

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
August 26, 2013

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

**EXCUSED:** Mike Putnam, Member

**1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS:** Chairman Daniels called the public meeting to order at 6:10 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 two reputation matters were discussed. One vote was taken.

**2. APPOINTMENTS:**

**5:30 p.m. – Non-Public Session.** Chairman Daniels called the non-public meeting to order at 5:24 p.m. After discussion, the Board went into another non-public session. No votes were taken and no decisions were made.

**5:45 p.m. – Non-Public Request for Approval for Real Estate Tax Agreement.** Kathy Doherty, Tax Collector, has requested approval of a real estate tax agreement. After discussion, the Board came out of non-public session at 6:10 p.m. Chairman Daniels announced that one vote was taken and one decision was made.

**5:50 p.m. – Code Enforcement.** Dana MacAllister explained that the property at Map 26/Lot 148, 31 Franklin Street, had previously had an oil spill in 2009. The owners of the property were requested by DES to clean up the spill. At this point, Mr. MacAllister does not feel the owner can clean up the spill without taking down the barn, which is in disrepair. Within ten days of removing the barn, the spill would need to be cleaned up. Oil tanks containing fuel oil were the cause of the leaks and the spill went under the building. This building was a two family rental property, which has been vacant for about a year. Mr. MacAllister is requesting Board of Selectmen concurrence to issue an order for the barn to be demolished in order for the oil spill remediation to be addressed in accordance with RSA 155:b. Chairman Daniels asked the extent of the oil spill. Mr. MacAllister did not have the exact number on the amount of spillage. Selectman Federico asked if it is a dirt floor? Mr. MacAllister responded it is a wood floor and also dirt. A lot of chemicals were also stored in the shed. The second floor was used for storage and between the weight of the stored items and the soaked wood, the second floor fell in. The only thing separating the house from the barn is a wood floor. Mr. MacAllister reviewed all the photos in the presentation, noting the amount of debris with decay. The Fire Department has also identified that the barn is a hazard, it is best that the barn come down.

Vice Chairman Fougere agrees that this property is in very bad shape. Mr. MacAllister added that the barn is right on the property line. Selectman Bauer indicated that Mr. MacAllister is ordering that this be razed within 45 days, or October 11, 2013. Mr. MacAllister stated it is 45 days from the owner being served, and then the clock starts ticking.

Vice Chairman Fougere moved to sign the order for the demolition of the two story barn. Selectman Federico seconded. All were in favor. Motion passed 4/0.

Mr. MacAllister asked that Board members please return the reports to him once they have finished their review.

**6:15 p.m. MS-1 and Land Use Change Tax (Map 51/3-13).** Marti Noel, Town Assessor, presented the MS-1 for Board signature. This report reflects some increases in inventory and some decreases in inventory. There was some

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1 decline on lower end condos and overall there was a slight decrease in the value of inventory. Values are stabiliz-  
2 ing, tonight's MS-1 is in the new electronic format, for which she is asking for Board signatures. There were no  
3 questions. Selectman Federico moved to accept the MS-1 report for 2013. Selectman Bauer seconded. All were in  
4 favor. Motion passed 4/0.

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6 Marti Noel presented the Land Use Change Tax (LUCT) for 29 Cadran Crossing (Map 51/3-13) which is a subdivi-  
7 sion which began construction in 2013 so the LUCT is to release the parcel for construction.

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9 Selectman Bauer moved to approve the LUCT for 29 Cadran Crossing in the amount of \$6,000 to be billed by the  
10 Tax Collector. Selectman Federico seconded. All were in favor. Motion passed 4/0.

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12 **6:25 p.m. Kevin Taylor – Consideration of the Appointment to the NRPC.** Kevin Taylor has met with the Plan-  
13 ning Board regarding an interest in being appointed as a commissioner to the Nashua Regional Planning Commis-  
14 sion (NRPC). The Planning Board has recommended his appointment as the third commissioner representing Mil-  
15 ford and requests the Board of Selectmen to approve this appointment. Vice Chairman Fougere appreciates Mr.  
16 Taylor's time and dedication of his volunteerism. Selectman Bauer also appreciates Mr. Taylor's many years of  
17 being on the ZBA. There were no other comments. Vice Chairman Fougere moved to appoint Kevin Taylor as a  
18 commissioner to the NRPC through March 2016. Selectman Federico seconded. All were in favor. Motion passed  
19 4/0.

