



**APPROVED (AMENDED 7-24-17) MINUTES OF BOARD OF SELECTMEN  
MEETING - 02/27/2017**

1 elections. Selectman Bauer asked if the volunteers know that they will not be paid? Ms. Dargie is pretty sure Town  
2 Moderator Pete Basiliere lets them know when he asks them to volunteer. Chairman Fougere said for Ms. Dargie to  
3 work this out with Pete Basiliere and to let the people know they will not be paid. Selectman Putnam would be okay  
4 with not paying them.

5  
6 Town Clerk Dargie indicated there is a special notice HB579 going through legislation that would allow non-  
7 municipal tractor trailer registrations to be done out of state that would reduce the town revenue by \$7,000 to  
8 \$10,000; she is hoping this does not pass.

9  
10 **5:50 p.m. – Boy Scout Troop 4 use of Shepard’s Park.** Anne Edwards-Parker indicated on behalf of Boy Scout  
11 Troop 4 that they are Requesting the use of Shepard Park for their 100<sup>th</sup> anniversary celebration as the oldest Boy  
12 Scout Troop in New Hampshire. The event will include a ceremony, overnight camping, daytime activities, a  
13 barbeque with special guests including Governor Sununu and local dignitaries. Troop 4 dates back to 1912. Se-  
14 lectman Putnam moved to approve the request. Selectman Daniels seconded. All were in favor. Motion passed 5/0.  
15 Selectman Daniels asked if the field has automatic irrigation? It was noted the irrigation is run through the Scout  
16 House and that they should work with DPW so that nothing is punctured by pitching tents. Selectman Bauer  
17 thanked the leaders for all of the time they put in.

18  
19 **3. PUBLIC COMMENTS. (items not on the agenda).** There were no public comments.

20  
21 **4. DECISIONS.**

22  
23 a) **CONSENT CALENDAR.** Chairman Fougere asked if there were any items to be removed from the  
24 Consent Calendar for discussion. There were no items removed from the Consent Calendar for discussion. Select-  
25 man Putnam moved to approve. Selectman Daniels seconded. All were in favor. Motion passed 5/0.

- 26  
27 1) **Request for Approval to re-appoint Janet Urquhart and Kim Rimalover as full members to the**  
28 **Conservation Commission.** The Board approved the re-appointments.  
29 2) **Request for Approval to re-appoint Rodney Delafellice as an alternate member to the Conser-**  
30 **vation Commission.** The Board approved the re-appointment.  
31 3) **Request for Approval to re-appoint Anne Edwards-Parker as a full member to the Ethics**  
32 **Committee.** The Board approved the re-appointment.  
33 4) **Request for Approval to re-appoint Polly Cote as a full member to the Heritage Commission.**  
34 The Board approved the re-appointment.  
35 5) **Request for Approval to re-appoint Claudia Lemaire and Paul Bartolomucci as full member to**  
36 **the Recreation Commission.** The Board approved the re-appointment.  
37 6) **Request for Approval to re-appoint Celeste Philbrick Barr to the Local River Management Ad-**  
38 **visory Committee.** The Board approved the re-appointment.  
39

40 b) **OTHER DECISIONS.**

41 1) **Scheduling of Selectmen at Polling Location for the March 14 Town Vote.** Some of the time slots  
42 were filled in, Selectman Daniels has not found out then he can be at the polls and will contact Mark Bender when  
43 he gets his schedule.  
44

45 **5. TOWN STATUS REPORT.**

46 a) **Community Lands Sand & Gravel Update.** An alteration of terrain permit was applied for the gravel  
47 removal and wildlife mitigation and copies have been distributed to interested groups. A timber harvest has been  
48 completed and when we get them the timber, revenue will be negotiated with the town. On March 7, the Planning  
49 Board will review the plans and provide comments to the Board. Fieldstone will provide comments to the town at  
50 the next Board of Selectmen meeting. The process is moving forward.

51 Suzanne Fournier, Coordinator, Brox Environmental Citizens Group asked about the market survey that should  
52 be done within 3-5 years of excavation noting the plan has an undetermined amount of revenue and it is based on the  
53 market. Ms. Fournier asked if a market survey will be done. Chairman Fougere responded that the excavator will  
54 purchase all of the gravel so if the market collapses, the operation will be shut down. They have agreed to buy the  
55 gravel at the price quoted. Ms. Fournier said she hopes that the Board is being honest. The video last year at delib-  
56 erative session said the sales will generate approximately \$1 million over 3-5 years. Chairman Fougere said if there  
57 is no market, the sand cannot be sold; it is an unanswerable question. Ms. Fournier responded that the answer is out  
58 there, but who is selling what to whom? Does the town follow the gravel removal ordinance? Also, this is starting a

