

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
November 13, 2017

PRESENT: Mark Fougere, Chairman
Kevin Federico, Vice Chairman (late)
Laura Dudziak, Member
Gary Daniels, Member
Mike Putnam, Member
Mark Bender, Town Administrator
Tina M. Philbrick, Recording Secretary
Mitchell Hemmer, 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. – Public Hearing for NH RSA (31:95(b)) Acceptance for Expenditure of Unanticipated Funds over \$10K – Safe Commute/STEP/Join NH Clique - \$11,966.32. Chairman Fougere asked for any comments or questions from the public. There were none. Chairman Fougere closed the public hearing. Selectman Putnam moved to accept the grant. Selectman Daniels seconded. All were in favor. The motion passed 4/0.

5:35 p.m. – Approval for Land Use Change Tax Warrant (Various) - Assessing Director Marti Noel
Map 50 Lot 17-2 – This lot recently sold. Previous to sale, it was in contiguous ownership with additional acreage that allowed it to remain in Current Use. The current ownership does not have adequate acreage to remain in Current Use.

Map 45 Lots 3-10 through 3-13- These lots have been issued building permits. Construction was verified on November 2nd. The construction disqualifies the land from Current Use, and requires the Land Use Change Tax to be issued. A single developer owns all the parcels, and is responsible for payment of the Warrants.

Map 50 Lot 1 and Map 50 Lot 6-1 – These lots recently sold. The sale has disqualified the remaining portions of the lots from Current use.

Selectman Putnam moved to take the above parcels out of Current Use as recommended. Selectman Dudizak seconded. All were in favor. The motion passed 4/0.

5:40 p.m. – Municipal Assessment Data Sheet (MADS) - Assessing Director Marti Noel. This is to certify with the Department of Revenue Administration the Municipal Assessment Data Sheets which contain the real estate transfers that have taken place in Milford between October 1, 2016 and September 30, 2017. Board of Selectmen signatures are required before this data is submitted. Selectman Daniels moved accept the Municipal Assessment Data Sheet as recommended. Selectman Dudizak seconded. All were in favor. The motion passed 4/0.

5:45 p.m. – Restoration of Involuntarily Merged Lots Map 22 Lot 119 RSA 674:39-aa– Assessing Director Marti Noel – stated that this is in reference to a property located on Myrtle Street. Marty heard about the merger through the Water department and reviewed the information to see if it could actually take place. The RSA actually requires that we unmerge lots that have been involuntary merged unless the owner has taken some sort of overt action which would negate the merger. The Supreme Court has determined that one of the actions would be the way structures were placed on the lot, in this case looking at the aerial photos; it appears that a garage has been placed across the lot lines. When Neil Gothier called, she mentioned this information and suggested they provide a plot plan or survey to show where the placement of the lot was. Marti feels that the Board should require proof that the garage does not straddle the lot lines before granting the un-merger of these lots. Chairman Fougere asked for audience comments on this subject. Nick Frazier said that he is the administrator of his sisters estate and he was the one that requested the un-merger. Brenda Nadeau working on behalf of the estate said that the garage was build 120 years ago when it was two separate lots. The town merged the lots so it wasn't anything on the Frazier's part. Nate Ball is thinking of purchasing the property and he said he didn't have a problem removing the garage if it was an issue. Brenda referenced 20 Summer St. which also had a garage straddling the line and they were able to un-merge it without going through plot plans and surveys. She would like to know why they have to this process. Marti said the Summer Street property did provide a survey which showed the garage was not on the line, it was very close to

