

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
May 27, 2014

PRESENT: Gary Daniels, Chairman
Katherine Bauer, Member
Mike Putnam, Member
Kevin Federico, Member
Guy Scaife, Town Administrator
Darlene J. Bouffard, Recording Secretary
Niko Giokas, 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 5:30 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. Chairman Daniels explained that the Board met in non-public session at 5:15 p.m. to discuss Personnel, Reputation and Legal issues. Chairman Daniels introduced members of the Board. Chairman Daniels indicated 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 the Board discussed one Personnel issue, one legal issue and one reputation issue. There were no votes taken, nor decisions made.

2. APPOINTMENTS:

5:30 p.m. – Assessing. Marti Noel, Town Assessor, explained she has one Elderly Exemption being recommended for approval tonight. Chairman Daniels asked if there were extenuating circumstances for this applicant. Ms. Noel responded that the applicant simply failed to provide the additional paperwork that was requested within the timeframe. Selectman Putnam moved to approve the one Elderly Exemption as presented. Selectman Bauer seconded. All were in favor. Motion passed 4/0

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

4. DECISIONS

a) **CONSENT CALENDAR.** Chairman Daniels asked if any items need to be removed from the Consent Calendar for discussion. No items were removed. Selectman Putnam motioned to approve the Consent Calendar. Selectman Federico seconded. All were in favor. Motion passed 4/0.

1) **Request for Approval of Drinking Water State Revolving Loan #1561010 – Dram Cup Hill Tank Rehabilitation Project.** The Original Loan Agreement (OLA) for the Drinking Water State Revolving Loan Project #1561010 for the Dram Cup Hill Tank Rehabilitation Project was approved by the Board of Selectmen.

2) **Request for Approval of 31:95 Unanticipated Funds and Gifts under \$5,000 – Marmon Utility and Milford Police Department - Evidence.** The request for acceptance and appropriation of unanticipated revenues under \$5,000 in accordance with RSA 31:95(b) was approved as follows:

<u>SOURCE</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
Marmon Utility	\$500.00	Donation to the Milford Fire Department. The Milford Fire Department wishes to designate the Monies to the Fire Rescue Donations Special Purpose Fund
Milford Police Department- Evidence	\$534.60	Monies returned to the Milford Police Dept. for the State Drug Forfeiture Special Purpose Fund per the court's order

3) **Request for Acceptance of Property Tax Warrant – First Half 2014.** This item was accepted by the Board of Selectmen in the amount of \$17,220,546.65.

1 b) **OTHER DECISIONS.**

2 1) **Request for Approval of 127 Elm Street Purchase and Sales Agreement.** Guy Scaife asked that
3 this be put on the agenda under Other Decisions in order for a discussion to be had. Vice Chairman
4 Fougere has raised several questions. What is on tonight's agenda is the Purchase and Sales Agree-
5 ment and contingencies that must be addressed before it is signed off. This would allow the town to
6 ensure a second egress to the Keyes Park facility so that when the Fletcher clean-up begins, the town
7 can still keep the site open. Without that access, the town risks losing that park for up to two seasons.
8 This was previously discussed with the Board of Selectmen who gave direction to proceed with filing
9 with Superior Court for an Emergency Town Meeting. June 25 at 9 a.m. is the court date for that hear-
10 ing. One of the contingencies is that the Special Meeting be allowed on September 9 with the State
11 Primary. The most significant contingency is the fact that voters would approve the appropriation at
12 that Special Town Meeting. The other contingency is that the problems identified by the Department
13 of Environmental Services (DES) get addressed by the current owner and the town gets a letter that the
14 property is in compliance with their requests. The Terms and Conditions are also included in this doc-
15 ument. A cash appropriation of up to \$190,000 is a contingency as well. Several weeks ago, this
16 Board authorized the Recreation Commission to pursue fundraising to lower the cash outlay and so far
17 there is a hard commitment of \$10,000 (10%). Other (commitments) will be coming through; there-
18 fore we already know it will be less than the \$190,000 outlay of cash that is in this Purchase & Sales
19 Agreement. This agreement was drafted by the Town Attorney Drescher and the owner (Mayo) is in
20 agreement and have already signed the contract. It is important that before the town goes to court that
21 we have an executed contract.

