

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
August 27, 2012

PRESENT: Gary Daniels, Chairman
Tim Finan, Vice Chairman
Katherine Bauer, Member
Mike Putnam, Member
Mark Fougere, Member
Guy Scaife, Town Administrator
Darlene J. Bouffard, Recording Secretary

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

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

2. APPOINTMENTS:

5:30 p.m. – Departmental Update – Public Works. Ricky Riendeau, DPW Director, provided an update for the Department of Public Works. Mr. Riendeau indicated that 1000 catch basins have been cleaned in 2012, Elm Street has been paved and there is some more overlay coming up. The sign inventory has been started and right now they are up to 685 signs. Selectman Putnam said he was approached by a resident and was asked if a “Children at Play” sign could be added on his street. Mr. Riendeau responded that the Traffic Safety Committee (TSC) discourages those signs because it looks like the town is allowing children to play in the streets, so the town shies away from those signs. If there’s a request for a sign that goes to the TSC, it then comes to the Board of Selectman and then DPW. If the sign desired will benefit only one person, we ask them to pay for the sign, if it will benefit the entire town, DPW will look at it. The tree cutting has been done and fourteen trees next to the road were trimmed. They are trying to group the trees by location to do them all at once. Two days were spent trimming. Selectman Bauer noted that there are a couple of diseased trees at Emerson Park that should be looked at. Mr. Riendeau indicated that is on the list but they have not gotten to the parks yet. Selectman Bauer is concerned they might fall over or the disease may spread. Mr. Riendeau stated they will take a look at them.

The Jennison Road bridge is in design now; there are six steel culverts in town that may qualify for FEMA money to be repaired. The culverts were installed in the 80’s and they are the type we are having problems with. Chairman Daniels asked if PVC is being considered when replacing the metal sections. Mr. Riendeau responded that they are looking at all of the options, but any culvert that is partially buried is at risk. Chairman Daniels asked how long they last. Mr. Riendeau responded that the concrete ones are usually on the architectural span, so they last. Selectman Putnam asked about Osgood Pond and if it will remain drained. Mr. Riendeau answered that it is drained for the dam repair and we are looking at the dredging of the pond while (the water level) is down. Selectman Putnam asked when Railroad Pond will be finished. Mr. Riendeau answered that Railroad Pond will be done next week; we have been able to let the water down and work on getting some concrete taken care of. Gates have been moved around at Kaley Park. Selectman Bauer noted that she went in the kiddie pool this summer and it is great with the sun shade; other people have commented on it as well. The tennis courts also look great. DPW is in process of installing security cameras at the pool and Keyes Park.

Mr. Riendeau indicated that some roof repairs at the police station need to be completed and will cost about \$12,000. Chairman Daniels asked how long the warranty is. Guy Scaife said less than six years, but it is not the shingles, it was the way the valley was done and then ice built up. Mr. Riendeau indicated there was a lot of copper work due to corrosion. Chairman Daniels cannot believe that we are having to fix something that was built to last 50 or 60 years. Selectman Bauer asked how long a roof should last. Mr. Riendeau responded about 30 years or so, not the life of the building, it is not a shingle issue, it was a workmanship issue. Selectman Fougere noted if it is not done right, it does not work. Selectman Putnam would like to see an attempt with the original contractor to see if there can be some claim there. After six years, Selectman Putnam does not think we should just accept it. Guy Scaife will look over the communications that took place at that time and look at the warranty. Guy Scaife noted that the town was on the verge of a lawsuit with that general contractor and we parted ways back then.

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1 Mr. Riendeau reviewed the Parks and Cemetery items in his update, indicating they have worked on all of the ceme-
2 teries to get them back into a program to upgrade them all. Selectman Bauer asked what kind of improvements are
3 being done at Osgood Pond. Mr. Riendeau said the dredging is one issue. Selectman Bauer asked if Mr. Riendeau
4 is hoping the town can do that itself. Mr. Riendeau said a portion can be done by DPW, and Adams Field improve-
5 ments would be done as well. The new pavement at the Transfer Station has been completed. Selectman Bauer
6 asked about the improved signage at the Transfer Station, pointing out that a thermometer type sign indicating how
7 much money the town saves by recycling was also to be done. Chairman Daniels said that sign is put up periodical-
8 ly to encourage people to recycle.

