "hey Dick you didn't get it done by January 15 you're in crazy violation" again. Chairman Carmen indicated
57 the thing the Board would ask for is communication. I understand your door may be open, and we know your num-
58 ber but I know in my business people say that to me all the time and if I don't hear from you, I'm not out looking for

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1 you, I've got a lot of calls coming in and it's huge (communication), we'd love to hear what's going on, if you have
2 an issue, you need to just say I have this timeline, but this happened, okay? Mr. LaBonte said that he and Bill have
3 discussed this and sometimes don't agree and it doesn't matter what Dick LaBonte says, it's his property and I know
4 what's going on, and I know you are adamant about your Code Enforcement but I have a lot of experience with this
5 too. I'd love to have you come over, get an assessment from Dennis, then we can put some better timelines on it,
6 but I respectfully disagree with some people at some points and that is due to my experience. Mr. McKinney indi-
7 cated that Dick has said we can go over at any time, but it is the responsibility of the permit holder to contact our
8 office and schedule inspections, we just don't randomly stop by. Mr. LaBonte suggested that the first letter is very
9 misleading in his eyes since it states no progress has been seen in 180 days and he has photos to prove otherwise.
10 Mr. McKinney clarified that the letter states "no visible progress" referencing the building codes and no inspections
11 were scheduled in the timeline of 180 days. Mr. LaBonte acknowledged he did not schedule any inspections be-
12 cause he didn't think he was ready for any. Mr. McKinney said progress is based on the scheduled inspections.
13 Okay, so let's get a tour on, said Mr. LaBonte and we'll set some schedules up.
14

15 Vice Chairman Daniels asked if there are any statutory timelines that are put in place when a permit is issued to
16 someone for a project like this. Mr. McKinney said there are, statutory timelines in place that the permit is good for
17 180 days and as long as work progresses, and inspections are conducted, that can be extended by the building de-
18 partment. Dick's permit is coming up for review and renewal, our typical application and permit issuance is good
19 for 365 days based upon work being completed and progress being shown in those 180 day increments. Vice
20 Chairman Daniels asked how often those inspections have to take place. Mr. McKinney said those are laid right out
21 as far as frame inspections, rough and final electrical inspections, there are stages in the building code that says
22 when the inspections should be done. Vice Chairman Daniels asked if there are priorities set on those timelines, we
23 seem to focus on closing up the exterior as opposed to the interior, so is the first timeline deadline that it must be
24 closed up on the outside? Mr. McKinney said the first inspection would be the frame inspection, Mr. LaBonte is re-
25 building this building from the inside out and it is a very difficult process. Vice Chairman Daniels asked if the vi-
26 olations are due to the inside not being worked on fast enough to get the framing complete so that the outside can be
27 completed? Mr. McKinney said that is correct, the frame has been exposed for over a year now. When the building
28 sat before in 2009 and prior, the elements were not entering the building, but once the siding and roofing was re-
29 moved, the elements have had access to the interior. Vice Chairman Daniels is not sure how the interior inspection
30 becomes a problem of the town, Mr. LaBonte owns the building, it will have to meet the inspection at some point
31 and it is at his expense, why does the town have to tell this owner that they have to protect their property? Because
32 part of our responsibility to uphold the codes is prevention, said Mr. McKinney. But the town does not do that to
33 every house in town, said Vice Chairman Daniels. No, but it depends on the property, said Mr. McKinney.
34

