

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN FIFTH MONDAY FORUM
July 30, 2012

PRESENT: Tim Finan, Vice Chairman
Mike Putnam, Member
Katherine Bauer, Member
Guy Scaife, Town Administrator
Peg Ouellette, Recording Secretary

EXCUSED: Gary Daniels, Chairman
Mark Fougere, Member

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

INSTRUCTIONS: Vice-Chairman Finan called the meeting to order at 7:00 p.m. Vice-Chairman Finan introduced Board members and led the audience in the Pledge of Allegiance. Vice-Chairman Finan explained why the Fifth Monday forum is held and that there is no agenda for the forum, it is an open meeting for the public to come in to bring up any issues of concern to the Board.

2. PUBLIC COMMENTS. No members of the public who wanted to speak were present at the start of the meeting.

3. DISCUSSION. With no comments from the public the Board discussed other current issues.

Senate Bill 289 – New Voter ID Requirements. Selectman Bauer began with an e-mail received from Checklist Supervisor Bobbie Schelberg about the new Voter ID regulations and hoped the Board would notify the public as to what is going to happen. The new rules will not be in effect for the September primary but brochures will be given out explaining what will happen in November. Someone without an ID would have to sign an affidavit, but then they would still be able to vote.

Vice-Chairman Finan verified this; the current plan for the September primary is that voters will not be required to show an ID. The Secretary of State will be providing brochures to hand out describing the new law. At the November 6 election, ID will be required. If not, voters will sign an affidavit and be able to vote. The town will be responsible for providing ID's to those who don't have them starting in March, 2014. The State will provide cameras and equipment to the town.

State Representative Bob Willette, who was in attendance, stated his understanding that cameras and equipment provided by the State will be at the polls. If you sign the affidavit the picture will be taken and attached to the affidavit. The federal government has 60 days to review this bill and can change it, approve the petition, or throw it out.

Selectman Bauer stated the constitutionality is being challenged in court. She expressed concern for the cost of paperwork and equipment, etc. for what seems to be a solution looking for a problem. She and Town Administrator Guy Scaife commented on the cost to the towns relative to an attempt to stop voter fraud. Voter fraud has never been proven to be significant issue.

Board Positions on LGC's 2012 – 2013 Legislative Policy Recommendations, Floor Proposals. Vice-Chairman Finan then asked if the Board wanted to go over the LGC legislative proposal items. Selectman Putnam said he hadn't had time to look at them. Selectman Bauer said she had a few proposals that she wanted to discuss.

Vice-Chairman Finan explained that the document under discussion was a list of policies from the NH Municipal Managers Association (NHMMA) of its positions on legislative proposals that the NHMMA and supporting cities and towns have provided support, are lobbying the legislature; every year towns are asked to review it.

Vice-Chairman Finan explained that the document under discussion was a list of proposed legislative policy changes (new policies and amendments to current legislation) cumulated from supporting cities and towns as well as from the NHMMA. The Board's of Selectmen in each town then review the proposals

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1 Selectman Bauer asked Town Administrator Scaife to explain proposal #6, page 2, regarding health insurance cov-
2 erage, Town Administrator Scaife expressed concern that it doesn't allow for any inflation.

3
4 Selectman Bauer wanted to discuss the "Petition Signature Rule", it states a petition warrant article must be signed
5 by not less than two percent of registered voters but no fewer than ten or more than 150. She asked for a figure of
6 two percent of Milford voters. Town Administrator Scaife said we would top out at 150. Vice-Chairman Finan said
7 there are 8,000 registered voters. He agreed that the requirement seemed to him to be a very large number. He felt
8 in Milford getting 25 people to sign would be significant. Selectman Bauer disagreed.

9
10 Vice-Chairman Finan said regarding proposal #8, authority of TIF District beyond the district, using the example of
11 a park-and-ride lot. He felt it went against the whole point of the TIF District if the money is supposed to be used for
12 that district. However, it states that it allows use of TIF funds outside the district in order to achieve the overall goal
13 of the district. Town Administrator Scaife said at first he had thought it was allowing redirection. When a TIF Dis-
14 trict is approved, it must be specific as to the use of the funds. But he received clarification that when you create the
15 district; you would have to declare where those funds would be. The voters approving the TIF district would know
16 that some part of the funds were going to geography outside but in their view would have a direct bearing, i.e. a
17 park-and-ride. It's enabling legislature in that the town either approves it or doesn't. This only allows the town to
18 use TIF in that regard. Selectman Bauer said the voters would not know at that point what the outside geography
19 would be; is it general permission? Town Administrator Scaife said a TIF district is defined with specific bounda-
20 ries and to use that money outside that district, it must be specified where. Vice-Chairman Finan said, i.e., when
21 Milford defined the district and said part of the money would be used to expand the recycling center to benefit the
22 industries moving in.