9
10 **6:00 p.m. – Discussion of Board of Selectmen Policy 2007-001 – Purchasing & Procurement.** Chairman Dan-
11 iels invited Scott Cornett to the table for this discussion. Scott Cornett wanted to address the Purchasing & Pro-
12 curement Policy in town and he is here representing only himself, not the company he works for. Mr. Cornett sup-
13 ports the ambulance facility project. On June 25, the selection had not been made for the contractor. He does sup-
14 port the decision, he is here because when he asked about the policy and the public notice, he was led to believe that
15 there was no policy violation and if it needed to be changed it could be done. In fact, after that meeting, he request-
16 ed a copy of that policy and he immediately recognized that there was a violation of the policy. There should be
17 three bids, sealed and opened at a public meeting. Mr. Cornett was led to believe the policy was followed but he
18 believes there may have been options for better pricing. The policy was not followed. Mr. Cornett thinks it needs to
19 be followed in the future.

20
21 Guy Scaife reiterated that some answers to questions were not researched, noting that the Board and he do not have
22 the policies all memorized, so if we misled you, it was not intentional, we were trying to respond to your inquiry.
23 We did not have that policy in front of us when you asked a question. The proposal did go to eight bidders. There
24 was rationale as to why the committee elected not to post it; it is a policy, it is not law. It is subject to a difference of
25 opinion, there was a decision made by the committee which is made up of professionals. Mr. Cornett said he cannot
26 imagine that they were not aware of the need for public notice. Public notice and sealed bids are in the policy. Vice
27 Chairman Finan asked what the policy is for enforcing the policy. Is it in the hands of the committee? If you read
28 the policy, Guy Scaife said there is no stated regulating requirement, it is something the Board came up with to give
29 direction to the staff and it speaks to the Town Administrator and Department Heads. This process is not done very
30 often. We can always take a look at it, the policy is not deficient, and it is adhered to but it is just a policy, not a
31 law. Maybe the enforcement of the policy is the issue, said Mr. Cornett. What is done is done, said Selectman Bau-
32 er, a review of the policy might be in order; the policy makes sense the way it is, but it should be clearer. Selectman
33 Fougere agreed. Mr. Cornett asked if this is funded 100% by taxpayer money? Guy Scaife said it is.

34
35 **6:30 p.m. – Fletcher Site Beautification Committee.** Chairman Daniels invited Jerry Guthrie up to the Board ta-
36 ble for this discussion. Jerry Guthrie said he found out that the committee will not be able to do any planning for the
37 site yet, but the group would like to do some fundraising. One idea is the Affinity Program through TD Bank. Mr.
38 Guthrie explained that 50 people would need to sign up and over the years, whatever money is in the account gets
39 averaged in and the bank will pay a percentage into the fund with no cost to anybody. This program is provided to
40 give back to the community and would be a good start to the fundraising since it will take some time to accumulate
41 funds before any work can be done on the Fletcher site. Mr. Guthrie explained he is trying to see if the group will
42 be allowed to raise the money. Chairman Daniels asked what the process is to establish an account. Mr. Guthrie
43 said 50 accounts need to be established for this program to work. Guy Scaife indicated the literature says 500 ac-
44 counts are required. Guy Scaife spoke with TD Bank himself and they told him it is a household, 500 households.
45 Finding 500 households to sign up, that is ten times what Mr. Guthrie is presenting. Jerry Guthrie was told by a user
46 that they only have 50 people set up and 50 were enough to qualify for this program. Chairman Daniels said he is
47 confused by the literature. It appears that 500 household members are required. Jerry Guthrie responded that this is
48 just an idea being brought forward to generate some money.

