

**APPROVED**  
**MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING**  
January 12, 2015

**PRESENT:** Gary Daniels, Chairman (arrived at 5:04 p.m.)  
Mark Fougere, Vice Chairman  
Mike Putnam, Member  
Katherine Bauer, Member  
Kevin Federico, Member  
Mark Bender, Town Administrator  
Darlene J. Bouffard, Recording Secretary  
Dave Bosquet, Videographer

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

**INSTRUCTIONS:** In the absence of Chairman Daniels, Vice Chairman Fougere called the public meeting to order at 5:02 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. Vice Chairman Fougere 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.

**2. APPOINTMENTS:**

**5:00 p.m. – Second Public Hearing – Release of Towns Interest in Lot 29-88 Adjacent to Railroad Pond.** Attorney Tom Quinn joined the Board for this third visit, second public hearing, regarding Lot 29-88 and the request for the Town to approve the release deed for this parcel which abuts Railroad Pond. Attorney Quinn explained he has presented this to the Planning Board and Conservation Commission who have both recommended this action to the Board of Selectmen. Vice Chairman Fougere asked if there were any questions or comments. There were none. Vice Chairman Fougere noted Board of Selectmen will vote on this matter, at the January 19 Board meeting. Chairman Daniels arrived and took his place as Chairman.

**5:15 p.m. – Land Use Change Tax (RSA 79-A:7) Beacon Way Subdivision.** Marti Noel, Town Assessor, presented one Land Use Change Tax warrant for the Beacon Way Subdivision. Most of this land was already out of current use, except for this parcel. The owner has been notified and is not present tonight. Selectman Putnam moved to approve the removal of Map/Lot 47/5-1 from Current Use. Selectman Bauer seconded. There was no further discussion. All were in favor. Motion passed 5/0.

**5:30 p.m. – Junk Yard Permit Review and Renewal.** Chairman Daniels invited Gary LaPlante up to discuss this with the Board. Mr. LaPlante indicated the license is up for renewal for the Junkyard license at 387 North River Road and he has been and will continue to do the tire removal from the site, as agreed to with the Town. Mr. LaPlante noted that there are times that he calls to get tires removed and they agree to come, but then never show up. Chairman Daniels asked if that is the fault of the person asking for the removal and he asked that Mr. LaPlante keep track of those arrangements in a log of some sort. Selectman Putnam moved to follow the recommendation of the Building Official/Health Officer to grant the renewal of the permit. Selectman Federico seconded. All were in favor. Motion passed 5/0. Mr. LaPlante indicated he is still getting rid of the tires and finding items that have been on that property for quite some time.

**6:30 p.m. – 2015 Budget and Bond Hearing.** The minutes of the Budget & Bond Hearing are recorded separately from this Board of Selectmen meeting minutes.

**3. PUBLIC COMMENTS.**

**4. DECISIONS.**

a) **CONSENT CALENDAR.** There were no items on the Consent Calendar this evening.

b) **OTHER DECISIONS.**

1) **Signature Page for Pre-Deliberative Session Voting / Re-voting on All Appropriation and Non-Appropriation 2015 Warrant Articles.** This page is in the signature file for tonight.

2) **Designation of Majority/Minority Report Authors on 2015 Warrant Articles.** This will be a new warrant article, number 26, to allow these tallies to be on the warrant. Selectman Putnam moved to place

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1 on the warrant. Selectman Federico seconded. All were in favor. Motion passed 5/0. It was noted that  
2 majority and minority reports are due to be turned in to Tina Philbrick by January 23.  
3

4 **5. TOWN STATUS REPORT** – Town Administrator Bender indicated that he received an update from the Town  
5 Clerk that the motor vehicle revenue for 2014 is up 8.2% from the prior year. This might be an indication of an im-  
6 provement in the economy. Vice Chairman Fougere said he just read something in the Telegraph saying the same  
7 thing and that it is a sign of the times.  
8

9 **6. DISCUSSIONS**

10 **a) Budget and Warrant Review** – Regarding the change to the Budget Advisory Committee (BAC) Charge,  
11 Chairman Daniels asked what the Board wished to do. Vice Chairman Fougere moved to support this article. Se-  
12 lectman Putnam seconded. All were in favor. Motion passed 5/0. Chairman Daniels indicated the Budget Advisory  
13 Committee will be starting to take votes on Wednesday.

