

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
Monday September 09, 2024

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PRESENT: Tim Finan, Chair
Paul Dargie, Vice Chair
David Freel, Member
Chris Labonte, Member
Tina Philbrick, Member
Lincoln Daley, Town Administrator

1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS: Select Chair Finan opened the public meeting at 5:30 pm in the Town Hall Select Board Meeting room with introductions of the Board Members and the Pledge of Allegiance.

2. APPOINTMENTS:

EDAC (Economic Development Advisory Council) Appointments:

Members recommended for appointment to the EDAC, Tom Quinn, Chip Pollard, Matt Ciardelli, Justin Demontigne. They each identified themselves and why they thought they would be a good fit for the EDAC.

Mr. Tom Quinn introduced himself as a lawyer practicing in Milford, his practice focuses on real estate, planning and development, zoning and when approached he thought that would be a good background.

Mr. Justin Demontigne owns multifamily houses in town as well as some development.

Mr. Chip Pollard retired from FAA owns commercial property in Town and is all about development in Town.

Matt Ciardelli of Ciardelli Fuel, was on the committee before and looks forward to joining again.

Selectman Finan asked what we can do better on this new go around. Mr. Ciardelli said we have good opportunity to get fresh blood in the group, and hopes to get more traction with decision makers.

Selectman Freel asked how they feels about density controls. He noted that in downtown they were considering lowering the density, and we need to decide if we want residential or business to be focus of oval.

Mr. Pollard noted they were dealing with that in Merrimack, and he loves Milford because of the Old Town Charm.

Mr. Demontigne worries about that as well; and noted that it is a delicate balance between business and housing.

Mr. Quinn said it depends on what the Town's priorities are. It takes a lot to get through Zoning, there has to be a benefit to developers to build affordable housing. To enforce that you would need an enforcement agency, like a housing commission to enforce. He brought up example of houses being sold over and over, and no one to monitor that.

Selectman Freel said he feels all good answers and these candidates all bring a diverse set of ideas.

Selectman Dargie asked how the Town can utilize the BROX properties and how the Town can do better to market and utilize the properties.

Mr. Quinn said industrial base if good option.

Mr. Demontigne open to conversation of what could be done with it.

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52 Tim Finan thanked the gentlemen for attending and noted the terms are until March 31, 2025 and when
53 the board is running the terms will be set up so that the terms will expire at different times.
54

55 **Motion to appoint Tom Quinn, Matt Ciardelli, Chip Pollard and Justin Demontigne to the EDAC was**
56 **made by Selectman Freel and seconded by Selectwoman Philbrick. All were in favor. Motion passes**
57 **5/0.**
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60 **Office of Community Development Update:**

61 Camille Pattison gave update on the OCD Department. Permits are still trending pretty strong, single
62 residences are down, but we're still seeing home improvement projects increasing. Specifically decks, shed,
63 and swimming pools. Electrical for solar, generators and home vehicle chargers.

64 TA Daley noted he's seen a trend with electrical being highest volume and wonders if a need for part time
65 individual to assist with inspections. Ms. Pattison said the building is the biggest struggle, and would like to
66 have someone who is able to pick up some hours, that has commercial expertise to have another building
67 inspector on staff. Selectman Labonte asked if we still have a mutual aid agreement with other Towns? TA
68 Daley said we have an agreement with Amherst, but have not used that as a backup for a while. Selectman
69 Freel asked if they would need to specialize in inspections or plan review or other area? Ms. Pattison said
70 they need both to cover busy times and vacations. Selectman Freel asked if it's just time to change a part time
71 position to full time like we had before the down economy. He also noted if working on plan reviews, why
72 not sub out that work to another company. He also suggested using an intern to do some tasks like going out
73 to confirm setbacks for pool permits. TA Daley said these were good ideas, the cost for a 3rd party could be
74 passed onto the applicant, and we are trying to control the costs to applicants as much as possible. Ms. Pattison
75 will talk with the inspector and get his opinions.

