

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
July 22, 2013

PRESENT: Gary Daniels, Chairman
Katherine Bauer, Member
Mike Putnam, Member
Kevin Federico, Member
Guy Scaife, Town Administrator
Darlene J. Bouffard, Recording Secretary
Mike McMahon, Videographer

EXCUSED: Mark Fougere, Vice Chairman

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

INSTRUCTIONS: Chairman Daniels called the public meeting to order at 5:40 p.m. and introduced Board members; he 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. Chairman Daniels announced that in non-public session a reputation matter was discussed. No votes were taken.

2. APPOINTMENTS:

5:20 p.m. – Non-Public Sessions. Chairman Daniels called the non-public meeting to order at 5:24 p.m. There were no votes taken and no decisions were made.

5:40 p.m. – Appeal Request. Marti Noel, Town Assessor, introduced Gretchen Ham, property owner. Ms. Noel explained that she is here to address a Land Use Change Tax (LUCT) issue, explaining that in May, a LUCT warrant was issued to remove land from current use and there is a 60-day window for appeal. Ms. Ham has appealed, the Board members visited the site at that time. Current Use was instituted in the 1970's. There is no exception for digging into the earth, to be in Current Use it must remain in its natural state. The only exception is tree cutting. When land is disturbed, it must come out of Current Use. Ms. Ham indicated what is being done is not excavating, and she contests that they are disturbing the land and not digging into the earth, it is all in the Current Use handbook, and it says land may only be removed as described in the RSA, there are triggers that remove land from Current Use. There is no intention to build, there is no excavation and the size of the lot has not changed. Ms. Ham feels that she is being penalized because there are no laws for granite rubble. The lot is labeled "unproductive". There are trees growing on this land on top of rock piles. Maybe it should be categorized as forest land instead of "unproductive". The land can be clear cut and remain in current use, the rocks could be removed and forest could still grow on it. Ms. Noel said land in Current Use cannot be disturbed for any reason. If the stone is to be removed, she can, but it cannot be in Current Use. As far as "productive" or "nonproductive", that really has nothing to do with Current Use.

Guy Scaife, Town Administrator, thanked Ms. Noel for the presentation. There are not a lot of examples for this type of issue, but let's agree to disagree, the Assessor has done her research and follows the advice of the State but also how the statute is applied across the State. Ms. Ham has every right to appeal. The next step is the Board of Tax and Land Appeals (BTLA); the outcome would set a precedent for the State. This is step one. The people at the (BTLA) State have the technical expertise. Ms. Noel noted that the State specializes in Current Use and did come to look at the property and concurs with her findings.

Chairman Daniels said there are two parcels, separated by a stone wall, if that wall is moved, does it come out of Current Use? Ms. Noel said those stones are on the walls, not in the earth. Selectman Putnam asked if there are any statutes of limitation that define the point of where something reverts back to its natural state. Ms. Noel said yes, it is used often with Current Use land. It is no longer "settled" once it is moved around. There are other instances in town where the land is no longer left in its natural state, so it came out of Current Use. Selectman Putnam said maybe we should let this go to the State. Chairman Daniels asked if Ms. Noel has consulted with the State. Ms. Noel said she talked with a person at the State, who felt it does not meet Current Use, but that it is a unique situation. Ms. Noel said a 155 should be done in her opinion. Chairman Daniels asked what a 155 is. Ms. Noel explained it is for digging aggregate and stone from the earth. Chairman Daniels said so there is a disagreement about if it is digging or removing? Ms. Noel said that is her understanding of the Current Use laws and the State expert agrees.

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1 Selectman Putnam asked if this could be tabled for a couple of weeks to read the laws and take another visit up
2 there. Selectman Federico would also like to take a look at the property. Selectman Putnam moved to table to the
3 next Board meeting. Selectman Bauer asked if all suggestions and comments could be gathered tonight. Chairman
4 Daniels said they will. Selectman Putnam withdrew his motion.
5

6 Selectman Bauer visited the site, it is her understanding, when there is significant disturbance, she agrees because
7 there is a lot of heavy machinery doing the work. You know it is a significant operation with all that machinery. It
8 is not a small thing. No matter how we vote, because you are operating a commercial use in a residential zone, you
9 will need to go before the ZBA because you are doing a commercial use in a residential zone and you would need a
10 variance. Ms. Ham was told she was okay up there. Selectman Bauer said it would be good to check on that.
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12 Selectman Putnam moved to table this item to the next Board meeting. Selectman Federico seconded. All were in
13 favor. Motion passed 4/0.
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15 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).**