35 The bottom line, said Selectman Bauer, is safety and the safety of the building now, when it gets improved, and
36 when it changes owners. One of Selectman Bauer's concerns is that the building is open, it is open not only to
37 people who are authorized, like Mr. LaBonte and his workers, but anyone can go in there, kids can go in there. Se-
38 lectman Bauer does not want to see it delayed longer than it has to be. Selectman Bauer understands Mr. LaBonte is
39 up against some deadlines that he feels he cannot meet but she would like Mr. LaBonte and the department to work
40 out what is realistic and what can be done, and there can certainly be some flexibility, but it isn't just aesthetics, it is
41 safety too. Selectman Bauer does not think that the town is picking on Mr. LaBonte, but this is a process that every-
42 one in town who wants to build a house or a commercial building or renovate has to go through. She hopes that we
43 can be flexible with the timeline because we all want Mr. LaBonte to succeed. The trouble is, how we get there -
44 Mr. LaBonte's view versus the town's view. Communication is really key. Mr. LaBonte agreed about the commu-
45 nication, he understands about people entering the building, people should not be entering the building. As far as
46 safety, he has seen other properties in town that pose safety issues, things that are safety problems, there are many in
47 town that I can point out, many of them have been removed lately. Chairman Carmen asked if Mr. McKinney and
48 Mr. LaBonte can set up a time to get together. Mr. McKinney said he can do that, as did Mr. LaBonte. Chairman
49 Carmen said we just need to know what we are dealing with, so you guys come up with the list. Mr. LaBonte would
50 still like Board members to come take a look at the property to see what is going on. Chairman Carmen agreed.
51 Selectman Bauer also will go and thinks the meeting with the Board should happen but that is only part of it.
52 Chairman Carmen said he looks forward to the list they both come up with. Bill McKinney said he will e-mail the
53 Board when the meeting will take place and the plan of action and benchmark dates. Chairman Carmen thanked Mr.
54 LaBonte for coming in.
55

56 **6:45 p.m. - 2012 Warrant Article Discussion - Fireworks.** Chairman Carmen invited anyone that wants to talk
57 about fireworks to come up to the table. Walter Smith, Recreation Commission Chairman, and Nicole Banks,
58 Recreation Director, approached the Board for this discussion. Walter Smith explained that the Recreation Commis-

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1 sion has discussed and has decided to request funding for fireworks for the 2012 Fourth of July activities. The main
2 reason is that during the fireworks activities, the concession stand at Keyes Field is run by the high school music
3 boosters and the MCAA also runs their concessions at their field and I think between the two of them they bring in
4 about \$3,000 or \$4,000 and all the businesses in Milford benefit during the activities and to see the fireworks with
5 people buying lunch or dinner, gas and so forth, it brings in a lot of money to the Town. For what the fireworks cost
6 and what the town gets out of it, the Recreation Commission feel it is a really good idea to try and ask for it again.
7 Not having the fireworks last year, people really seemed to miss having them.

8
9 Chairman Carmen asked if there were any questions. Selectman Finan asked what the Commission feels about it
10 having been voted down two years, or it was voted down two years and then last year it wasn't even on the ballot.
11 Walter Smith responded that with the feedback after not having them last year, the Commission felt it was worth at
12 least putting it on the ballot this coming year. Money is tight with everybody, but the fireworks come out to about a
13 penny per household, so for a penny to get all that return on the investment, it seems like a good idea; people men-
14 tion that it is only for fifteen minutes or whatever, but it really brings in a lot for the town and it helps keep people in
15 Milford and enjoy the town more. Chairman Carmen asked if the Commission would be proposing to do this as
16 done in the past, by having the bonfire and activities during the day. Yes, the activities during the day will be done
17 every year whether or not there are fireworks, it is always well received, said Mr. Smith. The bonfire is up in the air
18 at the moment and it is not decided one way or the other. Nicole Banks indicated that the bonfire is fun and it can
19 draw people away from fireworks in other towns but most people want to go see the fireworks on the Fourth of July.
20 There wasn't a huge crowd for the bonfire, maybe about 100 people came, but it was really fun, and the daytime
21 activities are still done and are really fun. Selectman Bauer asked how much will be asked for? Ms. Banks re-
22 sponded that what is proposed right now is \$8,500 which is the amount we would need to have the 20 minute aerial
23 display on the Fourth of July and that would include the extras, such as traffic detail.

