

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
September 14, 2015

PRESENT: Mark Fougere, Chairman
Kevin Federico, Vice Chairman
Gary Daniels, Member
Mike Putnam, Member
Katherine Bauer, Member
Mark Bender, Town Administrator
Darlene J. Bouffard, Recording Secretary
Niko Giokas, Videographer

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

INSTRUCTIONS: After the non-public session, Chairman Fougere called the public meeting to order at 5:40 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. 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. Chairman Fougere announced that in non-public session the Board had a legal discussion and a reputation discussion and made no decisions.

2. APPOINTMENTS:

4:30 p.m. – Non-Public (RSA 91-A:3, II(c)) – Reputation. Selectman Daniels moved to enter into non-public session at 4:30 p.m. in accordance with RSA 91-A:3, II(c) and RSA 91-A:3,II (e) for a reputation and a legal discussion. Selectman Putnam seconded. All were in favor. Motion passed 5/0. After discussion, Selectman Daniels moved to come out of non-public session at 5:35 p.m. Vice Chairman Federico seconded. All were in favor. Motion passed 5 /0. Selectman Putnam moved to seal the minutes of the non-public session. Selectman Daniels seconded. All were in favor. Motion passed 5/0. Chairman Fougere announced that in non-public session the Board discussed a reputation issue and a legal issue and no decisions were made.

5:30 p.m. – Departmental Update - Assessing. Town Assessor Marti Noel provided an update to the Board for the previous six months of activities in the Assessing Department. This update began at 5:40 p.m. Ms. Noel indicated that KRT will be assisting with the town-wide reval in 2016; they also assisted with the 2011 reval and the town was happy with the results. After the conclusion of the departmental update, Ms. Noel indicated she would like the Board to consider two warrant articles for the ballot in March 2016; one being for a change to the Elderly Exemption and the second for a Solar Exemption so that it takes into consideration the value added to the home. Selectman Daniels asked what is the difference in an assessment to farm land versus commercial land? Ms. Noel indicated that a lot of factors are considered between the two. Selectman Daniels asked if the town were to remove all of the exemptions (elderly, veterans, blind, solar, etc.) how much would the taxes go up? Ms. Noel answered it is less than 1% of the total. There were no further questions for Ms. Noel.

6:00 p.m. – Departmental Update - IT. Bruce Dickerson, IT Director, provided a Departmental Update, noting the department has focused on upgrading the department servers and applications, network security and anti-virus. The GIS server is on the town website. There is a virtual service for GIS and it is easy to install. Two virtual servers are at town hall and one is at the Police Department. Bruce Dickerson will be looking at the virtual servers and trying to incorporate using the cloud. The virtual server is where most of the data is stored, but a second storage server will be needed. Selectman Daniels commented that Bruce Dickerson has made a lot of progress since his last update to the Board. Chairman Fougere thanked Bruce for the update and Town Administrator Mark Bender noted that Bruce knows his stuff.

3. PUBLIC COMMENTS. (items not on the agenda)

Barry Lorden has lived here all his life with the exception of when he was in the service. Mr. Lorden stated he has three issues to bring up to the Board; noting that there are problems in town. The new “hand free law” on hand held devices is not working; Mr. Lorden sees people all day driving while on the phone, but it has cut down. Chairman Fougere indicated it was well publicized and there are signs up everywhere. Mr. Lorden heard that the State Police is going to be putting up signs to discourage the use of cell phone. Mr. Lorden’s second concern is regarding sidewalks; the bikes should be allowed on the sidewalks, the bikes should not be on the roads. Mr. Lorden’s number

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1 one issue is the crosswalks. Two people Mr. Lorden knows got hurt on the cross walks this month. People just do
2 not stop. If the lines need to be re-done, or whatever, they should but something has to be done. Chairman Fougere
3 said the crosswalks are always challenging, if you are in a crosswalk, drivers are supposed to stop. Barry Lorden
4 said that everyone is always in a hurry rushing through town; the police need to start stepping up. People are driving
5 50 mph where people are walking.

