

**APPROVED**  
**MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING**  
January 13, 2014

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

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

**INSTRUCTIONS:** Chairman Daniels called the public meeting to order at 5:30 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.

**2. APPOINTMENTS:**

**5:30 p.m. – South Street Project Review.** Bill Parker, Community Development Director, and Heidi Marshall, Project Engineer of CLD, explained the status of the South Street project and said that it is moving along. Heidi Marshall has been working on this project since 2008 with the Master Plan for South Street and the Oval area then it went to NHDOT for approval and along came environmental and historical hurdles to be addressed. A Historical Study was created and all the properties affected by the South Street sidewalk project had to be researched and how the sidewalks contributed to Milford’s history had to be documented. After that, Heidi started on completing the design plans with the development easements and appraisals. All of the information was collected, in some cases two feet of easement was necessary and some were temporary easements for utilities. After that was approved by NHDOT, the preliminary design was done in 2010. The utility contacts by now have all changed; there is a lot of utility work above ground. Ms. Marshall met with the utility companies and property owners objecting to the proposed work and trying to re-route the overhead utilities that were there. PSNH then came out and said the easements were no longer valid. There was some solid discussion from the utility companies, but it has been hard to gather. We need what their easement requirements are. Last Tuesday, we left with one decision that we have been trying to get since 2009. We are moving forward for another set of design easements. At this point, we are working to re-develop an easement plan that we can review with PSNH. NHDOT has approved moving into the final design when those easements are approved. The plan now is to almost completely avoid the Bradler parcel. There is one other parcel where the owner has been resistant to do any work, so we might move forward with eminent domain on that parcel. Ms. Marshall is more optimistic now since last Tuesday than she has been over the past two years.

Heidi Marshall indicated that Bill Parker has done a great job coordinating with NHDOT and everything possible to keep the funding in place has been done. For now, the plan is to finish the easement plan and start working with abutters on getting the easements signed. By using a shortened easement with the owners, it might make that process much easier than with the original easement documents. The key is getting PSNH to buy into the concept. We are hoping that the construction will be complete in spring 2015. There will be some time between when the construction is done and when the final overlay is done. Funding is set to expire in 2015 and we expect we will be with in that. Vice Chairman Fougere asked what exactly the project is. Heidi Marshall explained the South Street sidewalks will be re-done from the railroad tracks to the oval except the historical canopy and that is a historic issue so this sidewalk will start on one side of the canopy. The connections to the buildings will need to be re-done underground and some work will be done inside the buildings. On the railroad side of the bank, the overhead utilities are shifting to the rear of the sidewalk, there is minimal drainage work. There is a separate project being looked at by Bill Parker and Heidi Marshall for that. Bill Parker clarified that this project is regarding the sidewalk on the west-erly side of South Street.

Selectman Bauer asked if the eminent domain property could get tied up in court. Ms. Marshall answered that once the legal paperwork is submitted, the work can continue, one party feels they may want to build a building right up to the property line where it is today. Bill Parker said that property is the Bradler Parking Lot. Selectman Bauer

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1 asked what the reason for a building is. Bill Parker responded they were less clear on that but concern on the parking  
2 lot being affected by the easement is really the concern. Selectman Federico said the original concerns were that  
3 there would be a long term affect but now the only affect would be the sidewalk. Ms. Marshall added that we were  
4 going to center the easement between the bank and the Bradler parking lot but now in the new plan it is shifted on  
5 the bank side. Three power cabinets need to be located on that lot for the utilities for the bank. Ms. Marshall works  
6 on this project every day; she is very familiar with this project. Vice Chairman Fougere asked what needs to happen  
7 for it to begin this summer. Ms. Marshall responded that it would start late this fall; we need PSNH to be happy  
8 with the plan and Fairpoint to be happy with the project. A multi-family building with a pole on a curbside has a  
9 pole that might take away from parking spaces. There are some details to work out.