24
25 Selectman Putnam moved to put this on the warrant as proposed and let the people make the decision, if they vote it
26 down, they vote it down. Guy Scaife asked about the numbers regarding the concessions. Ms. Banks said she be-
27 lieves each of the organizations that does concessions bring in about \$2,000. So we spend \$8,500 so somebody else
28 can raise \$4,000? Mr. Smith responded that is not the main motivation behind it, but it is a nice side effect. We
29 should have fireworks because everybody loves fireworks, and it helps the town economy. Selectman Finan added
30 that it is a community event. Selectman Putnam suggested that since one of the concession fundraisers is a school
31 fundraiser, maybe we could ask the school to pay for half of it. Selectman Finan suggested that Selectman Putnam
32 go and ask them for it. Ms. Banks expressed that the fireworks definitely draws the most people out of any of the
33 events - maybe 500 or 600 people will come (to the park); it is a large event and it is enjoyed and she feels that the
34 voters should have the opportunity to decide. Regardless, the activities at Keyes Field will still be held, with or
35 without the fireworks.

36
37 Vice Chairman Daniels asked if the majority of the funds raised at concessions are raised during the daytime activi-
38 ties or during the 20 minute display. Walter Smith responded that the fundraisers have indicated that they make
39 more when there are fireworks and the MCAA doesn't make anything when there are no fireworks, since people will
40 not be down at their fields (on North River Road) if there are no fireworks. Plus the Music Boosters are at Keyes
41 Field during the daytime activities, said Ms. Banks, stating that people go down the park and sit down and hang
42 around, listen to the band playing down there. Vice Chairman Daniels asked how much they bring in during the
43 day. Ms. Banks said it is nothing compared to what is brought in at nighttime, but she does not know exactly what
44 the breakdown is, but it is her understanding that the increase in revenue is substantial at night when there is a fire-
45 works display. Selectman Finan added that most years he is down at Keyes park for most of the day, and during the
46 day there is a good crowd, but once it gets dark the line at the concession stand is huge. Selectman Bauer indicated
47 that she agrees with Nicole that people tend to go down to the park and hang around, spread out on a blanket, have
48 the kids run around, get concessions, and the fundraising is spread out over the day, it is not all in the 20 minute dis-
49 play, and it does add to the economic well being of this town because people come to Milford, they buy gas, snacks,
50 go to restaurants, it is not just focused on the one event down at Keyes Field.

51
52 Mr. Smith added that the businesses that are making money that night are the same ones that the Scouts and Youth
53 Groups are going to for donations for their fundraising, so it's a way of giving back to them as well. Ms. Banks
54 added that it is beneficial to the business and she understands it has been voted down a couple of times so it does
55 have that history now but for many years it did pass to the point where people have asked why this isn't a budgeted
56 item because it is something that it seems like the town always wants to have. For the past two or three years, it is
57 well attended and it seems to be more well attended than in the past and it seems like more people are staying in our
58 town, staying closer to home, it is a nice summertime activity that is something you can do with your family and the

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1 entire day is free unless you choose to buy something from the concession stands. She feels it is appropriate to have
2 it as a warrant article to let the voters decide.
3

4 Selectman Bauer seconded the motion. Chairman Carmen asked if there was any further discussion. Vice Chairman
5 Daniels noted that he feels we will have a full plate to look at for next year, he does not understand, but people like
6 these things and we are trying to work our way through some really rough times and last year we had to go back to
7 the taxpayers and ask them for more money because we had a deficit so he will have a hard time supporting this
8 when we've got so many other things, in particular the ambulance facility. Vice Chairman Daniels understands it is
9 a penny, but it is a penny per thousand so it is another \$3.00 for someone with a \$300,000 home and that's on top of
10 the \$6,000 they are already paying. Chairman Carmen called the vote. Selectman Finan, Selectman Putnam, Se-
11 lectman Bauer and Chairman Carmen were in favor, with Vice Chairman Daniels opposed. Motion passed 4/1.
12

