

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
December 27, 2011

PRESENT: Nate Carmen, Chairman
Gary Daniels, Vice Chairman
Tim Finan, Member
Mike Putnam, Member
Katherine Bauer, Member
Darlene J. Bouffard, Recording Secretary

EXCUSED: 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. – Milford Circuit Courthouse Project Update. Executive Councilor Dave Wheeler was invited to sit with the Board for this presentation. Mr. Wheeler presented a floor plan which was the result of the feasibility study going on at the State level. The State appropriated \$50,000 for this study and design. It was found that there is enough space on the lot to accommodate a Courthouse and Motor Vehicles substation. The Department of Transportation (DOT) will need to grant an easement to fit 90 extra parking spaces on the site. The motorcycles driver testing would be kept at this substation; the existing radio tower can stay; it is expected that the existing technology will be outdated in the near future but right now the tower can stay. In Candia, a courthouse was built with the rural look that is to be used here as well. Mr. Wheeler explained there is a solid wall between the court and the Department of Motor Vehicles (DMV) side of the building for security. There is also a separate entrance for the DMV from the courthouse. There is a Sally port roof only, for State Troopers to be able to utilize office space in the back of the building. The DMV has the space needs, with three counters for three clerks. There is a room for driving tests and the State Police do have a presence, they can go in to do paperwork. An Emergency Medical Training (EMT) program being run by the State would be able to be run in this building as well as there being storage space.

With this design plan, Mr. Wheeler feels the space needs have been met for both facilities. Chairman Carmen noted that this has evolved from where it started and asked Mr. Wheeler to review the history. Mr. Wheeler explained that the Town of Milford representatives made Governor Lynch aware of this need and since then it has been a team effort. The intent is that in 2013 the DMV will return to this building and Milford will get the full funding for the court. \$15,000 was being paid for the EMT space needs and \$80,000 was being paid for rent for the courthouse. That money will be spent on this building; therefore the State will be saving the money for rent of those facilities. The Phase I study included an environmental study, the impound lot was checked, the environmental issue is the oil fuel tank. The Phase II environmental study will allow testing on the fuel in the impound area. The Legislature changed the Milford District Court to a Circuit Court. More will be done right here in Milford. The court systems want to shrink everything, but that philosophy has since changed. There is no Milford money being used in this project, it is 100% State money. Selectman Putnam thanked Mr. Wheeler for his work. Selectman Bauer, Selectman Finan, Vice Chairman Daniels and Chairman Carmen also thanked Mr. Wheeler.

Mr. Wheeler quickly briefed the selectmen on the Jennison Road culvert funds; noting that funds were committed in a letter from DOT which states the money might be there before the permanent design is even done. It is an 80/20 match; \$160,000 was put in the State budget for that project.

5:50 p.m. – 2012 Warrant Articles Discussion. Bill Parker, Community Development Director, was invited tonight to talk about the proposed 2012 warrant articles that he is putting forward, as follows:

- 1-Emergency Access Easement – Portion of Putnam Street
- 2-Establishment of the BROX Properties Public Infrastructure Improvement Fund and Diversion of Proceeds of Sale of Former Police Station Property
- 3-Subdivision Identification Signage Easement

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1 Bill Parker explained that Item 1 is for the alley on Putnam Street to grant a permanent easement. Mr. Parker has been working with Bill Drescher on the final wording. Dawn Griska had brought up to Bill Parker that the easement was due for renewal and questioned if it should be continued or made permanent. Selectman Finan stated if the town made it permanent, we cannot open it back up one day if we want to, without going to town vote.

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6 Bill Parker indicated the two warrant articles establishing a fund for the Brox property infrastructure fund did fail in 2011, but not by much. If it passes, that money would go toward the infrastructure improvements at Brox. The sale of the former police station would start that fund. The Tax Increment Finance District committee is in favor of this warrant article. The intent is to move forward with Brox and try to do some public education before the vote to educate the public before deliberative session and town meeting for a better understanding. Selectman Bauer asked what the problem might have been last year with that vote. Mr. Parker responded feels it was a lack of properly educating the community about what it is. The second warrant article got a lot more positive votes than the first one, which does not make sense. The public may not have understood it. There also might be a feeling that the funds go into the General Fund, not a Special Fund for Brox. Selectman Finan said it was not revealed to the public at that time that there was an interested buyer. Now that there is a potential buyer, the voters might want to pass these warrant articles. Mr. Parker also indicated he has been working with DES and EPA about the sites next door. Chairman Carmen wants to get the message to voters that if \$500,000 were raised by selling the property, it would not be forfeited, but it is being set aside and will be reimbursed when the lots are sold. That should be made more clear this time around – that it is not a forfeiture.