10  
11 Bill Parker indicated that the DOT turnaround time has been difficult throughout this whole project; DOT knows  
12 this is a high priority so he is hoping they will work cooperatively on this. Ms. Marshall said some of the things put  
13 through DOT take a lot of time to get a response. In 2014 we need to keep it moving. Ms. Marshall said that last  
14 week the communication was eye opening to our point of contact. Chairman Daniels asked how long it will take  
15 once the project is started. Ms. Marshall said only a few weeks. Chairman Daniels asked if it will be before or after  
16 Pumpkin Festival. Ms. Marshall said it could be right around that time, but they will try to complete it before the  
17 paving companies close for the season. She has looked to see where we are at, the completion date does not change  
18 but we still have the eminent domain to worry about. Vice Chairman Fougere asked if we should just move forward  
19 with eminent domain now. Ms. Marshall hesitates with doing that because she needs to get the approval from PSNH  
20 first. She thinks this can be done during the Pumpkin Festival. She said they were successful with the Granite State  
21 run in Manchester and that was a lot of people and during the presidential election there was a project as well, she  
22 does not see the sidewalk work being horrible during the Pumpkin Festival.

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24 Vice Chairman Fougere said he would rather accelerate the project and get the utilities to cooperative and if we use  
25 the chain of command, it may get done. If the project is going on during Pumpkin Festival, Selectman Bauer said it  
26 will be a real problem. Vice Chairman Fougere cannot see why we cannot get it done before that. Ms. Marshall  
27 said the schedule shows construction starting October 7; we could move it out by a week so it is after the Pumpkin  
28 Festival. Vice Chairman Fougere suggested if it can be started in early September, that might work. Ms. Marshall  
29 would love to see it start in September. Selectman Bauer does not see it starting earlier than October 7. Vice  
30 Chairman Fougere said it needs to be pushed. Selectman Bauer just does not see it. Vice Chairman Fougere said if  
31 it is that close, then we just push it out to after Pumpkin Festival. Ms. Marshall said she has pushed in other projects  
32 and it did not work out. She would prefer that we give it time before we move up the chain of command. Selectman  
33 Federico indicated if the project construction date is October 7, let's just see how it goes. Ms. Marshall needs to  
34 finish the plan first. PSNH spoke with Ms. Marshall and she thinks he can work with her on this. Vice Chairman  
35 Fougere said the eminent domain needs to begin. Once the easements are all set, can we move forward, said Vice  
36 Chairman Fougere. Ms. Marshall said yes and there were no other questions. Vice Chairman Fougere asked Bill  
37 Parker to let Guy Scaife know when the eminent domain letters are all set.

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39 Bob Courage said there are many hurdles to cross before construction begins. The funding expires in 2015 so it will  
40 be done in 2015 or the money is lost. Starting a project in November is not the best way to do it. Why don't we  
41 wait to start in the spring of 2015 before the money runs out? Guy Scaife said the Pumpkin Festival is October 10,  
42 11 and 12, 2014. We should stay with the plan, but keep everyone informed of the easements and Guy Scaife will  
43 let Bill Drescher know this is coming up and have the letters ready for eminent domain.

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45 **6:30 p.m. – Budget and Bond Hearing.** See separate minutes that document the Budget & Bond Hearing for 2014.

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47 **7:30 p.m. Conservation Commission Review.** After the Budget & Bond Hearing, the Board of Selectmen meeting  
48 reconvened at 8:45 p.m. Audrey Fraizer, Conservation Commission Chairman, explained that there are 450 acres in  
49 the MileSlip Road conservation land dedicated town forest, her hope is that some of the public land is put into con-  
50 servation into perpetuity; she likes that the warrant article will be reworded for that, not for any other purpose. She  
51 is looking at the NE Forest Organization data, to add to the warrant that two acres be used for a building for certain  
52 purposes. The \$12,000 in the warrant article is specifically for that easement. Chairman Daniels asked who would  
53 give snowmobiles permission to be on that land? Ms. Fraizer answered that the land could be sold but it is the own-  
54 er and the easement holder that would allow that. Chairman Daniels said the town owns that land and the town can  
55 sell it if it chose? Ms. Fraizer said yes by town vote. If we put the easement on the land, it would not prevent it  
56 from being sold. Selectman Bauer asked if the town does not preserve land, it could become wall to wall houses.  
57 This is a warrant article so the voters can speak. Ms. Fraizer presented a map of the property that shows the proper-  
58 ties that connect to other towns. Vice Chairman Fougere remembers that this land was voted by the people to pur-

