

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

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

EXCUSED: Mike Putnam, Member

1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS: Chairman Daniels called the public meeting to order at 5:01 and introduced Board members; he then led the audience in the Pledge of Allegiance. Chairman Daniels explained that if anyone wishes to speak to please use the microphones in order to be heard on the PEG access broadcast.

2. APPOINTMENTS:

5:00 p.m. – Railroad Pond Release Deed Discussion. Attorney Thomas Quinn indicated that the boundary lines for this property are no longer the same; the property was purchased in 1976 by the Cunningham's. This property abuts Railroad Pond and dates back to the 1800's. A solution to this discrepancy is to get a deed from the town for the filled area. This property is on Lincoln Street and the dam at Union Street causes this impoundment, it is not really a dam. The water comes from Great Brook. This is the area just to the south of the railroad tracks, the area where the land has been filled; we do not know exactly when the land was filled. It supports the railroad bed, on both sides of the impounded area; it is not the land owner filling in the area. Attorney Quinn said there was a dock there at one time, but is not there anymore. There are still remains of the retaining wall that had been there. Attorney Quinn presented a plan from Planning that was for the entire lot, the plan shows an area to be excavated and filled. It seems like some of what they dredged was just pushed up on the edge. Attorney Quinn is looking for a release from the town to relinquish any rights to that area. In 2010 a warrant article was adopted stating the Board of Selectmen can acquire or dispose any town-owned property without having to go to town meeting. If this is something the Board of Selectmen is willing to consider, he will start the process. If not, we will have to find another avenue which will be looking back to the 1700's and having the court sort it out, which seems an unnecessary expense. This has existed this way since at least the 1970's. Attorney Quinn does not think it is town-owned, and we are not trying to buy it.

Chairman Daniels said if we do not know that it is town-owned land, this Board would not have the authority to do anything. Attorney Quinn said if the town owns it, it can be released. Chairman Daniels wants to make sure we are within our rights. Attorney Quinn does not have all the answers yet, it just came up last week, the evening before the sale closed. Chairman Daniels asked if the land is released by the town, does it become land belonging to this owner? Attorney Quinn believes the owners are being taxed on it already anyhow; it is a tiny piece of land. Vice Chairman Fougere would like to do more research on this. Selectman Federico asked what is the distance, how big is it? Vice Chairman Fougere said the pond was filling up with sediment years ago and the pond was a fire pond providing water to the Fire Department, so they had to dredge it every so often. Selectman Federico said if the town does not own it, who does? Attorney Quinn said there is a reference to a deed from William Crosby in 1792 or 1793. The problem is, it was before Lincoln Street was there. The description for the three lots is not clear. The pond extended all the way down to Lincoln Street. Attorney Quinn will get the Board of Selectmen a formal letter and the entire package. Chairman Daniels asked what portion of the field area are you looking to get released? Either way, Rick Riendeau, DPW Director, suggested getting an easement so the town has access. Vice Chairman Fougere said the pipe is on the other side. Chairman Daniels said we could put this on the next agenda so that we can start the process.

5:15 p.m. – Presentation of Souhegan Valley Rides and Milford's FY16 Budget. Janet Langdell, Nate Carmen and Marcia Nelson of the Souhegan Valley Rides Blue Bus Program were present for this appointment. Ms. Langdell noted that expansions were made possible by the Milford Hospital Association and Milford Rotary; the program was able to add Mont Vernon last year and Wilton this year because of their assistance. There was a 5.8% increase

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1 in ridership over last year. Milford uses 60% of the rides provided. The Milford share of the budget is \$20,000
2 based on the Federal funding match, if granted. The total is \$700 more than last year. We believe there might be
3 more Federal money available but will not hear from the Feds until mid-January.