76 Major projects going forward include the Master Plan, draft business and conditions report, they've done
77 outreach this month, and will be at the polls giving out postcards. Also, at school open houses, they are aiming
78 for 3 to 5 outreach activities each month. EDAC is slowly making progress, we have almost everyone on
79 original slate of folks approved, and others have expressed interest. Next meeting will be the setting up of
80 bylaws and review if additional people apply. Looking at recommendation goals from 2009 and see which
81 ones are relevant, which ones the group wants to move forward with. CIP final edits and at this point goes to
82 public hearing for Planning Board on the 17th and they could either approve or get changes. Permit Eyes is
83 rolled out internally, and they are beta testing with a small group of companies. Once comfortable with the
84 online permit system, they will roll out to everyone. Downtown improvements review for the Oval are ongo-
85 ing, starting construction in fall of 2025 (no construction during Pumpkin Fest) with bulk done of the work
86 done in spring/summer 2026.

87 Selectman Labonte asked if the parking lot will be done before the work on the Downtown & Oval. Ms.
88 Pattison replied she is not sure and preliminary needs to be done and that archeological analysis would
89 need to happen. There are some parcels they will need to get a right of way, and those meetings are being set
90 up. Selectman Labonte said it would be good to have library lot done, so the parking availability is maintained
91 during construction.

92 Selectman Freel asked if Permit Eyes would save some hours for the office staff to allow them to cross train
93 in other departments. Ms. Pattison said staff needs to do things like calculate the square footage to get the
94 fees set up and other tasks still need to be done that are now done online versus on paper. Until we roll it out
95 100% to the public there is no real way to know what the impact will be.
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99 **3. PUBLIC COMMENTS**

100 Ms. Katherine Kokko had a comment about the last meeting during discussion about the warrant article
101 that authorized the use of the Brox Property, we talked about the language in the Warrant article and
102 she requested that it be part of the packet the Select Board gets and she didn't see it. This is on the

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103 agenda for later. She feels it's important to be a starting point for the conversation and she is disap-
104 pointed that it didn't come out publicly before this meeting.

105
106 Mr. Mike Thornton noted Amherst Selectwoman Danielle Pray and her crew put together a request for
107 \$2.7 million dollars for a widening the streets and sidewalks in the village overlay. They got \$5.7mil-
108 lion grant and they have to come up with 20% of the cost. He wants the Select Board to be aware there
109 is the opportunity and knowing the match obligation we should look into this grant for Milford.
110

111 **4. DECISIONS**

112 **A. CONSENT CALENDAR**

113 1. Burbee Sand and Gravel Phase IX, Release of Bond

114 Ms. Pattison noted she has a letter verifying by Fieldstone that the work and restoration has
115 been done. Leo Lessard said he went out to the site and it was all vegetated and there were
116 no issues or washouts.

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118 2. Investment Policy reapproval

119 3. Approval to reappoint Wade Campbell to the Granite Town Media Committee with term expiring
120 in March 2027

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122 **Motion to approve the Consent Calendar item 1 by Selectwoman Philbrick, seconded by Selectman**
123 **Labonte. All were in favor. Motion passes 5/0**

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125 **Motion to approve the Consent Calendar items 2 and 3 as presented by Selectman Freel, seconded**
126 **by Selectwoman Philbrick. All were in favor. Motion passes 5/0.**

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129 **B. OTHER DECISIONS**

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131 **5. TOWN STATUS REPORT**

132 a) Status of Compensation Study, we are narrowing it down, the committee met to discuss the four
133 submittals. They hope at the next meeting they have a recommendation for the Select Board. Se-
134 lectman Labonte asked at what point are the Compensation Board going to articulate the accomplish-
135 ments of that Board. TA Daley said they are looking at a series of benefit ideas and opportunities,
136 such as higher buyout amount of individuals insurance to not go on Town Health Insurance. This
137 saves money because cost of insurance is higher.

138 b) Swing Bridge, they met with the DOT last week and the discussion for the funding mechanism. It
139 was their understanding that in the past that it was fully funded by the DOT but that has changed to
140 80/20 split with the onus on the Town. Right now, they are considering fully paying for the engi-
141 neering and right of way. DOT is fully funding the engineering portion. The construction will be
142 80/20 split. The cost is anticipated to be about a million and is in the 10-year plan, and that is antici-
143 pated to go up with the price and materials. Selectman Dargie asked what was meant by the right
144 of way. TA Daley said if any improvements are on private way, we have to make sure that if we
145 infringe on private property that we have to come see the owners for that cost. He doesn't anticipate
146 it being a large amount of property that we would impact. Selectman Labonte asked about the fund
147 for the Swing Bridge, and what is the intention of the money? TA Daley noted it was the Heritage
148 Commission and Ms. Kokko was here and can give more details. Selectman Finan said he was under
149 the impression it was a renovation of the bridge and this is sounding like this is a whole new bridge
150 and where did the change come? TA Daley noted it's a historic bridge and it could be replaced in its
151 entirety or replicate it. Ideally it would be replaced in kind, but that assessment will be made going
152 forward. It also requires public input in how it will be replaced.

