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APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
March 14, 2016

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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

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

INSTRUCTIONS: Town Administrator Mark Bender called the public meeting to order at 5:30 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. Mark Bender 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.

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2. APPOINTMENTS:

5:00 p.m. – Non-Public Session (RSA 91-A:3,II(c) Reputation. Selectman Daniels moved to enter into non-public session at 5:00 p.m. in accordance with RSA 91-A:3, II(c) Reputation. Selectman Putnam seconded. All were in favor. Motion passed 5/0. After discussion, Selectman Putnam moved to come out of non-public session at 5:30 p.m. Selectman Daniels seconded. All were in favor. Motion passed 5/0. Chairman Fougere announced the Board went into non-public session for a reputation discussion and made no decisions. Selectman Daniels moved to seal the minutes of the non-public session. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0.

5:30 p.m. – Swearing in of New Selectman/Selection of New Board of Selectmen Chairman and Vice Chairman. In the absence of Town Clerk Peg Langell who is excused this evening, Town Administrator Mark Bender requested that Justice of the Peace Paul Bagley please step up to the table to swear in newly re-elected Board of Selectman Kevin Federico. Mr. Bagley swore in Mr. Federico. Mark Bender then asked for nominations for the position of Chairman of the Board of Selectmen. Selectman Bauer nominated Mark Fougere for the position of Chairman. Selectman Daniels seconded. All were in favor. Motion passed 4/0. Mark Bender handed over the meeting to Chairman Fougere. Chairman Fougere then asked for nominations for the position of Vice Chairman of the Board of Selectmen. Chairman Fougere nominated Mr. Federico as Vice Chairman. Selectman Daniels seconded. All were in favor. Motion passed 4/0. This concluded the swearing in ceremony and the selection of Board of Selectmen Chairman and Vice Chairman.

5:40 p.m. – Land Use Change Tax Map 27 Lot 57-4, Map 6 Lot 46 and Request to Revisit Map 8 Lot 31. Town Assessor Marti Noel presented that the owners of Alene Candles are aware that the town is discussing this tonight, where a portion of the property will be removed from Land Use Change Tax due to the plan to build a residential home on that portion. Selectman Putnam moved to approve. Vice Chairman Federico seconded. All were in favor. Motion passed 5/0.

Town Assessor Marti Noel presented that because the owner of Map 8 Lot 31, Stephen Trombly, has been removing materials for sale from this property and a contract was drawn up to remove soil and gravel from the site and return it to use as farmland, which has not been completed in the 18 months in the contract, the land use change tax is now due and payable to the town. Selectman Bauer stated she will recuse herself from this vote, as she is an abutter to this property. Ms. Noel continued that all of the statutes and rules have been provided to the Board as well as aerial photos. Chairman Fougere was concerned with the statute saying it seems to create a grey area for this type of operation. Ms. Noel has requested clarification from the State on the ambiguity of the statute. Some of the rules were explained and the land being excavated is not eligible for current use and she also referenced court decisions where the land was used for excavation. Ms. Noel said the statute states the removal of gravel will exclude it from current use.

Selectman Putnam asked if gravel has been sold out of the pit? Chairman Fougere said it has been. Ms. Noel said the Board of Selectmen gave Mr. Trombly 18 months to reclaim the land and that time has now passed. The statute allows for the material to remain on the site but only to regrade, not to sell. Mr. Trombly has told the

1 Board that he is selling it. Vice Chairman Federico asked where is the progress; is he still excavating? Has Mr.
2 Trombly done the grading work to make the farming easier? Chairman Fougere said it is not done. Chairman
3 Fougere said there is loam on about 30% of it, the statute is ambiguous, if he is selling it, he has to pay the tax. It
4 will be good to cut down the hill because that corner is bad.