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21 **6:30 p.m. – Request for Purchase of Property (Library Trustees).** The Library Trustees have the money to pur-  
22 chase this property at 29 Nashua Street. Kim Paul, Trustee, said the property is in better condition than the annex is.  
23 The plan is to eventually take down the annex and shed and expand library parking. It would give control of the  
24 driveway completely to the Library. The parcel is zoned commercial. There is concern the property might be pur-  
25 chased by another party. Guy Scaife said the Trustees have been looking at this property for some time. Tonight  
26 kicks off the process of authorizing the purchase of property outside of town meeting when funds are available. The  
27 concurrence of the Board tonight begins that process. There will be two public hearings. September 9, the first pub-  
28 lic meeting will be held with a posted notice at the regular Board of Selectmen meeting. Then no less than 10 days  
29 apart and no more than 14 days apart, another public hearing will be held at the September 23 regular Board of Se-  
30 lectmen meeting. After those two hearings, and with the concurrence of the Conservation Commission and Planning  
31 Board, the Board of Selectmen can approve the purchase at a properly noticed meeting between 7 and 14 days from  
32 the last public hearing. The owner of the property is Fanny Mae. The process is outlined in RSA 41:14a. .

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34 Chris Costantino, Library Trustee, confirmed that the Board will post the public hearings for September 9, 2013 and  
35 September 23, 2013. Guy Scaife indicated he will take care of that.

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37 Vice Chairman Fougere moved to authorize the Library Trustees to move forward in the process to purchase the  
38 property at 29 Nashua Street. Selectman Bauer seconded. All were in favor. Motion passed 4/0.

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40 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** There were none.

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42 **4. DECISIONS**

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44 a) **CONSENT CALENDAR.** Chairman Daniels asked if any items need to be removed from the Consent  
45 Calendar for discussion. No items were removed. Selectman Federico moved to approve the Consent Cal-  
46 endar as presented. Selectman Bauer seconded. All were in favor. Motion passed 4/0.

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48 (1) **Request for Board Certification of 2012 MS-5.** The request for Board certification of the 2012 MS-  
49 5 for the Department of Revenue Administration was approved by the Board.

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51 (2) **Request for Release of Security Map 38/Lot 1.** The request for release of security for Map 38/Lot 1  
52 was approved in the amount of \$18,000.

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54 (3) **Request for Approval of Timber Tax Levy (Map/Lot 043-069).** The request for approval of Timber Tax  
55 Levy for Map/Lot 69 and billing of same was approved by the Board in the amount of \$10,916.99 for Salt  
56 Creek LLC.

57  
58 (4) **Request for Acceptance and Appropriation of Unanticipated Revenues Under \$5,000.** The request for  
59 acceptance and appropriation of unanticipated revenue under \$5,000 was approved as follows:

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| Source                   | Amount     | Purpose   |
|--------------------------|------------|---|
| Milford Recreation Comm. | \$1,224.92 | Donation to the Keyes Pavilion Special Purpose Fund from the 2013 Kids Carnival Fundraiser. |
| Milford Recreation Comm. | \$ 550.00  | Brick fundraiser monies to be used for the Keyes Pavilion Special Purpose Fund.             |

b) OTHER DECISIONS.

5. TOWN ADMINISTRATOR REPORT:

a) **Town Hall Space Analysis RFP Update.** Guy Scaife indicated at the last meeting, it was discussed that there was good response to the RFP, four firms were asked to be interviewed. After interviews, the firm SMP was chosen. SMP was involved several years ago in the town hall renovation layout. Moving forward the Board needs to come up with a plan that the Board and Facilities Committee is comfortable with for today's needs and future needs from all departments. Thursday afternoon the architect will meet with all Department Heads and discuss the needs and specifications. The building has only so much space. The biggest element is the ambulance department moving out of Town Hall and how to best utilize that space. The town has offices in the Library annex that we would like to move into Town Hall. The most costly element of this process is bringing the electricity and air conditioning up to code and replacing equipment that is at the end of its life cycle. This effort will focus on keeping the price down and making good use of the space. Once a general plan is in, the Facilities Committee will start to analyze it. Selectman Bauer asked about the Annex and with Town Hall currently crowded, she would like to see the crowding addressed and then see what space is left over. Guy Scaife would like to see all the needs on the table, he understand the problems.