13 Guy Scaife clarified that up to this point, the Board has not voted on any articles, to which the Board agreed. So this
14 is an exception and this was taken out of the sequence. Selectman Finan stated that the Board did vote on the am-
15 bulance facility, to which Selectman Bauer agreed.
16

17 **7:00 p.m. – Interview of Heather Romeri as a Recreation Commission Candidate.** Chairman Carmen asked that
18 Heather Romeri come up to speak with the Board. Chairman Carmen commented that Heather was here recently.
19 Ms. Romeri stated this is the first time she's been before the Board. Chairman Carmen said he is pleased to meet
20 Heather and asked if she has served on the Recreation Commission already. Ms. Romeri said she has not but would
21 like to. Ms. Romeri explained she is the President of the Mother's Club right now and last year as well so she has
22 worked with Heather and Nicole on a lot of different projects they have done and she has enjoyed that experience
23 and would like to go further with it. Selectman Finan noted that although Heather has not been serving on the
24 Recreation Commission, she has attended at least the last two meetings. Selectman Bauer thinks it is great that
25 Heather wants to do this. Selectman Putnam moved to appoint Heather Romeri as a Recreation Commission mem-
26 ber through March 31, 2012. Selectman Bauer seconded. All were in favor. Motion passed 5/0.
27

28 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** Chairman Carmen explained that this
29 item is always on the agenda for public comments, and the Board welcomes public input. The Board would like to
30 hear from the public. Guy Scaife requested Chairman Carmen to recognize the woman in the audience who he re-
31 cognizes from early in the office today, that she may wish to add a public comment. Robin Lunn, 31 Jennison Road,
32 is adjacent to the bridge that is closed on Jennison Road and is the recipient of all that water (on the South side).
33 They are happy that there is no truck traffic at the moment but they are aware of what will be done for a temporary
34 fix until the engineering and permitting is complete. Ms. Lunn is wondering about load restrictions and if load re-
35 strictions will be put on the temporary bridge until the engineering for the permanent fix is done. There is also a
36 beaver situation in the area which could be adding to the problem. Guy Scaife said the town will take that into con-
37 sideration and it will be looked at. Selectman Finan said the weight restriction has not been addressed yet. Select-
38 man Bauer asked when the engineering will be done. Guy Scaife said the temporary fix will be done next week. If
39 there is a restriction, it will be posted on the website. Selectman Bauer said there are residents in that neighborhood
40 that are concerned about the weight restriction. Selectman Finan expressed that the permanent bridge will be built to
41 accommodate the weight. Guy Scaife said the temporary fix will be in place prior to Christmas.
42

43 **4. DECISIONS**
44

45 a) **CONSENT CALENDAR.** Chairman Carmen asked if there were any items to be removed from the
46 Consent Calendar for discussion. No items were removed for discussion. Selectman Putnam moved to accept the
47 Consent Calendar as presented. Vice Chairman Daniels seconded. All were in favor. Motion passed 5/0.
48

49 1) **Request to Amend Town's 457(b) Deferred Compensation Plan with VALIC & Authorize Chairman**
50 **as Signatory Agent.** The Deferred Compensation Plan Documents had to be amended in accordance with
51 the recent Federal tax legislation changes, as such, Ruth Bolduc, HR Director, requested approval of the
52 amendments and requested that the Chairman be authorized to be the signatory agent on behalf of the Town
53 of Milford. This request was approved.
54

55 2) **Request for Reacceptance of Boxwood Circle, Crestwood Lane, Cypress Road, Elderberry Court,**
56 **Fern Court, Iris Road, Ridgefield Drive, Valhalla Drive and Wellesley Drive.** Raine Carson, Town
57 Roads Researcher, requested and received formal Board acceptance of the roads as follows. This item was
58 approved.