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1 the line. The owners had to go for a variance because the garage was very close to the line. They had to go through a
2 process with the Planning Board. In this case the question is, does the garage straddle the lot. The statute states that
3 it is the obligation of the town to simply reestablish the two lots if the owner has committed an overt action were
4 relieved of that obligation. Placement and construction of the garage is very pertinent to the discussion. A survey
5 would establish where the garage is. Brenda said according to the meeting minutes for the Summer Street property it
6 was just accepted, they didn't go to the Planning Board and nothing was required. Marti said we do have a plan it
7 was looked at before it came to the Board. Brenda said shows an easement, and Marti said she has the plan. Brenda
8 also brought up that RKSK, 98 Nashua Street was two separate lots with a five family house on it. When that prop-
9 erty was torn down it went back into two parcels, why did it become two tracks after it had been one, it was un-
10 merged. Marty said it was and she had discussed it with the owner at that time. Brenda wants to know why the
11 family should pay for a survey when they never agreed to merge it in the first place. Chairman Fougere asked if the
12 statue was a burden of proof on the town. Marti said yes and providing the aerial overview shows that the garage
13 was built over the property. If they want to show that the garage is not on the lot line then the town is obligated to
14 un-merge the lot. The town is not obligated to un-merged them if the garage has been built there, they would be re-
15 quired to go to the normal Planning process. Chairman Fougere asked if tearing the garage down would help. Marti
16 said that it does not need to be the standard of the statute nor the Supreme Court decision. Brenda said is the same
17 issue with the 98 Nashua St. property and the owner said he didn't pay taxes on two lots. Administrator Bender
18 asked when the property was torn down. Brenda said maybe 2012. Administrator Bender said that the Supreme
19 Court case that Marti is referring to was made in 2013. Brenda asked if the law had changed. Marti said yes. Admin-
20 istrator Bender said it may have been interpreted that way in 2013. Brenda asked where do they stand at this point.
21 Marti said her recommendation is to have a survey done and see where the garage is. Mr. Fraser said he does not
22 have the money to do a survey; he's paid all the bills up to now he doesn't have any money left. Marti said that in
23 talking with Neil he felt that the plot plan would be a lot less expensive. Brenda said it wasn't discussed with them
24 so they are not aware of that. Marti is neither for or against doing this but the law clearly states what needs to be
25 done. Brenda said that if they do a plot plan and it was found to be a little over like the one on Summer Street is,
26 (she brought the plan to the table, and Marti showed her that it was on the line, not over), then what. Marti said the
27 Selectmen would make the decision upon recommendation from the Planning Board and Assessing. Brenda asked
28 why Assessing is involved in the merger. Marti said because they would have to list the property as taxable as two
29 separate lots. Administrator Bender said that the Board un-merged the lot on Summer Street in 2016. In 2017 the lot
30 with the proposed house went before the Zoning Board for a special exception and the easement was granted so that
31 they could have access to the garage crossing onto the other owner's property. Joan Dargie, Zoning Board member
32 said that the easement was already in the deed. Chairman Fougere asked if there were any questions from the
33 Board. Selectman Daniels said he would like some more specifics on the 98 Nashua St. property and he would like
34 to know if something changed in the law. Chairman Fougere said that there were specific dates that got changed to
35 do things in the law. It's the court case that changed, not so much the statute. Because of the confusion Chairman
36 Fougere tabled the appointment asking Marti to look into the Nashua Street property and allow the Board can review
37 the court case. Chairman Fougere asked if there were any other questions, hearing none, thanked Marti.

38
39 **5:50 p.m. – Dog Licensing Fee – Town Clerk Joan Dargie (tabled from 10/09/17)** Joan originally requested ap-
40 proval to add \$1.00 to the Dog Licensing Fee per RSA 466:39. Chairman Fougere asked that Chief Viola provide
41 them with dog stats, and Joan would come back with additional information for the November 13th meeting. Joan
42 said that originally there were 1500 dogs in Milford that were not licensed; we are now down to 700. She would like
43 to recommend that she work on the list for a month, and start calling people that have not licensed their dog, which
44 may result in a better response and get the list down. Chairman Fougere asked if there was a way to cross-reference
45 through Assessing to see if people have moved. Joan said that they are already doing that. Selectman Daniels asked
46 of the 700 is it, just dogs or families with multiple dogs. Joan said it was 700 indivial dogs. Chairman Fougere
47 asked if there were any other questions, hearing none, thanked Joan.

48
49 **6:00 p.m. – Conservation Warrant Articles –** Conservation Commission Coordinator Chris Costantino and Con-
50 servation Chairman Andy Hughes.

51 **Conservation Land Fund - \$20,000** - Andy said this is a routine yearly request. The fund has slightly less than
52 \$100K in it. The Budget Advisory Committee recommends a minimum \$125K remain in the fund. Should the
53 town approve this warrant article, it would bring us close to the suggested amount. Selectman Daniels asked if it
54 was the current Budget Advisory Committee that suggested the amount. He said yes it was revised 2016 BAC.
55 We asked them to look at the amount because it had not been increased since 1998. Selectman Daniels wanted
56 to clarify that it was the Budget Committee that was formed since the last annual meeting, not the former one.
57 Chris said that it was last year's committee that suggested it. Selectman Daniel said his point is that unless you
58 get confirmation from the current committee you cannot state that that amount was suggested. Administrator
59 Bender said the Budget Committee has just started reviewing the budget and they will be taking up warrant arti-

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1 cles soon. Chairman Fougere said that Administrator Bender put together a list of warrant articles this was on it
2 for our information.
3

4 **Mile Slip Town Forest Easement** – Andy said that this request is to resolve a legal requirement which wasn't suffi-
5 ciently covered in the 2014 request to put permanent protection on Mile Slip forest. The 2014 warrant article was
6 approved by voters. Atty. Drescher was concerned that the language in the previous warrant article was not suffi-
7 cient for the purpose as it was intended. This is a reformulation of the previous warrant article to amend the lan-
8 guage so we can go forward. They wording used in this warrant article was used in the Hitchner town forest warrant
9 article that passed last year, Atty. Drescher said that it was fine. Chairman Fougere asked Chris if she could get them
10 a map of this property later. Chris said yes. Chairman Fougere asked if this was the parcel that we bought and were
11 going to allow multiple uses on it including ATVs . Andy said yes. Chairman Fougere asked if this easement would
12 prohibit ATV riding even though we haven't agreed to it yet. Andy said that it would not prohibit ATV riding.
13 Chairman Fougere asked if they could provide the specific easement language. Andy said yes. Selectman Daniels
14 asked if this were to pass how would it changed the way people use this property. Andy said they would be no
15 change. Selectman Daniels asked if it passes does it get turned over to another group. Chris said it remains the
16 town's property. The New England Forestry foundation will monitor the property to make sure that we adhere to our
17 commitments to protect the property. The town still owns it and can use it as the terms of the easement states. Se-
18 lectman Daniels asked what it would take to make a change. Chris said that would require an amendment through
19 the court system. Selectman Daniels said so this is different from the Hitchner's, his understanding was that once we
20 turned it over that there is no Board that could come back if they wanted to develop the land. Chris said that is cor-
21 rect, it's the same wording on Hitchner and Mile Slip which basically says no development. If the town wanted to do
22 something different they would have to do an amendment through the court system. Administrator Bender asked
23 Andy what part of language in the original warrant article did Atty. Drescher want changed and was the intent in
24 2014 to permanently protect it. Andy said yes. Chris said the difference in articles is one word, Atty. Drescher would
25 like us to use the word convey in the first sentence of the warrant article. Chairman Fougere asked if there were any
26 other questions, hearing none, thanked Chris and Andy.
27