Chairman Daniels said the Library Trustees talked about moving people into the new building being proposed for purchase, is that being discussed? Guy Scaife said that is correct. Guy Scaife thinks Southern NH Services and Welfare need to stay together no matter where they are located because they work closely together.

b) **DPW Staffing.** Guy Scaife indicated that DPW has held off on back-filling positions and they are at a critical point now. He is seeking authorization from the Board to back fill two positions, an Equipment Operator and a Mechanic. Currently there are 20 people in DPW and there were 24 people in 2006, we have had to utilize overtime and we cannot keep up with the demand at this point. These positions were not filled due to the economic climate. Chairman Daniels asked how long the two positions have been vacant. Guy Scaife said two years. Guy Scaife explained the items that have been put off include trimming of sidewalk grass. The retaining wall at the Fire Department has also not been done and parking spaces at Keyes Drive, sidewalk maintenance and weed control are not being maintained. There are now more cemeteries and recreation areas that must also be maintained and storm water maintenance has been added. The DPW budget is pretty small compared to similar sized towns. Selectman Bauer said she knows Ricky Riendeau will be in soon to talk about the budget, and he did explain the different areas of DPW that needs more people for. Guy Scaife is speaking on behalf of Ricky, this only gets two of the four people needed. In 2014, the other two people will be addressed. Vice Chairman Fougere asked if the town has a mechanic? Guy Scaife said we do not, jut part time help, we do not have a skilled mechanic working full time. Selectman Bauer thinks it is time to do this and maybe DPW needs even more. Chairman Daniels is willing to authorize filling two positions but he does not believe Osgood Pond is in the DPW plan. If they are doing that, their time would be taken from something else. Guy Scaife said we have to find a balance of what we can and cannot do. Chairman Daniels asked about Kaley Park, where does the road priority fall? Guy Scaife said that was done two years ago. Selectman Bauer said two years ago, we were in a financial crisis, we needed to prioritize by not taking things off the list.

Chairman Daniels moved to fill two of the 4 open positions at DPW. Selectman Federico seconded. All were in favor. Motion passed 4/0.

c) **Miscellaneous.** The PEG Access channel for Milford just recently got the Public channel on line to be used only as an electronic billboard for now. The channel which gives the town the capability of doing public television and is Channel 22.

August 12 there was a public meeting to discuss the Osgood Pond Dredging Project, the meeting was well attended with about 35-40 people, plus staff members. The information session was in preparation for filing a permit with DES to evaluate the plan and hopefully issue a permit to allow that work. We are still a few weeks away from submitting that application. Another meeting with DES was held last week. The consensus in the meeting was if we

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1 stay with 8 acres or less, it would fall within the general permit and that does not get the detailed review that a major  
2 permit would. Guy Scaife recommended that we stay with that. 8 acres has a good mix of water and wetlands. The  
3 permit could be finalized by mid-September. Then there is 60 days or more to get approval. Guy Scaife also rec-  
4 ommended changing the name and calling it the Osgood Pond Reclamation Project from now on. It speaks to re-  
5 claiming something that was.

6  
7 Vice Chairman Fougere asked if there is a way we can go larger if we want to but still keep within the permit? Guy  
8 Scaife said the consensus was that 8 acres was a good mix. They felt like this size is not going to be done in one  
9 season. The Town stands a better chance of having the money for doing the 2 or 4 acres this winter and then fund-  
10 raising for the remaining four acres for the next winter season. Vice Chairman Fougere said this will be managed by  
11 the town and contractors will be hired to dredge. Guy Scaife said that is correct, we will manage it and hire contrac-  
12 tors. Chairman Daniels indicated there is about 12 acres of open water, but only 8 acres is being discussed, are we  
13 giving up 33% of the pond as wetland that used to be open water? Guy Scaife said today there is no open water, if  
14 we get beyond a general permit there will be people opposed to more than 8 acres. Vice Chairman Fougere agrees  
15 with just going for the 8 acres and maybe in the future we can go for 4 more acres, we cannot do 20 acres. Chair-  
16 man Daniels does not remember being invited to a meeting with DES and Army Corps. Guy Scaife said it was with  
17 Fred Elkind, we are presenting this to the Board tonight asking if the Board is in concurrence with doing 8 acres and  
18 not a larger area. The permit requirements change depending on the size. The concern of Chairman Daniels is that  
19 it seems to be on a track and the Board of Selectmen is following behind it. There was a meeting that took place that  
20 the Board was not invited to. Selectman Bauer said that is because the Town Administrator is reporting to the  
21 Board. Selectman Bauer stated the general permit will allow 8 acres, the more acreage requested, the more money.  
22 Guy Scaife noted it also gets more regulation if it is bigger and any additional acreage increases the costs.