6
7 Mr. Lorden also asked about the new CVS. Chairman Fougere said the Planning Board approved the CVS and he
8 noticed there is a going out of business sign out on the separate building there, they must have a lease in that build-
9 ing so it will take some time. Mr. Lorden asked how long will it take to build? Chairman Fougere did not know, but
10 responded at least 9 months to a year. Mr. Lorden announced that the Town of Milford lost a great citizen recently,
11 Ronny Philbrick; the service will be on September 11. Mr. Lorden also noted the Police, Ambulance and Fire de-
12 partments are all doing a great job; he has had some personal experience recently since he has fallen twice recently.

13
14 Dave McManus, Brookview Court, had a few questions about the \$1.4 million bond for the Brox property, asking if
15 that has been paid off. Mark Bender said that 2015 is the last year of that bond, then it is all paid. Mr. McManus
16 responded okay that’s good; he also read in the Purchase & Sales for Brox that it looks like the town will go after
17 some Community Development Block Grant (CDBG) money which will be used by the buyer to help with the infra-
18 structure; if the town gets it, the 2016 \$500,000 grant will be loaned to the Stoneyard, a private company, for addi-
19 tional equipment into their operation, that is taxpayer money, and it will help them with the additional equipment,
20 but when that is re-paid, where does that money go? Does that come back to the town or does that stay with
21 MEDC? Chairman Fougere said that is money the State receives from the Federal Government, the CDBG money
22 that has been in the State for years, the loans and grants are tied to job creation, low/mid income benefits and it is re-
23 paid to the State, it’s not town funds. Mr. McManus responded that the money goes back to the State of NH, it
24 doesn’t stay with MEDC. Mr. McManus asked if MEDC and the Stoneyard have a Purchase & Sales agreement
25 yet? Chairman Fougere responded that the Board does not know that yet. Mr. McManus asked if the town will find
26 that out, will we know when they transact it. Chairman Fougere said that the town’s agreement is with MEDC and
27 their agreement is with Stoneyard.

28
29 Mr. McManus asked if the \$60,000 estimate in tax income is the portion to come to the town, or to the school?
30 Chairman Fougere said that is the full tax rate. Mr. McManus stated the MEDC will buy 93 acres, so the Stoneyard
31 would own that and when everything is built out it would be a value of about \$2.2 million, and do we only know the
32 sales price but not the tax revenue? Chairman Fougere said we do not know the exact amount of taxes as there is
33 just a projected value, they will propose building more than one building. The Assessor just based the estimate on
34 only the large building once it is in. So Stoneyard is going to build more than one building, asked Mr. McManus.
35 Chairman Fougere answered yes and the Town Assessor just used an estimate based on only one building.

36
37 Mr. McManus has a draft complaint drawn up to be filed with Superior Court, it will be filed by the end of this week
38 or early next week, and he just wanted the Board to be aware of that. The Chairman of the Board will get the re-
39 quired documents from the Court plus the summons when they choose a date. Chairman Fougere asked if the com-
40 plaint is relative to the Petition? Mr. McManus said this is all relative to the petition. Chairman Fougere said the
41 Board has not made a decision on that yet. Mr. McManus responded that if the Board makes what he considers a
42 good decision, he will just withdraw the complaint. So basically so you understand what it is, it will ask for an im-
43 mediate injunction to freeze the sale until such time as the citizens have the right to vote or the court has the right to
44 hear whether or not we are violating the citizens’ rights to put it on the warrant. I’m going to ask them to put the
45 petition on the warrant. It will ask that it be put on the warrant, pursuant to the two things and I’m gonna ask that
46 the Board of Selectmen refund my \$250 court fee should the court find in my favor.

47
48 **4. DECISIONS.**

49 a) **CONSENT CALENDAR.** Chairman Fougere asked if there were any items to be removed from the
50 Consent Calendar for discussion. Selectman Putnam moved to approve the Consent Calendar as presented. Select-
51 man Daniels seconded. All were in favor. Motion passed 5/0.

- 52
53 1) **Request for Approval of Timber Tax Levy Map 58, Lot 3.** The Request for Approval of Timber
54 Tax Levy, Map 58, Lot 3 in the amount of \$3,777.66 was approved.
55 2) **Request for Authorization to Extend Purchase and Sales Agreement for 127 Elm Street.** The
56 Purchase and Sales Agreement for 127 Elm Street was extended to December 31, 2015.

