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APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
September 22, 2014

PRESENT: Gary Daniels, Chairman
Mark Fougere, Vice Chairman
Katherine Bauer, Member
Mike Putnam, Member
Kevin Federico, Member
Darlene J. Bouffard, Recording Secretary
Dave Bosquet, Videographer

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

INSTRUCTIONS: Chairman Daniels called the public meeting to order at 5:53 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. 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 a personnel issue, no decisions were made, nor votes taken.

2. APPOINTMENTS:

5:00 p.m. – Non-Public-Personnel. Selectman Putnam moved to enter into Non-public session at 5:00 p.m. in accordance with RSA 91-A:3 II (a) personnel. Selectman Federico seconded. Motion passed 5/0. After a personnel discussion, Selectman Putnam moved to come out of non-public session. Selectman Federico seconded. All were in favor. Motion passed 5/0 and the Board exited non-public session at 5:48 p.m. Chairman Daniels announced that in non-public session the Board addressed a personnel issue and took no votes. The minutes of this non-public meeting have been sealed.

5:30 p.m. – Appointment of Paul Bartolomucci as a Full Member to the Recreation Commission. Chairman Daniels invited Mr. Bartolomucci up to the table to join the Board for this discussion, noting that Mr. Bartolomucci has been recommended by the Recreation Commission and its Chairman Walter Smith to become a full member of the Commission. Chairman Daniels asked why he was interested in the Recreation Commission. Paul indicated that because he is now retired, he has more time and he also has seven grandchildren that use the town facilities and participate in the recreation activities so he felt this is a good way of giving back to the community. There were no questions from the Board who think it is fantastic to do this and look forward to the October Pumpkin Festival. Selectman Federico thanked and welcomed Paul. Selectman Federico moved to appoint Paul Bartolomucci as a full member of the Recreation Commission until March 2016. Vice Chairman Fougere seconded. All were in favor. Motion passed 5/0.

5:35 p.m. – Review and Approval of MS4-Finance. Jack Sheehy, Financial Director, presented a revised MS-4 which is submitted every fall to the State; the revenue projections are made in March each year which allows the Department of Revenue Administration (DRA) to set the tax rate which will be set sometime in October. This is a .pdf form that we plug in the numbers and send electronically to the DRA which saves the State money. Chairman Daniels asked if there is a difference in the estimates from March to now. Jack Sheehy indicated that yes, the ambulance revenue is down over \$100,000 from what was estimated in March. The Motor Vehicles revenue is up about \$50,000. Mr. Sheehy suggested that the Board take the overrun in the police department and keep the projection from March. So we are down \$100,000 today, and we don't know what we will be down by the end of the year, asked Vice Chairman Fougere. Mr. Sheehy indicated that is the projection as of December 31. Selectman Putnam clarified that Mr. Sheehy is suggesting we use the underrun in the Police Department to cover the lower ambulance revenue? Mr. Sheehy said that is correct. Selectman Putnam said the DPW should also have an overage. Jack Sheehy said he is unaware of that. Vice Chairman Fougere moved to approve the revised MS-4. Selectman Putnam seconded. Motion passed 5/0. Jack Sheehy noted that the tax rate is not set for another month or so.

6:00 p.m. – Departmental Update – Community Development. Bill Parker, Community Development Director stated he does not have a formal presentation, but instead has a memo summarizing the activities of the department. South Street is still moving along, TD Bank has agreed to the easements; their parking lot is the most affected. The easement documents are pretty much finalized. By the end of next week, Bill Parker and Heidi Marshall, PE, Project Manager, will be knocking on doors to talk about the easements with owners. This will not affect the Pumpkin

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1 Festival but will be done next spring. Funding is guaranteed as long as we get started in the spring. The paperwork
2 should be done by then. Route 13/Emerson Road is being advertised; bids are due October 7, so that is moving
3 ahead. This fall the town might see some preliminary work on that. The Planning Board will be itemizing 15 pro-
4 jects this week, then it will be brought to the Board of Selectmen. The Old Police Station was tested for arsenic and
5 came back within normal range; once the final report is in, the town can move forward on activities and use re-
6 striction report on the property. The next step is to put it on the market next spring.
7

