

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
August 22, 2016

**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  
Dave Bosquet, Videographer

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

**INSTRUCTIONS:** Chairman Fougere called the 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. – Request to Appoint Lena LaBour as a Full Member of the Recreation Commission.** Lena LaBour is interested in becoming a full member of the Recreation commission and joined the Board at the table for this discussion. Ms. LaBour has observed the Recreation Commission meetings for the past few months. She grew up in a small town like Milford and this town puts on events that make it a great community. Chairman Fougere asked for questions from the Board. Selectman Daniels asked what events Lena sees in Milford's future. Ms. LaBour said she has a lot of ideas; recreation gives the community something to look forward to right in the center of town. It brings business to the town as well. Selectman Putnam moved to appoint Lena LaBour as a full member of the Recreation Commission. Selectman Daniels seconded. Selectman Bauer thanked Ms. LaBour for volunteering. All were in favor. Motion passed 5/0.

**5:35 p.m. – Request to Appoint David Bosquet as an Alternate Member of the Conservation Commission.** Dave Bosquet, current videographer for the Town of Milford, has expressed interest in joining the Conservation Commission as an alternate member. Mr. Bosquet said he wanted to join for a while as he has a lot of respect for the members of the Conservation Commission and wants to continue his education in that regard. He hopes to attend UNH in the next few years and has done work on the rail trail and river trail. Vice Chairman Federico thanked Dave for volunteering; without volunteers, the town would not be where it is. Selectman Putnam moved to appoint Dave Bosquet as an alternate member of the Conservation Commission. Selectman Daniels seconded. All were in favor. Motion passed 5/0. Selectman Daniels asked if Dave will commute or relocate to Durham to attend UNH. Dave responded he is going to NCC currently and plans to stay local for a little while.

**5:45 p.m. – Capital Reserve Funding Committee Report Presentation.** Chairman of the Capital Reserve Funding Committee, Eric Schelberg, presented the findings and recommendations of the committee, noting there are a few other members present this evening including Paul Dargie, Tim Finan and Jim Roccio. The charge of the committee included that a report would be submitted by August 31, 2016, which has been met. Mr. Schelberg indicated that in the past there were two administrators of the capital reserve funds, the Board of Selectmen and the Board of Commissioners. In 2007 there were three capital reserve accounts that were dissolved by town vote. Mark Bender and Jack Sheehy brought forward information from two other towns, Amherst and Merrimack. Mr. Schelberg explained that with a Capital Reserve Fund, towns can take advantage of leases or lease purchases, they do not just pay for it all at once. The recommendation from the committee is to adopt the practice of Capital Reserve Funding. Further, the recommendation is to model the funding after the town of Amherst who has a balance of \$1.16 million in the fund in 22 different accounts. A fund would allow significant capital to be set aside. Some of the recommendations to set up capital reserve funds from the committee include the bridge repair and replacement capital reserve fund (already established), a facility repair capital reserve fund and a fire apparatus capital reserve fund. The Board of Selectmen would have the authority to replace funds in the event of an emergency. The committee recommends the creation of the capital reserve funds and to fund the accounts at the highest level of \$480,000 through town vote. This would be split out among the various funds. The 2017 warrant article would be to establish the capital reserve accounts, fund the accounts and authorize expenditure of the funds requiring authority of the legislative body. Mr.

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1 Schelberg indicated the committee feels this is a good first step to talk about this and would encourage the Board to  
2 support establishing the funds and funding them this coming tax year.