49
50 Selectman Fougere suggested letting this group figure it out. Selectman Bauer wants to know which it is. What
51 would the money that is raised be used for? What is being planned for this? Jerry Guthrie said they are just brain-
52 storming to get people involved right now, also doing planning and generating some money, but we cannot do that
53 without a group. There are people that want to help with this. If we need fill, we have free fill at Brox. That will be
54 discussed with the group who are willing to put in the time. Mr. Guthrie is trying to get the community involved but
55 the group has to have some money to get started. We are doing some Labor Day fundraising now, and we are learn-
56 ing how to raise some money. Selectman Fougere thinks any pre-planning is a good idea. Selectman Bauer said
57 there are people who are willing to do this, but would the people be consulting with the Town Administrator to be
58 sure the plan can be done? Selectman Bauer does not want a group to produce a plan that cannot even be done. Mr.

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1 Guthrie said at the last go around of this committee there was someone from the Board of Selectman included and
2 people from the town staff were also involved. If MIT cannot do it, maybe another non-profit could take it on.
3

4 Chairman Daniels asked if there are ideas for a park, what happens if the project cannot go forward because of the
5 restrictions of the cap? Who owns any money that has been collected? Selectman Bauer said we do not know yet if
6 MIT can back this because it has not gone to the Board of MIT yet. Mary Albina never heard that the Fletcher Site
7 has looked for an improvement group, she heard it was going to be paved over, and this is something that we should
8 do for the community. This is a great way to get started. If MIT raises the money, we could arrange it to say the
9 money will be used for the project and if not that, the money goes toward something else for the town. If this group
10 does not start planning, it is going to have no money to get something done. Chairman Daniels does not want a
11 committee making brochures to pass out that cannot be done in the end because our hands are tied by the EPA. Ms.
12 Albina asked if the group could have an EPA person involved. Guy Scaife asked where Mary heard it was going to
13 be paved? Ms. Albina responded that is the word on the street. Guy Scaife said it has been documented and he has
14 gone over what the plan is; we talk about this subject every other month. The last plan was approved 9 months ago,
15 the top area is all grass, parking (for 18 cars) will be on the right hand side down the hill, this went back and forth
16 and there has been interaction with the EPA and GE and it has been documented what will be delivered and we have
17 to be careful to not disturb it. Guy Scaife hopes the work will be done in 2013 and there will be grass by 2014. At
18 that point, we can do some work on the top, the concern is that a plan will come forward from this group that cannot
19 be done based on the limitations. Guy Scaife thinks the committee should find out about what the plan is for the
20 future. Selectman Bauer agrees this is a good idea. The first thing that needs to be done is to look at the proposed
21 plan and go out and let people know how the town is not going to just black top it. Guy Scaife said the EPA plan is
22 final; it is GE's obligation to provide it.
23

24 Ms. Albina asked where the plan for the final report is? Guy Scaife responded that he has it and it is available at the
25 Library; but he would have to confirm that. If MIT wants to get involved with this and the fundraising, do they need
26 the Board of Selectmen permission to do so? Guy Scaife understands that MIT would only be the fiscal agent for
27 this group; it would not be doing the fundraising. Again, Chairman Daniels asked who would own the money if the
28 plan fell through? Ms. Albina responded that they do not know that yet. Chairman Daniels indicated that this Board
29 does have some questions that need to be answered. Selectman Bauer noted that this discussion gives the group
30 some ideas of some of the questions that should be answered and looked into. The biggest question for Chairman
31 Daniels is who owns the money if everything falls apart. Ms. Albina said if we are looking at 2016, we may be way
32 too far ahead. Selectman Fougere encouraged the group, stating the group should take baby steps.
33