8 Five responses have been received on the Brox gravel removal. Three of the seven members of TIFD are no longer
9 able to be a part of it. At the last meeting in August, there were only 4 members present, who talked about the TIF
10 district. Currently, Bill is working on the 2015 budget and the possibility of utilizing MUNIS with a self-serve as-
11 pect for scheduling inspections and other things done in Community Development. The staff is still working on how
12 to handle complaints; Bill will bring findings back to the Board in a couple of months. The GIS and Cartograph
13 systems are being looked at for integration which will better serve the public. There have been only 10 permits is-
14 sued through August, which is comparable to the past few years. Commercial construction is up, with Cumberland
15 Farms and St. Joseph's. The permits are 10% higher than last year. The distinguished site award is ongoing, this
16 year the process has been simplified; the hope is that we get more entries. The connectivity plan for bikes and trails
17 is ongoing. There were no questions from the Board.
18

19 **6:20 p.m. – Proposed NHDOT Transportation Alternatives Program (TAP) Application – Phase II Osgood**
20 **Road/Rail Trail Pedestrian/Bike Connection.** Bill Parker, Community Development Director, spoke about the
21 Federal Highway Transportation Plan which is an 80/20 match grant. Several years ago, Milford applied for a grant
22 which was withdrawn, for the West Street sidewalk down to Adams Field and Osgood Pond. That plan has changed
23 to bike trails and sidewalks and off road pathways; we are working with the Milford Conservation Commission and
24 thinking about how with the financial constraints the town is under, maybe we could downsize the original plan.
25 This would be about \$80,000 on a warrant article; however, the grant application is due Friday, September 26. Se-
26 lectman Putnam is not in favor of this because there are too many items coming on the warrant in March; this would
27 be a low priority, to which Vice Chairman Fougere agreed. Chairman Daniels asked why this was not mentioned
28 earlier. Bill Parker responded we just found out about it. Vice Chairman Fougere said it is a good deal, but there is
29 not a lot of time. Vice Chairman Fougere we still have the green bridge to figure out and all the other bridges in
30 town. Selectman Federico asked about the list of those items and where does this fit into the bigger plan? Vice
31 Chairman Fougere said this is the sidewalk plan that he is most in favor of but we have so many other items to worry
32 about, he just wishes there were more time. Are we saying we cannot go for this because there are too many other
33 things, asked Selectman Bauer? Chairman Daniels answered yes, because the intent to apply is due this Friday.
34 There was no support from Board members to place a warrant article on the ballot in March for the sidewalks to
35 Adams Field. Bill Parker asked if it would be possible to put money in the DPW budget every year for constructing
36 some sidewalks, like 500 feet per year.
37

38 **6:35 p.m. – Osgood Pond Dredging Opportunities.** David Wheeler indicated the town got through the permitting
39 process for Osgood Pond and he started looking into finding some grant money to dredge the pond. There were
40 three options reviewed, which the town can consider to fund this effort and/or apply for grants. The town has the
41 permit, we are "shovel ready". Vice Chairman Fougere said we are ready to start this week, this would mean we put
42 it off another year (by applying for grants) and there is no guarantee we would be granted any funding. Selectman
43 Federico would hate to delay it again, but it does sound good. Chairman Daniels indicated the Recreation Director
44 has been looking at one of these grants as well, since it also would qualify, he invited Recreation Director Arene
45 Berry and Community Development Director Bill Parker to join the discussion at the table. Ms. Berry indicated she
46 has been looking at a grant for doing the work at Keyes with the new property voted in. We intend to apply for this
47 grant. This grant is the same grant used for the purchase of Kaley Park and we are limited to keeping it to "outdoor
48 recreation" so we can never build a building with it. We could not use the money for a building, but we could use it
49 for outdoor recreation. The granting authority advised against putting in more than two grant applications. If we are
50 going to put forth letters of intent, we do need to identify which is the higher priority. The intent to apply for this
51 is also due September 26.
52