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- 1
2 Boxwood Circle “From the northerly intersection with Westchester Drive, south westerly, southerly and
3 north easterly to the intersection with Westchester Drive, a distance of 1976.97 feet, 50
4 feet wide, the distance being measured on the inside of the semi-circular curve, as de-
5 picted on Plan #18596, Sht. 3 of 3 recorded, and as per deed of conveyance recorded in
6 the HCRD in Vol. 5164 Pg. 886.”
7
8 Crestwood Lane “Crestwood Lane, from the intersection with Stable Road northerly a distance of 1133.09
9 feet, measured on the west line of the roadway, 50 feet wide to a turn-around with a ra-
10 dius of 75 feet, and including the turn-around, as depicted on Plan #19793, Sheet 2 of 2
11 recorded, and as conveyed to the Town of Milford in a deed recorded in Vol. 5164 Pg.
12 883, dated December 28, 1989.”
13
14 Cypress Road “Cypress Road, commencing at intersection with Westchester Drive, easterly a distance
15 of 1214.45 feet measured on the north side of the roadbed, 50 feet wide, to the intersec-
16 tion with Wellesley Drive, per the deed of conveyance of the roadbed and per Plan
17 #18596, Sheet 3 of 3 recorded in the HCRD.”
18
19 Elderberry Court “Elderberry Court from its intersection with Westchester Drive westerly a distance of
20 112.33 feet measured on the north line of the roadbed, 50 feet wide, to the commence-
21 ment of the turn-around, having a radius of 75 feet, plus the turn-around, per subdivision
22 plan recorded in the HCRD as Plan #18596, Sheet 3 of 3 recorded.”
23
24 Fern Court “Fern Court – from the intersection with Boxwood Circle, easterly a distance of 268.33
25 feet, 50 feet wide, to the commencement of the turn-around with a radius of 75 feet, plus
26 this turn-around, all as depicted on Plan #18596, Sheet 3 of 3 recorded and as per deed of
27 conveyance recorded in Vol. 5164 Pg. 886, dated October 13, 1989.”
28
29 Iris Road “From the intersection with Westchester Drive, northerly and easterly a distance of
30 963.59 feet measured on the west and north side of the roadway, 50 feet wide to Welles-
31 ley Drive, as depicted on Plan #18596, Sheet 3 of 3 recorded, and as per deed of con-
32 veyance recorded in Vol. 5164 Pg. 886, 891 and 892, dated October 13, 1989, at the
33 HCRD.”
34
35 Ridgefield Drive “Section of Ridgefield Drive from its intersection with Westchester Drive, easterly to the
36 south east corner of Map 18 Lot 29 (Lot 31Aon Plan #2928 and in deed of conveyance), a
37 distance of 2043.09 feet measured on the north side of the roadway, 50 feet wide, and as
38 conveyed to the Town of Milford in a deed recorded in Vol. 1835 Pg 275, dated June 14,
39 1965, and as depicted on Plan #2928 as recorded in the HCRD, and
40 Section of Ridgefield Drive from the south east corner of Map 18 Lot 29, easterly and
41 southerly to the intersection with Valhalla Drive, a distance of 2683.25 feet measured on
42 the north and east side of the roadway, 50 feet wide as conveyed t the Town in a deed
43 recorded in Vol. 3230 Pg. 801 dated November 14, 1971 and as depicted on Plan #3907
44 as recorded in the HCRD. The total length of the roadway is 4726.34 feet, 50 feet wide.”
45
46 Valhalla Drive “Section of Valhalla Drive from the easterly boundary lines of Map 36 Lots 57 and 58,
47 easterly a distance of 151.95 feet measured on the southerly side of the roadway, to the
48 intersection with Alpine Street, 50 feet wide, as depicted on a plan entitled “Resubdivi-
49 sion Plan ‘Craven Park’, Milford, New Hampshire, dated November 15, 1974”, approved
50 by the Planning Board on December 19, 1974 and recorded in the HCRD as Plan #8044.”
51
52 Wellesley Drive “Wellesley Drive, commencing at Ridgefield Drive intersection, running southerly a total
53 distance of 2341.76 feet as measured on the east side of the roadbed, 50 feet wide, to the
54 intersection with Westchester Drive, per plans #3491 and #18596 (Shts. 2 and 3 of 3 re-
55 corded), and as per deeds of conveyance as recorded in the HCRD in Vol. 1959 Pg. 210,
56 Vol. 5111 Pg. 1807 and Vol. 5272 Pg. 1382.”
57
58