28 **6:10 p.m. LWCF Grant Application for Tunnel under Melendy Road for the Rail Trail** - Conservation Mem-
29 ber Chris Costantino and Conservation Chairman Andy Hughes. Andy said that there are two parts of the rail trail
30 that are cause for concern. There used to be tunnel under Melendy Road and for whatever reason it was filled in.
31 New steps were put in on the other side by an Eagle Scout, James Bell, which came out beautifully, but we would
32 like to reinstate the tunnel. The Conservation Commission submitted a letter of intent to apply for funding to
33 reestablish a tunnel for the Granite Town Rail Trail under Melendy road. The Land and Water Conservation Fund
34 (LWCF) grant #29 opened September. The division of New Hampshire Parks and Recreation is managing this fund-
35 ing opportunity but project has to be submitted a formal application. Conservation commission is requesting the
36 approval of the Board of Selectmen to seek funding to cover the cost, estimated to be \$75,000 to \$125,000, to re-
37 place the tunnel. The re-establishment of the this has been part of the Granit Town Rail Trail long-range plan as the
38 best solution for a challenging road crossing at this location for users of the rail trail. Chris said that they have been
39 trying to find funding for this for a while. The bank is eroding making it difficult to climb. The Eagle Scout under-
40 stood that this is a project that we were eventually going to go for when he accepted it. Administrator Bender asked
41 if the LWCF grant was a 50% match. Andy said yes, and they have about \$50,000 in the rail trail fund. Selectman
42 Daniels asked if it would affect the LWCF grant that they are going after for Osgood Pond Phase II. Chris said it
43 was a different grant round, open grant #29. Chris doesn't think there is a limit on the projects that the town can ask
44 for with this grant. Andy said that they could look into it to make sure there isn't a limit. Selectman Daniels said
45 that we have already been accepted for \$150,000 for Osgood Pond Phase II. Chris said that if you have already been
46 accepted you are all set, this is a new request for next year's approval. Chairman Fougere said that it is a great pro-
47 ject. Selectman Daniels was concerned about the amount of time that the Eagle Scout put into his project if you
48 knew that you were going to focus on something else. Chris said that it was his project and he wanted to do. He
49 chose it. Chris asked if they could have a motion. The LWCF asks for an authorizing agreement so that we can do
50 this project, the minutes would be acceptable. The Commission is going to fund raise for this. They have an engi-
51 neering estimate of \$120,000 that will cover everything including road work and details. They already talked with
52 Public Works and they have no issues with the project. A motion was made by Selectman Daniels to allow Conser-
53 vation to go ahead with the project and seek funding. Selectman Putnam seconded. All were in favor. The motion
54 passed 5/0.
55

56 **6:15 p.m. Nashua Regional Planning Commission Update and Cooperative Agreement** – Jill Longval and Jay
57 Minkarah provided an overview of the Nashua Region Solid Waste Management District's Household Hazardous
58 Waste (HHW) Program consisting of Amherst, Brookline, Hollis, Hudson, Litchfield, Merrimack, Milford, Mont
59 Vernon, Nashua, Pelham, and Windham. Jill introduced Tammy Scott, the Milford District Representative. The pro-
60 gram is funded by municipal assessments, user fees, and a grant received by the Nashua Regional Planning Com-

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mission from the NH Dept. of Environmental Services. The district organizes 6 – 7 household hazardous waste collection events each year. Residents from any municipality in the district can participate in any event. In 2016, a total of 1,737 households participated in the HHW collections district-wide. The district manifested a total of 93,385 pounds of waste during the 2016 collection season. If collections were not available, municipalities would see more hazardous materials showing up at their transfer stations, which are highly regulated and not permitted to accept hazardous waste. When hazardous waste is improperly disposed of – in the trash, on the ground, down the sink, or into a storm drain – it poses a threat to water quality, human health, and wildlife. We are in the process of wrapping up a cooperative agreement for the Nashua, New Hampshire Region that puts all of our practices in perspective. Selectman Daniels asked to what would the HHW attribute the collection drop for 2015. Jill said that she wasn't sure, but it changes yearly. Selectman Daniels asked if someone were to bring you a bottle of an unknown substance, how would you handle it. Jill said that is one of the reasons we are careful in selecting our vendor. They can test the materials on site and their expertise on all materials is excellent. Selectmen confirmed that the limit of waste per car is 10 gallons; he asked if the volume would increase if you allowed a town to act as a reception place for materials, and take a truck of what was collected to Nashua. Jill clarified that they don't limit the amount of waste, people do bring more, and we tell them that the \$10 fee covers 10 gallons. If you bring 20 gallons, you pay \$20. People can bring as much as they want. We have talked about collection stations in Milford, but the difficulty is in the law and what towns can collect. The logistics are challenging because the towns are not knowledgeable in how to handle the waste. The DES regulates this. Selectman Daniels said it makes more sense to have only one vehicle. The law allows people to transport up to 55 gallons. Some people have more and can make multiple trips as our events are open for 4 hours. Tammy said that the transfer station does bring a truck to the collection site. Chairman Fougere asked if this agreement was trying to fix loose ends. Jill said yes. Chairman Fougere asked if there were any other questions, hearing none, thanked Jill and Jay.