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4 Selectman Putnam indicated this was a very good presentation. Mr. Schelberg indicated this was a good committee  
5 that has a good long term history and has insight on the funding. Selectman Daniels asked that having the Board of  
6 Selectmen as the agent, if we had a bridge repair that the Board of Selectmen had authorized to spend, but there was  
7 not enough in the fund, could the Board transfer from one account to the other to cover the costs? Jack Sheehy answered  
8 no, you cannot; Merrimack does their capital reserve funding as part of their operating budget. You cannot  
9 have a general capital reserve account, it has to be specific and you cannot move the money. Selectman Daniels  
10 asked if there are dedicated funds for certain needs. Jack Sheehy answered yes, there is a line that identifies where  
11 the funds are being used. Mr. Schelberg said in tonight's package there is an attachment (C) that has a sample war-  
12 rant article that would fund the capital reserve and establish the authorized agent. The Committee feels if the ac-  
13 count is created, it should be funded right away. The Board of Selectmen can propose to put in as much or as little  
14 as it wants. Mr. Schelberg said the fund and the funding can be voted at two different times. Vice Chairman Fed-  
15 erico asked if it requires the vote of the tax payers. Jack Sheehy responded that each time the capital reserve fund is  
16 funded, it requires the vote of the taxpayers. Chairman Fougere asked Jim Roccio, Capital Reserve Fund Committee  
17 member and Budget Advisory Committee member, for his opinion. Mr. Roccio was surprised when he first realized  
18 there was no funding set aside for large projects (capital reserve fund). It was explained to him at that time that sev-  
19 eral of those accounts were dissolved years before he came on board. Mr. Roccio said he is in favor of the funds  
20 being set aside for future projects and does not think the funds identified are not too far off; some years we might  
21 decide not to fund them at all; Mr. Roccio thinks the idea is good and that people will save a little money when it is  
22 time to purchase things. We might save some money for the taxpayers. Mr. Roccio likes the concept and a lot of  
23 thought has been given to this.

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25 Selectman Daniels agrees that savings can be seen, but do we see a problem with a change in mind set that if we  
26 have enough in an account to purchase a new vehicle, we will just buy one and not try to repair it? Mr. Roccio  
27 thinks that is up to the Department Heads and Board of Selectmen to take a look at the equipment and if it is still in  
28 good shape and no major repairs are anticipated and we can postpone a purchase until the next year, everyone has  
29 their job to do and look at the whole picture. However, if something is at a point where it will cost a significant  
30 amount of money, it might be better to just replace it. Tim Finan, Capital Reserve Fund Committee member, said  
31 there were many discussions about letting Department Heads justify the purchase of any new vehicle. If the money  
32 is just sitting there, we still want it to be justified. DPW seems to have more emergency purchases. Selectman Put-  
33 nam does not think the amount would dictate if a new vehicle is bought or not and the Board of Selectmen has the  
34 authority to fund the vehicle or not. There is oversight at the Board table and the voters think it is a great idea. Paul  
35 Dargie, Capital Reserve Fund Committee member, said DPW and the Board of Selectmen would get authorization  
36 to do something in an emergency but would need to go to the voters for any standard requests. If a vehicle or piece  
37 of equipment dies, the Board of Selectmen would have the authority to purchase a new one. Jack Sheehy said the  
38 Board could call a special town meeting and have voters decide. Mr. Schelberg indicated a standard planned pur-  
39 chase requires the legislative body to vote. If it is an emergent situation, the legislative body is not required to vote.  
40 If Mr. Schelberg needs an ambulance, he would come to the Board to replace the ambulance, but if he felt he could  
41 push it out a year, we could do that too, or just not fund the account.

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43 The committee was unanimous in its vote to recommend creating the capital reserve funds. Selectman Putnam is a  
44 firm believer in the Capital Reserve Funds. If it is done right, we can save a lot of money on interest. Chairman  
45 Fougere said if Mark Bender and Jack Sheehy could pull together some of the information on projects where there  
46 was a lot of interest payments in order to compare, it would be nice to see it on one page to see that it makes a big  
47 difference. Mr. Schelberg thanked the committee members and requested the Board to disband the committee if it is  
48 all done. Chairman Fougere indicated the committee does not need to meet but requested that they still stay formed.

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

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52 **4. DECISIONS.**

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54 a) **CONSENT CALENDAR.** Chairman Fougere asked if any member wished to remove any items from  
55 the Consent Calendar for discussion. There was nothing removed for discussion. Selectman Putnam  
56 moved to approve the Consent Calendar as presented. Vice Chairman Federico seconded. All were in fa-  
57 vor. Motion passed 5/0.  
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- 1) **NH RSA 31:95(b) Request for Acceptance and Appropriation of Unanticipated Revenues under \$10,000.** The unanticipated revenues under \$10,000 were approved as follows:

Source	Amount	Purpose
Chris Costantino	\$ 100.00	Donation to the Milford Police Dept. for the Badge and Patch Project Special Purpose Fund
Airmar Technology Corp.	\$ 500.00	Donation to the Milford Police Dept. for the Badge and Patch Project Special Purpose Fund

