

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
January 23, 2012

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

EXCUSED: Mike Putnam, Member

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

INSTRUCTIONS: Chairman Carmen called the public meeting to order at 6:00 p.m. after the adjournment of the 5:30 non-public session. Chairman Carmen announced that during the non-public session, a reputation issue was discussed. No decisions were made. No votes were taken. Chairman Carmen introduced Board members, noting that Selectman Putnam may be along at some point during the meeting 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. – Non-Public Session - Reputation. Chairman Carmen called the NPS to order at 5:30 p.m. Bill McKinney and Bill Parker were present for this discussion. Chairman Carmen announced that during the non-public session, a reputation issue was discussed. No decisions were made. No votes were taken. The non-public session was adjourned at 5:59 p.m.

5:45 p.m. – Road Acceptance Public Hearing – Badger Hill Road & Portions of Timber Ridge Lane/Request for Full Release of Securities (Badger Hill). Chairman Carmen opened the public hearing at 6:01 p.m. for the road acceptance of Badger Hill Road and portions of Timber Ridge Lane. Chairman Carmen read the recommended language for these road acceptances as provided by Raine Carson, Town Roads Researcher as follows:

Badger Hill Drive:

“Badger Hill Drive from its southerly intersection with Deerwood Drive at Sta. 23+44.9 on Sheet 19 of the below referenced As Built Plan, southerly, westerly and northerly to the northerly intersection with Deerwood Drive at Sta. 44+13.6 on Sheet 21 of the As Built Plan, a distance of 2,138.93 feet, measured along the outer curve of the roadbed, 50 feet wide. All as per “Right of Way Dedication and Acceptance Plan, Badger Hill Drive, Milford, New Hampshire” dated January 10, 2012, said plan to be recorded in the HCRD, and as per “As Built Plan and Profile, Badger Hill Drive (Phase 4), Milford, New Hampshire, dated July 2002, Sheet 19 with a final revision of January 10, 2012, Sheet 20 dated July 2002 with a final revision of January 10, 2012 and Sheet 21 dated July 2005, with a final revision of January 10, 2012.”

Timber Ridge Drive:

“Timber Ridge Drive, northerly portion: from its intersection with Badger Hill Drive south westerly a distance of 144.72 feet measured on the north side to Sta. 52+00 on the As Built plan, Sheet 20, said plan detailed below, 50 feet wide, to a dead end with no turn around, as depicted on ‘Right of Way Dedication and Acceptance Plan, Badger Hill Drive, Milford, New Hampshire, dated January 10, 2012’, to be recorded in the HCRD. The referenced As Built Plan is entitled ‘As Built Plan and Profile, Badger Hill Drive, Badger Hill (Phase 4), Milford, New Hampshire, dated July 2002, final revision January 10, 2012, Sheet 20.’ All as described in Exhibit B in a deed of conveyance, Badger Mountain of Milford, LLC to Town of Milford, to be recorded in the HCRD.”

“Timber Ridge Drive, southerly portion: from its intersection with Badger Hill Drive southerly, a distance of 187.53 feet measured on the westerly side, to Sta. 1+85.00 on as built plan Sheet 19, said plan detailed below, 50 feet wide, to a dead end with no turn around, as depicted on ‘Right of Way Dedication and Acceptance Plan, Badger Hill Drive, Milford, New Hampshire’ dated January 10, 2012, to be recorded in the

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1 HCRD. The referenced as built plan is entitled "As Built Plan and Profile, Badger Hill Drive, Badger Hill
2 (Phase 4), Milford, New Hampshire, dated July 2002, final revision January 10, 2012" Sheet 19, and as de-
3 scribed in Exhibit C in deed of conveyance Badger Mountain of Milford LLC to Town of Milford, to be
4 recorded in the HCRD."
5