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2 **3) Request for Conditional Endorsement of Jason T. Goode as a Full Time Police Officer Candidate.**

3 Police Captain Chris Nervik requested conditional endorsement of Jason T. Goode as a Full Time Police Officer. This request was approved.
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5

6 **b) OTHER DECISIONS.**
7

8 **5. TOWN ADMINISTRATOR REPORT:**

9 **a) Jennison Road/Bridge Closure Update.** Guy Scaife explained the Board of Selectmen held a work session November 18 and the decision was made to go with a temporary solution that is in process of being engineered. It will be beams with metal plates on top of it with asphalt over that, which we hope to have installed prior to Christmas. Once that is complete, we will move to have the permanent solution engineered. It is probable that the permanent solution will not be complete until 2013, but the engineering for that permanent solution will be completed early 2012. Once the engineering for the temporary solution is complete, the town will identify if there are any weight restrictions required. Guy Scaife would recommend that the BOS have a public hearing so that the residents affected by the closure can have their concerns voiced, particularly regarding the through truck traffic that is using that road as a shortcut. Mr. Scaife has had communications with residents regarding the weight limit and through truck traffic and if there will be opportunity for public input. Mr. Scaife asked for any questions on the temporary solution. Vice Chairman Daniels asked if the weight limit is on the temporary solution or permanent. Mr. Scaife said the engineers that are doing the temporary solution will define whether or not there is a weight limit. The permanent solution would not have a weight limit, it would be whether or not this Board chose to limit that traffic.
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24 **b) Budget Update.** Mr. Scaife explained they are making good progress on the budget, with a first pass, but are waiting on the close of November, which will be available to the Board before the next regular meeting.
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27 **c) Miscellaneous.** Guy Scaife explained he is looking to get a time to start the Phase I assessment on the 21 Cottage Street property, which is tentatively scheduled for sometime next week, just need to coordinate schedules. Also, Mr. Scaife is in negotiations with the two unions. Today and tomorrow he is in negotiations with the two unions and it is progressing.
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32 **6. DISCUSSIONS.**
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34 **a) Proposed Social Media Policy.** Selectman Finan explained the update was sent out and meanwhile, Guy Scaife and HR went through and boiled down the policy to what they felt should be in the employee manual. Does the Board typically approve employee manual updates, or is that an administrative function? Guy Scaife said it is internal for this type of guideline. So one option, said Selectman Finan, is to just stay with what Town Administrator Scaife has done, for employees only and not have it apply to other town officials. Once that is flushed out, another policy could be drafted to address elected officials and boards, etc. and how they interact with social media. Another issue came up this week from the Facilities Committee regarding whether or not they could do marketing of the ambulance facility using social media. At this time no policy has been approved, but at some point that is something that we have to address. If the town is going to allow marketing on social media to get voters to vote for it, the town also has to accept that there might be opposition as well. Selectman Finan does not think we are ready to regulate ballot items. Another example would have been the Budget Committee last year that had some differing opinions from the BOS.
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48 Selectman Bauer asked if the Board can just say no to the Facilities Committee regarding the ambulance facility because of the unintended consequences that can come out of a "free for all" on social media. Selectman Finan said we can say no to using the town websites, but not on their own personal sites. Chairman Carmen suggested it sounds similar to the Ethics Committee. Selectman Finan said it is very similar to the Ethics. The Board does have control over the employees, so at least by getting it into the employee manual, that is a start, but it's one of those things that's going to take some time. Selectman Finan indicated he spoke with LGC about this as well and they provided additional questions, since they do not know how this should be handled either. Selectman Bauer brought up the unintended consequences and how will it be tracked and how much labor is involved in keeping track of such information, how long does it have to be retained, etc. Selectman Bauer said if social media is not used to promote the ambulance facility that does not mean they cannot promote it since there are
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1 other ways to promote other than social media. Chairman Carmen does not think the town is ready for
2 it, it may end up being a committee that looks at all these things. Selectman Finan told the CFC that as
3 of right now there are no restrictions whatsoever and he believes they are going ahead with it. Vice
4 Chairman Daniels would just want to be sure that the position of the Board is clear and people are not
5 putting out their own position. Selectman Finan said that is the issue. Selectman Bauer asked how can
6 that be avoided? Guy Scaife said it would be no different than an editorial to the newspaper.
7