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153 Ms. Kokko said she had the same impression as Selectman Finan, that there is a question about the
154 replace/replicate. It was brought to her attention about the swing bridge, that there has been an en-
155 gineering study of the swing bridge and so if their discussions with state about needing the engineer-
156 ing study what is the difference between what was done previously and what we have currently
157 available? TA Daley responded that there is an engineering assessment of the bridge, but not and
158 engineering to fix what’s wrong with it. Ms. Kokko asked if there is a point the Heritage Committee
159 will be brought in to have the conversations on restoration versus replacement. TA Daley said this
160 requires public input and the Heritage Commission being a stakeholder in this entire process along
161 with the Select Board and the Town, will have a number of meetings with the DOT to convey our
162 desire to maintain what is currently there and to try to focus on making a restoration versus a full
163 replacement. He mentioned that there may be portions that need to be replaced. TA Daley noted we
164 will most likely have two different contracts. One will be to allow the DOT to start the engineering
165 and design process and the other will be the construction by the DOT. Ms. Kokko asked for clarifi-
166 cation on the warrant article timing. TA Daley said ideally, we would do in 2025, but as of right now
167 the DOT understands the financial limitations of the Town. There is some flexibility for fundraising
168 or other opportunities for this historic structure.

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171 **6. DISCUSSIONS**

172 **a. Invest NH Housing Opportunity – Camille Pattison**

173 Ms. Pattison said they had discussed at a recent Planning Board Meeting and Selectman Labonte had
174 some questions for follow-up. Invest NH housing opportunity grants (HOP Grants) recently added a
175 new round of funding a total of \$2.9 million, applications are due by the end of the month and you
176 can apply for up to \$100k. We need letter of support from Select Board and Planning Board to move
177 forward. The grants are a state effort to address the housing crisis and assist communities in address-
178 ing housing solutions that are specific to them to try and facilitate new housing starts. She feels some
179 synergy if successful in applying for the grant, dovetail some additional activities in the Master Plan
180 and have it be more effective and a good use of overall funds.

181 We can apply for three options and Ms. Pattison suggests all three.

182 First, as part of a larger project, we can conduct a housing needs assessment or analysis. This is
183 beneficial for the master planning effort; it will help us get data to guide us.

184 Second, audit the Land Use regulations and make recommendations for changes specifically to pro-
185 mote housing. They looked at what other towns had done to promote housing, and there were some
186 creative solutions.

187 Third, would be creating new regulations or revising existing regulations with the primary goal to
188 address housing.

189 The grant doesn’t require a match, the funds are disbursed on a reimbursement basis. There is no
190 requirement to adopt the changes but that is the desired outcome to propose changes and get support,
191 there is an expectation the Select Board will support the development and any subsequent proposals
192 at Town meeting. Selectman Labonte wanted to clarify that the deliverables given to the Board need
193 to be supported and asked what the expectation of the grant is. He said the Select Board won’t have
194 the opportunity to put the projects to the side if they are not priority once approved by Invest NH,
195 they must adopt it. Ms. Pattison said it’s housing specific, and we are not required to adopt anything.
196 TA Daley said it’s expectations not obligations. Selectman Labonte said he just wants to be sure we
197 are not obligated. Ms. Pattison said we should find out if we get the grant in November. Selectman
198 Labonte asked how long do you have after the grant is approved, and noted that they couldn’t start
199 until March? Ms. Pattison said essentially two years.

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200 Selectman Finan asked how do we proceed if the Select Board is supportive of this, do we do a mo-
201 tion? Ms. Pattison said they need a motion and letters of support from Select Board and Planning
202 Boards.

203 **Motion by Selectman Dargie, to approve the application for Invest NH housing grant, and provide a**
204 **letter of support signed by the Select Board Chair, seconded by Selectwoman Philbrick. All were in**
205 **favor. Motion passes 5/0.**

206 Selectman Labonte said as long as it's not required, he supports it, he is always in favor of free money
207 to assist the Town. Ms. Pattison noted it's very rare that we have an opportunity like this where there
208 is no match.