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21 George Infanti, Economic Development Advisory Committee (EDAC) member, handed out paperwork that showed how several new businesses in Amherst provide significant property taxes to the town (Resin Systems, Safeguard Self Storage and FW Webb). Companies should be welcomed to Milford. The Brox property can be sold, the money put toward the infrastructure will come back tenfold. The lots will sell even in this economy. In Amherst, they are just breaking ground on a winery. The two towns should sit down again, as was done a few years ago, to talk because the business is coming this way. People want to bring their business to Milford. This will make a huge difference to Milford if we can move this forward.

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29 The other warrant article is for Falcon Ridge to get an easement on a 180 sf parcel of land. Again, Bill Parker is working with Bill Drescher on the specific language, and he will bring back the language to the Board of Selectman when he gets it from Bill Drescher.

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33 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** There were no items brought up by the public. Chairman Carmen wished to remind everyone that this part of the agenda is to welcome anyone to attend the Board meeting and say what they need to say.

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37 **4. DECISIONS**

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39 **a) CONSENT CALENDAR.** Chairman Carmen asked if there were any items to be removed from the Consent Calendar for discussion. Nothing was removed for discussion. Selectman Putnam moved to accept the Consent Calendar as presented. Vice Chairman Daniels seconded. All were in favor. Motion passed 5/0.

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43 **1) Request for Acceptance/Reacceptance of Radcliffe Drive.** Raine Carson, Town Roads Researcher, requested and received formal Board rescindment and acceptance of the road as follows.

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46 **Rescind Votes:**

- 47 November 18, 1968 The Board of Selectman voted to accept the conveyance of Radcliffe Drive (no details were provided as to what portion of roadway was being considered)
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50 May 1, 1989 The Selectmen voted to accept Radcliffe Drive starting 150 feet south of Georgetown Drive and heading south to Larch Road for a total distance of 650 feet.
(no width is given; the distance from Georgetown Drive is not 150 feet – it is 174.27 feet on the west line; from that point south of Georgetown Drive to Larch Road the roadbed is 679.52 feet on the west side, and not 650 feet. The width is 50 feet).
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57 May 30, 2001 The selectmen voted to accept/re-accept all of the roadway other than the 650 ft. accepted May 1, 1989.

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(the wording of this vote is totally inadequate, but it is not the fault of the Board of Selectman)

With the above votes rescinded, Ms. Carson requested the Board to accept Radcliffe Drive as described below:

Section of Radcliffe Drive from its intersection with Ridgefield Drive southerly to its intersection with the north line of Georgetown Drive:

“Radcliffe Drive from its intersection with Ridgefield Drive southerly to its intersection with Georgetown Drive, a distance of 338.54 feet along the west line of the roadbed, 50 feet wide, as conveyed to the Town in a deed recorded in Vol. 2007 Pg. 219, dated November 29, 1968, and as per plan recorded as Plan #3491, entitled ‘Subdivision Plan, Westchester Park, Section 2, Milford, New Hampshire, dated January 1967.’”

Section of Radcliffe Drive from South line of Georgetown Drive southerly to the south east corner of Map 18 Lot 60:

“Radcliffe Drive from its intersection with the south side of Georgetown Drive southerly a distance of 174.27 feet to the south east corner of Map 18 Lot 60 (135 ft. along Map 18 Lot 60 plus 37.27 feet along curve at Georgetown Drive), 50 feet wide, as per plan recorded as Plan #3491, entitled Subdivision Plan, Westchester Park, Section 2, Milford, New Hampshire, dated January 1967, plan approved by the Planning Board on February 1, 1967, and recorded in the HCRD as Plan #3491.”