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1 chase with the understanding that everybody would be able to use it. Once ATVs started using it, it was stopped.  
2 Why do we need a third party for an easement instead of developing it ourselves and get the approvals necessary for  
3 snowmobiles. Ms. Fraizer said the Conservation Commission is allowed to hold easements on property but it is dif-  
4 ficult to monitor use and the Conservation Commission could be done away with by town vote at any time. So the  
5 easement would tie the hands of the voters if they wanted to do something with the land, asked Selectman Putnam.  
6 Ms. Fraizer answered it would have to go through some legal steps and be more complicated. Vice Chairman Foug-  
7 ere said if the language is done right, it can always be undone. Guy Scaife said there is a Class 6 road going through  
8 MileSlip to Brookline, if there were an easement on it, could that be converted to a Class 5 road? Ms. Fraizer be-  
9 lieves the road could be granted. Vice Chairman Fougere said the easement would not affect the road. There were  
10 no further comments or question on Article 17.

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12 Article 16 for \$10,000 to increase the land fund. Ms. Fraizer explained there are two properties the Conservation  
13 Commission has been discussing in non-public session that would both cost more than \$50,000. With what is cur-  
14 rently in the land fund, we could not even approach the sale price. We have just over \$40,000 in the land fund.  
15 Chairman Daniels asked how much will be taken into the fund through forestry this year? Ms. Fraizer responded  
16 not much. Vice Chairman Fougere asked if there is any Current Use money going into this fund? Some communi-  
17 ties get 100%; others get 50% of the Current Use revenue. Ms. Fraizer noted that no Current Use funds come to  
18 conservation. Vice Chairman Fougere has reservations on this warrant article, with the budget being up and Osgood  
19 Pond and the roads and bridges, those all take priority for him. There were no further questions or comments.  
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21 Selectman Putnam moved to not support Article 16 for \$10,000 for the conservation land fund. Chairman Daniels  
22 seconded. Selectman Bauer supports both of these articles. Chairman Daniels would rather see \$22,000 go into the  
23 roads and bridges fund. Vice Chairman Fougere will stay with his original vote; he wants to see Osgood Pond on  
24 the warrant this year. He will not support these two articles. Selectman Federico will support the \$10,000 for the  
25 land fund but will not support Article 17. Selectman Putnam, Chairman Daniels and Vice Chairman Fougere in fa-  
26 vor. Selectman Federico and Selectman Bauer opposed. Motion passed 3/2. Therefore Article 16 will not be on the  
27 warrant for Conservation Land Funds.  
28

29 Selectman Putnam moved to not place Article 17 for \$12,000 for the MileSlip easement on the warrant. Vice  
30 Chairman Fougere seconded. Vice Chairman Fougere, Chairman Daniels, Selectman Putnam and Selectman Fed-  
31 erico were in favor with Selectman Bauer opposed. Motion passed 4/1. Therefore Article 17 will not be on the war-  
32 rant for the MileSlip easement.  
33

34 While the Board voted not to put the two conservation articles on the Warrant, Chairman Daniels reminded Ms.  
35 Fraizer that they could be put on by petition.  
36

37 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** There were no public comments.  
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39 **4. DECISIONS**  
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- 41 a) **CONSENT CALENDAR.** Chairman Daniels asked if any items need to be removed from the Consent  
42 Calendar for discussion. Chairman Daniels asked that item 4a1 be removed for discussion. Selectman Bauer  
43 moved to approve the Consent Calendar with the exception of item 4a1. Vice Chairman Fougere seconded. All  
44 were in favor. Motion passed 5/0.  
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- 46 **1) Approval of Unanticipated Revenues and Gifts Over \$5,000 (RSA 31:95 b).** The listing of unanticipated  
47 revenues over \$5,000 was reviewed as follows:  
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<u>Source</u>	<u>Amount</u>	<u>Purpose</u>
Shepard Park Improvement Trust	\$16,500	Donation from the Shepard Park Improvement Trust for Building project improvements At Shepard Park
Federal HUD Grant NH Community Planning Grant	\$10,000	Funding for project to develop a town-wide Milford pedestrian, Bicycle trail and recreation Connectivity plan
Keyes Pavilion Special Purpose Fund	\$ 100	Brick fundraiser monies from the Milford Recreation Commission