6 Chairman Carmen asked for any questions or comments on the roads being accepted. There were no questions or
7 comments from the Board. Jeff Berg, representative for Badger Hill Roads has worked on this project and asked if
8 there were any questions; he believes everything is in order, but attended tonight's meeting to address any questions
9 from the Board. Selectman Finan indicated that this portion of roads is on the upper portion of Badger Hill that
10 loops around and intersects with Timber Ridge. Chairman Carmen thanked Selectman Finan for that clarification.
11 Chairman Carmen closed the public hearing at 6:09 p.m. Vice Chairman Daniels moved to accept Badger Hill Road
12 and Timber Ridge Lane as recommended and presented. Selectman Bauer seconded. All were in favor. Motion
13 passed 4/0.
14

15 Bill Parker, Community Development Director, indicated that included in this agenda item there is also a request for
16 the final release of remaining securities for the Badger Hill Subdivision. Chairman Carmen reviewed the request
17 and noted the release is in the amount of \$14,040 which was held to insure that as-built plans and final monumenta-
18 tion were completed and any remaining contingencies covered. It is Mr. Parker's belief that these items are com-
19 plete. Vice Chairman Daniels moved to release this final security for the Badger Hill Subdivision in the amount of
20 \$14,040. Selectman Finan seconded. All were in favor. Motion passed 4/0.
21

22 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** Richard LaBonte, owner of 1 Nashua
23 Street, indicated he is continuing to work on the building and handed out packets of the progress to Board members
24 and Mr. Scaife. Mr. LaBonte noted he is continuing to run into obstacles on this project. He recently received a call
25 from Bill McKinney, Building Inspector, about his permitting. Mr. LaBonte added that Dennis Labombarde is now
26 involved and has inspected the work that has been done. Mr. LaBonte explained that Selectman Putnam had asked
27 him to go in to pay his \$50 permit fee, but when doing so, Mr. LaBonte was told he needed another \$260 which he
28 was not prepared for that day. This is a tough economy to work in, but he did pay those extra fees today. Mr.
29 McKinney then asked Mr. LaBonte to sign a letter of acknowledgement, but he was not happy about signing the
30 letter or the way he was asked to do so and requested 24 hours to review the letter which he finds is open ended.
31 Mr. LaBonte said he keeps getting these surprises and then a whole list appears. The letter indicates something
32 about the sidewalks being cleared, but Mr. LaBonte says he has always kept the sidewalks clear with cones to warn
33 pedestrians, since he wants to keep it safe.
34

35 Mr. LaBonte said he would like to get the sidewalks maintained a little better by the town; the businesses in the oval
36 deserve the attention of the DPW crew when clearing the sidewalks. It costs more if it does not get cleaned up im-
37 mediately after a snowfall and he does not want to be held responsible or be liable and wants to be sure the town
38 keeps up its responsibility of keeping the oval sidewalks clean. What conditions does the Fire Department expect or
39 require in his building; he does not know what they are, so it is not a fair request to get those requirements. Mr. La-
40 Bonte said he would also like the respect of not having people just walk in to inspect, but to give a 24 hour notice
41 the way the town wants to have it arranged. If Mr. LaBonte needs an inspection, he will call for an inspection. If
42 those issues can be taken care of before tomorrow, legal action will not take place, according to Mr. McKinney's
43 letter. Mr. LaBonte just pulled together \$15,000 to get the windows and siding done, but he is tired of the threats.
44 His biggest concern is that Mr. McKinney sent a letter to a private financier about the situation, how does he have the
45 right to do that? Mr. LaBonte was told that Mr. McKinney was advised by legal counsel to do that. What right does
46 he have to get into his private financial information? Mr. LaBonte thinks it is unethical and out of line. Mr. La-
47 Bonte is disappointed in this action and in the steps that have been taken to get what Mr. McKinney wants.
48