8 Guy Scaife said that Selectman Finan did a phenomenal amount of work on this and 98% was adopted,
9 with retention being the portion that was not adopted. It is a guideline; it does not promote or deter the
10 use of it. Nationwide, most municipalities are moving slowly on this and experimenting. Selectman
11 Bauer asked if the town sites should be open to the various boards and committees. Selectman Finan
12 responded that right now we do not have any policy on the town-sponsored websites or social media.
13 He told the CFC that right now there is no policy that prohibits them from putting anything on the so-
14 cial websites. Vice Chairman Daniels suggested that the Board should put something regarding its po-
15 sition on the website to preclude another position being put on. Selectman Finan thinks this would be
16 a good test with the ambulance facility to see what might happen. Selectman Bauer agrees with Vice
17 Chairman Daniels with putting up the Board's position on the facility. So what do we do now, asked
18 Selectman Bauer. Chairman Carmen thinks it is a bad idea to put in place a policy. We have no policy
19 right now, so until then, we see what happens. Selectman Finan indicated we have the employee poli-
20 cy in place, so employees are accountable to that.
21

22 Chairman Carmen also agrees that the Board should put its position on the ambulance facility on line.
23 Selectman Bauer thinks the Board could suggest that boards and committees not put the information on
24 the social media websites until there is a policy in place. Selectman Bauer suggested that because
25 there is no policy in place, that implies that they can go ahead and put their input on the websites. Se-
26 lectman Putnam disagreed, stating that it is up to the interpretation of whoever you are talking to.
27 Chairman Carmen interprets it that the committees can do whatever they want. Selectman Bauer feels
28 that because we are putting off the decision on the social media policy again, we could end up with un-
29 anticipated consequences and she wants to move things along. Selectman Finan feels the current elec-
30 tion is going to be a very good test because it's going to be heavily used and we'll be able to see if
31 there are any points that we need to address. Selectman Putnam said this will test the waters. Select-
32 man Finan said there are no restrictions and there have never been any restrictions. Selectman Bauer
33 commented that as Selectman Finan said, a lot of towns, states, countries are struggling with this and
34 she just doesn't want a big issue (such as the ambulance facility) to become ugly because people are
35 misinformed.
36

- 37 **b) Consideration of Amendment to "Terms and Conditions For Use of Town Hall Auditorium,**
38 **Banquet Hall & Kitchen" Guidelines.** Selectman Finan reviewed his editorial comments in the poli-
39 cy. There were other comments that were made by Dawn Griska that are administrative in nature, that
40 Selectman Finan agrees with and he feels should be implemented. As far as the sponsorship, Select-
41 man Finan indicated that he understood that the Nashua Chamber concerts were not being sponsored
42 by Recreation for whatever reason and they went around to have some town department sponsor them
43 so they could have their concerts here for free; he doesn't agree with that and if Recreation is not spon-
44 soring them, then it should not happen, but they should not go around to find a department that will
45 sponsor them. Guy Scaife agreed and said that should be handled as part of his responsibility as it is a
46 day-to-day operations function and it should be kept out of the Board's lap. Selectman Finan asked if
47 that should be pulled out of this policy and put in its own policy. Guy Scaife believes it should be in
48 the employee manual for the departmental use of the facility. Selectman Finan agreed. Chairman
49 Carmen asked for a motion. Selectman Finan moved to adopt the changes as proposed and the one
50 change for the section to be moved to the employee manual. Selectman Putnam seconded. All were in
51 favor. Motion passed 5/0.
52