Section of Radcliffe Drive from the south east corner of Map 18 Lot 60 southerly to the intersection with Larch Road:

“Radcliffe Drive from the south east corner of Map 18 Lot 60 southerly on the west line of the roadbed, a distance of 679.52 feet, 50 feet wide, to the intersection with Larch Road at the south east corner of Map 37 Lot 15, as per plan entitled Subdivision Plan, Sunview II at Milford, New Hampshire, dated November 28, 1984, final revision June 19, 1985, recorded as Plan #18596 at the HCRD.”

2) **Request to Conduct Road Race Fundraiser Through Milford – The Cabin Fever 5K, January 14, 2012.** The request to conduct a road race fundraiser through Milford on January 14, 2012 was approved as presented.

b) **OTHER DECISIONS.** There were no other decisions this evening.

5. **TOWN ADMINISTRATOR REPORT:**

a) **Budget Update.** In Mr. Scaife’s absence, Chairman Carmen presented the update as provided from Mr. Scaife on the town budget. Right now the 2012 budget has an increase of 1.9% over the 2011 budget (\$214,000). The next regular Board meeting, will be just prior to the Budget & Bond Hearing. Selectman Bauer indicated the numbers will be discussed and they include a 3% performance-based pay increase for non-union employees, which comes to \$75,000. Selectman Bauer also noted that no raises were given for the past two years, no COLA was given and there has been an increase in the cost of diesel fuel and gas, which is almost 6%. Those items need to be budgeted for. Selectman Bauer also noted there is a reduction to debt service of \$46,000. Chairman Carmen noted that the budget looks good.

6. **DISCUSSIONS.**

a) **Building Permit Status – 1 Nashua Street.** Chairman Carmen and Selectman Putnam visited the 1 Nashua Street property since the last Board meeting, and there was going to be a meeting with planning and a follow up on what was going on. At this point, there is no status change, there is a question as far as the permitting process. Mr. LaBonte is going to continue to work on the exterior and he has a plan. Selectman Bauer asked about any update from Bill McKinney regarding the deadline. Selectman Putnam said that was before he and Chairman Carmen visited the property. Chairman Carmen noted that the permits last for a year, the exterior work can be done without a permit and has been discussed with Bill McKinney. Selectman Bauer said that Mr. LaBonte was very upset and was ready to

1 demo the property and that rumor got out, so we should clear it up. Chairman Carmen and Selectman
2 Putnam got the communication update and once the building is wrapped, Mr. LaBonte is all set, the
3 back and forth got it off track. Selectman Putnam said he feels it is back on track; we still need to talk
4 to Mr. LaBonte to follow up. Selectman Bauer asked if he is still moving forward to close up the exte-
5 rior. Chairman Carmen said we were concerned about a few things, and those things were addressed.
6 Once the weather gets on the beams, they could deteriorate, but Mr. LaBonte is working on wrapping it
7 up. Selectman Bauer asked if the structural engineer has had a chance to look at deterioration and the
8 structure. Chairman Carmen said that he is scheduled to do that. We are waiting for the report from
9 the structural engineer. Mr. LaBonte got a plan together, Bill McKinney has that. Selectman Bauer
10 asked if the Building Department has that plan. Chairman Carmen said they do. The big issue, said
11 Selectman Bauer, is that it move along. Chairman Carmen agreed that Mr. LaBonte seems very posi-
12 tive. He was getting frustrated and we were able to find some middle ground. Selectman Bauer thinks
13 it is good to get it in the record. When this came up, Chairman Carmen said it was public and we just
14 need to let people know what is going on, but it is very positive.
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16 **7. SELECTMEN'S REPORTS / DISCUSSIONS**