49 Chairman Carmen responded that a letter going to anyone (for example, the lender) becomes public information
50 since it is a public record. It may be a private loan, but it becomes public. It is just like a tax lien, this is something
51 that is done, and it is to keep the project moving along. Chairman Carmen noted that Mr. LaBonte suggested that
52 Mr. McKinney has an agenda and therefore he finds this action offensive, but this Board is getting reports and wants
53 to see the project moving along. If Mr. LaBonte thinks this letter is unusual, it may be something he wants to review
54 with his attorney. On the letter, there is an area that Mr. LaBonte needs to sign to get the permit, which acknowl-
55 edges understanding the requirements. The letter (to be signed) is just acknowledgement that you received the letter.
56 Mr. LaBonte responded that he was told that legal action would start if the letter was not signed. Chairman Carmen
57 indicated that is because the permit was not signed for this acknowledgement. Guy Scaife explained that the Com-
58 munity Development Office has certain policies such as this to make sure there are clear communications. The letter

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1 is stating that the communication occurs so there is no question. The letter is used when issuing permits to any cus-
2 tomer. A couple of years ago, Milford did not have that signature policy in place, but that decision was not made by
3 Mr. McKinney on his own, it is the practice of the office and will continue to be used in the future.
4

5 Mr. LaBonte said the threat of legal action or withholding the permit is not appropriate. If the RSAs are thrown out,
6 why not have them in writing to review to identify what is being signed? At the time, Guy Scaife said the town was
7 pushing to get permits and Mr. LaBonte continued to work without a permit which is a clear violation and has been
8 pushed several weeks now. Bill McKinney cannot continue to allow an owner to continue to work without a permit,
9 which is where the situation was at that time. Mr. LaBonte wants it to stop; he does not want to have legal action
10 threats thrown out every time there is communication. He simply does not understand the letter being sent to his
11 financier. Guy Scaife said Mr. LaBonte has the right to disagree, if you do not accept the logic, then you can take it
12 to an attorney. A date was set to renew the permit, and we reduced the amount to the original renewal amount, a
13 week later, written correspondence was received from Mr. LaBonte that stated he would demolish the building,
14 which would reduce the value of the property even further, the town waited several days, but the town has an obliga-
15 tion to notify the lender of such an event; that was generated based on Mr. LaBonte's correspondence that you
16 would be demolishing the building. Guy Scaife said the town has to take that written communication at face value.
17 The town waited more than a week to see if it was for real, but believed that was the intention. Mr. LaBonte said
18 that his financial advisor indicated that "abandonment" is different than a "demolishment." Guy Scaife felt that "ab-
19 andonment" was appropriate.
20

21 Mr. LaBonte said he still feels that Mr. McKinney is out of line. His concern is the economy; Mr. McKinney has
22 known Mr. LaBonte for many years, the letter about following code is the only letter he read and he feels the letter
23 leaves things open, there could be other obstacles or surprises and it could still become very expensive. Mr. La-
24 Bonte's concern is the town should lay off the threats, he is not making any money on this project, and he is trying
25 to feed his two kids, his ex-wife passed away last July, leaving him the sole parent. Mr. LaBonte also noted that the
26 letter he received from the town did not indicate that his financier received a copy, noting that next time, it should be
27 noted that he was cc'd. Guy Scaife acknowledged that should have been noted on the bottom, but as far as the letter,
28 there has been no other negative feedback about requiring the signature; if adjustments need to be made, that can be
29 considered.
30

31 Bill McKinney provided the paperwork for Mr. LaBonte's signature. Mr. LaBonte refused to sign the letter.
32

33 Selectman Bauer asked Mr. McKinney when someone has a project that must meet code, and there are steps to be
34 met, are there deadlines? Mr. McKinney said that typically within 180 days that work must commence or have in-
35 spections. Selectman Bauer further asked when that code is not met, are there other procedures put into place, such
36 as for other remodeling projects, do most people comply with the steps that must be taken? Mr. McKinney respond-
37 ed yes most people comply. Selectman Bauer feels that is important for those people watching tonight. Selectman
38 Bauer feels that Bill McKinney does a good, professional job for the town, the office and personnel are doing a pro-
39 fessional job. Bill McKinney thanked Selectman Bauer for that and indicated the wording in the signature letter is
40 intentionally generic because sometimes plans come in and need amendments. The letter was made more generic so
41 that it was easier to change. As far as the pedestrian concerns, Mr. McKinney noted that was brought up to Mr. La-
42 Bonte in the 2010 letter and states the pedestrians must be protected. Mr. LaBonte has been very good about keep-
43 ing the sidewalks clean. It is just a form letter that is used for all applicants. The Fire Department comes near the
44 end of the process to be sure any fire protection requirements are addressed; we have to state that they might have
45 other concerns.
46