- 2) **Request for Approval of Donations to the Heritage Commission for the “Save the Swing Bridge” Fund.** The Donation to the Heritage Commission in the amount of \$410 from the general public was accepted by the Board.
- 3) **Request for Approval of Timber Tax Levy – Map 45, Lot 11.** The Board approved the Timber Tax Levy for Spring Creek Sand & Gravel in the amount of \$8,741.42.
- 4) **Request for Approval of Building Permit Refund 30 Greystone Place.** The Board approved the building permit refund request in the amount of \$88.00 for work that was not performed.
- 5) **Request for Approval of MS-1 Extension.** The Board approved the request for Extension of the MS-1, to be presented at a Board meeting in September.

b) **OTHER DECISIONS.**

5. **TOWN STATUS REPORT.**

- 1) **South Street Update.** Mark Bender indicated that the South Street project continues moving forward. Eversource pulled wires last week. Comcast is scheduled this coming week and then Fairpoint in the next few weeks. Sidewalk work will also start this week; concrete, followed by asphalt work. Restaurants and businesses will have access to their properties during this work. The Water Utility work was completed last week.
- 2) **Heron Pond Road Recreation Fields.** Town Administrator Mark Bender indicated the Alteration Of Terrain Application plan was amended to include some comments and best practices that were received from NH Fish & Game. We also received approval from DES on our AOT application today. The town attorney confirmed that the Board of Selectmen has the authority and the responsibility to manage town land/town property, but this Board was also given a petition warrant article (on July 18, 2016) that will be on the ballot next year. So the question is does the Board want to re-authorize the construction of the recreation fields to be done this year? Work could start in September and will likely take 2-3 weeks to complete? Selectman Putnam suggested it will take a year or two for those fields to be playable, so the quicker we start, the better. Selectman Putnam is okay with starting it in September 2016. Selectman Daniels said if we don't start it this year, we lose a year. Chairman Fougere added that September is a great time to start planting grass. If we've got all the permits, Vice Chairman Federico said let's move forward. Selectman Daniels moved to re-authorize the construction moving forward. Selectman Putnam seconded for discussion.

Suzanne Fournier, Coordinator of Brox Environmental Citizens Group, indicated she conducted an information review today, noting there was no permit issued as of this morning. Mark Bender said that was received today by e-mail. Ms. Fournier stated she did not get a copy of that yet and she was here today and that was not in her packet, further stating she will appeal this to the Water Council within 30 days. There will be abutters to the property appealing. Ms. Fournier is putting the town on notice that this will be happening and it will follow its own process. This will also be on the warrant in March and I think is a mistake to move forward, it is a lot of money being used (\$29,000) and the Board is starting the process without voter approval. A biologist, a specialist in reptiles must be on site for that process. During the construction phase, there needs to be someone every day walking the property to be sure no animals slipped through the silt fence on all of the four and a half acres. If a hognose snake is seen, it must be reported ASAP. This is their habitat; they are all in this area and there are precautions that must be taken and it costs a lot of money for a biologist. There are conditions of the work that are required and are costly and she believes this needs a town vote.

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Dave McManus, Brookview Court, asked how the Board can spend \$29,000 without voter approval? The Board found \$35,000 in a default budget, how do you do that, under what RSA? What right does the Board have to do this without voter approval? Chairman Fougere responded that the Board of Selectmen has the authority to manage the town property. The estimated costs include labor, the town is not writing a check for \$30,000; we are not hiring a contractor to do the work. Chairman Fougere said it is an in-house project. Mr. McManus said it is a capital project, doesn't the town have to vote on capital projects? It is not just a small item. Chairman Fougere responded that the Board of Selectmen has the authority to manage the town land. All were in favor of the motion to move forward. Motion passed 5/0.

3) **RFP Storm Water Inspection.** Mark Bender, explained the stormwater inspection article passed in March 2016 had a flaw in the language. The amount to borrow was incorrect in the warrant article and should have read \$216,000; we will still get the 20% forgiveness and we can do another warrant article next year for the balance of \$73,200. That would then make it whole for the entire project. The DRA and DES agree on this issue; Jack Sheehy said we actually get the full amount by correcting this.