14 **b) Traffic Safety Concern** – Town Administrator Mark Bender indicated he has been approached about this  
15 issue on Linden/Nashua Street intersection; the concern is that when approaching the stop sign and looking to the  
16 right, the view is obstructed by the parked cars, which can sometimes be SUVs. This creates a dangerous situation  
17 and Mr. Bender asked that it be referred to the Traffic Safety Committee (TSC). Selectman Bauer said at the last  
18 meeting, she thought that had been decided. Mr. Bender said that the Board did not officially take that position.  
19 Selectman Federico moved to send this complaint to the TSC. Selectman Bauer seconded. All were in favor. Mo-  
20 tion passed 5/0. Chairman Daniels asked Captain Craig Frye if there is a way the police can enforce compact cars?  
21 Captain Frye responded that if it is posted yes, but what is a compact car? He would need to look up the definition  
22 of a compact car. Selectman Putnam said it is posted. Chairman Daniels noted that some people think they have a  
23 compact car, even though it is an SUV. Captain Frye will look into the definition and provide that to the TSC.  
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25 **7. SELECTMEN’S REPORTS/DISCUSSIONS.**

26 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Vice Chairman  
27 Fougere indicated that the Board has received the presentation from Chad Brennan on the Brox property excavation  
28 proposal from Fieldstone. One thing the Board had talked about was if we want to proceed with all three Phases or  
29 just one Phase for now; he would like to try to have this approach ironed out for the March ballot. Vice Chairman  
30 Fougere originally thought maybe going into the area next to the pond; but now, instead, just leaving that area alone  
31 as open space. That would connect up to the other open space and could be for future use by the town. The town  
32 has many options and Vice Chairman Fougere wants to see if the Board can come to a consensus and go forward  
33 and try to encourage a positive vote in 2015. This Board has answered a lot of the questions that came up last year,  
34 out of which there has been some elimination of playing fields on the property.  
35

36 Selectman Federico asked for the acreage of the Phase I, II and III. Vice Chairman Fougere explained Phase I  
37 affects 44 acres, Phase II is 10.2 acres and Phase III is 16 acres on the northeast side. Further, Phase II is where we  
38 lost the two acres to ledge. Phase I is the largest area that has the maximum excavation possibilities. By not going  
39 into Phase II, Selectman Federico asked if the town could do Phase I and III only, which would leave the other half  
40 untouched. If that is what this Board wants to do, Vice Chairman Fougere noted we should also be sure to set aside  
41 gravel for DPW from the area. Selectman Bauer asked if DPW Director Rick Riendeau wants to comment. Mr.  
42 Riendeau had no comments. Selectman Federico asked Community Development Director Bill Parker if this is in  
43 line with the Master Plan for Brox? Bill Parker responded that this excavation plan from Fieldstone connects with  
44 the Master Plan for Brox and we are not doing anything that is not in accordance with that. As gravel is removed,  
45 we could then go in and start the fields and it will set the stage for the development of the land. The way the project  
46 was planned out, Vice Chairman Fougere said there is more than enough material for septic systems as well. It does  
47 not jeopardize the future use of the land.  
48

49 If we do Phase I, Chairman Daniels asked how much money that would generate. Vice Chairman Fougere es-  
50 timates about \$857,000 based on the estimate of \$1.25 per cubic yard. Vice Chairman Fougere noted that Milford  
51 has about \$8 million in the queue per the CIP for future town improvements including the Library, so there are some  
52 large items coming up in the CIP. Vice Chairman Fougere thinks this gives the town the opportunity to help with all  
53 of that. Even just with the bridges, we have a lot of critical issues coming up and this will help offset the cost.  
54

55 Selectman Federico stated we are not talking about an open-ended mine, that is not the goal, we want the land  
56 left in a ready state for development. Town Administrator Mark Bender asked what is the quantity and value for  
57 Phase III? Vice Chairman Fougere responded about 128,000 cubic yards, providing revenue of approximately  
58 \$160,000. Mark Bender agreed that protecting Phase II and moving forward on Phase I and III might be the option