47 Selectman Bauer agreed, stating the Fire Department procedures are dealt with at the end, there may be things that
48 come up at the end, and they cannot approve something that is not nearing completion. Mr. McKinney agreed. Se-
49 lectman Bauer indicated the \$50 permit fee was paid, but what about the additional fee? Mr. McKinney said there
50 was also \$276 for the additional square footage of the building that Mr. LaBonte has been working on that was not
51 in the original permit. Mr. LaBonte agrees with Mr. McKinney on that additional fee.
52

53 **4. DECISIONS**
54

55 a) **CONSENT CALENDAR.** Chairman Carmen asked if there were any items to be removed from the
56 Consent Calendar. No items were removed for discussion. Vice Chairman Daniels moved to accept the Consent
57 Calendar as presented. Selectman Finan seconded. All were in favor. Motion passed 4/0.
58

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- (1) **Request for Board Certification of 2012 Budget (MS-6) and Default Budget (MS-DT).** The Budget and Default Budget for 2012 (MS-6 and MS-DT) were presented to the Board and approved.
- (2) **Request for Board Certification of Polling Notification Forms.** The Board Certification of Polling Notification Forms for February 4, 2012, at the Town Hall Auditorium, at 9 a.m. (Deliberative Session) and March 13, 2012 at the Milford Middle School, 6 a.m. to 8 p.m. (Polls) were approved.
- (3) **Request to Approve Issuance of Timber Yield Tax Levy & Warrant.** The Timber Tax Levy in the amount of \$499.95 was approved for Jesse & Heidi Aubin, of 224 Ponemah Hill Road.
- (4) **Request for Approval of (1) Property Tax Abatement Application – Correction of Billing Error.** A request for Abatement correction for 24 Elm Street was approved, reducing the abatement amount from \$583.63 to \$356.11 due to an elderly exemption not having been applied.

c) **OTHER DECISIONS.**

(1) **Pre-Deliberative Session Voting/Re-voting on All Appropriation and Non-Appropriation 2012 Warrant Articles and Designation of Majority/Minority Report Authors.** Chairman Carmen indicated that tonight he would like to discuss any of the preliminary votes for which Board members previously abstained and if a vote could now be cast. The following listing contains the Preliminary Board of Selectmen votes for each appropriation and non-appropriation Warrant Article. This listing represents the current position of the Board on the Warrant Articles as of this date (Selectman Putnam was not present to cast a vote at this meeting).

<u>TITLE</u>	<u>BOS VOTE</u>
OPERATING BUDGET	5/0 support
AMBULANCE FACILITY	5/0 support
WASTEWATER DEPT OPERATING BUDGET	N/A
WATER DEPT OPERATING BUDGET	N/A
ENGINE #4 REPLACEMENT	5/0 support
BACKHOE, RUBBER-TIRED	5/0 support
AFSCME CONTRACT RENEWAL	3/0/1 (Bauer abstained)
TEAMSTERS CONTRACT RENEWAL	4/0
SOCIAL SERVICES	4/1 support (Daniels opposed)
NON-EMERGENCY COMM TRANS BUS SVC	5/0 support
CONSERVATION LANDS FUND (\$20,000)	2/3 opposed (Putnam opposed, Daniels & Carmen opposed)
CONSERVATION LAND FUND (\$10,000)	3/1 support (Bauer opposed)
PUMPKIN FESTIVAL, HOLIDAY DECORATIONS	5/0 support
DO-IT OPERATING BUDGET	5/0 support
JENNISON ROAD BRIDGE REPLACEMENT	5/0 support
SUMMER BAND CONCERTS	5/0 support
MEMORIAL, VETERANS & LABOR DAY PARADES	5/0 support
FIREWORKS	4/1 support (Daniels opposed)

Discussion on above votes cast: Guy Scaife noted that Vice Chairman Daniels met with the Fire Chief and feels that his concerns were satisfied on Engine #4. Vice Chairman Daniels indicated that is correct, stating that Chief Kelly addressed his concerns, causing him to now cast an affirmative vote of support. All other positions cast remained the same. Guy Scaife also noted that positions on the two union contracts should also be taken and was done (with 4 Board members present, both union contracts were in the affirmative, from which Selectman Bauer abstained from the AFSCME contract (police)).