3. PUBLIC COMMENTS (regarding items that are not on the agenda)

Gill Archambault has concerns about the potential new ambulance versus the potential renovated Fire Department. We still owe money on the Ambulance building and two new ambulances, and they haven't made a profit in the last two years. The CIP has 7 warrant items and the ambulance is rated number 7 which means it the least necessary. Eric the Ambulance Director, asked for more funds because they were losing people. They lost one person in 2016 and we don't know how many they lost in 2017 so they are not losing people like everyone thinks. They are just trying to retain people. Gill told Eric that his ambulance request was unrealistic at the CIP meeting. It should be taken off the warrant article. We should concentrate on critical needs, not needs. The Fire Department covers the 2nd ambulance from 11 pm to 7 am. 24/7. The 3rd ambulance is used for transfers only and it's in good condition. The Fire Department is going to try to hire one additional person in 2018 with funds left over from their budget, but they need two people to get the equipment out. The money for the one ambulance could be used to hire two full time firemen for 3.5 years. The most dangerous jobs in town are Police and Fire. The ambulance gets what they want every time they come in. It's time to rethink the ambulance request. There are also 14 EMTs at the Fire Department and when there is a call the fire rescue is there first. Selectman Federico said that the police are there first. Gill said correct, the Police and Fire department are there first. The police department is number 1. It's time to support the Fire Department. It's the Board of Selectmen's job to do this. Chairman Fougere asked if there were any other questions, hearing none, thanked Gil for coming in.

4. DECISIONS.

a) **CONSENT CALENDAR.** Chairman Fougere asked if there were any items to be removed from the Consent Calendar for discussion. There were no items removed from the Consent Calendar. Selectman Daniels moved to approve the consent calendar. Selectman Putnam seconded. All were in favor. The motion passed 4/0.

- 1) Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 NH RSA (31:95(b)) –
 - Donations for the 2018 Labor Day Parade – Steven A. Desmarais Construction Inc. - \$200
- 2) Request for Approval for the Lions Club to put Holiday Decorations on the Oval.
- 3) Request for Approval to Appoint Wade Scott Campbell to the Traffic Safety Committee.
- 4) Request for Approval of 2017 Property Tax Warrant
- 5) Request for Approval of Petition and Pole License (1) 60/5-1 on River Road, Milford.

b) OTHER DECISIONS.

5. TOWN STATUS REPORT. – Administrator Bender

1. **Budget Overview** – The proposed 2018 operating budget was distributed to the Budget Advisory Committee and the Board of Selectmen last week. The budget is \$14,146,000, an increase of about \$174,000 or 1.2% from the 2017 approved budget. The default budget is \$14,063,000, an increase of about \$89,000 or

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.64% from the 2017 budget. Our department heads will be presenting to the combined BAC and BOS on Saturday, November 18th in the Police Station Community room at 8:30 a.m. The meeting will be taped for broadcast. Selectman Daniels asked if they could see a breakdown of the default budget. Administrator Bender said yes, but there will be additions and subtractions to the \$89,000. He will provide the same thing for the comparison of the 2017 to 2018 budget. They always show a budget bridge of the major items.

2. **Acceptance of Bid on 124 Prospect Street** – Months ago the Board decided to sell 124 Prospect Street, formerly used by Water Utilities for the water storage tank. This went out to bid and we received 2 bids. The highest was \$2,450 and we suggest that the Board accept the bid so we can conclude the transaction. Selectman Putnam moved to accept the bid. Selectman Daniels seconded. All were in favor. The motion passed 5/0.

3. **Legal Fees** – The town was successful in defending the Alteration of Terrain Permit from a legal challenge for the voter approved gravel operation. It delayed our timber cut and installation of the silt fence. The project continues now and the legal fees were \$9,405.75. The plaintiff had filed a motion with the court to reconsider a portion of the ruling, and the court denied the motion today. It should conclude the legal challenge; however, the plaintiffs are also challenging the AOT permit through the Water Council appeals process. That appeal will be defended by the state and the town has filed as an intervener to that process. Chairman Fougere said that it was the same type of appeal that occurred for the ball fields at Heron Pond School. Fred Elkind was very involved and is right on top of the situation. Hopefully we will be able to use the ball fields this Spring.