209 **b. Moose Plate Grant Application – Chris Constantino**

210 Ms. Constantino is going to submit a grant application to the Moose Plate program to pay for the
211 stewardship plan which is going to be needed for managing the entire parcel. In particular the pro-
212 tected open space part of the Milford Conservation community land (map 38, Lot 58) and she needs
213 a signature and approval for the grant application.

214 Selectman Dargie asked if there are deed restrictions on the lot, and Ms. Constantino said there are
215 deed restrictions on the entire lot. Selectman Labonte asked what the restrictions are related to. TA
216 Daley said the restrictions are on entire property but applicable to the open space. Ms. Constantino
217 said it's on the whole parcel, but it will be identified within the deed that this particular section of 75
218 acres is protected. Ms. Suzanne Fournier asked for clarification from the Conservation Commission
219 Coordinator, she noted that the June 13 minutes of the Conservation Commission, the members reaf-
220 firmed their decision that the cost for the survey work needed for the Milford Community land open
221 space deed restriction is the responsibility of the Town or the gravel operator. Then in another it says
222 "Chris will work on a moose plate grant application for funding the survey work, Northeast Sand &
223 Gravel could provide the match for the grant". The clarification Ms. Fournier is looking for is the NE
224 Sand & Gravel portion and also, when did the Conservation Commission members approve the \$60k
225 grant application. Ms. Constantino said it was not formal discussion, they just discussed about who
226 might match, the grant doesn't require a match. She is still waiting on numbers from biologist, engi-
227 neering firms and others before finishing the grant. Ms. Fournier said on the paperwork in the packet,
228 page 1 is the application information, page 2 is Landowner information. Grant applicant is showing
229 Town of Milford, and in another area, it says Conservation Commission. She notes the cover letter
230 says Milford Conservation Commission is the applicant. Selectman Freel said the Conservation is
231 part of the Town of Milford. Ms. Fournier asks if they voted on this or, do they have a consensus.
232 Selectman Dargie said the applicant is Town of Milford, is being signed by the Town of Milford, and
233 there is nothing about the Conservation Commission, and this vote is for the Select Board to support
234 making this application as the Town of Milford and he feels its ok as it is. Selectman Labonte asked
235 to delay this vote until after the Gravel Contract.

236 **Motion to approve the Conservation Commission to apply for the Moose Plate Grant to seek and accept**
237 **state funding to assist the Town of Milford to pay for a stewardship plan for the Milford Community**
238 **Land Parcel by Selectman Dargie, seconded by Selectwoman Philbrick. All were in favor. Motion passes**
239 **5/0.**

241 **c. Gravel Contract**

242 Selectman Labonte said that recently it was brought to his attention by a board member that they believed
243 there was an appearance of a conflict of interest surrounding this gravel contract. He noted under Mil-
244 ford's policy section 2006.04.030b, the policy defines conflict of interest as a situation of circumstance
245 or financial interest, which has the potential to cause private interests to interfere with the proper exercise
246 of a public duty. He feels this definition does not apply to this situation. He's made it well known that
247 he lives on Marcey Way off of Perry Road, he is not an abutter to this gravel operation and has no financial
248 interest in this operation for full transparency. The gravel operation does use a section of the class 6

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249 section of Perry Road. He is responsible for maintaining a portion of Perry Road if he wants to get
250 emergency vehicles to Marcey Way, and has disclosed this previously for requirements of the ethics pol-
251 icy. In this case, he gains no cost or benefit from the existence or non-existence of this contract. The
252 language in the existing and proposed contracts requires that the road be maintained to its current condi-
253 tion. This mitigates the impact of the gravel operation but doesn't improve or detract the condition of the
254 road creating no cost or benefit to him.

255 Selectman Finan disagrees with this comment, and didn't mean to put him in this position. He then notes
256 it is Selectman Labonte's call. Selectman Finan said what's in the packet was negotiated in a non-public
257 session, so any potential motion that we have this evening, we need to make sure the discussion on the
258 contract has already been negotiated. If there is to be any suggestions of changes or anything of that
259 nature, we will need to do that in a non-public session. So, let's keep the conversation to the contract as
260 worded in the packet.

