

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
March 10, 2014

PRESENT: Gary Daniels, Chairman
Mark Fougere, Vice Chairman
Katherine Bauer, Member
Mike Putnam, Member
Kevin Federico, Member
Guy Scaife, Town Administrator
Kathryn Parenti, 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 and introduced Board members; he then led the audience in the Pledge of Allegiance. Chairman Daniels noted that due to technical difficulties, the meeting would not be broadcast live on PEG.

2. APPOINTMENTS:

5:30 p.m. – First Public Hearing – St. Joseph Hospital/Milford Medical Center/Kaley Park Lot Line Adjustment/Land Exchange. Chairman Daniels opened the public hearing at 5:30 p.m. Attorney Brad Westgate of Winer and Bennett, LLP, was present along with Robert Demers of St. Joseph’s Hospital and Kyle Burchard of Meridian Land Services, Inc. Attorney Westgate stated he would be presenting on behalf of St. Joseph’s Hospital and noted this was a slightly different plan than had been presented earlier but with the same acreage and the same effect as the previous plan but with a different configuration; this was the best way to do the land exchange. The Planning Board voted to recommend the land exchange at the February 25, 2014 meeting; the Conservation Commission was officially meeting on Thursday and he would be presenting the plan to them then. Chairman Daniels noted the Conservation Commission did review it and this board has that correspondence. They had no comment and approved the removal of wetlands from the St. Joseph’s property. Selectman Bauer asked if the Board of Selectmen is seeing what was presented to the Planning Board. Attorney Westgate replied yes they are, with some typographical changes.

Mr. Burchard set up the large set of plans showing the proposed changes while Attorney Westgate explained them. The first sheet shows the final result of the land exchange and the area highlighted in green is the Kaley Park parcel. The area highlighted in red is St. Joseph’s property, which includes the former Adams House and the main property; they will continue the existing easement for the parking lot, which has been in effect for a couple of decades, as well. There is a green corridor shown, which is blanketed by a PSNH easement. The blue highlighted area along Nashua Street is the area that will be deeded to the town, by St. Joseph’s, for the Nashua Street widening project. There is a green piece of property that has been added to the Kaley Park parcel and the small red area is to be conveyed by the town to St. Joseph’s. The result is 15,200 + square feet of land mass that is part of the exchange. The previous exchange had a slightly larger amount of land but the same result can be done with slightly less exchanged. There will also be access and utility easements. The final sheet presented shows the location of the new building, which will be attached to the newer existing medical office building in the rear; the old buildings at the front of the property will be demolished. This plan will minimize the exchange of easements. The town will need to provide new easements for access and utilities, which includes some drainage installation. The town will also grant an easement for the upper corner of the parking area near the existing medical office building and St. Joseph’s will grant an easement for the driveway to Kaley Park.

The entire road system will be maintained by St. Joseph, as part of their site plan approval. They will reserve or grant utility easements as sewer and water may go into that area. If the land exchange wasn’t approved they would still have to figure out the location of the easements as the present easements don’t contemplate the location of the road system and the exact location of the parking as they would be under the new site plan approval. He has provided initial draft easements and he will send a copy to the Town Administrator, to Bill Parker, Director of Community Development, and to Attorney Bill Drescher, Town Counsel as well as the Planning Board. Chairman Daniels inquired about the easement off of Nashua Street and asked if the drainage would be taken care of by St. Joseph’s. Attorney Westgate replied the paving and installation of utilities would be St. Joseph’s Hospital’s obligation. They do have to reconfigure the joint use with PSNH as well; there will be one (1) pole moved and some topographical

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59 changes with the new road system. Chairman Daniels asked if there were any comments or questions from Board
60 members; there were none. Chairman Daniels asked if there were any comments or questions from the public; there
61 were none.

62
63 Chairman Daniels asked if there was consensus of the Board to allow Attorney Westgate to proceed with the draft
64 agreements, to be reviewed at the next public hearing; the Board agreed. Attorney Westgate stated he would be
65 back before the Board in two (2) weeks and will send out the draft agreements prior to that meeting. Chairman Dan-
66 iels closed the public hearing at 5:40.