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1 to go with so that those two phases could generate a little over \$1 million in revenue. Mark Bender asked if Phase II  
2 ties in to Beaver Brook? Bill Parker said that it does. Selectman Federico asked about the secondary road. Vice  
3 Chairman Fougere anticipates that the gravel trucks would go out Perry Road, not Heron Pond Road. That is the  
4 safest, cleanest way to go. Selectman Federico asked for a realistic time frame on this. Vice Chairman Fougere  
5 responded if the warrant article is successful, we would go to bid and be done in a 3-5 year timeframe; this is all  
6 market driven. Selectman Federico asked if the permit fees for that are \$17,000? Vice Chairman Fougere said that  
7 is correct, and the town may want to hold the permit to have control of it. We can have that discussion down the  
8 road, we could also put it on the bidder (to get the permit) and then get less money, but we want the town's name on  
9 the permit. Even if the warrant article passes, Chairman Daniels said there is still a lot of work to do. Vice Chair-  
10 man Fougere agreed, stating we need the permit in hand. At the last meeting, Chairman Daniels said a decision was  
11 made to remove some of the language in the warrant article that states there is no tax impact. That is the only article  
12 like that. People read that and think there is a tax impact, but once the permit is approved Selectman Federico said  
13 then it does have a tax impact. Chairman Daniels asked if members felt the "no tax impact" statement should be  
14 there or not?  
15

16 Chairman Daniels asked if the "no tax impact" should be on the Jones Road re-opening warrant article? If there  
17 is no tax impact for the coming year, Selectman Bauer asked if that wording can be there? This warrant article is  
18 only to authorize the Board of Selectmen, not to spend money. Selectman Federico feels the vote does not have a  
19 tax impact but if we move forward, it will have a tax impact. Selectman Putnam asked if the cost of permitting  
20 could be offset by the revenue? Vice Chairman Fougere said it could be done either way and he wanted to keep the  
21 statement in that there is "no tax impact". Chairman Daniels moved to reconsider Article 23 and the statement about  
22 it having "no tax impact". Vice Chairman Fougere seconded. Selectman Federico feels whatever makes it clear for  
23 voters, he will vote for. All were in favor. Motion passed 5/0. Chairman Daniels moved that this article has "no tax  
24 impact." Selectman Putnam seconded. All were in favor. Motion passed 5/0. Therefore, the consensus of the  
25 Board is to move forward with Phase I and III only if the Brox warrant article passes.  
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27 **b) OTHER ITEMS (that are not on the agenda).**

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29 **8. APPROVAL OF FINAL MINUTES.** There were no minutes presented this evening.  
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31 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**  
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33 **10. NOTICES.** Notices were read by Chairman Daniels.  
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35 **11. NON-PUBLIC SESSION.** Vice Chairman Fougere moved to enter into non-public session at 8:10 p.m. in  
36 accordance with RSA 91-A:3II(b,c) Personnel and Reputation. Selectman Bauer seconded. All were in favor. Mo-  
37 tion passed 5/0. Selectman Putnam moved to unseal the minutes of December 15, 2014. Selectman Bauer second-  
38 ed. All were in favor. Motion passed 5/0. Selectman Putnam moved to approve the minutes of December 15, 2014  
39 (Personnel and Reputation) as presented. Selectman Bauer seconded. All were in favor. Motion passed 5/0. Se-  
40 lectman Federico moved to reseal the minutes of December 15, 2014. Vice Chairman Fougere seconded. All were  
41 in favor. Motion passed 5/0. Selectman Putnam moved to come out of non-public session at 8:15 p.m. Selectman  
42 Bauer seconded. All were in favor. Motion passed 5/0.  
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44 **12. ADJOURNMENT:** Chairman Daniels announced that in non-public session the Board approved one set of  
45 non-public minutes of December 15, 2014. After non-public session, and seeing no further business to come before  
46 this meeting, Selectman Federico moved to adjourn at 8:15 p.m. Vice Chairman Fougere seconded. All were in  
47 favor. Motion passed 5/0.  
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51 Gary L. Daniels, Chairman

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51 Mark Fougere, Vice Chairman

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53 Katherine Bauer, Member

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53 Mike Putnam, Member

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1 Kevin Federico, Member