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5 Nate Carmen, At-Large Member, said this program has been around almost six years; it hit the 15,000 rider mile-
6 stone and the Milford numbers show we need to do outreach and fundraising. We have brochures available for cus-
7 tomers and we have a dedicated group who get this type of information out in this area. This program has grown
8 over the six years and it has worked great. The program and its supporters appreciate the municipality working with
9 us on this. Vice Chairman Fougere said the growth is in the numbers, the demographics in this region are aging, it is
10 great to have this service available and the word is getting out. Selectman Federico thanked everyone for this ser-
11 vice which is valuable to the community. Selectman Bauer said it is wonderful and the community appreciates it.
12 Ms. Langdell said the fact that we are doing this on a regional basis and sharing the cost to make it more affordable
13 for the residents is great. We have been working with Welfare and SHARE is also working to keep a pulse on what
14 is needed in the community. The biggest item that keeps coming up is for work-related transportation or secondary
15 education transportation. FISH is another program that provides rides but they are having trouble finding volunteers
16 to drive.

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18 Chairman Daniels asked if \$37,500 is the total for all of the towns, that is 20% of the total cost of having the bus.
19 Chairman Daniels asked what the fundraising funds are being raised for? Mr. Carmen explained the funds from
20 municipalities are used for the direct service; Free Fares is another program that is offered for people going through
21 Welfare. The Free Fares money is raised through the golf fundraiser. If people go to SHARE and Welfare, it is
22 determined there if they need the free ride pass. Those offices are very happy to work with the program; there might
23 be a person that does not qualify for Welfare but it is felt they would qualify for the free ride pass. When they need
24 more passes, they contact Janet. About 100 free fare passes are used per month. Chairman Daniels said that people
25 have asked why the blue bus could not provide rides to the polls on election day. Ms. Langdell said that question
26 has come up, but according to Federal guidelines the blue bus cannot go on school property during school hours.
27 We have been looking to see if we can provide that service but so far, it is not happening. Ms. Langdell said they
28 will keep asking the question and would like to do it but at this time, we cannot.

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30 Mr. Carmen said the Free Fare program is kept simple, it is a very easy application. Ms. Langdell said this is not
31 Uber to get a ride on the same day, it is not that type of service, people have to register and call in advance. Eventu-
32 ally, it could become that, but not today. Ms. Langdell asked how long it will take to know if this will be a warrant
33 article or if a petition warrant article will be required. Chairman Daniels said the Board will let her know as soon as
34 we know. Chairman Daniels said the Board is trying to accelerate things this year in order for those who need peti-
35 tion warrant articles have plenty of time; he hopes by the first week in December to have an official position.

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37 **3. PUBLIC COMMENTS (regarding items that are not on the agenda).** DPW Director Rick Riendeau indicat-
38 ed that he was putting together a baseline spreadsheet for the cost of buildings maintenance which comes under his
39 department. This was done to show what the buildings are costing the department every year. This will show what
40 it actually costs to run the buildings and does not include any repairs or failures. Vice Chairman Fougere asked if
41 the Police Department includes their heat and hot water? Mr. Riendeau said that is all over the place. Selectman
42 Federico said this spreadsheet is helpful and gives the Board of Selectmen a clear picture of what it will cost to keep
43 the buildings open.

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45 **4. DECISIONS**

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47 a) **CONSENT CALENDAR.** There was nothing removed from the Consent Calendar. Vice Chairman
48 Fougere moved to approve the Consent Calendar. Selectman Bauer seconded. All were in favor. Motion
49 passed 4/0.

50 1) **Request for Approval of 31:95(b) \$5,220 to the Milford Fire Department and 31:95(e) \$1,000 for**
51 **a Refrigerator and Microwave to the Milford Police Department.** The acceptance and appropria-
52 tion of unanticipated revenues under \$10,000 and gifts of property under \$5,000 was approved as fol-
53 lows:

<u>Source</u>	<u>Amount</u>	<u>Purpose</u>
Kaley Foundation Grant	\$5,220.00	Funding for the purchase of two Electric Positive Ventilation Fans for the Milford Fire Department
Milford Police Benevolent Assoc.		Donation of a GE refrigerator and a GE

Microwave valued at \$1,000 to the Milford Police Department.