23  
24 If the Army Corps of Engineers steps in, Vice Chairman Fougere said they will look for mitigation. With this gen-  
25 eral permit, we will not need to do that. If it means the Army Corps will jump in, we should keep it at four acres,  
26 which is still a lot. Selectman Federico said eight acres seems to be the magic number. We are talking about eight  
27 acres, not twenty. If it goes above eight acres, Selectman Bauer said it is more expensive and takes more time.  
28 When does the Army Corps decide to come in? Guy Scaife said anything above three acres can push the Army  
29 Corps to come in. Guy Scaife indicated the Board can also invite the Army Corps to come in to discuss this. Vice  
30 Chairman Fougere understands that Fred Elkind recommended the town to do what is being discussed and keep it  
31 low enough so that it is under the Army Corps threshold. Vice Chairman Fougere does not want them to be in-  
32 volved. Chairman Daniels added that it also depends on what the town can afford. Vice Chairman Fougere said we  
33 do not know what will happen in the future, the permit is only good for five years and can be renewed. Nothing is  
34 going to guarantee that we can keep doing this every twenty years. Guy Scaife said we have not submitted the ap-  
35 plication yet, it needs to be submitted and approved. By mid-September Guy Scaife is hoping to have the applica-  
36 tion submitted. Selectman Federico would hate to delay this at all. If the Army Corps comes into play, would that  
37 bring it to a higher financial impact?

38  
39 Vice Chairman Fougere said if Fred Elkind calls the Army Corps to see if they will come meet with the Board, we  
40 could have him raise the question, "can we go up to 10 or 12 acres?". Guy Scaife would like definite answers so the  
41 Board can lock in a number so that Fred Elkind can talk to the State. Vice Chairman Fougere suggested having Fred  
42 call the official and have a conversation, it happens every day. Guy Scaife said the public comments were shared  
43 with Fred Elkind. Vice Chairman Fougere said that could be just a phone call. Chairman Daniels asked what is the  
44 trigger when the cost spikes. Chairman Daniels asked if there is a chart that shows how much it goes up when more  
45 acreage is added? Guy Scaife has that information from Fred's presentation. Selectman Federico said we do not  
46 want to delay anything at this point. Chairman Daniels asked if DES should come to the next meeting. Selectman  
47 Bauer suggested that as long as Fred Elkind asks the questions and gets the answers for the Board, that is fine.

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49 Guy Scaife explained there is a van assisting the town with stormwater infrastructure cameras that will be seen  
50 around town. These cameras will assist in determining the condition of the pipes so the town can figure out what  
51 size pipe they are and the condition.

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54 **6. DISCUSSIONS.**

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56 a) **Board of Selectmen Goals / Tasks Review and Board of Selectman's 2013-2014 Goals / Tasks Devel-**  
57 **opment.** Chairman Daniels asked if anyone has done the form for the committees they are on which are

1 in the back of the book that indicate how many people are on the committee, etc. All members will work  
2 on that for the next meeting.  
3

4 **b) Draft Board of Selectmen’s Policy Regarding Administration of Committees, Commission and Spe-**  
5 **cial Boards.** This item needs to be approved.  
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7 **c) Board of Selectmen Economic Development Goals.** The Economic Development Advisory Committee  
8 (EDAC) has identified three primary issues that they would like addressed by the various departments and  
9 boards including the Board of Selectmen: Teamwork, Investing in General Infrastructure and Building Pub-  
10 lic Trust. Chairman Daniels stated that the “Teamwork” goal needs to include defining the responsibilities  
11 of individual entities and how those responsibilities connect with other team member entities, committing  
12 to meet deadlines so others can meet their deadlines and giving timely responses to inquiries or requests.  
13 When addressing the goal of “investing in General Infrastructure”, prioritization of projects needs to take  
14 place –a list must be made and costs determined. The question needs to be addressed as to how to maintain  
15 the quality of our existing infrastructure and move forward on future infrastructure while maintaining con-  
16 trol over the budget. Chairman Daniels stated that the budget strategy needed to be defined early in the  
17 process so that department heads and the Town Administrator can develop their budget requests with con-  
18 sideration of this strategy.