67
68 **5:40 p.m. – Waiver of Liability – RSA 674:41 I (D) (3).** Chairman Daniels noted this is a waiver of liability for a
69 parcel without frontage on a Class V road or better, located on Crestwood Lane off of Stable Road. Attorney Thom-
70 as Quinn stated he was present in place of Attorney Will Sullivan, who represents Mr. Lorden, current owner of the
71 property, in this matter. Attorney Quinn was representing the purchasers of the property in question, Christopher
72 and Becky Casey. His clients propose to purchase the property from Mr. Lorden and they have been to the Zoning
73 Board of Adjustment (ZBA) and were granted a variance from the zoning requirement for frontage. In addition,
74 pursuant to NH RSA 641:41, they are required to obtain a review and approval by the Planning Board and authoriza-
75 tion by the Board of Selectmen. They went before the Planning Board at the February 25, 2014 meeting and they
76 had no objections. Mr. and Mrs. Fichera of Crestwood Lane have given Mr. Lorden an easement for a fifty (50) foot
77 wide and fifty three (53) foot long access for utilities and vehicles; this easement is recorded; the Planning Board
78 approves this.

79
80 Chairman Daniels asked the Board if they had any questions. Selectman Bauer noted members have the report from
81 the Planning Board. Chairman Daniels asked if there was a motion. Selectman Putnam made the motion to approve
82 the waiver of liability for a parcel without frontage on a Class V road or better. Selectman Federico seconded the
83 motion. Vice Chairman Fougere stated Attorney Drescher has a standard formatted stipulation release statement and
84 he would suggest it be used here. This stipulation makes sure the town is not liable for maintenance and he suggest-
85 ed they use it and replace the one in this file. Attorney Quinn stated he would be happy to work with Attorney
86 Drescher to see if they can come to a mutually agreeable solution; he would not want to agree in the abstract, with-
87 out having seen it. Mr. Scaife indicated the town has dealt with these before and the statutes are clear without mak-
88 ing it complicated; he asked Bill Parker, Director of Community Development, if this covers anything that hasn't
89 been covered before. Vice Chairman Fougere stated this will set a precedent as there are a many back lots in town
90 without frontage; he expected they will see this again. In Hollis, Attorney Drescher wrote language to deal with this
91 and he would feel more comfortable with his language rather than anyone else's. They are waiving liability since
92 the access is off a private road and not a town road.

93
94 Selectman Bauer asked if this is either by statute or is it part of the process to get these lots approved. Selectman
95 Federico stated this is statutorily required. Vice Chairman Fougere noted Attorney Drescher had already written this
96 language before and he was more comfortable with it. Selectman Federico asked if Attorney Drescher would be
97 looking at this anyway. Vice Chairman Fougere replied he should be. Mr. Scaife indicated the statute covers the
98 town as is covers every municipality and they have already done several of these. He would have to see the specific
99 areas Attorney Drescher is addressing that the statute doesn't already give that protection. Vice Chairman Fougere
100 read from the RSA 674:41.1 (d)(3): "*Prior to the issuance of a building permit, the applicant shall produce evi-*
101 *dence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of*
102 *deeds...*" The details are not in the statute; the details are in the document, already written by Attorney Drescher. It
103 is written from the Town's perspective versus the Applicant's perspective. If there is something in there that Attor-
104 ney Quinn or Attorney Sullivan does not like, they can work it out. Selectman Bauer reiterated Attorney Drescher
105 will see what has been submitted by Attorney Sullivan. Selectman Federico understands the coverage of liability
106 and if Attorney Drescher reads it and prefers it, they should go with that. Chairman Daniels asked Vice Chairman
107 Fougere if he had any issue with them approving the request and let the attorneys work out the language; Vice
108 Chairman Fougere was fine with that. Mr. Scaife indicated they were either approving this or not. Attorney Quinn
109 stated the Board could approve this subject to the parties approving agreeable language and then they would not
110 have to come back before the Board for it to be signed. The Board agreed. Chairman Daniels asked if Selectman
111 Putnam would amend the motion to incorporate that. Selectman Putnam amended his motion to approve the waiver
112 of liability for a parcel without frontage on a Class V road or better, subject to approved language. Selectman Bauer
113 had already seconded the motion. All were in favor with none opposed. Motion passed 5/0.