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

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19 (1) **Recycling Committee Progress Report.** Vice Chairman Daniels indicated that in July and August 2011,
20 the Board of Selectman re-activated the Recycling Committee. December 26, 2011 was the date that the
21 committee was to respond to the Board of Selectman with a progress report and update. That report is in
22 the packets tonight and provides an update to the Board. There are some items up for discussion and con-
23 sideration, such as having demo be open later on Saturdays. It may be possible to alter the contract with
24 Waste Management to see if they could modify the contract to change the days of the week or arrange to
25 leave an extra bin on Saturdays for things to be left. The Recycling Building itself is being looked at. Cur-
26 rently there are two lanes to drop off recyclables and we are not sure how to deal with two lanes of traffic
27 dropping off recyclables. The asphalt resurfacing will need to wait until spring, in order for the area in
28 front of the Recycling Building to be paved. Currently, labels do not need to be removed from plastics or
29 glass, it is being advertised at the Transfer Station and in literature, and it will be included in the Granite
30 Town Quarterly. Plastic bags can be brought to the still good shed for recycling. The Recycling Ordinance
31 is in process of update to line up with the policies and procedures. They are trying to make it easier to use
32 and easier to find things. Increasing signage is another way for people to find where they need to go. Once
33 the ordinance is complete, the brochure will be updated. Students from Milford High School will work on
34 the brochure. At town events, there should be a recycling presence with recyclable bins around the event,
35 that will be forthcoming. There is discussion about moving the weigh house counter and making it more
36 efficient. One suggestion is that the school shop class take on that project. Roof repairs are needed at the
37 recycling building. Vice Chairman Daniels indicated the committee is meeting monthly, with December
38 off. Selectman Bauer thanked Vice Chairman Daniels for this work and noted it looks like a good commit-
39 tee.

40 (2) **Planning Board.** Selectman Bauer attended the last Planning Board meeting. She noted that the new
41 owner of the Dyer Building is moving along with renovations for Café on the Oval to be opening in that
42 building in the spring. Café on the Oval will have windows along South Street.

43 (3) **Elderly Exemption.** At the last Board meeting, a resident presented a petition Warrant Article to increase
44 the elderly exemption single income. At that time, the Board discussed possibly presenting that Warrant
45 Article. It has been decided that the Board will not present that warrant article this year. It was good to
46 talk about it and we will look at it again next year after this petition warrant article goes to voters in 2012.
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48 **b) OTHER ITEMS (that are not on the agenda).** Chairman Carmen noted there are no weight restrictions
49 on the temporary repair on Jennison Road. This temporary fix is a good temporary fix. Selectman Bauer said the
50 temporary bridge was opened before Christmas as planned, and the town is now looking forward to a permanent fix,
51 which will be in the 2012 budget or in a warrant article.
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53 **8. APPROVAL OF FINAL MINUTES** – Selectman Putnam moved to approve the minutes of November 28,
54 2011 as amended. Selectman Finan seconded. All were in favor. Motion passed 5/0. Selectman Putnam moved to
55 approve the minutes of December 12, 2011 as amended. Vice Chairman Daniels seconded. All were in favor. Mo-
56 tion passed 4/0/1 with Chairman Carmen abstaining.
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58 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.** There were no other items.

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10. NOTICES. Notices were read by Chairman Carmen.

11. NON-PUBLIC SESSION. Vice Chairman Daniels moved to enter into Non-public session at 6:35 p.m. in accordance with RSA 91:A3(a & c) for approval of non-public minutes of December 12, 2011 (2 sets). Selectman Putnam seconded. All were in favor. Motion passed 5/0.

Selectman Finan moved to unseal the NPS minutes of December 12, 2011 (2 sets). Vice Chairman Daniels seconded. All were in favor. Motion passed 5/0.

Selectman Finan moved to approve the NPS minutes of December 12, 2011 (2 sets). Vice Chairman Daniels seconded. All were in favor with Chairman Carmen abstaining. Motion passed 4/0/1.

Selectman Putnam moved to come out of non-public session at 6:45 p.m. Vice Chairman Daniels seconded. All were in favor. Motion passed 5/0.

Selectman Finan moved to re-seal the NPS minutes of December 12, 2011 (2 sets). Selectman Bauer seconded. All were in favor. Motion passed 5/0.

Chairman Carmen announced that in non-public session, the Board approved two sets of non-public minutes of December 12, 2011 regarding reputation issues.

12. ADJOURNMENT: There being no further business to come before this Meeting, Selectman Finan moved to adjourn at 6:46 p.m. Vice Chairman Daniels seconded. All were in favor. Motion passed 5/0.

Nate Carmen, Chairman

Gary L. Daniels, Vice Chairman

Katherine Bauer, Member

Mike Putnam, Member

Tim Finan, Member