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1 new commercial operation which requires a permit. Chairman Fougere said it is an ongoing project, it is a grandfa-  
2 thered pit. Ms. Fournier said no one is disputing that, we have a gravel ordinance that went in after this went into  
3 effect. In the ordinance, Ms. Fournier stated the hours of operation are identified, but the plan shows hours outside  
4 of the ordinance hours, it also shows it to be a six day a week operation. Mark Bender explained the plan hours are  
5 not correct, in the contract, it states there will be no Saturday or Sunday operation. That will be corrected. The 6-7  
6 a.m. Monday through Friday part of the operation is restricted to loading trucks. That will be included in the final  
7 contract. Ms. Fournier indicated there was a problem with dust with the sports fields. Chairman Fougere said the  
8 state was called and there were no violations found. Ms. Fournier said there was no determination; but there were  
9 many reminders to the town to send out the water trucks to keep the dust down. The ordinance has things in it that  
10 are good, she wanted to bring that to the Board's attention.

11 b) **Osgood Pond Fishing Pier.** Town Administrator Mark Bender indicated the fishing pier is the last item  
12 of Phase I of the Osgood Pond dredging project. There is a company out of Hudson (EZ Dock) that offers a floating  
13 dock system. Lincoln Daley, Fred Elkind and Mark Bender toured the facility and were very impressed with the  
14 quality; the dock would be t-shaped and is fully ADA compliant and seems to meet our needs. The system costs  
15 about \$14,000, if there are no objections he will go ahead with the purchase. Suzanne Fournier asked if the water  
16 will need to be changed at all? Selectman Putnam responded that it can be done with the current water conditions.  
17

18 **6. DISCUSSIONS**

19 a) **Traffic Safety Concern – Request of Blind Driveway Sign.** A request has come in for a Blind Driveway  
20 Sign; Selectman Daniels asked if there has been any research done for this type of sign in Milford. Chief Viola said  
21 he does not have any data on accidents in that area. It is at the crest of the hill on Melendy Road. Selectman Dan-  
22 iels moved to send this to the Traffic Safety Committee to review. There was no second. Chief Viola travels that  
23 way, but he does not think the signs really slow people down. Selectman Bauer said a good number of people do  
24 notice those type of signs. Mark Bender noted the driveway is right at the crest of the hill and in a blind area. Se-  
25 lectman Daniels feels we keep putting more and more signs in town, it probably does not make a difference. Vice  
26 Chairman Federico feels if it is warranted, he is not opposed to putting a sign there. Selectman Putnam moved to  
27 install a sign at the location. Selectman Bauer seconded. All were in favor. Motion passed 5/0.  
28

29 b) **Proposed Ordinance: Unauthorized Use of Firearms on Town-Owned Property (Brox).** An e-mail  
30 from Attorney Drescher was received that outlines his thoughts on the issues raised at the last Board meeting on this  
31 subject. Chief Viola said there are two statutes about shooting on your own property for target practice. Chief Viola  
32 passed out copies of the statutes noting 300 feet is what is required. Attorney Drescher said in his outline there are a  
33 couple of issues including that the Board does have the authority to restrict target shooting. He also suggests that  
34 designating this area of town as part of the "compact part, gathering place" would go to town meeting vote and  
35 would set boundaries of where that would be and would be on the ballot next year and if that passed there would be  
36 no shooting at all including hunting. Mark Bender noted that is correct without written approval from the Chief of  
37 Police or Board of Selectmen for each individual. Selectman Daniels asked if all of the Brox property be considered  
38 compact? Chief Viola said there would be no shooting on Brox at all. **Selectman Daniels stated that the attorney**  
39 **letter also suggests that Milford not call it an ordinance, a rule or a regulation.** Chief Viola agreed, saying that was  
40 based on the Merrimack rule but if it is a rule the Police can enforce it. Mark Bender noted in the outline from **At-**  
41 **torney (Chris) Drescher, it states a rule prohibiting target shooting on the land is defensible.** The rule adopted by  
42 the Board would be defensible. Selectman Daniels did not understand it that way, stating RSA 159.26 has not been  
43 challenged. The compact part is probably the stronger position the town could take. But what is the compact part of  
44 town? Brox is a big area, if they do not know where the police conduct shooting practice, the article in the Cabinet  
45 was misleading.  
46