- 1 3) **Request for Authorization to Accept Certificate of Completion of Work NH Route 13 / Emerson**
2 **Road / Armory Road Intersection.** The request for authorization to accept the certificate of comple-
3 tion for work completed at NH Route 13/Emerson Road/Armory Road intersection was approved.
4 4) **Request for Approval for Conservation Commission to Apply for 2016 Moose Plate Grant.** The
5 Board approved having the Conservation Commission apply for the 2016 Moose Plate grant to protect
6 properties under its management.
7

8 b) **OTHER DECISIONS.**
9

10 5. **TOWN STATUS REPORT.**

11 1) **Jennison Bridge Update.** Mark Bender indicated that a water line was found on the Jennison Road bridge,
12 which was missed by everyone. The water line re-location parts are in, the impacted residents have been noti-
13 fied. The contractor should be on track soon. Selectman Putnam said nobody contacted the Water Department
14 about it. Mark Bender has notified the contractor about that. Chairman Fougere said there were lots of people
15 that dropped the ball on this, it was missed.
16

17 2) **NRPC Commissioner Appointments / Expirations.** Town Administrator Mark Bender stated there are
18 currently two NRPC commissioners serving, but Milford is allowed three. The Planning Board may make rec-
19 ommendations; Janet Langdell suggested having a Board of Selectmen member to serve.
20

21 3) **Seven to Save Application – Swing Bridge.** Mark Bender has worked with different people to submit a
22 2015 nomination for the Seven to Save program that the NH Preservation Alliance has. Mr. Bender should hear
23 in less than two weeks. The NH Preservation Alliance chooses seven projects each year to provide funds to.
24 Also looking at Transportation Alternative Programs (TAP) funds through DOT on this.
25

26 6. **DISCUSSIONS**

27 1) **Request for Consideration of Municipal Code Addition and Change.** Tina Philbrick has requested
28 Board consideration of a new municipal code regarding signs on the oval being placed in the ground, and attaching a
29 fine to such action. Mark Bender indicated that instead of using the A-Frame signs, frequently signs are placed on
30 the oval and inserted into the ground where the town has electrical and irrigation systems. Selectman Putnam said
31 there is a 27-page sign ordinance and one specific portion addresses the oval. Chairman Fougere responded that the
32 sign ordinance is for the placement of signs, not the method of placement. Selectman Putnam said that he and Tim
33 Finan re-wrote some of that which includes sticking them in the ground; which should be told to people when using
34 the oval. Selectman Putnam thinks there is an ordinance in place already. Mark Bender said the point is that there is
35 currently no penalty attached; Tina's request was to attach a \$25 fine for the first offense. Chairman Fougere asked
36 if there are repeat offenders? Selectman Putnam suggested having Mark Bender take care of it. Selectman Daniels
37 asked if the irrigation system goes to the islands? Selectman Putnam said it does. Selectman Daniels said the way
38 this reads is kind of vague. Vice Chairman Federico added that recently there were some people that had fencing
39 around an event, which was put into the ground on the oval. Vice Chairman Federico suggested telling people hold-
40 ing events that there is electrical conduit and water systems in the grass. Mark Bender indicated most people who
41 put the signs out there are not officially using the oval for an event.
42

43 2) **Review of Board of Selectmen's Goals and Objectives 2015.** Chairman Fougere had nothing new to report.
44

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

46 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Putnam
47 indicated the draft MACC Base budget has been started, a first draft was reviewed last Wednesday, further commu-
48 nication between Mark Bender, Jack Sheehy, Vice Chairman Federico and Selectman Putnam will continue.
49

50 b) **OTHER ITEMS (that are not on the agenda).** Selectman Daniels explained that bills can be put forth
51 during the Senate window which starts in October. If there are any issues in the State that are in the way of the
52 Board accomplishing things, we want to put them forward. Legislative representatives could come in soon to pro-
53 vide an update as well. Selectman Daniels asked about parking in the oval. Chairman Fougere responded that this
54 has been an issue forever and we used to have meters, meter maids, marking of tires, enforcement, then limited park-
55 ing, which has all been done away with because it didn't work. It is a concern. Selectman Daniels said he received
56 a complaint from a merchant about long-term parking in front of his business. Selectman Putnam said the town
57 added a new parking lot at the police station, there are more people than there are parking spaces. Parking has been
58 a problem since Selectman Putnam was a kid. Unless we come up with some other plan, Selectman Putnam does
59 not want to talk about it; he does not want to talk about it unless there is a new idea. Selectman Daniels said it
60 seems the problem is mostly in the early morning hours; he suggested putting in a two-hour parking ban between 6-