6. DISCUSSIONS

1. Key Dates for 2018 SB2 March Town Meeting

Budget and Bond Public Hearing - Monday, January 8, 2018 - 6:30 p.m., Board of Selectmen’s Meeting Room

Petition Warrant Articles - Tuesday, January 9, 2018 Last day for voters to petition selectmen to include an article in the town meeting warrant, provided that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline is the preceding Friday, January 5, 2018 [RSA 39:3;40:13, II-a (b)]

Candidacy Filing - Wednesday, January 24, 2018 First day for candidates in towns with non- partisan official ballot systems to file declaration of candidacy with town clerk.

Friday, February 2, 2018 Last day for filing of candidacy with town clerk in towns with non-partisan official ballot system. Town clerk’s office must be open at least from 3 to 5 p.m.

Deliberative Session - Saturday, February 3, 2018 - 9:00 a.m., Town Hall Auditorium

Town Voting - Tuesday, March 13, 2018 at the Milford Middle School on 33 Osgood Road, Milford from 6:00 a.m. until 8:00 p.m.

2. **Kaley Park Issues** – Chairman Fougere said that he and Selectman Putnam meet with an abutter to Kaley Park about the closing hours of the park and hunting. The parks currently close at 10:00 pm and they would like us to close them at dusk. Duck hunters have been observed at the river’s edge. We bought these concerns to the Recreation Commission last week and they support closing non-lighted parks at dusk. In addition, they support prohibiting hunting at Parks. Ordinances will need to be written to make these changes to include public hearings. Selectman Dudizak said that if they were closed after dusk, people couldn’t even walk their dogs. She is in agreement of no hunting, but not closing earlier. Many parks host sports that stay later than dusk. Dusk is around 4:00 in the current season. Selectman Putnam asked if the Rec. Department had schedules of all the things going on in the parks. Chairman Fougere said they should. Selectman Putnam said we should get clarification before making a decision on closing the parks earlier. Selectman Federico asked if there was an ordinance in place about hunting in public parks. Chief Viola said there is, under the compact area in the parks there is no hunting. Kaley, Keyes and Adams are part of the compact area. The officers have been patrolling those areas. The problem at Kaley is that there is hunting across the water in Amherst. The compact area goes down to the water, it’s already prohibited. There needs to be clarification about who owns the property across the river, Milford or Amherst. Chairman Fougere said we could put a no hunting sign at Kaley. Captain Frye said the issue is not at Kaley, it’s across the river. They may shoot from the other side and come over to retrieve the duck on the Kaley side. Administrator Bender said that we own property across the river in Amherst; we pay taxes on it. Chris LaBonte asked if there were a lot of people that were concerned, or only one family. He asked at what point do we approach the topic, when one person is upset about something, or many people are upset. He understands that this needs to be address. He said if we are going to ban something due to one person’s complaint in a town of 15,000 how much time do we spend on it. Selectman Putnam said as much time that is needed. Chairman Fougere said that we are talking about it and it appears that it is already addressed and just needs some clarification. A hunter’s obligation is to know where they are shooting. Do we put a big sign on our side saying no hunting, or something on the Amherst side. Selectman Putnam said that there are lots of people who walk on

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1 the Amherst side with children and dogs. Captain Frye said there are also hunters with bows and shotguns.
2 The hunters are supposed to be responsible. Chairman Fougere said you are supposed to be wearing orange
3 if you are walking in the woods this time of year. We will go back and clarify the field usage, if they are
4 being used at night, changing this will create a problem. Selectman Dudizak said that games go late with or
5 without lights. Chief Viola said the compact land is under 7.16.010 and most of the parks are listed under
6 that ordinance. Chairman Fougere asked if there were any other questions there were none, thanked the
7 Chief.
8

