

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
September 28, 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: Chairman Fougere 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 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:

5:30 p.m. – Departmental Update - Recreation. Recreation Director Arene Berry provided an update to the Board for the previous six months of activities in the Recreation Department. Ms. Berry indicated the Pergola project is now complete and it looks great, a special thanks to Jerry Guthrie for putting in so many volunteer hours to get this completed. There will be wisteria planted either this fall or next spring to grow around the pergola. The recreation volunteer hours were tracked beginning in January 2015 and so far 1,245 hours have been documented. Chairman Fougere noted that is a good idea, to track the volunteer hours, these hours have never been tracked and without volunteer help, a lot of these programs could not run. Mark Bender asked if the zombie orienteering is part of this coming weekend's fall festival. Ms. Berry said it is, the earlier hours of the festival will have programs for the younger set (face painting, crafts, etc.) and when it begins getting dark, the programs get a little scarier. The Milford Conservation Commission is also helping with this event. There were no further questions for Ms. Berry.

6:00 p.m. – Legislative Representatives. Selectman Daniels stepped down from the Board to sit at the table with the Legislators Bill Goulette, Milford, Shawn Sweeney, Milford, Keith Ammon, Floterial and Carolyn Halstead, Milford. Gary Daniels prepared a report for the legislative accomplishments January – June 2015, noting they focused on trying to create a pro-business environment. The budget was finally passed and includes a 2% payroll increase for State employees and the business tax now has a trigger; this is the first time in twenty years the business profit tax has been lowered. Shawn Sweeney has been working with the Senate and Governor to reduce the burden on businesses so we can lower their taxes and potentially lower workman's compensation rates without cutting services. Opiate addiction has become a problem throughout the State and we are trying to deal with it. Chairman Fougere hopes that everyone goes after that. It seems to be that a lot of bills are coming forward this fall. Going after the dealers is one thing, but so is the treatment. We need to get ahead of it. Shawn Sweeney said it has all of our attention. Keith Ammon said the availability of Narcan for overdose has increased as far as who can administer it. Bill Goulette was happy to support that bill. Selectman Bauer thanked each of the legislators for serving; the Board was just talking about volunteers and this is a very important volunteer position. Mark Bender is glad a budget agreement is in place. Chairman Fougere stated the priority in Milford is roads and bridges and getting more funds to help. He wants to make sure the gas tax does not get given away, that is very important and any bills passed should not push bills town on to the towns.

Gary Daniels said there was a bill that would require a 30 day residency prior to registering to vote, but that did not pass. The concealed carry of pistols was also vetoed and sustained. The only one we overrode was the State budget. Two other things in the budget – the design for the Milford Court at the current DMV and \$500,000 toward the Savage Well Superfund site were included. Selectman Daniels talked to the Board of Selectmen about providing feedback on any obstacles on the State side that are preventing the town from performing. The Senate goes until November 3; if there are any issues to be brought forward, please let Selectman Daniels know. Shawn Sweeney, regarding the filing deadline, said he is always willing to hear from Board members. Chairman Fougere said it is nice to have a member of the Board as a State Senator.

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

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3 Robert Gott, Brookview Court, is concerned about the Kinder Morgan pipeline. FERC has not asked us for
4 consent, only comments. Mr. Gott presented a Petition Warrant Article with 106 signatures for the warrant in 2016.
5 The petition was handed to Chairman Fougere. Mr. Gott said this is important and all towns should have similar
6 articles. Chairman Fougere said this Board has already taken its position against the pipeline but we will look at this
7 and take a position on the petition warrant. Milford has to put the petition warrant article on the warrant but the sig-
8 natures also have to be verified. Mr. Gott asked if he writes a similar petition warrant article for other towns and
9 collects the signatures, is that alright? Chairman Fougere does not see anything wrong with that.

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11 **4. DECISIONS.**

12 a) **CONSENT CALENDAR.** Chairman Fougere asked if there were any items to be removed from the
13 Consent Calendar for discussion. There were no items removed. Selectman Putnam moved to approve the Consent
14 Calendar as presented. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

- 15
16 1) **Request for Approval of Petition and Pole License for 110/10 and 110/11 Powers Street.** The
17 Request for Approval of Petition and Pole License was approved as requested.

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19 b) **OTHER DECISIONS.**

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21 **5. TOWN STATUS REPORT.**

22 1) **Fire Department Thank You.** Mark Bender read a thank you letter from the Brookline Fire Department
23 regarding assistance given during Esther Joki's wake on September 8 and the coverage provided at the fire sta-
24 tion during that time.