23
24 Selectman Bauer then mentioned proposal #13 regarding consolidated policy on collective bargaining and didn't
25 know if that had been discussed previously. Town Administrator Scaife said it was an existing policy in force for
26 some years. This item is bringing forward a long-standing position and recommendation of the committee that they
27 re-evaluate, but this is their position to continue that position. They come back every year for either confirmation or
28 rejection. Selectman Bauer asked if it is suggesting this year that they oppose it with new legislation. Town Admin-
29 istrator Scaife said that they continue to oppose it. They have never allowed it in the state.

30
31 Vice-Chairman Finan brought up proposal #28, on page 7. Town Administrator Scaife said it doesn't affect Milford
32 since we don't have a state park. Vice-Chairman Finan said he thought about the bypass which is state property and
33 whether, if there is access to the bypass and there is a grass fire on the bypass median, the town could be cross
34 charging the state for that? Is that a good idea? He read from the document, which mentioned the municipal associ-
35 ation supporting legislation to enable the town to recover expenses of municipally-owned land against illegal activi-
36 ties (he said maybe that answers the question) and have the ability to receive reimbursement from individuals en-
37 gaged in illegal activity. It states this policy would relieve cities and towns from any costs associated with mainte-
38 nance and policing of state-owned property. He could understand those people would want to get reimbursed but
39 there are other considerations. Town Administrator Scaife said he would try to get an answer. If you have huge
40 state-owned land it would be a large hit, especially for a small town.

41
42 Selectman Bauer asked Town Administrator Scaife to explain proposal #12 regarding NH Retirement System. Town
43 Administrator Scaife said this is somewhat a feel-good item. The municipal association is saying they support legis-
44 lation that strengthens the health and solvency of the Retirement System. They oppose legislation that expands ben-
45 efits that are pushed down to the municipal employee, for example, a bill to mandate that municipalities pick up all
46 retirement costs or increase benefits; this would say there is a ramification for taking that action. Part of the reason
47 for the current problems is lack of tight control. The third item goes back to the 28A lawsuit where the State was
48 paying 35 percent of pensions for police, fire and teachers. It was set at that rate when the State set up the State plan
49 and asked all municipalities, counties and schools to join. This is in support of the lawsuit that probably will be ruled
50 on soon by the courts.

51
52 Selectman Bauer asked when the 35 percent was taken out. Town Administrator Scaife said it was done in phases –
53 in the past two year budget they cut it to zero; in the previous two year budget, in the first year they cut it from 35 to
54 30 and in the second year from 30 to 25. The cities and towns had no say. It didn't change the obligation to pay
55 that money; it was downshifted to the schools, counties and cities and towns with no reduction in benefits. There
56 was legally nothing that towns could do other than pay the bill. He said the last point says the municipalities support
57 a municipal representative and/or association be a member of any study committee as a key stakeholder. Solutions
58 must be reviewed and understood and based on sound actuarial analysis.

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2 At this time Vice-Chairman Finan recognized a member of the public to speak.

3
4 **Pine Street Lighting.** Elinor Bettencourt, a resident of 161 Bridge Street, Milford, asked about the possibility of
5 getting a streetlight on Pine Street. When the gas station closes and Cumberland Farms turns their sign off, it is very
6 dark in the area for residents of the apartment complex needing to go up the hill to town; they don't want to do it in
7 total darkness. She wanted advice on how to handle that.

8
9 Town Administrator Scaife said the Board could take the request and evaluate it. It is a matter of justifying the cost.
10 Public Service will put in as many lights as the town will pay for. It's a question of economics. Ms. Bettencourt said
11 she didn't know how to get attention to it.

12
13 Vice-Chairman Finan asked if the street goes all the way down into the complex. There were questions and com-
14 ments from Vice Chairman Finan and Town Administrator Scaife as to where the public road stops, whether there
15 are lights in the complex parking lot, the amount of traffic on the road which is supposed to be restricted to residents
16 of the complex. Ms. Bettencourt said there is a light on each building and one at the last house on the road but it
17 isn't very bright and asked the Board to come and take a look at it. They said they would do so. Selectman Bauer
18 said the concern is having someone walking toward Nashua Street in a very dark area and this should be considered.

19
20
21 **Fletcher Site Clean Up.** Guy Scaife said he had one more item to brief the Board on and speak about at the next
22 meeting on August 13, 2012. GE is waiting for final go-ahead from EPA for preliminary work at Fletcher site this
23 fall. There are three items of recent activity:

24
25 Construction of a temporary parking lot on the back side of Keyes Field. When Keyes Drive is closed down next
26 year the alternate entrance (via 127 Elm Street) and parking lot will be available for people visiting Keyes.