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262 **Motion to approve the contract as presented in the packet by Selectman Dargie, seconded by Se-**
263 **lectwoman Philbrick.**
264

265 TA Daley noted one of the constructive comments at the last meeting was to better measure the material
266 coming out of the facility more accurately was a topographic survey done on an annual basis performed by the
267 contractor. Page 2, #4 is where the amendment would be added. "On an annual basis, the contractor shall
268 perform a topographic survey". Also, add "access to the project area shall be through Perry Rd or as an alter-
269 native access egress on Whitten Road and Heron Pond Road. Selectman Labonte asked when the change was
270 made. TA Daley reminded him it was discussed at the last meeting.

271 Ms. Suzanne Fournier noted one of the changes was in the way to access the property, and whether a road
272 needs to be built. Selectman Dargie explained that a small portion is on private property, and we are just
273 looking at alternative to use to access the site. Selectman Labonte expressed his concerns with the warrant
274 article regarding length of contract.

275 Ms. Suzanne Fournier said the language of the warrant article is vague, and the in the prior year the language
276 said that a contractor would not have access to the property for more than six years, and then in 2016 the
277 chairperson had cleaned it up so it's a little less explanatory. The point is still the same there is a 6-year limit
278 and we are now in year 8 and the Town is proposing to nullify, and the contractor did work not just the extrac-
279 tion but put up a silt fence. The new contract potentially goes to 2030, and ends up being a 14-year contract.
280 Her second comment has to do with the access road, one egress brings them thru Heron Pond Road which is
281 the school road and families. So, if it's between kids and turtles we protect the kids.

282 Ms. Ammy Rice asked what kind of impact are we going to have going out a different way, and she is concerned
283 about the impact on the roads. She is also concerned about the offering from NES&G and feels it should go
284 out to bid.

285 Mr. Leo Lessard, DPW Director noted he has been out of the office for a while and wants to know if changes
286 can be made. It was determined this needs to be discussed in non-public session. He would like more time to
287 back his ideas.

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289 **Selectman Dargie, withdrew his motion to approve the contract.**
290

291 **7. SELECTMEN'S REPORTS/DISCUSSIONS:**

292 Selectman Labonte noted discussion at the Planning Board to discuss the overlay district in Town and
293 increased density to allow more housing and possibly change business to residential space on the Oval.
294 He then asked if all our ARPA money has been spent, he has heard that they are reclaiming money not
295 spent. TA Daley noted we have until 2026 to spend the money and he will check on provide a report at
296 a future meeting.

297
298 Mr. Gary Daniels, asked if there has been consideration to the bridges and culverts that have to be crossed
299 and whether they have considered that.
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8. PUBLIC COMMENTS

9. APPROVAL OF FINAL MINUTES

10. INFORMATION ITEMS REQUIRING NO DECISIONS

11. NOTICES:

Chair Finan read the following public notices.

- The next Board of Selectmen’s meeting is on September 23, 2024 in the Board of Selectmen’s meeting room, 1 Union Square, Milford NH at 5:30 pm. This will be a HYBRID meeting, information to access zoom will be posted on the Town’s website on or before September 20, 2024.

12. NON-PUBLIC SESSION:

Selectwoman Philbrick made a motion to go into non-public at 7:30 pm in accordance with NH (RSA 91-A:3, II (l)) – Legal and RSA 91-A:3, II (c) - Reputation, Seconded by Selectman Dargie.

- A roll call vote was taken:
- Chairman Finan - YES
- Vice Chair Dargie - YES
- Selectman Labonte - YES
- Selectman Freel - YES
- Selectwoman Philbrick – YES
- All were in favor and the motion passed 5/0

The Select Board returned to public session at 8:20 p.m. In the non-public session, 1 topic was discussed, and no decisions or votes were made.

Selectman Dargie moved and Selectwoman Philbrick seconded a motion to seal the non-public session minutes since disclosure of the topic would render the proposed action ineffective. The motion passed 5/0.

13. ADJOURNMENT: Selectwoman Philbrick moved to adjourn the meeting at 8:25 pm. Seconded by Selectman Dargie. All were in favor. The motion passed 5/0.

Tim Finan, Chairman

Paul Dargie, Vice-Chairman

Dave Freel, Member

Chris Labonte, Member

Tina Philbrick, Member