- 2) **Request for Permission for Phil’s Old-Fashioned BBQ to Continue Renting a portion of 589 Elm Street for the 2015 Season.** The request for Phil’s Old-Fashioned BBQ to continue to rent a portion of 589 Elm Street as a location for his business for the 2015 season at a rate of \$400 per month was approved.
- 3) **Request for Approval of the re-appointment of Rick Mossey and Claudia Lemair to the Recreation Commission as full members.** The Board approved the re-appointment of Rick Mossey and Claudia Lemair to the Recreation Commission

b) **OTHER DECISIONS.**

- 1) **Assessing-Land Use change Tax – Map 8, Lot 31.** This item was tabled at the last Board meeting for additional information to be reviewed; Selectman Bauer pointed out in the statute 79-A:7 Land Use Change Tax, paragraph number IV(b) as follows:

“Sale of excavated materials shall constitute a land use change of the property from which the material was excavated. The site shall be reclaimed when the construction or maintenance project is completed to mitigate environmental and aesthetic effects of the excavation. Both project completion time and acceptability of reclamation shall be determined by local authorities. The owner shall keep local officials informed in writing of plans to remove and use of soil material from qualifying lands for purposes of this subparagraph and to assure conformance with any local ordinance, as well as plans for reclamation of the site. Fully reclaimed land shall be eligible for current use assessment if it meets open space criteria established by the board under RSA 79-A:4,I, whether or not such land was under current use assessment prior to the excavation.”

Based on that, it seems to Selectman Bauer that this is a change of use because it was used for cutting hay previously. Vice Chairman Fougere does not understand the logic of the statute. What is the difference, if he just moved the soil to another part of his land versus building? Chairman Daniels agrees but the issue is that it is being excavated but not used on Current Use property. It is being sold. Chairman Daniels wonders about the value of the property, the intent of the owner is that it will be returned to agricultural; it seems that \$65,000 is the value of a house lot, not agricultural. Chairman Daniels does not believe we can dispute the removal to take it out of Current Use, but it will be returned to agricultural use, and could we have a contract with this owner that the parcel will go back into agricultural use within a certain amount of time in order to have it taxed as agricultural land, which is far less. Vice Chairman Fougere said if the land does not go back to agricultural it gets billed differently. Chairman Daniels said if it does not return within a certain time frame, then the taxes will be based on the \$65,000 value. Selectman Bauer said she is participating in the discussion tonight but will not vote because this resident is her neighbor. Selectman Federico said the RSA says you can do the work and it only comes out of Current Use when it is sold, then it can be returned to Current Use. Vice Chairman Fougere does not see much legal room by putting a time limit on it, if it becomes a house lot, it will be assessed differently. Vice Chairman Fougere mentioned a year and a half should be used. Chairman Daniels said we should keep it within 18 months and we should not let it hang out there for years. Chairman Daniels said he will write something up for this for the next agenda.

5. **TOWN STATUS REPORT:**

6. **DISCUSSIONS.**

- a) **Traffic Safety Concern – Street Light Requested on Shady Lane.**

The Board of Selectmen asked Rick Riendeau, DPW Director, about the cost of installing a street light on Shady Lane. Mr. Riendeau responded that it would cost approximately \$800 to install the light on the existing pole; he did not have the monthly charges per light. If the light were at the end of the street, it would be more expensive. The question from Selectman Bauer was if the light on the existing pole would illuminate enough. If the light is put in and helps the very dark area, the residents might be satisfied. Mr. Riendeau is not sure what they are trying to accomplish with the request. Chairman Daniels thought the darkest part was not at the end of Shady Lane, but halfway down Shady Lane. Putting something on the existing pole will not illuminate the dark part of the street too much. When Chairman Daniels visited the area at night, he noted there were a lot of house lights that kept it illuminated. Selectman Federico does not