5 Ms. Noel said the Board of Selectmen is the Assessing authority, but there is no distinction about how big it
6 is or how it is done or whether a little was sold or if stockpiling it is okay. Selectman Daniels finds it ambiguous.
7 Ms. Noel said the exception is to use the soil for reclamation. Selectman Putnam asked for the options. Ms. Noel
8 said a bill was sent to Mr. Trombly or the town could abate it. Mark Bender asked if he filed an application for
9 abatement? Ms. Noel said no, he did not. Selectman Putnam has not seen much gravel taken out, he would rather
10 abate it, if he puts in a request. Selectman Putnam moved to have Mr. Trombly submit an abatement request. Se-
11 lectman Daniels seconded for discussion. Selectman Daniels asked if he would have to file an abatement applica-
12 tion? Ms. Noel said he does. If he wants to contest this, Selectman Daniels asked if he can file an abatement appli-
13 cation. Ms. Noel said yes, he has 60 days from the time he was billed to file an abatement. Ms. Noel said this deci-
14 sion might need to be made for any property owner that comes forward with a similar request. Mr. Trombly would
15 have to fill out the abatement paperwork. Vice Chairman Federico does not want to vote on anything for which
16 there is no paperwork. Selectman Daniels moved to table this item. Vice Chairman Federico seconded. All were in
17 favor. Motion passed 5/0.

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19 **6:00 p.m. – 2015 Ratio Study.** Town Assessor Marti Noel said the town equalization ratio of 96.8% has just been
20 received. The reval has just begun. Not every home owner will be visited this year, it is just for statistical infor-
21 mation. A letter will be sent in August to property owners and notice will be sent out if new values are determined.

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23 **6:05 p.m. – Request to Appoint Jacob LaFontain as a new alternate member of the Planning Board.** The
24 Board asked Mr. LaFontain to join them at the table for this discussion. Mr. LaFontain explained he has lived in
25 Milford all his life except for four years attending Keene State College; he has been observing the Planning Board
26 for the last year and is trying to become an alternate on the Planning Board. While at Keene State College, his focus
27 was on state and local government and he plans to begin a Master’s Program in the fall at UNH. Mr. LaFontain
28 wants to play a more active role in town and give back to the community. Selectman Daniels thanked Mr. LaFon-
29 tain for coming forward and asked if there are any matters that would cause him a conflict on the Planning Board, to
30 which he responded no. Selectman Putnam thanked him for volunteering. Vice Chairman Federico said the Plan-
31 ning Board is lucky to have him and he looks forward to having him on that Board. Selectman Daniels moved to
32 appoint Jacob LaFontain as an alternate to the Planning Board. Selectman Putnam seconded. All were in favor.
33 Motion passed 5/0.

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35 **3. PUBLIC COMMENTS. (items not on the agenda).** There were no public comments.

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37 **4. DECISIONS.**

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39 a) **CONSENT CALENDAR.** Chairman Fougere asked if any member wished to remove any items from
40 the Consent Calendar for discussion. There were no items removed. Selectman Putnam moved to approve
41 the Consent Calendar as presented. Selectman Daniels seconded. All were in favor. Motion passed 5/0.
- 42 1) **Request for Re-appointment of Conservation Commission Members – Hub Seward and Greg**
43 **Boggis.** The request to re-appoint two Conservation Commission members, Hub Seward and Greg
44 Boggis as full members was approved.
 - 45 2) **Request for Re-appointment of Granite town Media Members – Tim Finan and Dave Alcox.** The
46 re-appointment of two Granite Town Media members, Tim Finan and Dave Alcox as full members was
47 approved.
 - 48 3) **Request for Re-appointment of Planning Board Member Chris Beer.** The re-appointment of Plan-
49 ning Board member Chris Beer was approved.
 - 50 4) **Request for Appointment of Planning Board Member Susan Robinson from Alternate to Full**
51 **Member.** Susan Robinson was re-appointed as a full member (from Alternate) of the Planning Board.
 - 52 5) **Request for Re-appointment Zoning Board Member Mike Thornton.** Mike Thornton was re-
53 appointed as a Zoning Board member.
 - 54 6) **Request for Approval of Granite Town Media By-laws.** The Granite Town Media by-laws were
55 approved by the Board. Selectman Daniels thanked the members of Granite Town Media for preparing
56 the by-laws, noting the town already has the Government and Education channels on line; he is very
57 impressed with the detail in the document and it shows that the town is ready for the public access pro-
58 gramming to be started.