53 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** Suzanne Fournier, Brox Environmen-
54 tal Committee, complained about the draining of Heron Pond and that it was emptied of most of the water in August.
55 The Milford Conservation Commission was not consulted on the breach of the dam, neither was the school; the west
56 side is school property and many teachers were upset. Ms. Fournier stated that Vice Chairman Fougere played a
57 role in this and told Fred Elkind the pond should be lowered by two feet. So in August, three feet was let out of the
58 pond for no reason. The reasons given by Mr. Elkind are not credible. The ecological damage that was done affects

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1 the animals and foliage. The eggs and larvae of small insects and animals were damaged or swept away. The beaver lodge was affected and now is exposed to the elements. Ducks and geese are having difficulty finding water. 2 The citizens care about what happens at Heron Pond. When we have problems around town, we need to use state of 3 the art equipment that is required by the state (to lower the pond). Ms. Fournier wanted to verbalize this complaint. 4

5 6 Mary Jane Burns, Brookview Drive, is also upset with the manner that Heron Pond was drained. It was going overboard to release the water; further down the road it affects other water ways. The damage to Heron Pond may not 7 recover by spring, it is very sad to see this happen, it could have been handled better. 8

9 10 David Harris, Colburn Road, echoed what was said by the last two speakers. There is a heron rookery at Heron 11 Pond; he is concerned if it does not get better next spring, we might lose the heron. Tom Gardner, Tarry Lane, indicated it was unnecessary to do what was done and the Conservation Commission should be consulted in the future. 12

13 14 **4. DECISIONS**

15 16 a) **CONSENT CALENDAR.** Chairman Daniels asked if any items need to be removed from the Consent 17 Calendar for discussion. No items were removed. Vice Chairman Fougere moved to approve the Consent Calendar as presented. Selectman Bauer seconded. All were in favor. Motion passed 5/0. 18

19 20 1) **Request for Approval of Recreation Department to Conduct a Raffle at the Wooden Bat Competition September 27 and 28, 2014.** The Board approved this request for the wooden bat competition 21 being sponsored by the Recreation Department on September 27 and 28, 2014. 22

23 24 2) **Approval of Intent to Excavate Tax Map/Block/Lot #831 North River Road.** The Board approved 25 this request for an Intent to Excavate Tax Map/Block/Lot #831 North River Road. 26

27 b) **OTHER DECISIONS.**

28 29 **5. TOWN STATUS REPORT.**

30 a) The DPW director Rick Riendeau and Chairman Daniels met with Hoyle Tanner regarding the Green 31 Bridge, it was interesting to see the bureaucracy that you have to go through; they are talking that it will cost over \$298,000 just to stabilize the bridge. The Department of Transportation (DOT) was informed that Milford did not 32 approve of the plan for stabilization and want to look at an alternate plan of removal of the bridge. All of the players 33 were around the table. At the end of the meeting, it was determined if we remove the bridge, Historical Resources 34 wants to study the banks of the river; there was not a lot of discussion. There are some areas on the bridge that work 35 but there are some areas so rusted that a person's arm can fit through. Historical Resources is in the driver's seat for 36 this and they are looking at the different options. One option is to have an information session for citizens to solicit 37 input on what they would like to do with the bridge. Vice Chairman Fougere asked if there will be a public comment 38 session? Chairman Daniels said yes, before the next regular Board meeting we can determine if we can have 39 some time for that, maybe at the fifth Monday meeting. 40

41 42 **6. DISCUSSIONS.**

43 1) **Request to Issue a Proclamation Supporting the Observance of November as Pancreatic Cancer Awareness Month in Milford.** Chairman Daniels indicated that Kathy Parker of Webster Street has requested that the Town of Milford issue a proclamation supporting the observance of November 2014 as 44 Pancreatic Cancer Awareness Month in Milford. This does not cost the town anything, it just raises awareness 45 for our citizens. Selectman Putnam moved to issue the proclamation. Vice Chairman Fougere seconded. All were in favor. Motion passed 5/0. 46