1 think it is any darker than on Route 13 between Mont Vernon and Weare. Selectman Bauer noted it is a
2 dense neighborhood with a lot of cars. Selectman Federico thinks there are a lot of neighborhoods without
3 good illumination, with a lot of cars as well. Selectman Federico wonders how much of a risk it is, putting
4 in a light might not satisfy the residents. Chairman Daniels asked the Police staff about that neighborhood.
5 Captain Frye said there is not a lot of activity in that area, but it is dark. Selectman Bauer is not surprised
6 that someone has this concern. Mr. Riendeau tries to understand what the expectation is. Chairman Dan-
7 iels does not think the light is necessary at the end of the street and moved to not install a light at the "T"
8 intersection. Captain Frye noted a lot of problems are at the Mayflower Trail because there are lot of cars
9 that go in and it is really dark up there. There are no house lights near the trail head but we have not had
10 any problems up there. Selectman Federico seconded the motion. Chairman Daniels, Vice Chairman
11 Fougere and Selectman Federico were in favor with Selectman Bauer opposed. Motion passed 3/1.

12 The existing pole is about 180' north of the intersection with Adams Street. It would cost \$800 to install a
13 light for that location on the existing pole. Vice Chairman Fougere said there is higher density at this part
14 of the street. Selectman Federico noted it is \$800 to install and the cost to run it all year; having three kids,
15 part of Selectman Federico says to just put it up but before we put anything up, let's talk with the com-
16 plainant about if this will satisfy the complaint. Selectman Federico moved to table this decision until we
17 have a chance to speak with the complainant to be sure we are putting the light in the right place to solve
18 the problem being raised. Vice Chairman Fougere seconded. All were in favor. Motion passed 4/0.

19 Rick Riendeau will contact the complainant to obtain an understanding of the request.

20 **b) Discussion of Payment for Town Services at the Pumpkin Festival.** Chief Viola met with Jack Sheehy,
21 Finance Director, regarding the \$3,700 cost of this activity, in the past the town has put in extra hours. This
22 cost is mostly for benefits. Chairman Daniels said in the past we have waived any of the overages. We
23 may need to speak to Wendy Hunt, Milford Improvement Team Director, about this. Chairman Daniels
24 added that the costs have run over \$3,000 before, depending on the weather.

25 **c) Review of Potential State Obstacles.** Chairman Daniels put this on the agenda for discussion to ask
26 members if there are any State laws that are seen as obstacles for what we want to do at the local level
27 and/or how to introduce new law. One of the things Chairman Daniels would like to do in the Milford Dis-
28 trict is to move the District Court to the old State Police Barracks. That has been pushed aside and Chair-
29 man Daniels would like to get that back on track. The State has continued to fund the rental of the current
30 facility but at one point there was a threat of moving it to Merrimack. Chairman Daniels said he is still
31 continuing to seek funding for further dredging of Osgood Pond. We have talked to the State about funds
32 in the Fishery Habitat Fund, Fred Elkind will be working on something to be brought before the commis-
33 sioners. We want to make sure we understand any strings that are attached to Federal Funds. As long as
34 we know what the strings are, Vice Chairman Fougere said that would work.

35 **d) Warrant Articles Discussion:**

36 **a. Conservation Land Fund** – The Conservation Commission is looking to place a Warrant Article
37 on the warrant for \$30,000 for the Conservation Land Fund. Vice Chairman Fougere believes this
38 should be on the warrant so that we can see everything together. Selectman Bauer agreed to put it
39 on the warrant and let the voters decide. Selectman Federico said we will have a very responsible
40 budget and a list of warrant articles, this is not a new warrant article. If it is not presented to vot-
41 ers, we are not giving them the opportunity to vote on it and we should not inhibit their right to
42 vote. Selectman Bauer said this was put on the ballot for years and most times the voters have
43 supported it.

