

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

June 22, 2020

This meeting was conducted pursuant to State of New Hampshire Emergency Order #12 pursuant to Executive Order 2020-04, temporary modification of public access to meetings under RSA 91-A. As such, the meeting was conducted online using these connection instructions that were listed on the posted meeting agenda: "The Public is encouraged to participate remotely, call in on your phone @ 1-646-558-8656 and enter the meeting ID# 840 2705 8672 and the password is 130199, or join the Zoom Meeting @ <https://zoom.us/j/86410819230>. Please try to log in 5 minutes before the meeting's scheduled start time in case you run into any technical difficulties".

|                 |                            |                                  |
|-----------------|----------------------------|----------------------------------|
| <b>PRESENT:</b> | Gary Daniels, Chairman     | John Shannon, Town Administrator |
|                 | Paul Dargie, Vice Chairman | Andrew Kouropoulos, Videographer |
|                 | Laura Dudziak, Member      |                                  |
|                 | Chris Labonte, Member      |                                  |
|                 | David Freel, Member        |                                  |

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

**INSTRUCTIONS:** Chairman Daniels declared that an emergency exists and he was invoking the provisions of RSA 91-A: 2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to the community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, he also finds that this meeting is imperative to the continued operation of Town government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location. Information for accessing this meeting can be found on the Town web site in the red banner.

Chairman Daniels welcomed members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Public comments will be limited to three to five minutes per person. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from the meeting.

All votes that are taken during this meeting must be done by Roll Call vote. He started the meeting by taking roll call attendance. He asked each member to state their name and state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law.

**Roll call attendance: Paul Dargie, no one present. Selectman Labonte, no one present. Selectman Dudziak, no one present. Selectman Freel, no one present. Chairman Daniels, present was Andrew Kouropoulos, videographer.**

**2. APPOINTMENTS: (Approximate times)**

**5:30 p.m. - 2020 Ambulance Lease Purchase- Eric Schelberg tabled from June 8, 2020**

Paul Calabria said that currently we are in a data gathering process. He will be uploading the Deliberative Session minutes and other documents to the DRA so they can review the Warrant Article that was passed at Town Meeting. He spoke with Attorney Drescher and was advised that there were a couple of different options and that we could do it through a special meeting and would not have to get permission from the court. It is a non-monetary resolution that we are looking to give the authority to the Selectmen to spend the money from the Ambulance Capital Reserve. According to the Town Clerk a Special meeting would be a rather costly. Plan A is that the DRA will approve the expenditure.

Selectmen Dargie asked when the DRA would be getting back to us with an answer. Paul replied, two weeks.

Chairman Daniels asked whose opinion they got that this would not have to go to the courts since this was not a monetary matter. Paul Calabria stated that the DRA agreed with Attorney Drescher.

Selectman Dargie stated that in the memo it implies that we would just need to have a regular Selectmen's meeting and not a full blown deliberative session. If the DRA does not approve the expenditure is this the route we'll follow? Paul Calabria said that this was still up in the air and that just to print the ballots for a Special Session would be \$10,000. Chairman Daniels asked if this should be tabled until we have an answer from the DRA. Administrator Shannon confirmed. Eric Schelberg stated that he believes it will be late July before we hear from the DRA. Selectman Dargie requests that we receive the DRA decision in writing.

## APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 06/22/2020

### **5:40 p.m. - Marti Noel Town Assessor**

Elderly exemptions are being addressed for a longer period of time due to COVID 19. Statue allows for extensions so we are still processing these requests. There are four applications pending approval that meet all of the required guidelines. One application was found over assets and one application was over the limits on income. Marti is recommending denial for those two.

Selectman Dargie asked if the two being recommended for denial were close or significantly over. Marti Noel stated that the applicant that was over in assets was approved last year and had been receiving the exemption for many years but was made aware that it would be recommended for denial this year if the trend continued. The second had some changes in life and was quite a bit over.

**Chairman Daniels asked for a motion to approve the four applications that had been presented, moved by Selectman Freel, Seconded by Selectman Dargie. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.**

**Chairman Daniels asked for a motion for the denial of the two applications that had been presented, moved by Selectman Dargie, Seconded by Selectman Dudziak. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.**

Marti Noel reviewed the abatement applications; there were a total of 30 applications that had been applied in past meetings, 22 are remaining to be reviewed tonight. Of the 22, there are four recommendations for approval, 18 are recommended for denial.

Selectman Labonte asked what the difference is between a bank appraisal and her assessment. Marti stated that it is widely recognized that no two appraisals will be the same and that a 10% variance is acceptable. This property in question is within the 10%. Selectman Labonte then asked if it was common to make an adjustment if it came in within the 10%. Marti said no.

Chairman Daniels said that this property owner provided a list of ten comparable homes; his was number nine in value but number three on taxes. Marti Noel said that she tries to pinpoint the homes that are most comparable so that the numbers will be accurate.