47 48 2) **Pumpkin Festival Business Sidewalk Rules.** Wendy Hunt, Director of Milford Improvement Team 49 (MIT), and Alan Woolfson, MIT, have requested direction regarding use of the sidewalks in Milford by 50 vendors and what rules must be followed. Ms. Hunt indicated that the sidewalks in front of businesses can 51 be used by those businesses participating in the event, however, the sidewalks in front of businesses not 52 participating are often "claimed" by vendors who are not officially participating, and this has become an integrity 53 issue. Some people set up with no rules or insurance when other people have to pay for a booth and 54 have insurance. If we can have this festival for the town, do we have the right to force people to pay? 55 Should we allow the sidewalks to be part of the festival and sell booths on the sidewalks? If the business 56 wants to use their sidewalk space for the festival they should be able to. Mr. Woolfson stated the vendors 57 are vetted and provide proof of insurance and then some people just come and set up and if something happens, they can sue the town. We are looking to take control of the situation and make sure we can ask them 58 59

1 to leave or to sell the sidewalk space as booths. Another question, said Ms. Hunt, is what is the distinction
2 between the oval and the sidewalks around the oval? The festival is the responsibility of Ms. Hunt and for
3 it to be successful and for it also to be fair. There are also vendors that are mobile and they are disruptive
4 to participants, said Mr. Woolfson. Chairman Daniels has no problem designating public sidewalks that are
5 contiguous with festival activities to be part of the festival. Selectman Putnam agreed. Mr. Woolfson said
6 the signage has to be within what they are providing to the festival. When they sign up for a booth, it states
7 what they can and cannot do as part of the festival. Bill Parker was told by Guy Scaife the day before he
8 left, that if there is someone on the oval that is not part of the festival, they can be asked to leave.

9
10 Police Chief Viola asked what is the limit of what they can and cannot do in front of their business. If we
11 ask someone to leave, what is our next step? That is why we are trying to get clarification. In the past, Se-
12 lectman Federico said when the booth is out on the sidewalk, there is no charge for them. Ms. Hunt agreed,
13 stating that will continue, so long as what is in their booth is contiguous to their business, something con-
14 nected to the business. If the Red Arrow starts selling balloon animals, that is not contiguous to their busi-
15 ness, stated Mr. Woolfson, who has asked some of those people to move and has not had a problem.
16 Chairman Daniels said there is an ordinance on Hawker & Peddlers but there is no town ordinance for the
17 pumpkin festival. That is something that may be considered in the future.

18
19 Vice Chairman Fougere asked what is needed to rent a booth. Ms. Hunt responded they get a parking pass,
20 confirmation paperwork, but the ones on the sidewalk don't rent anything, she is in process of finding out
21 from the businesses who will be vending on the sidewalks. Chief Viola stated most of the restaurants do
22 set up out in front of their business. Ms. Hunt said the issue is really the people who do not have a space
23 and just come and set up to sell stuff wherever. Chief Viola does not remember having to remove anyone
24 that does not belong. Vice Chairman Fougere said we should have a map clearly defining what is under
25 the MIT rules for Pumpkin Festival; we can look at having an ordinance at some point. Bill Parker also
26 added that some sidewalks around the oval are private property and that must be considered. Chairman
27 Daniels suggested that Ms. Hunt and Mr. Parker sit down to talk about those that are private property. Vice
28 Chairman Fougere noted that it is also a public safety issue; this should all be looked at and provide a map
29 with delineation for the Board to look at. Ms. Hunt will send that electronically to members for approval.

30 **3) Review of Christmas Eve – half day Town Offices Closing.** The Christmas Holiday falls on Thursday,
31 December 25 which is a town holiday; it has been requested of the Board to consider a half day on Christ-
32 mas Eve (December 24) closing at noon, and that employees can either use vacation time or personal time
33 as was done last year. Selectman Putnam moved to approve this request. Selectman Bauer seconded. All
34 were in favor. Motion passed 5/0.