25
26 2) **Fletcher Paint Preliminary Project Schedule.** Town Administrator Mark Bender stated the Fletcher clean
27 up is scheduled to begin this fall and a fact sheet identifying the details was given to Board members. An in-
28 formation session will be held Tuesday, September 29 at 6:30 p.m. in the Town Hall Auditorium. The prelimi-
29 nary work has begun on Mill Street and Keyes Drive. Elm Street and Keyes Drive will be affected after the
30 Pumpkin Festival. This project will disrupt residents and the actual activity will start in October and end in De-
31 cember, starting up again in spring 2016 until the winter shut down and will get completed in 2017. Residents
32 will see workers on the site in HazMat gear, which is mandated by the Government. The town just has to get
33 through the process and Mr. Bender encourages everyone to come to the informational meeting Tuesday night
34 where a lot of good information will be shared. Chairman Fougere asked if it is a mild winter, will the project
35 have to shut down? Mr. Bender said he can bring that up Tuesday night. Signs regarding any detours will be
36 posted at intersections to notify drivers of the detours.

37
38 3) **Fact Sheet for 2015 Construction Season.** The fact sheet regarding the Fletcher construction work was
39 provided in the packet.

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41 **6. DISCUSSIONS**

42 1) **MCAA Update.** Chairman Fougere asked that Vice Chairman Federico explain what is happening with the
43 Milford Community Athletic Association (MCAA). Vice Chairman Federico explained that MCAA has the poten-
44 tial of dissolving the group. It was reported in the Cabinet and there is a meeting scheduled for Thursday October 1,
45 2015 in the Auditorium at 7 p.m. Vice Chairman Federico briefed the Board, noting he has been working on a web-
46 site for MCAA for a while; the MCAA has been around for 58 years and is a 99% volunteer organization. The
47 fields are owned by the town and leased to MCAA, other than that, all the people are volunteers, they have run into
48 situations over the last five years that they are not getting the volunteers needed, it is a critical mass of needing vol-
49 unteers. It is not a financial issue; they have put on programs for 58 years, all with volunteers. People can spend a
50 lot of money for their children to attend a competitive sporting organization, but the MCAA focuses on giving all
51 youth the experience to play sports for the least amount of money and that is by using volunteers. The organization
52 needs to get the word out and have people step up and volunteer their time. Good things may happen, but on Thurs-
53 day, it will be discussed and identify what is needed and the hope is to possibly come out with some people stepping
54 forward. Selectman Bauer said this is something which volunteers have always been there for 58 years, and people
55 just think it will go on forever, but it will not without volunteers. Chairman Fougere said this should not be taken
56 lightly, the Board of Directors is down to two people and it should be five, the importance of volunteers is critical.
57 If you have a child in town doing sports, please come out Thursday and join the discussion to right this ship. We do

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1 not want the MCAA so disband; if you feel you can give back some of your time to the community, this is a good
2 time.

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4 **2) Review of Request from Zoning Board of Adjustments to Review ZBA Rules.** Selectman Bauer asked
5 about this change and if an applicant requests the application to be tabled, would this work? Chairman Fougere in-
6 dicated this is a ZBA decision. Selectman Daniels indicated there could be some wording changes that could be
7 addressed so that if the applicant wishes to table, they can. Selectman Daniels said there was a Bill in Concord that
8 addressed this, Chairman Fougere was unsure how that turned out and will pass on the suggestion to change the
9 wording to the ZBA Chairman.

10 Kevin Johnson, prior ZBA Chairman, asked if there were any questions on this change. Chairman Fougere in-
11 dicated that some language has been proposed in case the applicant wants to table their own application. Mr. John-
12 son said perhaps a waiver that the ZBA were allowing the applicant to request it be held by a full board. When Mr.
13 Johnson left the Board, it was because the Chair could not guarantee that an application would be heard. There is no
14 "right to be heard by a full board"; a quorum is not identified. We have had some cases that had standing room only
15 and the applicant then requested it to be postponed. The Nashua excerpts were sent electronically to Bill Parker to
16 review. Mr. Johnson wanted to switch the control from the applicant to the ZBA. Chairman Fougere thought there
17 was a statutory change a few years ago that states that applications must be passed by three members. Selectman
18 Bauer also thought that was the case. Mr. Johnson said the ZBA meets on Thursday so he can check it again.
19 Chairman Fougere does not want to get into how the ZBA does its business. Selectman Bauer would rather see it in
20 the control of the applicant, not the ZBA. Chairman Fougere thinks in Nashua the applicant knows if there is not a
21 quorum the case will not be heard. Mr. Johnson thinks that is something that we should clarify. The way the current
22 rules are written, it specifies the full ZBA. Chairman Fougere asked how often this happens? How many rulings are
23 being backed up by this? Mr. Johnson said it happens 2-3 times a year with specific cases. Most cases will be heard
24 without the full Board. Selectman Daniels, after locating on the internet, indicated SB141 was to change it to a ma-
25 jority of the quorum which was passed by the Senate but was killed in the House.