Selectman Freel asked which property was being discussed and was informed that it was 303 Mason Road.

**Chairman Daniels asked for a motion to approve the four applications that had been presented, moved by Selectman Dargie, Seconded by Selectman Dudziak. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.**

**Selectman Dargie moves that we deny the 18 properties that were recommended for denial. Selectman Dudziak seconded.**

Selectman Freel want to confirm that these 18 applicants can appeal if they so choose. Marti clarified that they can appeal to the Board of Tax and Land Appeal or the Superior Court

Bob Hesseltine 303 Mason Rd- Questioning his assessed value. Selectman Freel believes that it's not that far off.

**Chairman Daniels moved to separate the application for 303 Mason Road from the rest of the applications and to vote on it separately. Selectman Dargie seconded the division. Voting on the 17 first, a roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.**

## **APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 06/22/2020**

- 107 **Chairman Daniels asked for a motion regarding the application for an abatement for 303 Mason Road.**  
108 **Selectman Dargie moved that we deny the request.**
- 109 Selectman Labonte wants to clarify that the assessment is \$407,700 with a difference of \$17,000 from his bank  
110 appraisal. Selectman Freel feels that if we change this we'll be right back here next year when it's appraised again.
- 111 **A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman**  
112 **Freel yes, and Chairman Daniels no. The motion passed 4/1. Selectman Daniels opposed.**
- 113 Marti Noel Land Use Change Tax for parcel 56:52-1. 10% of market value. The property owner has been made aware.
- 114 **Chairman Daniels asked if there was a motion regarding the Land Use Change Tax , motion made to approve by**  
115 **Selectman Dargie, Seconded by Selectman Dudziak. A roll call vote was taken with Selectman Dargie yes,**  
116 **Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion**  
117 **passed 5/0.**
- 118 **5:50 p.m. - Marti Noel:** Pilot agreement draft copy that is presented to the BOS to review. This is an extension with  
119 Southern Regional Medical Center for the last 10 years, only difference is that we increased the payment from 30% to  
120 35%. The Board should look before she presents this applicant along with another applicant (Dartmouth Hitchcock)
- 121 Selectman Labonte is not a Pilot fan, what makes them charitable work? Marti states that they do a lot of charitable  
122 work and must provide a list of charitable work. Selectman Labonte asked, "What is the difference between what they  
123 would pay with and without the pilot." Marti wasn't sure at this time. Marti stated that they pay the town portion plus a  
124 little and not the school portion.
- 125 Chairman Daniels stated that he agrees with Marti but would like a caveat that if Attorney Drescher comes back with  
126 new information that is come back before the board. Marti agrees.
- 127 **Board agreed to wait until Marti hears from Attorney Drescher before going any farther.**
- 128 Marti Noel receives two proposals for the appraisals due next year and wanted the board to know what we were looking  
129 at for costs. KRT was \$80,000 and Vision Government Center \$89,800.
- 130 Selectman Freel asked, "How much did the 2019 assessment cost?" Marti said \$20,000 but it was not a full assessment.  
131 Mostly computer generated. Marti said that this year it will be the same but it's a full review of commercial and  
132 residential. 2016 was the last time the town did a full assessment and it cost \$90,000.
- 133 Selectman Dargie asked if the KRT bid included a bond and was told no.
- 134 Selectman Labonte agrees with Selectman Freel about the computer generated assessing. What happens to the people  
135 who've own their homes for 30 years and have done no updating. Marti said that she still gets out and reviews 300-400  
136 homes per year and we outsource another 220.
- 137 Selectman Freel asks how often we do a full reevaluation; Marti replied that we are required to do one every 5 years.  
138 Selectman Freel continued to ask how much of that do we sub out. He was told that we spent about \$10,000 on subbing  
139 out work. Marti also said that it's going to take more than one person to do everything that is required to do in an  
140 assessor's office.
- 141 Marti Noel said that there \$45,000 in a fund for this re-evaluation. There was discussion on who has the authority to  
142 spend this money. Selectman Labonte said the BOS has the authority.
- 143 Selectman Labonte asked if this was coming out of the 2020 budget or the 2021 budget. Marti said that other than the  
144 \$45,000 it would be coming out of the 2021 budget.

## APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 06/22/2020

145 Selectman Dargie asked for a motion to approve the KRT Appraisal Services Bid. Moved by Selectman  
146 Dudziak. Seconded by Selectman Dargie; A roll call vote was taken with Selectman Dargie yes, Selectman  
147 Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.

148 Selectman Dargie made a motion to use the \$45,000 from the Capital Reserve for this project. Selectman  
149 Dudziak seconded; A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman  
150 Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.

### 151 3. PUBLIC COMMENTS –

152 Clair Brewer 18 Brookview Dr. Wants to know what the “Dog Poop card” is that she’s been hearing about people  
153 getting. Lincoln Daley replied saying that it was part of keeping in compliance with the federal EPA MS-4 permit. Part  
154 of the compliance is to reach out to the dog owners to inform them of the importance of waste management of their pets.  
155 Ms. Brewer then asked where the money was coming from to pay for the postcards. Mr. Daley let her know that  
156 between DPW and Community Development it is budgeted for.