Vice Chairman Daniels wished to change his vote on the Social Services warrant article in the amount of \$35,000, since he feels that the increase to the 2012 budget should address any of the increases in the demand for such services, he therefore changed his position from support, to opposed for the same reasons as last year. All other Board members present maintained their support.

Guy Scaife explained that the Pumpkin Festival, Holiday Decorations & Plantings warrant article had some questions at the last meeting, it was identified that this warrant article mostly covers the police details, fire and DPW coverage at the event. It also provides funding to decorate the oval during the holidays and to

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1 pay for flowers and plantings to make the oval more beautiful during the warmer months. Most of the hol-
 2 iday decorations are re-used year to year, but during some years, new decorations must be purchased. Se-
 3 lectman Bauer also noted that some of the flowers, but not all, are generously donated by local farmers in
 4 order for the town to save money.

5
 6 Vice Chairman Daniels will now support the DO-IT operating budget, which he had previously abstained
 7 from. Vice Chairman Daniels will also now support the Summer Band Concerts, which he had previously
 8 abstained from. All other previously cast votes stood.

9
 10 After consideration, the Conservation Land Fund (\$20,000) warrant article vote was 2/3 (with Selectman
 11 Finan and Selectman Bauer in favor) and therefore failed to gain Board support. Vice Chairman Daniels
 12 would prefer to lower this warrant article amount to \$10,000 since the town is looking to make up the
 13 \$18,000 for the bridge replacement. Chairman Carmen agrees with the theory of making up some unanti-
 14 cipated expenses for 2012 including the bridge repair. Chairman Carmen loves the work conservation
 15 does, and understands the fund needs replenishment, but also feels a unanimous board vote is a better sce-
 16 nario for support of this warrant article, even if it is a lesser amount, to which Selectman Bauer disagreed.
 17 After discussion, Vice Chairman Daniels moved to reduce the amount for this warrant article to \$10,000.
 18 Chairman Carmen seconded. Selectman Bauer will oppose this as she is in favor of the \$20,000 and she
 19 feels lowering the amount will tie the hands of the Conservation Commission. Selectman Finan confirmed
 20 that Selectman Bauer realizes that the \$20,000 will not go on the ballot? Selectman Bauer said she does.
 21 Vice Chairman Daniels said it can be changed at deliberative session. Vice Chairman Daniels, Selectman
 22 Finan and Chairman Carmen were in favor, with Selectman Bauer opposed. Motion passed 3/1 with Se-
 23 lectman Bauer opposed.

24
 25 No other appropriation warrant articles were discussed, nor votes cast. The non-appropriation warrant ar-
 26 ticles were taken up, to take a position as follows (Selectman Putnam not present, therefore only 4 votes
 27 were cast):

28		
29	AUTH THE BOS TO RENT OR LEASE TOWN PROPERTY	4/0/1 (Putnam abstained)
30	SHEPARD PARK SCOUT HOUSE 10-YEAR LEASE REN	4/0/1 (Putnam abstained)
31	MCAA NO RIVER ROADS FIELDS 10-YEAR LEASE REN	4/0/1 (Putnam abstained)
32	EMERG ACCESS EASEMENT, PUTNAM ALLEY LEASE	4/0/1 (Putnam abstained)
33	ESTABLISHMENT OF BROX PROPERTIES PUBLIC INFRASTRUCTURE	
34	IMPROVEMENT FUND (BPPIIF)	4/0/1 (Putnam abstained)
35	DIVERSION OF PROCEEDS OF SALE OF FORMER POLICE STATION	
36	TO THE BPPIIF	4/0/1 (Putnam abstained)
37	SUBDIVISION IDENTIFICATION SIGN – FALCON RIDGE	4/0/1 (Putnam abstained)
38	PRATT LAND EASEMENT CONVEYANCE	4/0/1 (Putnam abstained)
39	CHANGE TO APPOINT TREASURER VERSUS ELECT	4/0/1 (Putnam abstained)
40		