- 1 7) **Request for Approval of Timber Tax Levy Map 3 Lot 6.** The Timber Tax Levy for Map/Lot 3-6
2 was approved in the amount of \$1593.70.
- 3 8) **Request for Approval of Parade Permits for Memorial Day, May 30, 2016; Labor Day, September 4, 2016 and Veteran's Day, November 11, 2016.** The parade permits for Memorial Day, Labor
4 Day and Veteran's Day parades were approved.
- 5 9) **Request for Approval to use Town Owned Land for the Annual Police Department Fishing Derby.** Permission was granted for the use of town owned land for the use of Bicentennial Park for the
6 annual fishing derby on May 21, 2016 7 a.m. to 1 p.m.
- 7 10) **Request for Consideration of Approval to Waive Two Property Tax Interest Requests.** Two re-
8 quests for property tax interest waivers were presented to the Board and approved.
- 9 11) **Request for Approval of Donation to the Heritage Commission "Save the Swing Bridge" fund.** A
10 donation to the "Save the Swing Bridge" fund was accepted by the Milford Heritage Commission in
11 the amount of \$180.
- 12 12) **Request for Acceptance of 31:95(b) Unanticipated Revenues: Federal Grant - NH Highway Safety Project, Funding for Overtime for Traffic Enforcement Patrols.** The request for approval of
13 unanticipated funds in the amount of \$9717.62 was approved.

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18 b) **OTHER DECISIONS.**

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20 5. **TOWN STATUS REPORT.**

21 1) **DOT Construction Work on Elm Street.** Town Administrator Mark Bender said NH DOT has bid the
22 road work on 101 west toward Wilton.

23 2) **Default Budget Proposal.** Town Administrator Mark Bender indicated the budget was not approved by
24 58 votes, so the town is working under the default budget again. The default is \$189,000 less than the proposed
25 budget, therefore we have to reduce the budget by that amount. The three items being proposed to cut are the
26 DPW paving amount that had been added to the budget; the wage increases being reduced by 1% and staff for
27 DPW parks and recreation, the duties will be absorbed by current staff and it is felt that the part time additions
28 will be added as needed. Those reductions will make up the amount for the default budget. Selectman Putnam
29 asked if \$50,000 can be left in paving, and could the other \$50,000 be found somewhere else. Mark Bender can
30 take a look; possibly the ATV for police and fire or look at the cruiser for police.

31 Selectman Putnam hates to see the roads continue to get worse and the public will get the impression that
32 we are taking away from them as punishment for voting the budget down. Mark Bender said that is why the
33 CIP had proposed a major article for roads, which the Board of Selectmen turned down. Vice Chairman Federico
34 thinks \$50,000 is not significant, it is not a lot of money for road construction. Chairman Fougere said it de-
35 pends on how the roads get fixed. Vice Chairman Federico asked how the removal of \$100,000 would affect
36 fixing the roads. DPW Director Rick Riendeau responded that nothing was ever set in concrete, we have not
37 made any solid plans. \$100,000 would get maybe about 1.5 miles if the road is in good shape and using chip
38 and seal, a cheaper application. The \$100,000 is not a huge amount. Mark Bender asked how pothole repairs
39 are going? Rick responded that they did three truckloads this year, which is more potholes than last year. Se-
40 lectman Daniels asked how the roads are prioritized in the budget, if the \$100,000 is left in. Rick does not do it
41 that way, nothing is in concrete and it depends on how bad the roads are after the winter. The plan changes as
42 time goes by. Selectman Daniels would like to preserve as much as possible in paving. Selectman Daniels
43 would like to go though and see if there are things we can do different to keep the \$100,000. Mark Bender said
44 for \$100,000 we will not construct much road. This week, Rick Riendeau and Mark Bender will get together on
45 bridges and drainage and set up a plan. The roads still took a beating even with the mild winter.

46 As far as a refurbished cruiser, Chief Viola said the department currently has six vehicles with over
47 100,000 miles. Chief Viola has talked to Primex about refurbishing a vehicle and they feel it is not the best way
48 to go. The police cars are important and run 24 hours a day, the new cars become the primary cars and then
49 there are secondary cars; sometime we use the crime scene vehicle on special details. We make due and use
50 whatever we can to get the job done. Selectman Daniels asked why the cost for a new vehicle is \$49,000.
51 Chief Viola said that is fully equipped with the computer, lights, markings, radio, etc. In the past, we bought
52 those items the year before. Chief Viola can get a breakdown of all of those items. Selectman Bauer wants to
53 go with a new cruiser, not refurbished.

54 3) **Keyes Expansion Committee Update.** Mr. Bender said there has been a good response from various
55 commissions and committees and also residents; the Board provided a draft charge to review and take action on
56 appointing people. The charge needs to be finalized to get it started.