47 Chief Viola said when the teachers and faculty hear gunshots, they call the police and they feel it needs to be ad-  
48 dressed. We have seen people going into the pit, which is right near the school because it looks wide open. Select-  
49 man Daniels thinks it is unreasonable. Vice Chairman Federico thinks if we look back over the last 17 years and the  
50 planning that has been done for this property, nowhere has there ever been something talked about for target shoot-  
51 ing. Vice Chairman Federico thinks it is dangerous because of all the hikers, bikers, etc. We should move this for-  
52 ward to not allow any target shooting on the entire property. If the Board condones shooting, we open up ourselves  
53 to liability. Chairman Fougere said Attorney Drescher recommends not having it be an ordinance. Vice Chairman  
54 Federico responded that whatever we have to do to create the fact that target shooting cannot be done, we should do  
55 it. Mark Bender suggested it to be a rule of conduct. Chief Viola said the Conservation Commission manages the  
56 trails in that area and would have to enforce the rules of the area as well.  
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1 Celeste Philbrick Barr, resident, asked if there is any other area in town that we know of where people shoot? Ms.  
2 Barr is totally in support of no target shooting at Brox. Chairman Fougere said this is one piece of the property, as  
3 long as you meet setbacks, people can shoot anywhere in town, as long as you follow the rules with setbacks. Po-  
4 lice Captain Frye said the Brox property has a convenient area with banks providing the setback for police practice.  
5 Chairman Fougere concerns is that this has become a place to go and people from out of town are going there, there  
6 will be more activity out there in a few months. A lot of people will be out there enjoying the property. Mark  
7 Bender said we have received a number of letters and e-mails from citizens in Milford that are opposed to this ac-  
8 tivity. Letters have been received from Celeste Barr, Rob Wisniewski, Mary Burdett and Harry Standell who are all  
9 opposed. Selectman Bauer asked if we are trying to ban target practice at Brox altogether? Chairman Fougere yes,  
10 by making it a compact area in town which means that there is no shooting, but hunting is allowed. Mark Bender  
11 got an opinion from Attorney Drescher who advised making it a rule not an ordinance, then including it on the 2018  
12 warrant for voters, and would restrict any firearms without permission from the Board of Selectmen. Selectman  
13 Daniels asked how can we educate the people? Chairman Fougere said we will have to put signs up at the entrance.  
14 Chief Viola suggested putting out Public Service Announcements (PSAs) as well to educate people. This change  
15 will take some time. Chairman Fougere said there are two roads to enter the property, so we can put signs at each  
16 entrance. Chief Viola indicated we should put them out where the police have seen people shooting. Mark Bender  
17 said the Town of Merrimack has rules of conduct and does not allow any firearms in conservation areas. A draft of  
18 the rules of conduct will be brought forward at the next meeting.  
19

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

21 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Selectman Daniels  
22 indicated the Recycling Committee met on Tuesday, and is talking about pay as you throw. A guest speaker attend-  
23 ed about that program and information will be brought forth soon. Chairman Fougere asked if residents would buy  
24 bags? Selectman Daniels responded that because people are paying for the bags, people recycle more because there  
25 is no cost for recycling. The bag price would be set by the Board of Selectmen. If someone has to pay for a bag,  
26 they could use it as a fundraiser for other things. We are trying to make it a net neutral. Selectman Putnam asked if  
27 it is pay as you throw, will people possibly start getting rid of trash on the side of the road? We have a way to go in  
28 figuring this out. Jack Sheehy, Finance Director, had pay as you throw where he used to live and the stores were  
29 able to carry the bags and they also had them available at Town Hall and at Public Works. It was a revenue stream  
30 to reduce the tax rate. The town has to purchase the bags in bulk and then sell them to the public. Selectman Dan-  
31 iels said the intent is to reduce solid waste; a lot of towns reduced solid waste by 40% by going to this system. Mil-  
32 ford is ahead of other towns with recycling. Chairman Fougere said the goal of this is to lower expenses. Mark  
33 Bender was impressed with the recycling committee when he attended last week's meeting.

34 b) **OTHER ITEMS (that are not on the agenda).**  
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36 **8. APPROVAL OF FINAL MINUTES.** There were no minutes presented this evening.  
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38 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**  
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40 **10. NOTICES.** Notices were read by Chairman Fougere.  
41

42 **11. NON-PUBLIC SESSION.** Selectman Daniels moved to enter into non-public session at 6:45 p.m. in ac-  
43 cordance with RSA 91-A3, II(a) - Personnel. Selectman Bauer seconded. All were in favor. Motion passed 5/0.  
44 After discussion Selectman Putnam moved to come out of non-public session at 7:35 p.m. Selectman Bauer second-  
45 ed. All were in favor. Motion passed 5/0. Chairman Fougere announced that while in non-public session, no deci-  
46 sions were made. Selectman Putnam moved to seal the minutes of this non-public session. Vice Chairman Federico  
47 seconded. All were in favor. Motion passed 5/0.  
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49 **12. ADJOURNMENT:** Selectman Daniels moved to adjourn at 7:35 p.m. Selectman Bauer seconded. All were in  
50 favor. Motion passed 5/0.  
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53 Mark Fougere, Chairman

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53 Kevin Federico, Vice Chairman

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55 Gary Daniels, Member

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55 Katherine Bauer, Member

56 \_\_\_\_\_  
57 Mike Putnam, Member  
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