- 9 **3. MACC Base Study** – Chairman Fougere said that this has been talked about for a few weeks. They are
10 thinking about having a group complete a study of communications. Selectman Putnam said that at his last
11 Board of Governors meeting he asked the other members why they haven't gotten back to us and they said
12 they were waiting for us per the way they interpreted the letter. They are looking for dates and times to
13 meet. Administrator Bender said that we asked them for feedback, not dates and times. Chairman Fougere
14 said that there is a communication concern. Selectman Daniels asked if MACC Base looked into First Net
15 and if we were to go with them does it mean hiring a consultant or would someone else do it. Selectman
16 Putnam said it was looked at years ago and wouldn't work for us. Selectman Daniels said that there is a big
17 push to set up First Net across the state. Selectman Federico said that it is a microwave program; if there is
18 an incident that takes two Milford Police Officers out of Milford, it would allow the officers to switch up to
19 a different frequency and communicate across the state. Selectman Daniels said that on October 16th the
20 Governor signed an executive order to set up a committee to review this. Selectman Federico said that we
21 have Deputy Chief Jeff Marshall as part of the Souhegan Valley Communication System that they are try-
22 ing to put through to link all of Southern NH together. Captain Frye said that he heard that the state wasn't
23 going to go with First Net because it was through AT&T and the state wanted to go through Verizon. Chief
24 Viola gave the Board two studies completed by MRI. The Amherst one was done in 2004 and the other
25 one was done in 2017 for Danvers Mass. and was about \$23,000. They could start at the beginning of the
26 year, and it takes about 3 months. Selectman Daniels asked if the 2017 study involved several towns. Chief
27 Viola said it was a regional one. The scope would cover what we are looking for and give us good ground
28 work to what we might expect. Chairman Fougere asked if he was able to contact any of the Towns to talk
29 about this. Chief Viola said not yet. He is in agreement that the MRI report completed many years ago
30 was not the best but the current work is accurate and detailed. He will check with the other towns. Adminis-
31 trator Bender asked if they gave the Chief a feel of what ours would cost. Chief Viola said between \$15,000
32 and \$20,000. Captain Frye said our report would not be as in depth as the Danvers Mass report. Chairman
33 Fougere asked for the Boards thoughts. Selectman Federico asked if we are asking to stay within the mu-
34 nicipal agreement or go out on our own, or are we asking what do we need if we go out on our own.
35 Chairman Fougere said he has the same questions. The staff already knows what their needs are. The other
36 thing is, what's the problem, how do you fix it and what's the cost. Selectman Federico said then you are
37 talking about a proposal, you don't need a study. Selectman Federico said you need to write an RFP, you
38 need someone to write it from a technical aspect of what you going to need. RFP's have been written for
39 this before for other towns. We should get copies and review them to see what fits our needs. The question
40 is, what is going to take from the Town of Milford to start their own communications center. Selectman
41 Putnam said that if we are looking at building our own, are we going to be a regional dispatch or just Mil-
42 ford. That has a big impact on equipment cost. Selectman Daniels asked how would going out for an RFP
43 on regional be any different than what's already been done by the two people that already came in and gave
44 us a presentation. Selectman Federico said that in going out for an RFP, you would get more detail and
45 proprietary information because you are asking a vendor to make a bid. We already know what it would
46 cost in man hours, lights etc., and benefits, we need technology information. We don't need a study to ask
47 ourselves which way to go; we can just ask ourselves that question. Chairman Fougere asked who would
48 write the RFP. Selectman Federico suggests the emergency department heads and Jeff Marshall. Selectman
49 Putnam said that first thing we need to decide is where are we going to put our energies, reestablishing
50 what we have or building new. We already know it will be a substantial cost between renewing or building
51 our own. Are we ready to spend the money just to have control of the facility. We can't do both at the same
52 time. Chairman Fougere said we don't know what those cost are. Selectman Putnam said that MACC Base
53 gave us a number, \$800,000 to \$1,000,000 just for Milford. Chairman Fougere said the numbers were in
54 the Belltronics proposal. We have a rough yearly cost, we need equipment cost and antenna cost and will it
55 solve the problem for the Town of Milford. Selectman Putnam said that what MACC Base is proposing
56 will solve their problem. The biggest problem is control. Are we going to take a chance in going from a
57 71% cost to a 100% cost just so we can have control, or are we going to work it out with our neighbors and
58 spend less money. We need to make a decision; we've been talking about it for a year now and haven't
59 come up with anything. We are running out of time. Do we sign the contract in December or not. Do you
60 negotiate a 2 year contract or not. Selectman Federico said that even if we sign the contract in the summer,