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1 11 a.m. Police can periodically come down to see if people are being sensitive to businesses around the oval. If we
2 do not have an ordinance, we cannot enforce it. Chairman Fougere said the town would have to pass an ordinance
3 so that it is enforceable. Vice Chairman Federico indicated it seems to be a morning issue, because the breakfast
4 places in the oval are closed by 2:00 p.m. Vice Chairman Federico understands the frustration because the business
5 owners are also residents of Milford. It will always be an issue; Chairman Fougere would want to look at a draft of
6 what an ordinance would look like with limited hours. Vice Chairman Federico knows there was a two-hour ban,
7 but why was it repealed? We are trying to put too many cars in a space that does not have enough parking spaces.
8 There are business owners on the oval that want us to talk about it and come up with a solution. It deserves a few
9 minutes of our time.

10
11 Chairman Fougere said public education and landlords passing on that information to residents is part of the solu-
12 tion, but there are also parking spaces that can be rented for a fee. Chairman Fougere wants to see some language
13 for an ordinance. Selectman Bauer appreciates the intentions but we have been through this before. There is an
14 eternal problem in the square. Chairman Fougere agreed and stated there are a lot of apartments around the oval; at
15 a minimum, we can send a letter to the renters around the oval. Selectman Putnam said there was two hour parking
16 that was eliminated. Chairman Fougere noted that the merchants also did not like the meter maid. Until we come
17 up with something new, Selectman Putnam does not want to hear about it. Chairman Fougere asked Selectman
18 Daniels to draft an ordinance. Police Chief Viola asked how far up it would go on Union Street? People are park-
19 ing up on Union Street also. Selectman Daniels will go back and review what we defined as “the oval” for Pumpkin
20 Festival and go from there. Chief Viola added that enforcement is the other issue for overnight parking. Selectman
21 Daniels agreed and said that is what affects the businesses.

22
23 **8. APPROVAL OF FINAL MINUTES.** Selectman Bauer moved to approve the minutes of August 10, 2015 as
24 presented. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0. Selectman Bauer moved to
25 approve the minutes of August 24, 2015 as presented. Vice Chairman Federico seconded. All were in favor. Mo-
26 tion passed 5/0. Selectman Bauer moved to approve the minutes of August 31, 2015 as presented. Vice Chairman
27 Federico seconded. Selectman Bauer, Vice Chairman Federico, Selectman Putnam and Chairman Fougere were in
28 favor, with Selectman Daniels abstaining. Motion passed 4/0/1.

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

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32 **10. NOTICES.** Notices were read by Chairman Fougere.

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34 **11. NON-PUBLIC SESSION.** Selectman Putnam moved to enter into non-public session at 7:00 p.m. for the
35 approval of non-public minutes of August 24, 2015. Vice Chairman Federico seconded. All were in favor. Motion
36 passed 5/0. Selectman Bauer moved to un-seal the non-public minutes of August 24, 2015 for review. Vice Chair-
37 man Federico seconded. All were in favor. Motion passed 5/0. Selectman Daniels amended the minutes and then
38 moved to approve the non-public minutes of August 24, 2015 as amended. Selectman Putnam seconded. All were
39 in favor. Motion passed 5/0. Vice Chairman Federico moved to re-seal the non-public minutes of August 24, 2015.
40 Selectman Putnam seconded. All were in favor. Motion passed 5/0. Vice Chairman Federico moved to come out of
41 non-public session at 7:05 p.m. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

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43 **12. ADJOURNMENT:** Vice Chairman Federico moved to adjourn at 7:06 p.m. Selectman Bauer seconded. All were
44 in favor. Motion passed 5/0.

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49 Mark Fougere, Chairman

Kevin Federico, Vice Chairman

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52 _____
53 Gary Daniels, Member

Katherine Bauer, Member

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56 _____
57 Mike Putnam, Member