

**APPROVED**  
**MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING**  
January 9, 2017

**PRESENT:** Mark Fougere, Chairman  
Kevin Federico, Vice Chairman  
Gary Daniels, Member  
Mike Putnam, Member  
Katherine Bauer, Member  
Mark Bender, Town Administrator  
David Bosquet, Videographer

**EXCUSED:** Darlene J. Bouffard, Recording Secretary

**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 \$10,000.** Chairman Fougere opened the public hearing and read the listing as follows:

<u>Source</u>	<u>Amount</u>	<u>Purpose</u>
Kaley Foundation	\$22,214.00	Video Laryngoscope Special Purpose Fund for the Ambulance Department.

This is a significant donation, and Chairman Fougere thanked the Kaley Foundation for submitting this donation. Chairman Fougere asked for comments or questions. Seeing none, Chairman Fougere closed the public hearing. Selectman Putnam moved to accept the donation. Selectman Daniels seconded. There was no discussion. All were in favor. Motion passed 5/0. Chairman Fougere asked that Mark Bender send a letter to the Kaley Foundation thanking them. Public hearing was closed.

**5:35 p.m. – Request to Appoint David Palance as a new member to the Heritage Committee.** David Palance joined the Board at the table for this discussion. Mr. Palance has spent some time researching the history of Milford and he would like to be a useful citizen to the town. Chairman Fougere thanked Mr. Palance for stepping up, noting this community is made up of many volunteers and without them it would be impossible to do everything we do in Milford. Chairman Fougere asked for questions. Selectman Daniels said that Mr. Palance has a wealth of knowledge on the history of this town and as the Selectman representative to the Heritage Committee he is grateful that David stepped forward and is sure he will be a great asset to the committee. Selectman Putnam moved to appoint David Palance as a member of the Heritage Committee. Selectman Daniels seconded. All were in favor. Motion passed 5/0.

**5:40 p.m. – First Public Hearing – Proposed Fernwood Drive Tank Site Purchase, Map/Lot 48-55-1.** Chairman Fougere opened the public hearing and explained the Water Department is proposing to purchase a property off of Fernwood Drive for a future tank. Letters have been received from the Conservation Commission in support of this proposal, also from the Planning Board Chairman and Community Development Director who are also in support. Chairman Fougere asked for Selectman Putnam input, who stated it is the perfect opportunity for the town to look into the future to have another property for an additional water storage tank, it is nearby the water department so infrastructure will not be a pricey problem and will increase the water service to the east end of town and fire service in the Shaw's plaza; this is a win-win for the town. This has gone through the Board of Water Commissioners and Planning and Conservation. Town Administrator Mark Bender stated this is the first public hearing for this, the second public hearing will be at the next Board of Selectmen meeting on January 23 which will be followed by a vote on the 5<sup>th</sup> Monday forum January 30 or at Deliberative Session February 4. Selectman Putnam noted this will not affect the tax rate, it will come from the water users Capital Reserve Fund. The public hearing was closed.

**6:30 p.m. – Budget and Bond Hearing.** See separate set of minutes.

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

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6 a) **CONSENT CALENDAR.** Chairman Fougere asked if there were any items to be removed from the  
7 Consent Calendar for discussion. There were no items removed for discussion. Selectman Putnam moved to ap-  
8 prove the Consent Calendar as presented. Selectman Daniels seconded. All were in favor. Motion passed 5/0.  
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10 1) **Signature Pages for Pre-Deliberative Session Voting/Re-voting on all Appropriation/Non-**  
11 **Appropriation 2017 Warrant Articles.** The signature pages were signed as presented.  
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13 2) **NH RSA 31:95(b) Request for Acceptance of Gifts of Property Under \$5,000.** The donation of a  
14 2003 Saturn SUV to the Milford Fire Department for training purposes was approved.  
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16 b) **OTHER DECISIONS.**

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18 **5. TOWN STATUS REPORT.**

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20 **6. DISCUSSIONS**

21 a) **Local Control of Municipal Roads.** The town received a letter from Steve Ellis of Pittsburg NH regard-  
22 ing the proposed Northern Pass project where it appears that Eversource is making a claim to use town roads and  
23 rights of ways during the project; Chairman Fougere sympathizes with the concerns. In this Town we dealt with this  
24 when the Pipeline proposal was crossing through Milford. Chairman Fougere is not sure what we can do but if any-  
25 one has any thoughts we can voice them. Selectman Putnam said with the pipeline when it was to pass through Mil-  
26 ford this community made a lot of noise. Selectman Daniels indicated this Board has not been involved in the  
27 Northern Pass and he would be hesitant to take a position on it; there is a lot to learn with this project. Chairman  
28 Fougere noted this is as complicated as what Milford dealt with last year with the pipeline. Selectman Daniels stat-  
29 ed it may be more so. Vice Chairman Federico agreed with Selectman Daniels in that he would hesitate to take a  
30 position on it without the wealth of information that we had about the pipeline. Selectman Bauer agreed with Se-  
31 lectman Daniels and Vice Chairman Federico. Mark Bender commented that this letter was not for support or oppo-  
32 sition of the Northern Pass, the letter received with attachments is to request that a letter be written from Milford  
33 to defend the principal of Home Rule and municipal authority on town roads. The developer of Northern Pass is trying  
34 to circumvent the rules as they apply to municipal roads, through a NH Supreme Court Case. Mark Bender thinks it  
35 would be good of the Board to read through this material in a little more detail, specifically the Board of Selectmen  
36 have authority over municipal roads and the right of ways and how it's being impacted by this Northern Pass pro-  
37 ject. Selectman Daniels indicated the language used in the documentation is Home Rule and his understanding is  
38 that NH does not use Home Rule so there may be other statutes that are authorizing it. Chairman Fougere has read  
39 through the materials and what rights exist in town roads and can they be taken away or overridden by outside au-  
40 thorities, it gets into very complicated law that without discussing it with the town attorney, he wouldn't be comfort-  
41 able taking a position with and he also doesn't want it to cost the town in legal fees to learn about it but he can sym-  
42 pathize with them.