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

- 54 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Guy Scaife asked if
55 there is anything new on the walkway light at the Middle School that was previously discussed. Chairman Carmen
56 said there is nothing new. Selectman Bauer asked if there is anything new on Johnson Street. Selectman Putnam
57 said there was work done up there, he took a drive through, and Mr. Wilde had his driveway paved and there was a
58 patch of pavement between his paving and ours so the town had been up there. Now we have to address Mr. McDo-

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1 nald's issue, which he stated at the Board meeting. He does not want a hump there since there was not one there
2 before and as Gary suggested we should have a waiver signed, so if there is any rain damage up there or whatever,
3 and then take the hump out after he signs the waiver. Selectman Putnam moved that the town remove the hump
4 from in front of Mr. McDonald's house. Chairman Carmen said the way it was left was that Ricky would get back
5 to Mr. McDonald. Guy Scaife said that was not specifically for Mr. McDonald's driveway. If that is the desire of
6 the Board to remove the hump, Guy Scaife said that Mr. McDonald should be requested to write a letter spelling out
7 what he is agreeing to, asking for it to be removed, and have it be clear in his letter, stating that he will not hold the
8 town liable for any type of future water damage that may or may not come down that road. We've gone to the ex-
9 pense to put it (the hump) in, we now have to go through the expense to take it out, then you still have the problem if
10 a few years down the road he sells the property and the next property owner says water is running down the drive-
11 way. Selectman Putnam said to send him a letter. Guy Scaife said that does not work, it is not part of the deed so it
12 wouldn't be valid. Selectman Putnam suggested making it part of the deed. Selectman Finan agreed the town
13 should have Mr. McDonald write a letter. Selectman Putnam will have him do that. Chairman Carmen said you
14 have a motion. Vice Chairman Daniels indicated there was never a second on the motion. Chairman Carmen agrees
15 there is consensus from the Board on that action. Chairman Carmen will look for that letter to come forward.

16
17 **b) OTHER ITEMS (that are not on the agenda).** There were no other items brought up.

18
19 **8. APPROVAL OF FINAL MINUTES** – There were no minutes presented for approval.

20
21 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.** There were no other items.

22
23 **10. NOTICES.** Notices were read by Chairman Carmen.

24
25 **11. NON-PUBLIC SESSION.** Selectman Putnam moved to enter into Non-public session at 7:35 p.m. in accor-
26 dance with RSA 91:A3(c) for a reputation discussion. Vice Chairman Daniels seconded. All were in favor. Motion
27 passed 5/0. After discussion Vice Chairman Daniels moved to seal the NPS minutes of this session. Selectman Fi-
28 nan seconded. All were in favor. Motion passed 5/0. Vice Chairman Daniels moved to come out of non-public
29 session at 8:40 p.m. Selectman Bauer seconded. All were in favor. Motion passed 5/0. Chairman Carmen an-
30 nounced that in non-public session, the Board discussed two reputation issues and the Board voted to appoint Brian
31 Sanborn as the Deputy Treasurer until the end of the current term (March 2012).

32
33 **12. ADJOURNMENT:** There being no further business to come before this Meeting, Selectman Finan moved to
34 adjourn at 8:45 p.m. Vice Chairman Daniels seconded. All were in favor. Motion passed 5/0.

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Nate Carmen, Chairman

Gary L. Daniels, Vice Chairman

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Katherine Bauer, Member

Mike Putnam, Member

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Tim Finan, Member