114
115 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** There were no public comments.
116

117 **4. DECISIONS**

- 118
119 a) **CONSENT CALENDAR.** There were no items for consent.
120 b) **OTHER DECISIONS.** There were no other items requiring decisions.
121

122 **5. TOWN ADMINISTRATOR REPORT:** Mr. Scaife indicated the town departments were actively preparing
123 for a Department of Labor inspection that will occur on March 25, 2014. This inspection is equal to an OSHA
124 inspection in the private business world. There is a lot of housekeeping that is being done to prepare for the
125 inspection. Primex was here for an education session and in an advisory capacity. They work with the DOL and
126 went through the most vulnerable locations, primarily DPW and Water Utilities, as they have more equipment and a
127 more dangerous working environment. In addition, Mr. Scaife wanted to recognize Tina Philbrick's effort in getting
128 the voter's guide and town report out. Selectman Putnam noted there were some errors in the voter's guide, in the
129 Wastewater Utilities section. Mr. Scaife noted "Water" should have been listed as "Wastewater". Chairman Daniels
130 noticed that what were once called "warrant articles" were now listed as "ballot questions" and hoped that would not
131 cause confusion in the polls; he had noticed that last year as well. Most other towns call them "warrant articles" as
132 well. Mr. Scaife indicated the word "article" was dropped when the language changed after they had gone to the
133 municipal association. He would look at the situation.
134

135 Mr. Scaife's last item was regarding the installation of a flat screen panel in the town hall lobby, to be used as a bul-
136 letin board to mirror the PEG channels. This would be a good way to inform the public as they come into the lobby;
137 they would not broadcast meetings. They are in the finalization process regarding maintenance and processes. He
138 also noted staff was busy working with the town clerk in preparation for tomorrow's voting day.
139

140 **6. DISCUSSIONS.** There was a quick discussion regarding the scheduling of selectmen being present at the poll-
141 ing place tomorrow. Selectman Fougere indicated he would be present from 6 a.m. to 8 a.m. and then from 3:30
142 p.m. to the close of voting at 8 p.m. Selectman Federico thought he would be there after 9 a.m. to the closing and
143 Chairman Daniels would be present from 6 a.m. to approximately 8 a.m. and then return from 3 p.m. to 8 p.m. Se-
144 lectmen Bauer and Putnam would not be inside the building as they are candidates.
145

146 a) **Board of Selectmen Goals/Tasks Review 2014.** Chairman Daniels indicated they would take up this dis-
147 cussion regarding the goals he sent out on February 21, 2014 at the next regular meeting as there may be
148 new selectmen at that point. Vice Chairman Fougere stated they should also reserve comments on the
149 email from the Planning Board regarding the Brox property Master Plan until the new board sits as well.
150 Selectman Bauer wanted to make sure the Middle Street parking and recommendations for the Oval im-
151 provements were on the list of goals. Mr. Scaife indicated they are going to be starting that project up again
152 and Bill Parker should be driving that. There is a federal grant for the road improvements for the greater
153 Oval area out to County Stores on Nashua Street. Selectman Bauer also wanted to make sure the town hall
154 renovations were still on the list as well.
155

156 b) **Decision Whether to Hold 5th Monday Forum.** Chairman Daniels indicated this should be taken up by
157 the new board and if possible, they should hold the meeting as they have cancelled the last two (2) forums.
158 Selectman Bauer felt that was a good idea. Vice Chairman Fougere indicated he would be absent from the
159 next meeting and will be present via Skype.
160