157 Selectman Freel asked how many times a year this must be done in general. Mr. Daley informed them that they have  
158 budgeted about \$35,000 per year for compliance which includes working with consultants, updating out regulation,  
159 outreach efforts and inventorying our current assets in the community. If we don’t comply we will be fined.

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### 161 4. DECISIONS.

#### 162 a) CONSENT CALENDAR.

163 1. Timber Tax Cut

164 Selectman Dargie made a motion to accept the Consent Calendar as presented, seconded by Selectman Dudziak.  
165 A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman  
166 Freel yes, and Chairman Daniels yes. The motion passed 5/0.

#### 167 b) OTHER DECISIONS.

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### 169 5. TOWN STATUS REPORT – Administrator John Shannon:

170 Savage Rd Parking - No problems to date. No complaints have been received.

171 Large Scale Events: Labor Day and Veteran’s Day still going on as planned at this time.

172 Wade Campbell: Granite Town Festivities is willing to donate \$15,000 to help fill up the pool.

173 Selectmen, Wade Campbell and Rick Riendeau discussed opening the pool.

174 Osgood Pond Phase 2 dredging project is on schedule. Selectman Labonte asked if we’ve found other places/people to  
175 dispose of the spoils. Administrator Shannon said yes. Selectman Labonte asked about a number that will allow us to  
176 dredge more. Administrator Shannon said it depends on transportation cost. Selectman Labonte said he believes that we  
177 are not trucking it on our dime.

### 178 6. DISCUSSIONS:

#### 179 1. Selectmen’s Rules of Procedure

180 Discussion was had at the June 8, 2020, approval needed at this meeting.

181 Selectmen Dudziak made a motion to accept the Selectmen’s Rules of Procedure as presented. Selectmen Dargie  
182 seconded. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes,  
183 Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.

184 Discussion was had between Administrator Shannon and the Select board on using Town Email or personal email  
185 addresses.

## APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 06/22/2020

Selectman Labonte motioned to make an amendment that reads Board members must use the Milford.gov email system for incoming and outgoing messages when conducting town business, to be placed under number 4. Responsibilities of the Board in the Selectmen's Rules of Procedure. Seconded by Selectman Freel. A roll call vote was taken with Selectman Dargie no, Selectman Dudziak no, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels no. The motion failed 2/3.

2. Review of the Oval Reservation Form - Please make any changes and return to Administrator Shannon

7. **PUBLIC COMMENTS:** Discussion on the Brox Property brought up by a concerned citizen. Concern was that it was not being used according to the Warrant Article 23 that was passed in 2016. A previous Warrant Article granted the Selectmen 20 years to reclaim this area. Chairman Daniels would like to finish all projects before starting reclamation. Selectman Freel agrees. Suzanne Fournier, states that under the law we're required to reclaim the 18 acres and that no reclaiming has been done. 5 acres at a time and we are long overdue. Lincoln Daley explained the process of renewing the permits. Rick Riendeau broke down the acreage of the original 18 acres, including the turtle habitat and the sports field.

### 8. SELECTMEN'S REPORTS/DISCUSSIONS.

#### a. FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.

#### b. OTHER ITEMS (that are not on the agenda).

Selectman Labonte asked if we've heard anything from the consultant that toured MACC Base. Chairman Daniels stated that we were given a list of things that would need to be looked at if we chose to pay to have someone go out and do an analysis as to what the cost is. Selectman Labonte is concerned that a lot of stuff comes back to the Chairman but does not come to the rest of the board. He is concerned about the information that is not making it back to the whole board. Selectman Labonte feels that they all hold a 20% stake in the board.

9. **APPROVAL OF FINAL MINUTES.** Chairman Daniels had made some changes and so did Selectman Dargie. Administrator Shannon made the requested corrections.

Selectman Dargie made motion to accept the June 3, 2020 minutes as amended. Selectmen Dudziak seconded. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.

Selectman Dargie made motion to accept the June 8, 2020 minutes as amended by Selectmen's Dargie, Daniels and Labonte. Selectmen Labonte seconded. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.

10. **INFORMATION ITEMS REQUIRING NO DECISIONS.** Board of Selectmen Ethics Policy- Has been provided to the Selectmen and will discuss at the next meeting.

11. **NOTICES.** Notices were read.

12. **NON-PUBLIC SESSION.** Motion made by Selectman Freel to enter into a non-public session in accordance with (RSA 91-A: 3, II(c)), seconded by Selectmen Dargie. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.

**APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 06/22/2020**

232 Gary Daniels, Chairman Laura Dudziak, Member  
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Paul Dargie, Vice Chairman

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Chris Labonte, Member

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Dave Freel, Member

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