19 In regard to “Building Public Trust”, Chairman Daniels suggested that PEG Access, newspapers, public  
20 broadcast of meetings, and the website could be used in attaining this goal. It is vitally important we do  
21 what we say we will do. If we make a promise, we need to keep it. Chairman Daniels added that we need-  
22 ed to make the community a partner in this initiative, emphasizing how the projects benefit them. The  
23 Board needs to be clear in its messaging, transparent in its work and uniformly supportive of the initiatives.  
24 Selectman Federico agreed stating that the Board needs to use all of the sources of media to inform the pub-  
25 lic. Vice Chairman Fougere agreed, when we do that, we will be successful. Selectman Bauer said there  
26 are taxpayers in town that do not tune in until the end before town vote; we have budget needs, it is amaz-  
27 ing how late people come forward in the process. Vice Chairman Fougere stated if this Board is interested  
28 in Economic Development, how will that be achieved. We have expectations of people that work for the  
29 committees. On September 4, EDAC will meet again at 6:30 p.m. and will include the Board of Selectmen.  
30 At that meeting the infrastructure priorities will be discussed and hopefully be defined. Ricky Riendeau is  
31 currently in process of the 2014 budget. At the last meeting with Ricky, he presented a list of roads he is  
32 working on and he is currently managing the roads within the money he had budgeted. The bigger issue is  
33 what approach are we taking for bridge replacement, asked Guy Scaife. We could do a warrant article, but  
34 how big? The CIP committee is supportive of that. Chairman Daniels asked how many bridges have  
35 closed in Milford? Guy Scaife said only one bridge has closed in town, the Jennison Road bridge has no  
36 restrictions but is in process of replacement and the Hartshorn Pond bridge has restrictions. Ricky  
37 Riendeau is more concerned about the Mason Road bridge than the other bridges mentioned, it would be  
38 weight listed but that will impact a lot more residents.  
39

40 **7. SELECTMEN’S REPORTS / DISCUSSIONS.**  
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42 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Vice Chairman  
43 Fougere said the ambulance building is moving along, a walk through was done three weeks ago and there is  
44 another meeting this week, it is on time, there have been no problems he is aware of. The Brox report was done  
45 a few years ago and Bill Parker was asked to pull together the whole history. In 2007, votes authorized the  
46 Board to sell things found on the Brox property. The town is sitting on a big asset, we can use some of that for  
47 the town, but a lot of materials out there we should put out an RFP to see if someone wants to buy it. If it ends  
48 up being a field waiting for a school or for lacrosse, it can be used until then. The market is picking up, we can  
49 proceed with what we are authorized to do. Chairman Daniels asked how long it is anticipated to last? Vice  
50 Chairman Fougere said we are only using a fraction of it now, DPW is setting aside some materials for the town  
51 to use.

52 Selectman Federico noted that the traffic signal on Elm Street (near Granite town Plaza) is working again.

53 Chairman Daniels indicated that one Recycling Committee member, Anna Thonis, has dropped out because  
54 she graduated from High School and is now going to college.  
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56 **b) OTHER ITEMS (that are not on the agenda).** Jack Sheehy has done an update to the Purchasing and  
57 Procurement Policy that was done in 2007. The changes being recommended do not change the intent of the policy,

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1 it just changes some of the amounts of when a purchase order is needed or when the Board of Selectmen is needed  
2 for approval. At this point, these proposed changes are just for discussion.  
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4 **8. APPROVAL OF FINAL MINUTES.** Selectman Bauer moved to approve the minutes from July 8, 2013. Se-  
5 lectman Federico seconded the motion. All were in favor to approve the minutes of July 8, 2013. Motion passed 4/0.  
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7 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**

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

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11 **11. NON-PUBLIC SESSION.**

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13 **12. ADJOURNMENT:** There being no further business to come before this Meeting, Selectman Federico moved  
14 to adjourn at 8:00 p.m. Selectman Bauer seconded. All were in favor. Motion passed 4/0.  
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20 Gary L. Daniels, Chairman

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Mark Fougere, Vice Chairman

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25 Kathy Bauer, Member

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Kevin Federico, Member

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