22
23 Vice Chairman Fougere had previously asked if Attorney Drescher has reviewed the document. Guy
24 Scaife responded that Attorney Drescher drafted the document. Vice Chairman Fougere had also
25 asked if there is an estimated time frame of when a decision will be made. Guy Scaife responded that
26 within a couple of weeks at the most, the judge will have a decision. Vice Chairman Fougere had also
27 asked about demo bids. Guy Scaife indicated that he has gotten one quote for demo, but the Recrea-
28 tion Commission has been clear that they would like the building to be evaluated by an engineer to see
29 if there is salvage value so it is premature to get bids for demo while it is still possible there is salvage
30 value. Vice Chairman Fougere had pointed out previously that the town should also have an outside
31 representative review the environmental clean up plan. Guy Scaife responded that Tom Roy has and
32 will continue to assist the town in that role.

33
34 Chairman Daniels questioned Section 14 of the agreement regarding Contingencies and Due Diligence,
35 and asked if the town is fully aware of the issues on the property and that if the issues are not resolved
36 the town can back out of the deal. And will the DES require certain covenants or restrictions on that
37 property once the issues are dealt with? Guy Scaife said we do not anticipate any unforeseen issues
38 and expect it should be easily cleaned up. Chairman Daniels asked if we will have answers to these
39 questions before the September 9 vote. Guy Scaife hopes that is the case, however, Mayo has until
40 December 1st.

41
42 Selectman Bauer asked how many acres this property has. Guy Scaife answered 5.8 acres which is
43 pretty flat and usable for future buildings, fields and parking, and this site would also allow for dual
44 egress. Selectman Bauer said during the Memorial Day Parade, Keyes Drive was closed but people
45 were using it. Guy Scaife said there is an easement agreement from several years ago with PermaTach
46 which the current owners are not willing to update, so the town will not have that access when Keyes
47 Drive closes for the Fletcher clean-up. Guy Scaife asked if the Board of Selectmen is ready to approve
48 this and then we can move forward. It is important for the public so that when fundraising, people un-
49 derstand this is a strong commitment.

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51 Selectman Putnam moved to approve the 127 Elm Street Purchase and Sales Agreement in order to
52 move forward with the P&S Agreement. Selectman Bauer seconded. All were in favor. Motion
53 passed 4/0.

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55 **5. TOWN ADMINISTRATOR REPORT.**

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57 **6. DISCUSSIONS.**

1 a) **Board of Selectmen Goals Review 2014.** Chairman Daniels asked if there were any further advances on
2 streamlining the Community Development process. Community Development Director Bill Parker re-
3 sponded yes, forms are now on line, we do not have the capability to fill them out on line, which is being
4 looked into as far as cost and what it will take to do that and put it in the budget; additionally looking at
5 getting the Economic Development website together.
6

7 Chairman Daniels indicated that Vice Chairman Fougere is looking into additional parking along Middle
8 Street. Selectman Bauer thinks it is important to keep Middle Street two-way, which is part of what Vice
9 Chairman Fougere is looking into. Selectman Bauer asked if Lot 26-165 is for sale. Guy Scaife said he did
10 not know the current status. Chairman Daniels said the downtown parking does not rise to the priority level
11 of the roads and bridges in town and therefore purchasing any property for parking would not be a consid-
12 eration. Selectman Bauer asked if the Board could find out the availability of that property. Chairman
13 Daniels said we could add that to the list of things to do, but Vice Chairman Fougere was already looking at
14 the parking in the oval area.
15