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17 **4. DECISIONS**

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19 a) **CONSENT CALENDAR.** Chairman Daniels asked if any items need to be removed from the Consent
20 Calendar for discussion. No items were removed. Selectman Putnam moved to approve the Consent Cal-
21 endar as presented. Selectman Bauer seconded. All were in favor. Motion passed 4/0.
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23 (1) **Request for Approval of the Granite Town Media (GTM) By-Laws.** The request for approval to of
24 the Granite Town Media (GTM) By-Laws was approved by the Board.
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26 (2) **Request for Approval of Timber Tax Levy (Map/Lot 56-54).** The request for approval of Timber Tax
27 Levy for Map/Lot 56-54 and billing of same was approved by the Board in the amount of \$4,062.17 for
28 James Saytanides.
29

30 (3) **Request to Authorize Board Chairman to Sign off on Laurel School House (Scout House) Lease**
31 **Agreement.** The request for authorization for the Board of Selectmen Chairman to sign the Agreement to
32 Lease the Laurel School House Building for a 10-year lease to the Ricciardi Hartshorne Post 23 American
33 Legion was approved by the Board.
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35 (4) **Request for Approval of Intent to Cut Wood or Timber (55-6, 58-6).** The Notice of Intent to Cut Wood
36 or Timber on map/lot 55-6 and 58-6 was approved by the Board for Clarence Farwell.
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38 (5) **Request for Approval of Matt Willette as a Recycling Committee Member.** The request to approve
39 Matt Willette as a Recycling Committee Member through March 2016 was approved by the Board.
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41 (6) **Request for Approval of Application for Reimbursement to Towns and Cities in Which Federal and**
42 **State Forest Land is Situated.** The annual application for reimbursement to towns and cities in which
43 Federal and State forest land is situated was approved by the Board.
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45 (7) **Approval of Pole License, Osgood Road (8/74Y).** The request for approval of pole license on Osgood
46 Road (8/74Y) was approved by the Board.
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48 b) **OTHER DECISIONS.**

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50 (1) **Tax Waiver.** The request for Property Tax Interest Waiver in the amount of \$18.24 for 25 Edgewood
51 Street was approved by the Board on a motion made by Selectman Putnam and seconded by Selectman
52 Bauer. All were in favor. Motion passed 4/0.
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54 **5. TOWN ADMINISTRATOR REPORT:**

55 a) **Town Hall Renovations RFP Update.** Guy Scaife indicated that the Request for Proposal (RFP) was
56 mailed July 12, 2013 for the Town Hall renovations once the Ambulance Department moves to the new facility.
57 Tours have been given to four architects in the last week and we are expecting to hear from them by August 5.
58 Once a selection is made, we can look at those details. Department Heads will have input so that pricing can be
59 done and we can bring it to the public in a Warrant Article in March

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1 b) **Miscellaneous.** The Hillsborough County Correctional Facility had eliminated the inmate work program
2 due to budget cuts. Milford, along with other towns, pushed to find a way to fund the program by community. We
3 have received notice and we will get five weeks of inmates over the next year, costing the town \$1,000 per week.
4 This is a good deal of work and DPW is thrilled to have the assistance. There will be 7 or 8 men for approximately
5 6.5 hours per day.

6 The engineering firm for the Johnson Street project has an as-built plan completed. Selectman Putnam asked if the
7 attachment tonight is the finished plan. Guy Scaife said it is, he checked for the approval stamp from the engineer,
8 the project is now complete.

9 Legislation was approved to lower the permit fee (for Osgood Pond) to \$10,000. Fred Elkind is working with an
10 engineering firm that is looking at potentially 8 acres to be dredged. Once a permit is issued, DES, Fish & Game
11 and the Army Corps of Engineers also review it. Guy Scaife hopes to get this resolved by fall, we could do the
12 dredging over the winter if things come in as expected.

13 Regarding the Dam Removal Feasibility Study, Guy Scaife checked with the Project Engineer today, there is no
14 change from the last update. EPA needed to finalize some items. We have dates we were expecting EPA but there
15 has been no progress. We do not have an estimate at this point. We are continuing to hold, EPA is tied up because
16 there are some other issues on the Fletcher site.

17 Mr. Scaife indicated the Garden Club brought to his attention the World War II Memorial was on the front cover of
18 the 1995 Town Report. It was a big effort at that time, there are 13 arborvitaes planted around the memorial repre-
19 senting the 13 Milford soldiers that died in that war. The arborvitaes have been looked at to be trimmed, but the
20 Garden Club is not sure if they will look good after trimming. There are also some plaques but there is no mention
21 of the 13 arborvitaes and what they represent. There could be some additional plaques added to better inform the
22 public. Lorraine Carson, Town Road Researcher, met with Guy Scaife and has asked some others to help with this
23 effort to have a more complete message and have a re-dedication of the memorial. Bob Courage and the Garden
24 Club will also be involved and Guy Scaife plans to talk with Polly Cote, Town Historian, to see if she can also be
25 involved. This effort will be discussed in the future and the Board can decide what can be done. Professional guid-
26 ance will be requested for the care of the arborvitaes.