161 **7. SELECTMEN'S REPORTS / DISCUSSIONS.**

162
163 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Putnam
164 noted Wastewater Utilities was moving along smoothly. They are currently looking for a location for a
165 new well; he's not allowed to talk about it at this time as they are in land negotiations. They will be trans-
166 porting sludge out of town to Merrimack and hopefully that will address the odor issue on that side of town.
167 Selectman Bauer asked about the cost. Selectman Putnam indicated it will be cheaper than dealing with it
168 here; they will not have to process the material as much as they do now. Vice Chairman Fougere noted the
169 cost to take care of the sludge isn't any more than the cost to get rid of it. Chairman Daniels noted the town
170 had given the material away in the past and asked if they would still be doing that. Selectman Putnam state
171 that was something they would discuss. Mr. Scaife stated he didn't think they could as it wouldn't be pro-
172 cessed the same way and thus wouldn't be the same material.
173

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174 Selectman Putnam also noted the MACC Base Board of Director’s meeting was to be held tomorrow even-
175 ing but he cancelled it, as there was nothing on the agenda and he was running for selectman and may not
176 be reelected. If that was the case, there would not be time to find a new representative.

177
178 Selectman Bauer stated she and Vice Chairman Fougere attended a joint meeting of Planning Boards last
179 week with representatives from Hollis, Mont Vernon, Milford, Amherst, Wilton and Brookline in attend-
180 ance. She felt it was a productive meeting.

181
182 Vice Chairman Fougere noted he had enjoyed the “Coffee with a Cop” event held last week at McDonalds
183 as part of Chief Viola’s “Community Policing Program”. Captain Chris Nervik was also in attendance and
184 noted there had been a great turn out; a number of people came specifically for the event. Vice Chairman
185 Fougere thought it was a good way for residents to meet police officers in a friendly atmosphere. Captain
186 Nervik noted Officer Dan Campbell even took orders at the drive through. This was a positive event for
187 the officers as well as the citizens.

188
189 Selectman Federico stated the Granite Town Media Advisory Committee had a discussion regarding Nixle,
190 the emergency text and email service. There has been interest from different groups in starting another ap-
191 plication for other departments, namely Wastewater Utilities, in case of water main breaks and road clo-
192 sures. There is currently one (1) channel labeled “Fire Department” as they have been sending out notifica-
193 tions of parking bans and snow removal. Instead of several applications, they would like to keep it under
194 one entity and perhaps rename it for streamlining purposes. The concern is having too many accounts but
195 allow all departments to access the one application. They would like to talk with the fire department, Mr.
196 Scaife and Mike McNerney to let all departments have access to send out emergency messages. Mr. Scaife
197 asked who initiated the concern. Selectman Federico replied the Granite Town Media Advisory Committee
198 voiced concern. Mr. Scaife stated this had never been an area where that group has had involvement. He
199 indicated the fire department had started the service and administers it; that doesn’t mean GTMAC can’t
200 give advice. Selectman Putnam noted Wastewater Utilities had talked about starting a Facebook page to
201 notify the public of road closures and water main breaks. He had thrown out Nixle as a possible solution
202 and that was probably where this discussion resulted from. Mr. Scaife noted the only expansion beyond the
203 classic fire department alerts is notification of snow removal and they’ve been slow to get it out; the only
204 24/7 entity in town is MACC base and they’ve never said they would request MACC Base to administer
205 the service. It’s something to think about. Selectman Putnam though perhaps another medium would work.
206 Selectman Federico said this was something to start a conversation about, to make it centralized.

207
208 **b) OTHER ITEMS (that are not on the agenda).**

209
210 **8. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes from February 10,
211 2014 as presented. Selectman Bauer seconded the motion. All were in favor with none opposed. Motion passed 5/0.

212
213 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.** There were no information items.

214
215 **10. NOTICES.** Notices were read by Chairman Daniels.

216
217 **11. NON-PUBLIC SESSION.** None

218
219 **12. ADJOURNMENT:** There being no further business to come before this Meeting, Selectman Putnam moved to
220 adjourn at 6:31 p.m. Selectman Federico seconded. All were in favor with none opposed. Motion passed 5/0.

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224 Gary L. Daniels, Chairman

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224 Mark Fougere, Vice Chairman

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227 _____
228 Katherine Bauer, Member

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227 _____
228 Mike Putnam, Member

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230
231 _____
232 Kevin Federico, Member