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1 every year we have an out. It's a 5 year contract right now. Where we don't have any time is where we
2 would want to make a staff decision by January 1st. We can sign the contract and get out next year if we
3 want as long as it still states a year out. The towns didn't want to talk to us in April. He doesn't want to go
4 down that road again. MACC Base asking for \$800,000 with a \$200,000 contingency is going to fix the Po-
5 lice Departments problem, but doesn't put DPW online. The numbers Craig came up with, around
6 \$1,500,000 to \$1,700,000 solves everything, Police, Fire, Ambulance and DPW. Selectmen Putnam repeat-
7 ed, we shouldn't be focusing on two things at a time, let's focus our energy on one. Chairman Fougere said
8 we need to focus on options. Selectman Putnam said the biggest problem is equipment, it's getting old.
9 We have had a plan in place for 10 years to upgrade. Do we re-write the contract to do a lease purchase and
10 build what we need to build, or do we say no and make our own dispatch. We make a decision and focus
11 our energy there. Administrator Bender said that it may sound simple, but it's very complicated. The
12 \$800,000 and \$200,000 still doesn't give us a comprehensive solution to MACC Base. When the supplier
13 came in for the presentation, many things were not included. We never really received a firm number from
14 MACC Base, and it hasn't been out for public bid. It was a single source supplier and from a public stand
15 point it concerns him. Selectman Federico said that MACC Base is its own entity and operates under the
16 Municipality agreement they are going with a vendor that they chose to go with. He agrees with Selectman
17 Putnam that they are bringing up two arguments. Administrator Bender said he doesn't think that they are.
18 Even if they go with MACC Base you're still going to have to do a warrant article to get voters to approve
19 the expenditures for equipment. The other towns will also have to have warrant articles. We are going to
20 have to sell it to voters. Captain Frye said that it would have to pass in all the towns. Selectman Putnam
21 said he didn't think they needed a warrant article, just permission from the towns involved to do a lease
22 purchase. Chairman Fougere said the voters would have to approve a capital budget. Selectman Putnam
23 said it would be in the MACC Base budget. Administrator Bender said the MACC Base budget would go
24 from \$500,000 to \$800,000 and the town is going to want to know why the budget is up \$300,000. Select-
25 man Federico said that was the problem last year, MACC Base put a \$200,000 line item in for new equip-
26 ment. Selectman Putnam said that he put it in there. Selectman Federico said it raised the Town's operating
27 budget up 2%. We were looking for a 1% or flat budget and MACC Base alone almost brought it up 2%.
28 Chairman Fougere said it's a complicated decision but you can't make a decision without all the facts. We
29 know one side but not all the others. We need to get cost to answer both questions. We can do an RFP to
30 get the cost answered. Captain Frye said we are not going to solve the problem without an independent
31 study. The study provided to the Board for review builds a regional center, it's a great study to compare our
32 needs and help us decide to go regional or stay where we are. Amherst had the same scope question, should
33 we stay and have the cost keep going up or should we break away. The study cost money, but an RFP is
34 just going to give you a price but not tell you whether it's good or bad. The people doing the study get paid
35 to answer your questions, read the scope of their questions and adapt them to our questions, its close to
36 what we need. We can argue all day long and bring Jeff Marshall in, but we are not accomplishing any-
37 thing. Selectman Putnam said they are not arguing they are discussing. Captain Frye said nothing is getting
38 done. The study is an independent person. The other towns are just sitting around waiting for us to do
39 something. The study will put us together or break us apart. It's time someone paid for it and we are 71% of
40 MACC Base so we should get an answer. Selectman Federico said that Captain Frye isn't wrong, a study
41 will answer your questions and an RFP will give you the cost. Chairman Fougere said he wants to know the
42 cost; you can't make a decision without it. Selectman Federico said then we need to ask MRI to not only
43 do the study, but provide us with a cost. We write it to include everything we need. Chairman Fougere said
44 we have to make sure all the questions we have are answered in the study. Selectman Putnam asked if there
45 was money in the budget to fund the study. Administrator Bender said he would look at 2017 for the mon-
46 ey. We could find room in a couple of departments. He has room in the Administrative budget under other
47 contracted services to pick up part of it. He will have to work with Finance to see where he could find the
48 rest. Chairman Fougere said that we need to get everyone on board to make sure the scope is what we need
49 and get answers to all the questions. Selectman Federico said if we are going to go with this and move for-
50 ward he will sit with the parties involved and come up with the scope of what we are looking for and bring
51 it to the Board. Selectman Putnam asked Administrator Bender if he was comfortable with the Board ap-
52 proving the funding tonight, or does he need time to talk to Finance. Administrator Bender said it's time to
53 move. Let's make a motion to approve it pending review of 2017 expenses or inclusion in the 2018 budget.
54 Chief Viola said that MRI is willing to come down or do a conference call to review the needs and cover
55 everything. Selectmen Federico made a motion that we have Administrator Bender look at the 2017 ex-
56 penditures and if we don't have the money, include this in the 2018 budget, and move forward to draft the
57 scope for MRI at an estimated cost of between \$15,000 and \$20,000. Selectman Putnam seconded the mo-
58 tion. Chairman Fougere said that a motion was made and seconded are there any questions. Selectman
59 Daniels said he was not really sure what we're looking for, to come out of this. There are two things that
60 are known, if we go alone it will be more expensive than MACC Base and if we just satisfy what we need