4) **Osgood Pond Dredging.** Mark Bender indicated that some people have expressed interest in buying the "spoils" from Osgood Pond; we can have the contractor dredge those additional spoils. It would sell at \$6.00 per cubic yard and of that, \$1.50 per yard would go to the town. The Board of Selectmen should make a decision on selling the additional dredged materials. Chairman Fougere said one of the benefits of bringing the spoils to the Brox property is some of that is going to be used as fill. Chairman Fougere said it is semi-organic material and then there is the sand & gravel. Mark Bender said it will not be separated or screened. Selectman Daniels asked if it is more beneficial to sell the gravel off Brox or from the additional dredging. Selectman Daniels asked is there a cubic yard cost? Chairman Fougere would like to talk to the engineer before making a decision on this. We need a certain number of yards to bring up the level. Selectman Daniels said the town will have to pay for them to haul the material out to Brox. If we sold it before it got hauled, we would save that money. We could dig more and haul less by selling it to contractors. They are interested in buying it. Mark Bender said that would eliminate the transportation costs. The \$1.50 per cubic yard that would come to the town is a fair price and allows us to do more excavation at Osgood Pond. Chairman Fougere can talk to the engineer and share that information at the next Board meeting before making a decision. This discussion was tabled until the next Board meeting.

Mark Bender said there is also a timing issue, we are 30% finished with the spoils, and we have already transported those materials. We have a meeting August 29 and then again September 12, they could be done(dredging) by September 12. Chairman Fougere suggested we get the answers by August 29 and start the Fifth Monday Forum on August 29 at 6:30 to discuss and make a decision prior to the regular start time at 7:00.

5) **Guidance on 2017 Operating Budget.** Mark Bender provided a list to the Board which included a summary of possible budget increases, decreases and warrant articles for 2017 for discussion. The New Hampshire Retirement System (NHRS) increase will affect half the year for a total of \$35,000 and health insurance is looking to possibly be a 10% increase overall. Chairman Fougere is looking forward to hearing the school priorities for next year; there are some improvement being discussed for Milford High School and health insurance will also hit them. Chairman Fougere knows that one warrant article that will come forward again is for the architect to work on a fire department improvement and the Library warrant will most likely come forward again. Vice Chairman Federico would like to see what the short list is for warrant articles in 2017. Selectman Putnam said we need to really look at the infrastructure, he feels that is a NEED not a WANT. The town infrastructure is falling apart and we need to get caught up. He would like to take a look at the CIP outline. Town Administrator Mark Bender said they met last week for the first time, the process might be a little shorter this time than prior years. Paul Dargie, CIP Chairman, said in October, they should have something to bring forward, but the committee just started and it is mostly the same projects. Selectman Daniels asked if the Capital Reserve Fund will impact the CIP process? Paul Dargie responded that it doesn't really affect it. Mark Bender said the CIP committee talked to the Library Trustees about their plan. Chairman Fougere would like to reach out to them to see if the Library Trustees plan to come back again in 2017. In March, the Fire Department Architect warrant article did not pass, nor the Roads improvement and DPW truck and others. Selectman Daniels said the Board needs to start with the emergency services and the DPW needs. There are things that need to be done; if the Board needs to analyze all the requests to determine if it is something that actually is needed or if it is something more. We

1 need to prioritize, there are needs and there are wants. Fire, DPW and Police are needs. Chairman Fougere  
2 asked Rick Riendeau to look at South Street for items after the project ends. Mr. Riendeau has said he is  
3 waiting for the project to be done, then he will look at that stretch of road for improvement. Selectman  
4 Daniels would like to see how many repairs have been done to which vehicles and take a look at the vehicle  
5 repair spreadsheet.  
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7 **6. DISCUSSIONS.**

8 **a) Discussion of Oval Parking during Parades.** A concern has been raised by concerned citizens asking that  
9 there be no oval parking during the Labor Day parade due to safety and obstruction. Selectman Bauer said the La-  
10 bor Day parade is huge and draws large crowds, parking is already limited in town, asking where would they park?  
11 Selectman Bauer understands the concern, but as a parent, they need to keep their kids safe. Selectman Daniels  
12 asked if it would be restricted to keeping children safe and where would disabled persons be able to park? If there  
13 are cars on the oval, people are putting their chairs between the cars, which is unsafe. Chairman Fougere said they  
14 are not going anywhere during the parade, he thinks it is more concerning to have people standing on the side line to  
15 get to the floats and that is why people discontinued throwing candy from floats. Tim Finan agrees the inside of the  
16 oval should not have cars parked. Maybe just not allow parking on the town hall side of the oval. Vice Chairman  
17 Federico said most cars will not be moving once the parade starts. Selectman Bauer understands the concern but  
18 does not think we need to do anything to restrict parking downtown. Selectman Putnam said there have not been  
19 problems in the past. Police Chief Viola does not see a problem with parking in the oval, there is enough personnel  
20 down there and there have been no problems in the past. If parking is blocked off, there will be more of a problem.  
21 We have 6-7 officers in the area to monitor safety.