27 Selectman Federico asked about the blinking traffic signal at Granite Town Plaza and when that will be fixed. Guy
28 Scaife was unaware. Darlene Bouffard had called DPW on this and was told by Mary Dickson that the contractors
29 for the traffic light have been contacted and the town is awaiting them to replace a part.

30 Chairman Daniels indicated that an Osgood Pond abutter contacted him via letter regarding getting a group together
31 about the dredging of the pond which would include abutters. This particular abutter lives a little up further from the
32 pond, and is hoping when the town is ready to dredge, they could somehow be involved. Chairman Daniels will
33 provide a copy of the letter he received from the abutter to Guy Scaife, noting that abutters should be included in
34 any discussions about the dredging.

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36 **6. DISCUSSIONS.**

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38 a) **Request for Nominees to Serve as Milford's Representative on the Nashua Regional Planning Com-**
39 **mission.** Guy Scaife was told one resident is interested in this position and would have a letter before the
40 Board for consideration, but he has not received it yet. Chairman Daniels to contact Chris Costantino or
41 Janet Langell regarding any input.
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43 b) **Board of Selectmen Goals / Tasks Review and Board of Selectman's 2013-2014 Goals / Tasks Devel-**
44 **opment.** Chairman Daniels indicated that IT has gone through a lot of successful upgrades. Guy Scaife
45 indicated the software upgrades and phone upgrades have been done, and we also had network problems,
46 but those will be worked through. Selectman Putnam said there have been a lot of problems over the past
47 several years with the phone system and is the old phone system still in place? Guy Scaife responded that
48 was implemented before he was in Milford, but most problems have been with the network carrier. Se-
49 lectman Putnam asked when we will cut out the old 672 phone numbers. Guy Scaife said the only office
50 still on the old system is DPW, it is not more lines that are needed, and it is just that the number changeover
51 has not been done at DPW, but later in 2013 those numbers will migrate to the new 249 numbers.
52

53 c) **Draft Board of Selectmen's Policy Regarding Administration of Committees, Commission and Spe-**
54 **cial Boards.** Chairman Daniels feels the gaps in this policy include further clarification of a couple terms
55 that are used, such as "meeting" and "session". Selectman Bauer asked about those definitions. Guy Scai-
56 fe said there is no vote on this policy, it is informal. Chairman Daniels asked about approval of minutes,
57 can that be done with a quorum? Selectman Putnam said he has not reviewed the revisions to this policy
58 yet.

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7. SELECTMEN’S REPORTS / DISCUSSIONS.

a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Bauer asked about the list of pros and cons for MACC base and if that is ready. Selectman Putnam said he is still working on it.

b) **OTHER ITEMS (that are not on the agenda).** Guy Scaife asked about the two meetings scheduled for August. Chairman Daniels asked if the Board would like to cancel one of the meetings in August. Selectman Bauer said if a meeting is cancelled, we would need to let Ms. Ham know when her case will be back before the Board. Chairman Daniels said we can let Ms. Ham know once a decision is made. If a meeting is cancelled in August it would be the August 12 meeting.

8. APPROVAL OF FINAL MINUTES. Selectman Putnam moved to approve the minutes from June 24, 2013. Selectman Federico seconded the motion. Selectman Bauer requested amendments. All were in favor to approve as amended. Motion passed 4/0.

9. INFORMATION ITEMS REQUIRING NO DECISIONS.

10. NOTICES. Notices were read by Chairman Daniels.

11. NON-PUBLIC SESSION. Selectman Putnam moved to enter into Non-public session at 7:03 p.m. Selectman Federico seconded. All were in favor. Motion passed 4/0. Selectman Bauer moved to approve the non-public minutes of July 8, 2013 (Personnel). Selectman Federico seconded. All were in favor. Motion passed 4/0. After discussion, Chairman Daniels announced that the Board made one decision regarding personnel and one decision on a land acquisition and reputation and also approved one set of non-public minutes of July 8, 2013.

12. ADJOURNMENT: There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 8:02 p.m. Selectman Federico seconded. All were in favor. Motion passed 4/0.

Gary L. Daniels, Chairman

Katherine Bauer, Member

Mike Putnam, Member

Kevin Federico, Member