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1 for the Police it won't be as expensive than if we fix the whole thing. What we really looking for, are we
2 having them fix for five different things for \$20,000. He personally feels that we already have a price to fix
3 the problem, that's his preference. He would rather not go through this every year. His other concern is, if
4 there's a larger first responder being built he wants to make sure we can tie into that and not be left alone.
5 If we are going to spend the money he would rather we fixed everything for \$1,500,000 than \$1,000,000
6 to fix one thing. He feels is two separate things. If we spent 1.5 million at MACC Base and fix the whole
7 thing it would be great, but all three towns have to vote it in. You can't phase it in because what if one
8 town didn't vote in phase II or III. If we are going to look at something for \$1,500,000 he thinks we should
9 go back to the warrant articles, take off the large items and just put on MACC Base. There isn't anything
10 more important. The fire station while it needs repairs, is still functioning the communication is not. Se-
11 lectman Putnam said that MACC Base's proposal sets up a skeleton for the whole system. There will be
12 minimal cost of adding an antenna or radio down the road. The nine towers that are proposed throughout
13 the 4 towns are needed for the Police, but we might not need that for Ambulance and Fire. It's a phase sys-
14 tem, but it's not going to cost us \$1,000,000 every time we make an upgrade. The big cost is up front. Cap-
15 tain Frye said that he understands that we say it will cost \$1,500,000 to fix it but as a tax payer, why should
16 he fix Mont Vernon's problem. Selectman Putnam said that they are going to install their own antennas.
17 Administrator Bender asked if it was all lease purchase through MACC Base. Selectman Putnam said yes.
18 Chairman Fougere said then we would have to amend the contract because we can't do that right now. We
19 have to go individually to the three towns to get authorization. Selectman Putnam said what's in the best in-
20 terest of the taxpayers, how can we take it easy on their wallets. Chief Viola said that other towns are look-
21 ing at this as only a Milford problem. We are trying to find the best way to take care of our issue. We have
22 had this problem for several years; if these other towns don't have the issues that we have how much buy in
23 are they going to want to do. Do they have the money, and if so, do they want to spend it. He's worried
24 about the Police Department in Milford. The other issue they have is not the control part, he doesn't care
25 about that, and everyone already thinks that MACC Base is Milford. We are the ones that get the com-
26 plaints and we forward them. He doesn't have a problem with the dispatchers; he has a problem with the
27 service. There has been some miscommunication and the service isn't being done because people can't
28 hear each other. The Town of Milford isn't getting the service that they are paying for. Whatever the cost
29 is, we need it to be done right. How many more times are we going to go to the table with this. It isn't
30 about power. Selectman Federico he agrees with what the chief is saying, it's not about control. It's about
31 how we spend our money. This issue keeps being kicked down the road because it's hard. The equipment
32 hasn't been upgraded for a while. It's time for an upgrade into the 21st century. You can say in an RFP that
33 we are currently a regional dispatch center and need to know how much it will cost to fix Milford from the
34 ground up. We also need to know what it would cost the other towns to join us. Selectmen Putnam said
35 that's why we fund a study to give us the information. Selectman Federico said a study isn't an RFP. The
36 study will give an opinion of which way we should go. He doesn't need that opinion, he knows what he
37 wants. Selectman Daniels said that he heard that Wilton has a problem, is what we do in Milford going to
38 fix their problem too or are we doing this in a vacuum without considering the other two part of the region.
39 How can we go forward without knowing what their needs are. Selectman Federico said he agrees with Se-
40 lectmen Daniels but we had meetings in last April and May and the vibe we received was; you are wasting
41 our time. Selectmen Putnam said that was from the Selectmen of the other towns, Selectman Federico said
42 he didn't care who it was from, it was from the representative of that town. He knows that they have a
43 problem, because if we had the problem here then they have to have it in their area. No one came up and
44 said anything up front when it was an opportunity to do so. Selectman Daniel said if we go forward with
45 the motion what is he going to find out in the report when it's done. Selectman Federico said he can better
46 answer the question after we define the scope. Chairman Fougere said that the scope is going to take time
47 to put together. Selectmen Federico said that they are not looking to have this disappear by December 31st,
48 because nothings been in line or built. We make sure we have an out in the contract. We need to sit with
49 them. Selectman Daniel said to clarify, we will have a group get together and come up with the questions
50 that will be asked, they will come back before the Board to be reviewed, and when it's approved by us we
51 will go out and see how much is costs. Chairman Fougere said yes. Selectmen's Federico and Putnam
52 withdrew their motions. Chairman Fougere said the charge is to get a group together, put together questions
53 and get them out to everyone. Selectman Putnam said that he requested a few months ago that any time
54 people got together for a radio meeting, that he be included. He has not been invited to a meeting yet. Chief
55 Viola said they haven't had any meetings. Capt. Frye said that getting back to the antennas and Wilton, if
56 they were to build it just for Milford there would be some cost to us to put some extra equipment to talk to
57 Wilton. The other towns are scared of the cost that they face putting up their own antennas, fix them and
58 talking to Milford. Chairman Fougere said that he doesn't disagree with Selectmen Daniels that when this
59 goes on the warrant, this year or whenever, it will be the number one item. As far as the lack of clarity in
60 the letter what are we going to do. Selectmen Putnam said to give them some dates to see if they will get

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1 together. If they don't want to get together than it sends us a clear message that they don't want to get in-
2 volved. Chairman Fougere asked Administrator Bender to send out another letter. Administrator Bender
3 asked what the agenda would be for this meeting. Selectmen Federico said whatever the outline of the pre-
4 vious letter was.
5

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

7 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.**

8
9 **b) OTHER ITEMS (that are not on the agenda).**

10 Selectman Daniels took a moment to have a scout in the audience who is working on his merit badge come up and
11 introduce himself. Jonathan McCandless told the board that he is Troup 4 and is currently mapping out the Union
12 Street Cemetery. He is entering information on line and hopes to finish it up next week. He is working on commu-
13 nications and citizenship within the community right now. The Board thanked him for coming
14

15 **8. APPROVAL OF FINAL MINUTES.** The minutes of October 23, 2017 and October 30, 2017 were presented
16 for review and approval. A motion made by Selectman Federico and seconded by Selectman Putnam, the minutes
17 were approved as amended. All were in favor. The motion passed 5/0
18

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

20
21 **10. NOTICES.** Notices were read by Chairman Fougere.
22

23 **11. NON-PUBLIC SESSION.** Selectman Daniels moved to enter into a non-public session at 8:04 p.m. for (RSA
24 91-A:3,11(a)) Personnel and approval of nonpublic minutes (RSA 91-A:3,II(c)) Reputation – October 23, 2017.
25 Selectman Putnam Seconded. All were in favor. The motion passed 5/0. Selectmen Putnam moved to approve and
26 seal the non-public minutes of October 9, 2017. Selectman Daniels seconded. All were in favor. The motion passed
27 5/0.

28 **12. ADJOURNMENT:** Chairman Fougere moved to adjourn at 9:40 p.m. Selectmen Federico seconded. All were in
29 favor. The motion passed 5/0.
30

31
32
33 _____
34 Mark Fougere, Chairman

35
36
37 _____
38 Gary Daniels, Member

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40
41 _____
42 Laura Dudziak, Member