41 The majority/minority reports assignments were made as follows:

42			
43	<u>APPROPRIATION WARRANT ARTICLES:</u>	<u>MAJORITY</u>	<u>MINORITY</u>
44	OPERATING BUDGET	Carmen	
45	AMBULANCE FACILITY	Bauer	
46	WASTEWATER DEPT OPERATING BUDGET	N/A	
47	WATER DEPT OPERATING BUDGET	N/A	
48	ENGINE #4 REPLACEMENT	Finan	
49	BACKHOE, RUBBER-TIRED	Carmen	
50	AFSCME CONTRACT RENEWAL	Carmen	
51	TEAMSTERS CONTRACT RENEWAL	Carmen	
52	SOCIAL SERVICES	Bauer	Daniels
53	NON-EMERGENCY COMM TRANS BUS SVC	Finan	
54	CONSERVATION LAND FUND (\$10,000)	Daniels	Bauer
55	PUMPKIN FESTIVAL, HOLIDAY DECORATIONS	Putnam	
56	DO-IT OPERATING BUDGET	Bauer	
57	JENNISON ROAD BRIDGE REPLACEMENT	Daniels	
58	SUMMER BAND CONCERTS	Putnam	

1	<u>APPROPRIATION WARRANT ARTICLES:</u>	<u>MAJORITY</u>	<u>MINORITY</u>
2	MEMORIAL, VETERANS & LABOR DAY PARADES	Putnam	
3	FIREWORKS	Finan	Daniels
4			
5	<u>NON-APPROPRIATION WARRANT ARTICLES:</u>	<u>MAJORITY</u>	<u>MINORITY</u>
6	AUTH THE BOS TO RENT OR LEASE TOWN PROPERTY	no assignment made	
7	SHEPARD PARK SCOUT HOUSE 10-YEAR LEASE REN	no assignment mad	
8	MCAA NO RIVER ROADS FIELDS 10-YEAR LEASE REN	no assignment made	
9	EMERG ACCESS EASEMENT, PUTNAM ALLEY LEASE	no assignment made	
10	ESTABLISHMENT OF BROX PROPERTIES PUBLIC INFRASTRUCTURE		
11	IMPROVEMENT FUND (BPPIIF)	Daniels	
12	DIVERSION OF PROCEEDS OF SALE OF FORMER POLICE STATION		
13	TO THE BPPIIF	Daniels	
14	SUBDIVISION IDENTIFICATION SIGN – FALCON RIDGE	no assignment made	
15	PRATT LAND EASEMENT CONVEYANCE	no assignment made	
16	CHANGE TO APPOINT TREASURER VERSUS ELECT	Daniels	
17			
18	<u>PETITION WARRANT ARTICLES:</u>		
19	CHANGE TO INCOME LEVELS FOR ELDERLY EXEMP.	Bauer	
20			

(2) **Consideration of Town Reports Order Quantity.** Chairman Carmen indicated that tonight he would like to identify how many 2011 town reports to order; noting there is a price break at a certain quantity. Based on the information provided, it was decided to order 1,000 town reports for distribution to voters at the March vote. There was discussion as to if the increase in cost from 2009 to 2010 was due to operational cost increases, or strictly the quantity price break. More information to follow.

(3) **Scheduling of Post-Deliberative Warrant Article Voting Session.** Chairman Carmen explained that if the deliberative session is short enough on February 4, all Board members should stay after its conclusion in order to cast a final vote on all warrant articles; if it runs late, the Board will convene on February 6, 2012 at 5:30 p.m. to cast a final vote on all warrant articles. At the conclusion of Deliberative Session, an announcement shall be made as to which option will be exercised; postings for both sessions will be done.