26
27 **3) Oval Parking Discussion.** In going through the ordinances on line, Selectman Daniels said some parking
28 ordinances are in place and some of them under 6.24.100 could be replaced with what has been drafted for review.
29 Certain designations of streets contained within the oval could be designated 5 a.m. to 11 a.m. daily, which would
30 solve the problem of overnight parking in front of businesses at peak hours. The businesses open at different times
31 in the morning and to provide them with not having to go out to move their cars, the inside of the oval could be des-
32 ignated with four hour parking for business owners. Most businesses do not open until 9 a.m. except restaurants.
33 By the time the two hour limit is up, the restaurant parking would be done. We have ordinances in there about park-
34 ing, the penalty was not set for this section however. Appendix B does not include the fines for Section 6; therefore
35 Selectman Daniels is proposing the penalties for fines for parking. This would give the person who is ticketed 72
36 hours to pay the fine. A warning would be issued first, followed by a ticket with a fine. Signs to guide people to
37 public parking lots would also be helpful. Selectman Putnam asked how this impacts the parking given to Red Ar-
38 row? Selectman Daniels indicated that permission was given to them during the snow removal ban, it is for an hour
39 but it is only during snow removal. Chief Viola asked how will police enforce this? If business owners park inside
40 the oval, how will we know it is them? How will we enforce the two hour limit? Selectman Daniels answered the
41 inside the oval area would be a four hour limit, not only for business owners. If an officer visits the oval periodical-
42 ly to mark tires, they would know how long the car has been there. It would not require full time monitoring. A lot
43 of people that have oval apartments do not use the public parking lots. The idea is to have people come to town and
44 to not have just one person use a space all the time. Chief Viola said they used to have the overnight parking, would
45 that stop this? Part of the problems is weekends, said Chairman Fougere, when people park for the whole weekend.
46 If Chief Viola could take a look at what was prepared by Selectman Daniels and then in two weeks we come back
47 and review it again, then decide if we move forward with a first reading.

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49 Vice Chairman Federico would like to look at why the ordinance was repealed in the first place. He was told it
50 was driven by the business owners, so before we put something back into place, he would like to look at why it was
51 taken off the books. Instead of having a two-hour parking ordinance here and there which will be difficult to en-
52 force, we should look at no overnight parking at all on the oval. We are talking about the weekends and mornings
53 on weekends. An overnight parking ban might be better than splitting up the type of parking allowed. Selectman
54 Putnam said the two hour parking problem was that the meters were not taking in enough revenue to cover the cost
55 of enforcement. Chairman Fougere said let's get a copy of this draft and also give it to Wendy to talk with mer-
56 chants. Selectman Putnam indicated NRPC did a parking study at one point. This has been studied a lot. Chairman
57 Fougere agreed, stating it has been an issue forever. Selectman Bauer said this is an enforcement nightmare and she
58 is against this. Police Captain Frye added that no overnight parking was impacting one business who received per-

mission to park in a certain area and told their customers so. Having no overnight parking would take care of the early morning parking problems.

4) **Review of Board of Selectmen’s Goals and Objectives 2015.** There was nothing new.

7. SELECTMEN’S REPORTS/DISCUSSIONS.

a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Vice Chairman Federico indicated the town Oval-Cam is now installed and running, the camera is focused out of the third floor of Town Hall down to the Oval and can be accessed through the website. Selectman Daniels said the Recycling Committee has focused on putting out recyclables containers next to trash bins; they are currently in the oval for the Pumpkin Festival. Barrels have been provided by Coca-Cola. The Recycling Committee is trying to take care of what we have and over time might come to the Board of Selectmen to buy covers for the barrels. Selectman Bauer saw that people were using the recyclable bins, so they are working. Selectman Daniels stated the more the town can do, the better, and it is also money saved. The town brings in approximately \$125,000 to \$150,000 annually for recyclables.

b) **OTHER ITEMS (that are not on the agenda).**

8. APPROVAL OF FINAL MINUTES. Selectman Bauer requested one amendment to the minutes of September 14, 2015. Selectman Putnam moved to approve the minutes of September 14, 2015 as amended. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

9. INFORMATION ITEMS REQUIRING NO DECISIONS.

10. NOTICES. Notices were read by Chairman Fougere.

11. NON-PUBLIC SESSION. Selectman Putnam moved to enter into non-public session at 6:55 p.m. for the approval of non-public minutes of September 14, 2015. Selectman Daniels seconded. All were in favor. Motion passed 5/0. Selectman Bauer moved to un-seal the non-public minutes of September 14, 2015 for review. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0. Selectman Putnam moved to approve the non-public minutes of September 14, 2015. Selectman Vice Chairman Federico seconded. All were in favor. Motion passed 5/0. Vice Chairman Federico moved to re-seal the non-public minutes of September 14, 2015. Selectman Putnam seconded. All were in favor. Motion passed 5/0. Vice Chairman Federico moved to come out of non-public session at 7:05 p.m. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

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

Mark Fougere, Chairman

Kevin Federico, Vice Chairman

Gary Daniels, Member

Katherine Bauer, Member

Mike Putnam, Member