57 4) **Capital Reserve Committee Update.** See above for Keyes Expansion Committee.

1 **5) South Street Update.** Letters were sent and we are awaiting final authorization from DOT to schedule
2 the project and start the work. The low bid was just over \$1 million; the total cost is \$1.7 million.

3 **6) Oval Improvement (Pedestrian Islands) Public Information Meeting Planned for March 29, 2016.**
4 Mark Bender indicated that public information meetings will be held about the improvement projects that the
5 Board has looked at. This is moving forward to the next stage for public input. Lincoln Daley will head up
6 these meetings. Janet Langdell stated the public input session is March 29 and will be about the Nashua Street
7 and oval areas, it is not just the pedestrian crosswalks and brickwork. It will be information about Nashua
8 Street down to Tonella Road and is a Board of Selectmen project so that the residents would know what it is for.
9 It is broader than just the oval.

10 **7) Osgood Pond.** The Request for Proposal (RFP) for dredging Osgood Pond was looked at and will go
11 out for formal bidding within the next two weeks. Chairman Fougere asked how much is in the fund for this
12 project? Mark Bender said there is \$300,000 total in the fund. Chairman Fougere said the scope of this is better
13 since we waited; Dave Wheeler has been looking every year for funds for dredging Osgood Pond. Mark Bender
14 added that bids are due April 15, 2016.
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16 **6. DISCUSSIONS.** Chairman Fougere said there was a good turnout at the town election, with 26% of regis-
17 tered voters coming out; a lot of articles did not pass including the school articles, some were surprising to Chairman
18 Fougere, who noted a message is being sent to this Board to which we need to pay attention. The town has a default
19 budget for the second year in a row.
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21 **7. SELECTMEN’S REPORTS/DISCUSSIONS.**

22 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES** – Vice Chairman Fed-
23 erico said the Keyes Expansion Committee needs a charge which was presented as a draft at the last meeting.
24 Chairman Fougere said that charge will be at the next Board of Selectmen meeting. Mark Bender said the
25 committee itself might also have some input on the charge. Mark Bender indicated that DPW will be painting
26 over the crosswalk that was identified as being dangerous (in front of the Ambulance facility). Once weather
27 permits, this effort will be taken care of. Janet Langdell indicated she spoke with some people that work near
28 the crosswalk and one question was has any consideration ever been given to not allowing parking on the south
29 side of Elm Street from Extra-Mart down to Columbus Avenue? Selectman Daniels does not believe that was
30 ever discussed but it would not make any difference for the pedestrians. Ms. Langdell said it was just a ques-
31 tion. Chairman Fougere said the nursing home people did contact the Board of Selectmen about the crosswalk;
32 the street itself has changed a lot in the past five years. Ms. Langdell said she has been asked about parking in
33 front of the Humphrey Moore House.

34 **b) OTHER ITEMS (that are not on the agenda)**
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36 **8. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes of January 25, 2016
37 as presented. Selectman Bauer seconded. All were in favor. Motion passed 5/0.
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39 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**
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41 **10. NOTICES.** Notices were read by Chairman Fougere.
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43 **11. NON-PUBLIC SESSION.** Selectman Putnam moved to enter into non-public session at 6:40 p.m. for RSA
44 91-A:3II(a & c) Personnel and Reputation. Selectman Daniels seconded. All were in favor. Motion passed 5/0.
45 Selectman Putnam moved to come out of non-public session at 8:05 p.m. Selectman Daniels seconded. All were in
46 favor. Motion passed 5/0. Selectman Putnam moved to seal the non-public minutes of this session. Selectman
47 Daniels seconded. All were in favor. Motion passed 5/0. Chairman Fougere announced that in non-public session a
48 reputation issue and a personnel issue were discussed and one set of non-public minutes was approved from Febru-
49 ary 29, 2016 (reputation). Two decisions were made, two votes were taken as well as the approval of non-public
50 minutes.
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52 **12. ADJOURNMENT:** Vice Chairman Federico moved to adjourn at 8:10 p.m. Selectman Daniels seconded. All
53 were in favor. Motion passed 5/0.
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57 Mark Fougere, Chairman

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57 Kevin Federico, Vice Chairman

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 03/14/2016

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Gary Daniels, Member

Katherine Bauer, Member

Mike Putnam, Member