(4) **Consideration of Promotion of the 5th Monday Open Public Forum for Public Input on 2012 Warrant Articles.** Additional promotion of the 5th Monday Public Forum and input on warrant articles was discussed. At this point, it was agreed that it can be promoted on PEG access as a banner and on the website and the usual signage. Kathy Cleveland, The Cabinet, indicated she will make sure something is in the newspaper about the forum. Selectman Bauer will e-mail the Community Facilities Committee to invite them to attend the forum as well.

5. **TOWN ADMINISTRATOR REPORT:**

- a) **Budget Update.** Guy Scaife indicated the Budget & Bond Public Hearing numbers have not changed.
- b) **Miscellaneous.** Guy Scaife explained that an environmental assessment is being conducted at 21 Cottage Street (ambulance facility site); they were on site Friday to take 4-5 samples. Petroleum remnants were found in one sample on which an analysis is being done and results are expected by 5 p.m. on Wednesday. There was no report of there ever being a spill there but it was a storage facility for many decades. If there is a problem on the site, it would be up to the land owner to resolve; then either a remedy is put forth by the land owner or the town chooses another site. As he knows more, Guy Scaife will brief the Board.

If the test comes back with a petroleum-based element above the allowed limit, we have to make a decision. In the sales agreement, we have the ability to abandon the property with no obligation. Of the numerous samples taken from the site, the one most likely to have contamination will have to be tested. There is a 50/50 chance that the sample will be beyond the acceptable level. Guy Scaife met with the Budget Advisory Committee (BAC) last week and briefed them on the sampling. The other land options for an ambulance facility have to be looked at again. When speaking with the BAC, it was noted that the address was never mentioned, said Selectman Bauer. If the sample comes back with contamination, Guy Scaife said it does not mean we are done, it means the land owner must take care of it and we move on or we go to another site. The BAC is voting (on warrant articles) Wednesday this week. Selectman Bauer asked Guy Scaife to notify the BAC of the findings before their meeting Wednesday night, which he agreed

1 he will do. Guy Scaife noted if the land owner wants to deal with the contamination, it might take a while
2 and the Board of Selectman might not want to wait. There are other sites that are still available.
3

4 Chairman Carmen asked about the wording of the warrant article; and what if the site changes? Guy Scaife
5 said the warrant article is very generic and does not tie it to a certain piece of property. If the town decides
6 on another site, Selectman Bauer indicated the Community Facilities Committee (CFC) will take a while to
7 get that facility on another property; adjustments would need to be made. Guy Scaife believes there is an
8 urgent need for an ambulance facility and the committee would need to make it fit.
9

10 **6. DISCUSSIONS.**

11
12 a) **Valhalla Drive Drainage Issue.** Guy Scaife explained this drainage problem has gone on for over ten
13 years on Valhalla Drive. The most recent issue was reported to the town by a resident on Valhalla
14 Drive concerning flooding in his basement. The residents drained the basement and it was found that
15 years ago, the drainage was actually tied into the town storm drain. Through research, it was found to
16 go back to 1998. There were comments made indicating it was the town's problem, but it was found
17 that private drains should not be tied into the town drainage. It has happened in a number of houses,
18 and there was speculation that many streets were tied in. But after research it was found that there
19 were five properties in tight proximity, with records of drainage problems. There were agreements
20 made and signed that take away any liability from the town. The owner of one property sold the prop-
21 erty and that purchaser had to sign the same release at that address. In 2005 when this issue was re-
22 viewed by Town staff and the Board of Selectman, it appears that multiple options on the table were
23 reviewed and considered, but the decision was not to do any drastic solution and handle the problems
24 as they arise. There were non-public sessions held with the attorney, but at that time, no minutes were
25 being kept of those meetings. The decision was to deal with it one at a time. The onus is on the owner
26 to let the future owner know of the problem.
27