27
28 Also, preliminary work on Mill Street which should not affect the public has begun.

29
30 The third item, work will be done on the land behind the doctor's office on the left as you go down Keyes Drive,
31 none of this will close Keyes Drive. EPA hopes to bid that work out in the next few weeks for a contractor and they
32 hope to get it done by winter. That will set things up for hopefully an early start on major work in November 2013.
33 Vice-Chairman Finan asked if once this work got going if it would help move the project past the delays? Town
34 Administrator Scaife said that is correct.

35
36 Somewhat relatedly, there was a meeting last week of the majority of the dam removal feasibility study partners.
37 They are hoping to get a draft feasibility report this fall, finalize the report by end of December, and conduct two
38 public hearings to roll it out to the public. There is an issue between EPA and DES because the two agencies use
39 different standards about what degree of sediment contamination is acceptable to allow to go downstream. Vice-
40 Chairman Finan asked if there is a cleanup component. Town Administrator Scaife said that samples have been tak-
41 en and there is difference in what they consider acceptable levels of contamination between EPA and DES, and it is
42 being more closely reviewed. It's being asked if the dam is removed and PCBs flow downriver, what is acceptable
43 level of contamination that can be released? The answer affects costs.

44
45 He stated that he has asked for official written communication regarding responsibility for the privately-owned
46 Goldman Dam, should its owner abandon it, and he was told if it were to be abandoned the ongoing responsibility of
47 it would fall to the town. He also asked for an estimate on rebuilding both dams, which may be necessary at some
48 time depending on their lifespans, as well as current level of risk to help determine the long term costs should the
49 decision be made that they should remain up. During this meeting it was asked what would happen if the Goldman
50 Dam (that is attached to the mill building) folds over due to poor condition, what happens to the structure? It had
51 been noted that if the dam is removed or not, they could go in with a saw and cut through the connection to the dam
52 so that if the dam had issues it would less likely affect the mill building. Vice-Chairman Finan asked if all the "what
53 ifs" will still be primarily funded by grants. Town Administrator Scaife said yes. He said that there have been unan-
54 ticipated project developments that have delayed the project time line that have increased project costs, however the
55 project has received additional grant money from State and other agencies. As it relates to the Fletcher site they had
56 not originally planned more core samples behind Goldman dam, and on the other side of the bridge, but decided the
57 situation warranted more sampling following sediment movement during the 2007 flood. There are PCBs there.

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1 Now they are going to do 60 core samples so that can be mapped for both the Fletcher Site needs and for the dam
2 removal feasibility study.

3
4 Vice-Chairman Finan asked for any other ideas from the Board on legislative proposals.

5
6 Selectman Bauer referred to page 8, in State Budget, tax cap regarding downshifting by the State, to see if MANH
7 will oppose any State tax cap, which will increase costs borne by property taxpayers. She said when the State is in
8 financial difficulty it cuts programs and passes the costs on the municipalities. She said it is a big part of the budget.
9 Costs downshift and there is big cost to taxpayer. Town Administrator Scaife said he had a problem with a legisla-
10 ture tying the hands of future municipalities. Vice-Chairman Finan mentioned proposal # 30 ties into proposal # 20;
11 explanation of # 30 talks to intent. If so, the intent is stated earlier. Selectman Bauer commented that legislating a
12 cap ties the hands in the future but also gives cover to the legislators who don't have to fight for what they want and
13 can hide behind the tax cap.

14
15 Selectman Bauer brought up proposal # 6, regarding budget year conversion. Town Administrator Scaife is keeping
16 tabs on what would be involved if they changed the budget year; he said there was unanimous support of simplifying
17 that process. He and Selectman Bauer agreed it could be extremely cumbersome with big ramifications if done in-
18 correctly.

19
20 Vice-Chairman Finan referred to proposal # 3 in the second group – policies on revoking permits and licenses –
21 support legislation granting authority to municipalities to suspend any permits, license to any individual who owes
22 property taxes. He felt that was over the top. He cited an example in town where the property owner is trying to
23 renovate his building so he can sell it to pay taxes. This would go against that. Guy Scaife said the town would
24 have to approve it. He thought it went pretty far. There is some legitimacy, but consideration would be how far past
25 due the taxes are. At some point, the town would own the property or gets interest on unpaid taxes, so the Town
26 doesn't lose.

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28
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30 **4. ADJOURNMENT:** There being no further business to come before this Meeting, Selectman Putnam moved to
31 adjourn at 7:45 p.m. Selectman Bauer seconded. All were in favor. Motion passed 3-0.

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36 _____
37 Tim Finan, Vice Chairman

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39 Katherine Bauer, Member

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41 Mike Putnam, Member