35 **4) Land and Water Conservation Fund Grant Priority.** This grant was discussed during the 6:35 ap-
36 pointment; Vice Chairman Fougere stated the town has a permit for a bigger area to dredge (Osgood Pond);
37 it would be nice to do a bigger area, but it is ready to go, to put it off, would cause it to move into next
38 summer with no guarantee of being granted additional funding. Chairman Daniels asked if the Board wants
39 to submit a letter of intent for the grant for Osgood Pond or for 127 Elm Street. Selectman Putnam said we
40 have already gotten the bid for this dredge job, if we pull that back, that is not fair to that contractor; Se-
41 lectman Putnam suggested letting the 127 Elm Street project apply for the grant since that means a lot more
42 to people than Osgood Pond. Arene Berry stated this grant is for outdoor recreational space and they are
43 looking for space that serves a variety of interests and income levels and will serve as many people as pos-
44 sible. Vice Chairman Fougere feels that would have a better chance of getting awarded than Osgood Pond.
45 Selectman Federico thinks we should get the Osgood Pond dredging moving, it is ready to go. The grant
46 for Fish & Game could be applied for (for Osgood Pond) and leave this grant to 127 Elm Street. Vice
47 Chairman Fougere agrees that we should put in an application for the pond with a different agency. Chair-
48 man Daniels said there is consensus from the Board to move forward with the \$60,000 to dredge Osgood
49 Pond this year.

50 **5) BOS Goals Review 2014.** Chairman Daniels is updating the goals as necessary.

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

53 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Vice Chairman
54 Fougere said the Brox study was discussed between him and Bill Parker and there are a couple of line items
55 in the Town Administrator budget with funds remaining that can cover the \$20,000 cost for the study; addi-
56 tionally, there are funds in the Community Development budget for GIS and Special Services that can be
57 utilized. This is time sensitive, and information must be put out to the voters so they understand what is
58 trying to be done before the March vote. Questions about the excavation and that it does not hurt the envi-

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1 ronment must be answered before we move forward. Vice Chairman Fougere moved to use the available
2 funds in the Town Administrator budget and Community Development budget (GIS) for the Brox Study
3 with Fieldstone Consultants to complete the Phase I engineering study at Brox. Selectman Putnam second-
4 ed. All were in favor. Motion passed 5/0. If the warrant article passes for excavation at Brox, then the
5 Phase II will be the actual permit.

6 Selectman Bauer indicated she attended an event at Bridges on Elm Street, which is for domestic violence,
7 it has been around since 1977 and was very informative.

8 Chairman Daniels indicated there will be a Traffic Safety Committee meeting on September 29 to review
9 the two outstanding issues.

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11 **8. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the Board of Selectmen minutes of
12 September 15, 2014 as presented. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

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14 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**

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

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18 **11. NON-PUBLIC SESSION.** Selectman Putnam moved to enter into Non-public session at 7:40 p.m. in accord-
19 ance with RSA 91-A:3 II (a) personnel and (c) reputation. Vice Chairman Fougere seconded. All were in favor.
20 Motion passed 5/0. After discussion, Selectman Putnam moved to exit the non-public session. Selectman Bauer
21 seconded. All were in favor. Motion passed 5/0 and the Board exited non-public session at 7:45 p.m. Chairman
22 Daniels announced that in non-public session the Board approved two sets of non-public minutes from September 8
23 and September 15 and those minutes were re-sealed.

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25 **12. ADJOURNMENT:** There being no further business to come before this meeting, Selectman Putnam moved to
26 adjourn at 7:45 p.m. Selectman Federico seconded. All were in favor. Motion passed 5/0.

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31 Gary L. Daniels, Chairman

Mark Fougere, Vice Chairman

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35 _____
36 Katherine Bauer, Member

Mike Putnam, Member

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41 Kevin Federico, Member