43 Selectman Putnam said the public can take a position and do all the letter writing they want. Chairman Fougere  
44 recommended we post the letter on our website.  
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46 b) **Designation of Majority/Minority Report Authors on 2017 Warrant Articles and Voting.** Town Ad-  
47 ministrator Mark Bender stated he is not sure the Board has voted on positions on the Warrant Articles, the vote he  
48 recalls was only to place the items on the warrant and voting should take place at tonight's Budget and Bond hear-  
49 ing. Selectman Daniels said he would like to have the Budget & Bond hearing before we decided to vote because  
50 there may be something said by the public that might sway his vote. It was decided to hold off on the majori-  
51 ty/minority report authors until after positions are taken.  
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53 **7. SELECTMEN'S REPORTS/DISCUSSIONS.**

54 a) **FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.** Vice Chairman Fed-  
55 erico indicated Granite Town Media no longer has use of EasyStream since it is going off line so it has purchased  
56 the service from Tight Rope service to keep the on-line streaming up and running. Selectman Putnam asked if that  
57 will affect he oval cam, to which Vice Chairman Federico answered it will not because that is run through a different  
58 service

**APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - 01/9/2017**

1       **b) OTHER ITEMS (that are not on the agenda).** Mark Bender had an item from the last meeting regarding  
2 the 2016 expenditures; the Budget Advisory Committee has recommended that this Board encumber \$50,000 in  
3 2016 for a cruiser and not change the 2017 budget which will allow a purchase of a 2017 cruiser in case the \$10,000  
4 to refurbishment of a cruiser does not work out. Selectman Daniels asked if that is the highest priority for the funds?  
5 Mark Bender answered that staff has another one that he can get into now if the Board would like. Selectman Dan-  
6 iels would rather know what other priorities there are. Mark Bender stated the other funds encumbered were  
7 \$50,000 for DPW to either purchase the 1-ton dump truck that is in the 2017 budget or it would be used to refurbish  
8 a plow truck. The DPW Director has secured some estimates on refurbishing a plow truck and the cost came in right  
9 at \$50,000 but did not include any electrical or hydraulic work. Even with these items, we are still projecting we  
10 will be under budget by \$200,000. Selectman Putnam asked Jack Sheehy about the TANs? Jack stated TANs de-  
11 pend on cash flow, he cannot project cash flow for July and November of next year. At this point it looks like we  
12 will be able to put \$200,000 into fund balance. Chairman Fougere asked where does fund balance stand? Jack  
13 Sheehy responded it is just about 5%, DRA expects between 5-15% which should look better for borrowing money.  
14 The town has a good tax collection ratio at about 95%.

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16       Selectman Daniels asked when we encumber money for something, do we have to specify what it will be used  
17 for? Mark Bender answered yes. Mark Bender continued that if we don't replace the DPW equipment, we will be  
18 forced to refurbish or go without. Selectman Putnam said the voters said no last year. Mark Bender stated that is  
19 different than a refurbishment, it was voted down as a new purchase. Jack Sheehy stated last year it was for the  
20 lease/purchase of a new vehicle, not a refurbishment. Vice Chairman Federico asked if the \$50,000 is encumbered,  
21 would we wait until after the vote? Mark Bender yes, if it passes, we could decide not to spend the \$50,000. That  
22 expenditure would have to come to the Board of Selectmen for approval.

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24       Selectman Putnam moved to keep the money encumbered as identified, based on the BAC recommendation for  
25 the cruiser and potential rehab of the dump truck. Selectman Daniels seconded. At what point to we determine if  
26 the refurb was a success or not. Mark Bender responded we cannot gauge it until we get into it. Chairman Fougere  
27 said this will be an experiment. He does not want to replace the engine in a cruiser, it will have to be tracked and  
28 monitored. Mark Bender looked at 2015/2016 repairs on police vehicles. There are a couple of vehicles that we  
29 could look at refurbishing, the main candidate is A14. All were in favor. Motion passed 5/0.

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31       **8. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes of December 12,  
32 2016 as presented. Selectman Bauer seconded. All were in favor. Motion passed 5/0.

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

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

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38       **11. NON-PUBLIC SESSION.** There was no non-public session this evening.

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40       **12. ADJOURNMENT:** Selectman Daniels moved to adjourn at 6:14 p.m. Vice Chairman Federico seconded. All  
41 were in favor. Motion passed 5/0. At this point the Board took a recess prior to the start of the 6:30 p.m. Budget & Bond  
42 hearing.

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46 Mark Fougere, Chairman

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46 Kevin Federico, Vice Chairman

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50 Gary Daniels, Member

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50 Katherine Bauer, Member

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54 Mike Putnam, Member