16 Bill Parker indicated there have been discussions with the Economic Development Advisory Committee
17 (EDAC) last Wednesday and Norwood was pulled in about the Brox Property and looking at selling small-
18 er portions of it. The TIFF Board will have to meet to discuss. Chairman Daniels asked if all options of
19 dealing with Brox have been exhausted. Bill Parker responded no, we have looked into a few, but have not
20 exhausted all options. Selectman Bauer asked what the NH unemployment rate currently is. Chairman
21 Daniels said it is about the same as the Milford unemployment rate (about 4.5%). Chairman Daniels asked
22 about removing technology items from the Board of Selectmen goals. Selectman Federico had mentioned
23 that a few months ago; Bruce Dickerson is handling the technology and it is continuing to move forward.
24 All Board members concurred that the technology piece should come off this Board of Selectmen goals list.
25

26 Selectman Putnam indicated he is still working on the MACC base item. Selectman Bauer asked about
27 bridges. Guy Scaife explained sometime in June there will be more information available on bridges. The
28 Cartegraph kick off meeting is on May 29 to get that started. Currently the easements on the South Street
29 project are being worked on for PSNH and Fairpoint, and it might be close to Pumpkin Festival, but it is in
30 process. Emerson Road and Route 13 projects are still being worked on.
31

32 Bill Parker, indicated they have just signed paperwork with an appraisal firm for four properties on South
33 Street where there will be a little more impact. A lot of progress has been done, the bank property will be
34 the most affected. Three of the parking spaces in the northeast corner of the TD Bank parking lot will go
35 away. Guy Scaife said the bank is giving up the spaces and has been very cooperative. There are a lot of
36 utilities that were in the air on poles that all have to go somewhere. Selectman Federico asked what hap-
37 pens next. Bill Parker responded the next hurdle is getting signed easement agreements all along South
38 Street. Selectman Bauer said that people are concerned that the construction for this will be in the middle
39 of Pumpkin Festival, is there a goal date? Bill Parker said the goal is to get it done before the festival, but
40 there are so many variables, we trying our best to get it done but he is not making any promises. If it hap-
41 pens during Pumpkin Festival we will have to try to minimize its affect. Once construction starts, it is pret-
42 ty quick, maybe 6-8 weeks. Guy Scaife said it could also get done after Pumpkin Festival, not the best op-
43 tion, but it can be done.
44

45 The turning lanes addition in front of St. Joseph's is planned for late in the year. Chairman Daniels would
46 still like to see the documentation on what is the town's obligation for the turn lanes. Bill Parker believes it
47 is in the 1999 ZBA records. Chairman Daniels asked if the town ever voted on the turn lanes. Bill Parker
48 responded does not believe so, the plan is to be a joint effort between DPW and St. Joseph's to work on the
49 turn lanes. Bill Parker said they are assisting with the work to get the lanes completed. Guy Scaife said
50 that plan is ready to begin this year and St. Joseph's is helping and paying about one third of the cost. Se-
51 lectman Bauer wants to see Kaley Park developed, we need more playing fields. The ZBA put that condi-
52 tion on that plan years ago and the traffic has only increased since then.
53

54 The timeline for the town hall renovations was provided to the Board of Selectmen, Selectman Putnam had
55 the outline for renovations prepared to discuss it at the last meeting when Selectman Putnam was excused.
56 If the Board of Selectmen is in favor of that outline, Selectman Putnam will start work on it. Selectman
57 Bauer asked how this affects the Library renovation that has been on the books for 12 years. The original
58 CIP costs for the Library renovation was \$500,000; Selectman Bauer asked for a refresher about how the

1 town hall renovation would be done. Selectman Putnam said the immediate needs are for Bruce Dickerson
2 (IT) and Mike McInerney (Community Media) – their space requires very little engineering and is quick
3 and easy and the remodel as recommended by the engineer would open up space for Recreation. After that,
4 the Board of Selectmen room would be looked at and renovations in that area would span out over 4-5
5 years. Selectman Putnam said we do not have the money to do anything big right now. Selectman Bauer
6 asked where Bruce and Mike would be moved. Selectman Putnam indicated the ambulance space would be
7 used, we have a plan already done by the engineer that he had been working off of. Selectman Putnam is
8 not going to put any time into it if the Board of Selectmen is not in favor of it. Selectman Putnam wants
9 roads and bridges to be the focus right now. Selectman Bauer said if the Board agrees to a Phase 1 with an
10 estimated cost and would like for it to go before the voters in March, she does not want the Library renova-
11 tion to be affected as that is scheduled for 2015 so she would have a hard time with that conflict. If both
12 are before the voters it would be confusing.