34 Rod Dellafelice suggested there are two issues: 1) raising money and 2) the process – can we be assured the plans
35 are at the Library? Guy Scaife said it was sent to the Library and is on the EPA link as well; Guy Scaife is the point
36 person for the EPA and GE for this project. Mr. Dellafelice asked if it is the final plan? Guy Scaife said it is the
37 final and approved plan. Mr. Dellafelice asked if there are follow on meetings? Guy Scaife said there will be a
38 follow on meeting to prepare the public for the construction next year. There are other meetings planned. There is
39 OU1 and there is OU2 which are two separate projects. The OU2 project has not been finalized yet, there is a public
40 hearing September 12, 2012 in the Board of Selectman room. There will be more meetings on the OU1 project as
41 well as the OU2 project. Mr. Dellafelice asked if it is still in a state of flux? Guy Scaife said it is. Mr. Dellafelice
42 asked if it would be useful to watch and share in those meetings? Guy Scaife said anyone that would like a copy of
43 the approved plan is welcome to it. The timeline is not done yet. We do not want to do anything that will cause any
44 erosion to the cap. Mr. Dellafelice asked about the maintenance of that site once it is complete. Guy Scaife said that
45 eventually GE will be totally out of the picture. If the town ruptures the cap, we would be responsible in perpetuity.
46 Mr. Dellafelice said this group needs to get a better sense of the whole picture. Mr. Guthrie said he put together a
47 letter to the Board of Selectman to ask for a committee, and those interested in working on a Fletcher Site Beautifi-
48 cation project thought it might be okay to have a group start to fundraise to earmark money for this project. Chair-
49 man Daniels said we would need to get some stamp of approval on it, as a committee you should start to figure out
50 how to set it up. Guy Scaife indicated when the Board of Selectman sets up a committee, a charge must be set up as
51 well. Part of setting a committee up is setting up that charge to identify a precise direction, it cannot be ad hoc.
52

53 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** There were no public comments.
54

55 **4. DECISIONS**

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57 a) **CONSENT CALENDAR.** Chairman Daniels asked if there were any items to be removed from the
58 Consent Calendar. Item 4a3 was removed for discussion by Chairman Daniels. Selectman Putnam moved to accept

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1 the Consent Calendar as presented with the exception of Item 4a3. Selectman Fougere seconded. All were in favor.
2 Motion passed 5/0.

- 3
- 4 (1) **Request to Renew a License to Operate a Junk Yard.** Bill McKinney, Code Enforcement Of-
5 ficer, recommended Board approval for the operations of a junk yard at 387 North River Road.
6 This request was approved.
7
- 8 (2) **Request to Approve Issuance of Timber Yield Tax Levy & Warrant.** The Tax Collector re-
9 quested approval to collect \$220.00 and \$121.00 in Timber Yield Tax from the Jane Provins Rev-
10 ocable Trust. This request was approved.
11
- 12 (3) **Request to Submit Phillips Way Traffic Direction Issue to the Traffic Safety Committee.** Chair-
13 man Daniels requested this item to be removed from the Consent Calendar for discussion. Selectman
14 Fougere has talked with Bill Parker about this request and he was under the impression that the Plan-
15 ning Board had this as a stipulation of approval but because it is a public road, it comes to the Board of
16 Selectman. This item has been to the Traffic Safety Committee (TSC) two times and he does not think
17 it needs to go back again. Selectman Putnam agreed. Selectman Bauer also does not see any reason
18 why it should go back to the TSC. Guy Scaife said there is a different component being brought for-
19 ward, he was not here for the other discussions, but they are raising the safety issue on Tonella Road.
20 Prospect Street has a challenging grade that is a safety issue, but has there been a comparison of the two
21 roads? The Prospect Street safety issue is for a few days in the winter. The Tonella Road intersection
22 is an everyday challenge. Guy Scaife feels that one safety scenario is more of a challenge than the
23 other. Chairman Daniels commented that a lot of intersections have been looked at more than once or
24 twice. Selectman Bauer said there are two safety problems but she does not think that changing Phillips
25 Way is the solution. When that development was built, we knew that Nashua Street was very busy and
26 site lines were not good. If it is a site distance issue, Selectman Fougere said we can approach County
27 Stores about putting signs up or not having trucks park along Nashua Street, but he is not comfortable
28 with sending this back to the TSC. Vice Chairman Finan added that this issue has been discussed sev-
29 eral times over several years. Selectman Putnam moved to not send this issue to the TSC but to take
30 the request under advisement. Selectman Fougere seconded. All were in favor. Motion passed 5/0.
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32
33 **b) OTHER DECISIONS.**