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To be used for the Keyes Pavilion  
Special Purpose Fund

Chairman Daniels requested this item to be removed from the Consent Calendar for discussion and asked about in-kind services on the Community Planning Grant. Guy Scaife said the Community Development staff will assist NRPC in the development of the plan. Our staff's involvement is the "in-kind match." Guy Scaife said it is to develop a town wide plan. Chairman Daniels asked if there will be public hearings on this plan. Guy Scaife said before the Master Plan can be approved, there are public hearings; this project is part of the Master Plan. This plan is to lay out a sidewalk and biking plan. Chairman Daniels said if I am against this type of plan, why would I vote to accept this? Guy Scaife indicated that one of the items in the Master Plan is the development of a sidewalk and bike route plan. Selectman Bauer said it is not a new concept; it is an ongoing goal of the Planning Board. Vice Chairman Fougere indicated if it will become part of the Master Plan, it will have public hearings. Janet Langdell, Planning Board Chair, stated the discussion on this has gone on for a number of years. Where do we want to have the ability to walk in town? We want to have discussions on it to figure that out. There was funding available and the Office of Community Development applied for and received a Federal grant. We are trying to work on the concept ahead of time so that we can move forward with it and it puts us in a better position for this type of activity. Selectman Putnam moved to accept this listing of donations as listed. Vice Chairman Fougere seconded. All were in favor.

- 2) **Approval of Supplemental Tax Warrant.** Town Assessor, Marti Noel, has requested approval of a supplemental Property Tax Warrant for Map 7, Lot 20-C-6, located at 96 Old Wilton Road, with taxes totaling \$6,742.50, due on February 14, 2014. This item was approved.

b) **OTHER DECISIONS.**

- 5. **TOWN ADMINISTRATOR REPORT:** There was no report this evening.

6. **DISCUSSIONS.**

a) **Warrant Article Discussions.**

There was some discussion about putting certain items in the budget, rather than having them in separate warrant articles. All agreed to put the Osgood Pond article on the warrant, to give it two tries before voters. Chairman Daniels asked if the employee raise were 2% instead of 3%, how much that would bring the budget down. Guy Scaife said it would bring it down about \$45,000, but remember this town does not give COLAs or step increases and the last 4-5 years the employees have only received two increases. The Board took votes on the articles as follows.

**Memorial, Veterans & Labor Day Parade town support - \$6,000**

Selectman Putnam moved to support this article at \$6,000. Vice Chairman Fougere seconded. All were in favor. Motion passed 5/0.

**Fireworks - \$8,500**

The Board voted 3/2 in favor.

**Summer Band Concerts \$9,000**

The Board voted 5/0 in favor.

**Milford Improvement Team Operating Budget Support - \$20,000**

The Board voted 5/0 in favor.

**Pumpkin Festival, Holiday Decorations and Plantings - \$20,000**

The Board voted 5/0 in favor.

**MileSlip Town Forest - \$12,000**

The Board voted to remove this from the Warrant.

**Conservation Land Fund - \$10,000**

The Board voted to remove this from the Warrant.

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2 **Non-Emergency Community Transportation Bus Service - \$28,950**

3 The Board voted 5/0 in favor.

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5 **Social Services - \$35,000**

6 The Board voted 4/1 in favor.

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8 **AFSCME Contract - \$17,600**

9 The Board voted 5/0 in favor.

10  
11 **Transfer Station Scale House/Office Replacement - \$73,551**

12 The Board voted 5/0 in favor.

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14 **Dump Truck - \$30,000 (annual payment)**

15 The Board voted 5/0 in favor.

16  
17 **Fire Ladder Truck #1 Replacement - \$117,500**

18 The Board voted 5/0 in favor.

19  
20 **Bridge Replacement Capital Reserve Fund - \$125,000**

21 The Board voted 4/1 in favor.

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23 **Osgood Pond Dredging - \$183,000**

24 The Board voted 0/5 opposed (does not support)

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26 **South Street Railroad Crossing - \$200,000**

27 The Board voted 5/0 in favor.

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29 **Water Department Operating Budget \$ 1,369,255**