13
14 Selectman Federico pointed out on Selectman Putnam’s outline, April 28 was when an outline was present-
15 ed to the Board of Selectmen, then on May 12 the space needs and urgency would be reviewed. Selectman
16 Federico is not interested in putting any money into this immediately until we know what we are talking
17 about. This is something we want to look at first and not spend \$2.5 million on it. We were in agreement
18 that we would go ahead with your breakdown and outline and maybe it was not clear at the meeting, but
19 Selectman Federico thought Selectman Putnam was working on that already. Selectman Federico asked if
20 Selectman Putnam wants to put real dates down and move forward. Selectman Bauer would like to do that.
21 Chairman Daniels asked if the review of Facility Committee meeting minutes could be done before the next
22 Board of Selectmen meeting (June 9). Selectman Putnam responded it would be difficult but he could try.
23 Selectman Bauer asked if the CIP members are ongoing. Bill Parker said the CIP is appointed by the Plan-
24 ning Board and next Wednesday is the next meeting. The CIP is the same group as last year and they will
25 get right into the requests. June 4 is their next meeting.

26
27 Chairman Daniels asked at what point does the CIP need to get Board of Selectmen input? Bill Parker re-
28 sponded right now would work, because they expect to get the project requests at the first meeting. Chair-
29 man Daniels asked if the Board gets something to the CIP Committee after the next Board of Selectmen
30 meeting (June 9), would that work. Bill Parker said he would let them know.

31
32 Selectman Putnam explained the engineering on the Wastewater Main is about 99% complete, they have
33 done a walk through. Chairman Daniels indicated everyone needs to check their committees for policies
34 and minutes being posted on the website. Chairman Daniels thinks the minutes are getting posted for the
35 most part.

36
37 **b) Transfer Station Mobile Office.** The Recycling Committee, working with the Building Inspector, would
38 like to manage the Mobile Office Project, according to Chairman Daniels. Chairman Daniels would like to
39 have them involved in the process since they have been involved in it for years and they would like to get it
40 done. Selectman Bauer would like to get it done as well. Guy Scaife said DPW has a lot of projects on
41 their plate, and this is one of many, once approved, there are other elements that must be engineered and be
42 in compliance. We have to go out to bid for the trailer. DPW will be doing a lot of this work, it will get
43 done this year, but it has to be done along with a lot of other projects. We will go in for a permit when it is
44 all engineered. There is the ADA compliance issue that came up at the last meeting that must be resolved
45 before we can move forward with a fully engineered plan. We hope to have work commence in late Au-
46 gust for installation in September; it will take about 3 weeks for completion. It is not a weekend project.
47 Selectman Bauer asked when will the bid process be done? Guy Scaife answered that Rick will get that
48 done in the next couple of weeks.

49
50 Chairman Daniels indicated if we do not have an ADA compliant building now, isn’t that grandfathered?
51 Guy Scaife does not know exactly what the rules are but believes it is grandfathered. However all new fa-
52 cilities must be ADA compliant.

53
54 Selectman Federico asked if the town needs a facility committee for a prefab trailer that we are putting on a
55 concrete pad. There are a lot of reasons it is taking a long time, and Selectman Federico would like to see a
56 timeline of when it is going to be done and stick to it. If DPW is doing the majority of the work, I want to
57 see a timeline for when it will be done. The Recycling Committee also wants to see it done as well as the
58 voters that voted it in. Selectman Federico does not think we need a committee and he is not comfortable

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1 with September; it seems like a long time to get it done. Guy Scaife reminded the Board about the things
2 that DPW and Ricky Riendeau have been involved in that take up time, he is working it into the schedule.
3