- 34 (1) **Request to Waive Frequency of Use Guidelines – Town Hall Auditorium.** A request from
35 Granite Baptist Church came in to use the Town Hall Auditorium for three Fridays per month,
36 6:00 to 7:30 p.m. beginning September 7 and running through November 16, then resuming
37 January 4 through May 17 to offer a children’s program including light recreation, a bible sto-
38 ry, snack and sing along. Selectman Bauer moved to deny this request. Selectman Putnam
39 seconded for discussion. Selectman Bauer thinks this is a worthy group but the policy is to
40 not have groups have a continuous use. With the demand for events being held in the Town
41 Hall, usually for one time only, this facility is up to capacity with usage. To waive the policy
42 for this request is not what she would like to see. Vice Chairman Finan’s feeling is to not al-
43 low this type of activity to use the facility as a regular meeting place. The Farmer’s Market
44 has an economic component, so it is a little different. The Board turned down a request for a
45 home school organization that wanted to have regularly scheduled meetings over a period of
46 time. Chairman Daniels indicated that the Board allowed a waiver for another use; Chairman
47 Daniels did not like the idea of continuing to waiver this space, but here we are with another
48 waiver request, we should give this request the same discretion that we gave the other one.
49 Selectman Bauer said the Farmer’s Market was not that, it has an economic impact, and it was
50 open to the public. Because this is a church program, it is not as community-oriented. The
51 Farmer’s Market goes through the winter season, so it is not as intense a use. Selectman Bau-
52 er was in favor of the Farmer’s Market mostly because it is a community event. There was no
53 further discussion. All were in favor of the denial, with the exception of Chairman Daniels
54 who was opposed. Motion passed 4/1.
- 55 (2) **Selection of Delegate for LGC 2012 – 2013 Legislative Policy Conference.** Guy Scaife
56 was nominated and accepted this position. Vice Chairman Finan moved to approve Guy
57 Scaife as the delegate for the LGC 2012-2013 Legislative Policy Conference. Selectman
58 Bauer seconded. All were in favor 5/0.
59

1 5. TOWN ADMINISTRATOR REPORT:
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- 3 a) **66 Elm Street Lot Update.** Guy Scaife stated that the building at 66 Elm Street was demolished last week
4 and then cleaned up. It looks good and it was uneventful. Easement documents are all final.
5 b) **Miscellaneous.** A request was made at the last meeting regarding a light being placed at the Pine
6 Street/Nashua Street intersection. The Granite Square management company will be adding a light on the
7 side of the Granite Square building; Guy Scaife would like to wait to see how it is received once that is ac-
8 complished. The budget process is moving along. Chief Viola has been with Milford for four weeks and
9 has had an extremely smooth transition; the department is pleased with how well it has gone.

10
11 6. DISCUSSIONS.

12 a) **Milford Municipal Code 7.04.070 Open Liquid Container Prohibition.** Chairman Daniels presented a
13 draft modification of this code for discussion, indicating it may be ready for the first reading at the next Board meet-
14 ing. Vice Chairman Finan is concerned about the paragraph that says they cannot consume. Guy Scaife said he has
15 language to allow carrying beverages from the car to a residence. Chairman Daniels stated the town does not want
16 people wandering around the town with open containers. Guy Scaife suggested having another draft and pass it by
17 Chief Viola for his input before it comes to the Board for the first reading. Chairman Daniels will prepare another
18 draft.

19
20 b) **LGC 2012 Municipal Volunteer Award Nominations.** Chairman Daniels indicated this will be discussed
21 in non-public session later this evening.