44 **b. NHDOT-2014 Transportation Alternatives Program (TAP)** – This item was removed from to-
45 night's agenda.

46 **c. State of NH Comprehensive Meaningful System of Funding for State Education Needs** – An
47 e-mail was received from a Webster NH Selectman recommending that Milford take part in pre-
48 senting a warrant article before voters regarding a Meaningful System of Funding for State Educa-
49 tion Needs, and asking for local representatives' support. Vice Chairman Fougere said this is ba-
50 sically to ask the Governor to reform the State funding for education; this is an ongoing topic eve-
51 ry year, and that is why we have the State Senators and Representatives, it is extremely complicat-
52 ed. Vice Chairman Fougere does not think we should touch this; there is no guarantee.

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

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56 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Chairman Daniels
57 stated that he would like to look at possibly opening Jones Crossing to one-way traffic coming from the
58 west to get to Market Basket to avoid going through the Route 101 lights. Possibly having entry into the

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1 Medical Center as well, but no further. Vice Chairman Fougere said the intersection could be designed to
2 not allow people to use that back the other way. Chairman Daniels said the people voted to close that road
3 so it would need a warrant article to re-open it. While there would need to be negotiations with the railroad
4 since we know that next year the widening of Route 101A will begin and it would be a good time to deter-
5 mine if there will be a change. Selectman Bauer suggested having this go before the Traffic Safety Com-
6 mittee (TSC) to have them look at it before it goes to the voters. Selectman Bauer moved to send this topic
7 to the TSC for discussion. Vice Chairman Fougere seconded. All were in favor. Motion passed 4/0.
8 Vice Chairman Fougere is happy that the election is over and the negative ads are done. Selectman Bauer
9 agreed. On a positive note, Selectman Federico indicated Milford had approximately 350 new voters regis-
10 tered at the polls and 54% of registered voters turned out.
11 Selectman Federico noted that on Sunday, November 16 there will be an Open House at the Milford Li-
12 brary 3:00-5:00 p.m. including tours of the facility and behind the scenes. Vice Chairman Fougere urged
13 everyone to attend and learn the facts of why they want this expansion.
14 Chairman Daniels would like to talk about the quantity of Town Reports to order; last year 850 reports were
15 ordered and there are 85 left. One thing we could do is order 750 and have them available for those that
16 want them, but let's make people aware that the Town Report is on line. Chairman Daniels is looking to
17 reduce the printing budget down to \$5,000. Selectman Federico asked that if we will be reviewing the
18 budget line by line, that some of the changes be forwarded to Board members to review, and then we can
19 talk about them one at a time. Budget discussions were tabled to the next meeting.
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21 **b) OTHER ITEMS (that are not on the agenda).**

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23 **8. APPROVAL OF FINAL MINUTES.** There were no minutes presented for approval this evening.

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

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

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29 **11. NON-PUBLIC SESSION.** Selectman Federico moved to enter non-public session at 7:24 p.m. Vice Chairman
30 Fougere seconded. All were in favor. Motion passed 4/0. Selectman Federico moved to approve the non-public
31 minutes of October 20, 2014 as amended. Vice Chairman Fougere seconded. All were in favor. Motion passed 4/0.
32 Selectman Federico moved to re-seal the non-public minutes of October 20, 2014. Vice Chairman Fougere second-
33 ed. All were in favor. Motion passed 4/0.
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35 **12. ADJOURNMENT:** There being no further business to come before this Meeting, Selectman Federico moved
36 to adjourn at 7:45 p.m. Selectman Bauer seconded. All were in favor with none opposed. Motion passed 4/0.
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42 Gary L. Daniels, Chairman

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42 Mark Fougere, Vice Chairman

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46 Katherine Bauer, Member

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46 Mike Putnam, Member

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51 Kevin Federico, Member