22 **b) NHMA Legislative Policy Success.** Selectman Putnam moved to authorize Town Administrator Mark  
23 Bender to attend the NHMA session on September 23, 2016 as the town representative. Selectman Bauer seconded.  
24 All were in favor. Motion passed 5/0. Chairman Fougere noted he can accompany Mark Bender as his schedule  
25 allows. Mark Bender accepted this authorization.

26 Police Chief Viola noted NH is one of the few states that still has the training bid for the state training of offic-  
27 ers. We have quality teachers and to keep the funding going to stay there, for the week, the town only pays the em-  
28 ployee his salary. One of the things is when funding, if it weren't through the State, it would be in the police de-  
29 partment budget. The training is for 60 recruits for which they require certification. Selectman Daniels would like  
30 to suggest that the two items be separated from each other. Selectman Putnam indicated when funding was cut, the  
31 cost went down to the towns. Selectman Putnam believes it was cut over three years ago. Selectman Daniels feels  
32 they should pay some of the costs since it is state mandated. As a NH Senator, Milford has an advantage, since Se-  
33 lectman Daniels is part of that process. Mark Bender provided seven floor proposals that were sent to the NHMA to  
34 be considered; all members should review and provide input on August 29.

35 **c) Schedule of Selectmen at Polling Location for the September 13 Primary.** Members signed up for the  
36 shifts they will be present at the polls for at the September Primary; Selectman Daniels will not be present inside as  
37 he will be running for a position and will be outside of the polling area.  
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39 **7. SELECTMEN'S REPORTS/DISCUSSIONS.**

40 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Daniels  
41 indicated effective September 12, the Recycling Committee will be recorded in the Board room during their  
42 meetings and broadcast.

43 Selectman Putnam indicated Turnstone will be working on 127 Elm Street; they are meeting September 1, and  
44 he will bring that information back to the Board.

45 Selectman Daniels will be meeting with the Department of Motor Vehicles regarding the current location and  
46 renovation of the future motor vehicles. Lincoln Daly needs to be involved and has been doing some research.

47 **b) OTHER ITEMS (that are not on the agenda).** Work on Route 13, North River Road, is coming to an  
48 end and some complaints have been lodged regarding how long it has taken. The Board of Selectmen and  
49 Water Utilities Commissioners and staff will talk about the project and what went good and what went  
50 wrong. The meeting will be in the Board of Selectmen room. Mark Bender indicated about 682 Mason  
51 Road will be closed to repair two failing culverts and need attention. Neighbors will be notified by DPW.  
52 The hope is that it is an easy fix. Selectman Putnam moved to allow Chairman Fougere to sign off on the  
53 transportation alternative project (TAP) application for the swing bridge project. Selectman Bauer se-  
54 conded. All were in favor. Motion passed 5/0.  
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56 **8. APPROVAL OF FINAL MINUTES.** Vice Chairman Federico moved to approve the minutes of July 18 and  
57 August 8, 2016 as presented. Selectman Bauer seconded. All were in favor. Motion passed 5/0.  
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1 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**

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

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5 **11. NON-PUBLIC SESSION.** Vice Chairman Federico moved to enter into non-public session at 6:55 p.m. in  
6 accordance with RSA 91-A:3,II (a) Personnel and (c) Reputation. Selectman Bauer seconded. All were in favor.  
7 Motion passed 5/0. The non-public minutes of July 18, and August 8, 2016 (Personnel and Reputation) were ap-  
8 proved on motion made by Selectman Putnam. Selectman Daniels seconded. All were in favor. Motion passed 5/0.  
9 After discussion Chairman Fougere announced that in non-public session two issues were discussed and one deci-  
10 sion was made. Vice Chairman Federico moved to seal the minutes of the NPS session. Selectman Putnam second-  
11 ed. All were in favor. Motion passed 5/0. Vice Chairman Federico moved to come out of non-public session at  
12 7:55 p.m. Selectman Putnam seconded. All were in favor. Motion passed 5/0.

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14 **12. ADJOURNMENT:** Selectman Putnam moved to adjourn at 7:55 p.m. Selectman Daniels seconded. All were in  
15 favor. Motion passed 5/0.

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20 Mark Fougere, Chairman

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24 Gary Daniels, Member

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28 Mike Putnam, Member