22
23 c) **Town Vehicles Being Driven Home by Employees for Official Use.** Selectman Putnam has had this ac-
24 tion to get something in front of the Board for review. Currently the emergency department heads can take a vehicle
25 home if they live in town. Guy Scaife said that nearly 100% of other towns do allow emergency management de-
26 partment heads (Police, Fire, Ambulance) to bring the town vehicle home if they live in town. Guy Scaife feels
27 those three positions would be appropriate. Selectman Putnam agreed and that is where he is heading on the policy.
28 All concurred those three positions (Police, Fire and Ambulance) should allow the department head to drive the
29 town vehicle home in order to respond to an emergency. Chairman Daniels feels it should be left to the discretion of
30 the Town Administrator for any exceptions.

31
32 7. SELECTMEN'S REPORTS / DISCUSSIONS.

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34 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Fougere
35 indicated the Ambulance Building Committee met on site Thursday to discuss the building with the construction
36 manager. The committee is proceeding with the design and scheduling. Selectman Bauer indicated she is just about
37 complete with the apartment survey in the oval area, but she did not have the specifics with her.

38 b) **OTHER ITEMS (that are not on the agenda).** Guy Scaife indicated that Captain Nervik has come up
39 with a warning card for people who have parked in the areas affected by the Street Sweeping that is done weekly, to
40 warn them in the future not to park there on street sweeping days, until this issue is resolved. All concurred the
41 warning card looks good.

42 c) **2012-2013 Board of Selectman Goals and Tasks.** Chairman Daniels reviewed the items on the list of
43 goals asking where each selectman is on their items. Chairman Daniels has been continuing to review the website.
44 Chairman Daniels asked Guy Scaife if the website is up to date. Guy Scaife responded that the website is constantly
45 changing. Selectman Fougere was excused from the meeting at 7:35 p.m.

46
47 8. **APPROVAL OF FINAL MINUTES – July 25, August 6 & 19, 2012.** Selectman Bauer moved to approve
48 the minutes of July 25, August 6 & 19, 2012 as presented. Vice Chairman Finan seconded. All were in favor. Mo-
49 tion passed 4/0.

50
51 9. **INFORMATION ITEMS REQUIRING NO DECISIONS.** There were no information items discussed.

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53 10. **NOTICES.** Notices were read by Chairman Daniels.

54
55 11. **NON-PUBLIC SESSION.** Selectman Putnam moved to enter into Non-public session at 8:10 p.m. in accord-
56 ance with RSA 91-A:3 II (e) (Personnel). Selectman Bauer seconded. All were in favor. Motion passed 4/0.
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1 Vice Chairman Finan moved to unseal the non-public minutes of August 19, 2012. Selectman Bauer seconded. All
2 were in favor. Motion passed 4/0.

3
4 Vice Chairman Finan moved to approve the non-public minutes of August 19, 2012 as amended. Selectman Bauer
5 seconded. All were in favor with Selectman Putnam abstaining. Motion passed 3/0/1.

6
7 Vice Chairman Finan moved to re-seal the non-public minutes of August 19, 2012. Selectman Bauer seconded. All
8 were in favor. Motion passed 4/0.

9
10 After discussion, Vice Chairman Finan moved to come out of non-public session at 8:14 p.m. Selectman Putnam
11 seconded. All were in favor. Motion passed 4/0.

12
13 After adjournment of the non-public session, Chairman Daniels announced that in the non-public session the Board
14 approved non-public minutes of August 19, 2012 and discussed a personnel issue.

15
16 **12. ADJOURNMENT:** There being no further business to come before this Meeting, Selectman Putnam moved to
17 adjourn at 8:15 p.m. Vice Chairman Finan seconded. All were in favor. Motion passed 4/0.

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Gary L. Daniels, Chairman

Tim Finan, Vice Chairman

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26 Katherine Bauer, Member

Mark Fougere, Member

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30 Mike Putnam, Member

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