28 Guy Scaife wanted to start communications on this issue and the current claim (December 2011) is still
29 pending and Mr. Scaife suspects the insurance will not cover it because another claim was paid at the
30 same address. It is difficult to narrow down which homes are subject to these problems. One of the
31 action items in 2012 is to get a better storm water system inventory in place. At this location, we have
32 bids out to flush the pipes. Roots have grown around the pipes and there could be a clog in the pipes.
33 A program needs to be developed to deal with this specific back up and we must get clarity on how
34 many houses are tied into the Town storm drain. It is too bad that the Board did not notify residents at
35 that time 4-5 years ago of the problem to pinpoint all of the parcels affected. The problems have been
36 few and far between. In spring, summer and fall 2012, we have to analyze and then make some deci-
37 sions. Maybe we can go five houses out from the affected house to see if there is a problem at any of
38 those houses.
39

40 Selectman Bauer asked what are we doing about this one house that has a claim out? Guy Scaife said
41 we wait until the insurance company responds to the claim. On this one case, Selectman Bauer asked
42 if we can offer them the two options? Guy Scaife said the pipe has already been disconnected but we
43 need this to be a priority, it was clogged and caused a back up. A proactive maintenance plan for
44 storm water is needed. Back in 2011, we talked about improving the storm water program. This rein-
45 forces that need. Storm water was with the sewer and then it got split out, that was when there was a
46 maintenance program but when sewer and water were split off, it continued the sewer maintenance but
47 not the other infrastructure. There is a three year circulating maintenance program for sewer lines.
48 One third of the infrastructure is cleaned and inspected annually. Storm water infrastructure should
49 probably be done every six years. Guy Scaife closed by stating we need to continue on this to get the
50 maintenance program up and continue with documentation.
51

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

53 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Chairman Carmen
54 noted that the BAC will be taking preliminary votes on the warrant article on Wednesday night at 6:30 p.m. which
55 will be broadcast.
56

57 b) **OTHER ITEMS (that are not on the agenda).**
58

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 01/23/12

1 **8. APPROVAL OF FINAL MINUTES** – Vice Chairman Daniels moved to approve the minutes of January 9,
2 2012 as amended. Selectman Finan seconded. All were in favor. Motion passed 4/0.

3
4 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.** There were no other items.

5
6 **10. NOTICES.** Notices were read by Chairman Carmen.

7
8 **11. NON-PUBLIC SESSION.** Selectman Finan moved to enter into Non-public session at 8:00 p.m. in accordance
9 with RSA 91:A3(c) for a reputation discussion and for approval of non-public minutes of January 9, 2012- 2 sets
10 (Reputation & Legal). Vice Chairman Daniels seconded. All were in favor. Motion passed 4/0.

11
12 Selectman Finan moved to approve the non-public minutes of January 9, 2012 (Legal) as presented. Vice Chairman
13 Daniels seconded. All were in favor. Motion passed 4/0.

14
15 Selectman Finan moved to approve the non-public minutes of January 9, 2012 (Reputation) as presented. Vice
16 Chairman Daniels seconded. All were in favor. Motion passed 4/0.

17
18 Selectman Finan moved to re-seal the non-public minutes of January 9, 2012 – 2 sets (Legal & Reputation). Vice
19 Chairman Daniels seconded. All were in favor. Motion passed 4/0.

20
21 Chairman Carmen announced that in non-public session, the Board discussed a reputation matter. Two sets of non-
22 public minutes were approved, for January 9, 2012 (Legal & Reputation). No other decisions were made. No other
23 votes were taken. Selectman Finan moved to seal the minutes of this non-public session. Vice Chairman Daniels
24 seconded. All were in favor. Motion passed 4/0.

25
26 **12. ADJOURNMENT:** There being no further business to come before this Meeting, Selectman Finan moved to
27 adjourn at 8:30 p.m. Vice Chairman Daniels seconded. All were in favor. Motion passed 4/0.

28
29
30 _____
31 Nate Carmen, Chairman

Gary L. Daniels, Vice Chairman

32
33
34 _____
35 Katherine Bauer, Member

Tim Finan, Member

36