4 Selectman Federico understands the DPW Director is jumping around, and he is working on it, and that
5 brings him to the Recycling Committee assistance and asked if that would help Mr. Riendeau. Chairman
6 Daniels said there are 12 people on the Recycling Committee who want to be involved in this project. Guy
7 Scaife said if the Recycling Committee wants to take over the entire project, fine, but we cannot have them
8 as project manager to manage the whole project as they do not have the authorization to go out and bid.
9 The committee did come to an agreement on the interior of the facility. No one on that committee is quali-
10 fied to design an ADA compliant structure. Chairman Daniels said there were some questions that came up
11 with the Recycling Committee about a public building and a publicly-owned building. Chairman Daniels
12 read from the RSA that defines where the ADA compliance is needed. Selectman Bauer asked if the office
13 is in a mobile building, does the public go in there all the time. Chairman Daniels said there is a sign that
14 says "Employees Only". So the new facility will have it established that it is employee only and it is not
15 for the public, asked Selectman Bauer. Guy Scaife said this is the first time he has heard that the public
16 will be restricted from entering the facility. If there is a complaint the customer needs to talk about with the
17 Supervisor, they will be brought into the office. Or if there is an employee on crutches, they can work at
18 the window, but not if there is no access for them. Chairman Daniels said there has been a decision made
19 without the Recycling Committee, that there will be a ramp there without regard to whether or not the pub-
20 lic will even go in there. Guy Scaife does not think that is the responsibility of the Recycling Committee to
21 decide. Selectman Federico said he has been yelled at by the Transfer Station Supervisor for going in the
22 building. It sounds like DPW should be the one responsible for the decision. Selectman Federico said the
23 people who voted for this want to know when it will be done and why is it being delayed. Selectman Fed-
24 erico wants a timeline
25

26 Selectman Bauer said we are all volunteers, but had people asked about this, she agrees with Selectman
27 Federico, it is different from the ambulance or police facilities, this is a mobile home having adjustments
28 made to use it as an office and being placed on a concrete pad. Selectman Federico said we just need to
29 follow the law in making it compliant.
30

31 **7. SELECTMEN'S REPORTS / DISCUSSIONS.**
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33 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Put-
34 nam indicated MACC Base is waiting on the audit to know how much is coming back to the town. There
35 might be a request coming in from MACC Base to replace a generator up at Pead Hill which is on its last
36 leg. Selectman Bauer asked when the Pead Hill generator was installed. Selectman Putnam responded it
37 was installed by Wilton telephone and is a belt-driven generator.
38

39 b) **OTHER ITEMS (that are not on the agenda).**
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41 **8. APPROVAL OF FINAL MINUTES.** Selectman Federico moved to approve the Board of Selectmen minutes
42 of April 28, 2014 as presented. Selectman Bauer seconded. All were in favor with Selectman Putnam abstaining.
43 Motion passed 3/0/1. Selectman Putnam moved to approve the Board of Selectmen minutes of May 5, 2014 as pre-
44 sented. Selectman Federico seconded. All were in favor. Motion passed 4/0.
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46 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**
47

48 **10. NOTICES.** Notices were read by Chairman Daniels.
49

50 **11. NON-PUBLIC SESSION.** Selectman Federico moved to enter non-public session at 7:00 p.m. Selectman
51 Bauer seconded. All were in favor. Motion passed 4/0. Selectman Federico moved to approve the non-public
52 minutes of April 28, 2014 (Personnel and Reputation) as amended. Selectman Bauer seconded. All were in favor
53 with Selectman Putnam abstaining. Motion passed 3/0/1. Selectman Federico moved to approve the non-public
54 minutes of May 5, 2014 (Reputation and Legal) as amended. Chairman Daniels seconded. All were in favor. Mo-
55 tion passed 4/0.
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57 **12. ADJOURNMENT:** There being no further business to come before this meeting, Selectman Putnam moved to
58 adjourn at 8:25 p.m. Selectman Federico seconded. All were in favor. Motion passed 4/0.

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Gary L. Daniels, Chairman

Katherine Bauer, Member

Mike Putnam, Member

Kevin Federico, Member