30 Board of Selectmen does not take a position on this article

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32 **Wastewater Treatment Operating Budget \$1,809,111**

33 Board of Selectmen does not take a position on this article

34  
35 **Town Operating Budget - \$13,151,231**

36 The Board of Selectmen has not taken a position on this article

37 There was discussion regarding the cost of additional position for the Human Resources Director transition.

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39 **Dram Cup Water Storage Tank Renovation - \$330,000**

40 Board of Selectmen does not take a position on this article

41  
42 **Sale or Other Disposition of Resources**

43 Board of Selectmen did not take a position on this article.

44 There was discussion on possibly re-wording this article to make it more clear. Vice Chairman Fougere  
45 took the action.

46  
47 **Brox Community Land Infrastructure Capital Reserve**

48 Board of Selectmen did not take a position on this article.

49 There was discussion on possibly re-wording this article to make it more clear. Vice Chairman Fougere took the  
50 action.

51  
52 **b) Petition Warrant Articles.**

53 **Veteran's Exemption - Petition Warrant Article**

54 Selectman Federico moved to not support. Selectman Bauer seconded. Motion passed 4/1 with Selectman  
55 Putnam opposed. The Board does not support this article.

Funding of the Annual Labor Day Parade – \$10,000 - Petition Warrant Article

Selectman Putnam moved to support. Vice Chairman Fougere seconded. All were in favor. Motion passed 5/0.

Milford Resolution Language for NH Town Meetings – Petition Warrant Article

No Vote was taken on this article.

7. SELECTMEN’S REPORTS / DISCUSSIONS.

a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES. Vice Chairman Fougere mentioned that the ambulance facility committee will have one last meeting within a week or two to wrap up the final accounting and the first meeting in February will have a final presentation.

b) OTHER ITEMS (that are not on the agenda). Selectman Bauer would like to put a photo of the ambulance facility on the back of the town report and she would like it to be on the front of the voter’s guide as well. All concurred. Guy Scaife indicated the front cover of the town report is all set with a dedication to George Infanti and he suggested using the back of the town report to put the ambulance facility picture on the back. All concurred and it will be on the front of the voter’s guide as well.

8. APPROVAL OF FINAL MINUTES. Selectman Putnam moved to approve the minutes of December 9, 2013 as presented. Selectman Federico seconded the motion. All were in favor. Motion passed 5/0.

9. INFORMATION ITEMS REQUIRING NO DECISIONS.

10. NOTICES. Notices were read by Chairman Daniels.

11. NON-PUBLIC SESSION. Selectman Bauer moved to enter into Non-public session at 10:20 p.m. in accordance with RSA 91-A:3 II(c). Vice Chairman Fougere seconded. All were in favor with none opposed. Motion passed 5/0. After discussion, Selectman Putnam moved to approve the non-public minutes of 11/12/13 as amended. Vice Chairman Fougere seconded. All were in favor. Motion passed 5/0. Selectman Putnam moved to come out of non-public session at 10:30 p.m. Selectman Federico seconded. All were in favor with none opposed. Motion passed 5/0. Chairman Daniels announced that in non-public session the Board approved non-public minutes of November 12, 2013 (reputation). Selectman Putnam moved to re-seal the non-public minutes reviewed this evening. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

12. RECESS: The Board of Selectmen recessed from this regular Board of Selectmen meeting at 6:20 p.m. in order to hold the 2014 Budget and Bond Public Hearing. This meeting reconvened at 8:45 p.m. after the Budget & Bond Public Hearing. Chairman Daniels welcomed back members and members of the public, noting that a final tally from the Board of Selectmen on its final positions on the Warrant Articles must be completed by January 27. The purpose of this re-convened meeting is to go through the Warrant Articles to see if there is anything that can be acted on or maybe get ideas or concerns on the table to be addressed and to take preliminary votes.

13. ADJOURNMENT: There being no further business to come before this Meeting, Selectman Putnam moved to adjourn at 10:30 p.m. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

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Gary L. Daniels, Chairman

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Mark Fougere, Vice Chairman

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Katherine Bauer, Member

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Kevin Federico, Member

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Mike Putnam, Member