

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
April 10, 2023

PRESENT: Gary Daniels, Chairman Lincoln Daley, Town Administrator
Chris Labonte, Vice Chairman Tina Philbrick, Executive Assistant
Paul Dargie, Member Andy Kouropoulos, Videographer
Tim Finan, Member
Dave Freel, Member

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

Administrator Daley called the meeting to order at 5:30 p.m., introduced Board members, and then led the audience in the Pledge of Allegiance.

2. APPOINTMENTS – (Approximate times)

5:30 p.m. - Swearing in of New Selectman – Town Clerk, Joan Dargie

The Town Clerk Joan Dargie administered oaths for our newly elected Selectmen, Dave Freel, and Chris Labonte.

5:40 p.m. - Election of New Chair and Vice-Chair Positions

Administrator Daley asked for nominations for the position of Chairman of the Board of Selectmen. Selectman Freel nominated Selectmen Daniels. All were in favor. The motion passed 5/0.

Administrator Daley handed the meeting over to Chairman Daniels.

Chairman Daniels asked for nominations for the position of Vice Chairman of the Board of Selectmen. Selectman Dargie nominated Selectman Finan the nomination failed.

Selectman Freel nominated Chris Labonte. The motion passed 4/1.

5:45 p.m. - Appointment of Treasurer – Laura Dudziak and Deputy Treasurer – Lisa Carl

In Summary: The Treasurer is responsible for the custody, deposit, and disbursement of town funds in compliance with detailed statutory standards, RSA 41:29. The Treasurer Reports to and is appointed by the Board of Selectmen.

Laura Dudziak has been nominated for Treasurer. Ms. Dudziak recently completed two (2) terms on the Board of Selectmen. She has a good working relationship with Paul Calabria, the Finance Director, and is familiar with the town's finances. She feels that this will keep her involved with the town.

Selectman Finan made a motion to appoint Laura Dudziak as Treasurer for the Town of Milford. Seconded by Selectman Dargie. All were in favor. The motion passed 5/0.

Lisa Carl has been nominated as Deputy Treasurer. Ms. Carl worked for the Town of Milford from 2003-2016 as the Finance Clerk. She was the Deputy Treasurer for SAU40 from 2009 until 2022.

Selectman Finan made a motion to appoint Lisa Carl as Deputy Treasurer for the Town of Milford. Seconded by Selectman Dargie All were in favor. The motion passed 5/0.

6:00 p.m. - Land Use Change Tax, Map 3 Lot 12 – Assessing Director, Marti Noel

In summary: This parcel had an existing commercial greenhouse built in 2022 and a small gravel operation that started but is now paused. The parcel use has now expanded to include a residential dwelling currently under construction as well as re-opening the excavation operation. This LUCT accounts for the expanded uses and areas that now no longer qualify to be classified in Current Use.

Selectman Freel made a motion to accept the LUCT as recommended for Map 3 Lot 12. Seconded by Selectman Labonte. All were in favor. The motion passed 5/0.

6:05 p.m. - Black Heritage Trail Marker – Heritage Commission Chairman, David Palance

In summary: The Black Heritage tour currently has over 30 stops in 6 towns. This would be a tribute to Harriet Wilson of Milford. The Heritage Commission is asking to place a NH Black Heritage Trail Marker in Bicentennial Park. No permits are required from the town regarding the placing of a marker. They are asking for a donation of \$1,000 to complete this project.

Administrator Daley asked if was going to interfere with the track right of way. Mr. Palance said no. Selectman Labonte asked if DPW could install it so they wouldn't have to spend the \$1,000. Mr. Palance said yes, but the \$1,000 they are asking for would be matched by another organization. The installation is being donated by the Trombleys. Administrator Daley said DPW could find the \$1,000 in his budget.

Selectman Freel mentioned using the bandstand money for this because the bandstand warrant article didn't pass. Chairman Daniels said those donations were raised specifically for the bandstand and needs to be kept separate.

Finance Director, Paul Calabria asked if the \$3,000 currently in the line item for the Historical Society's budget can be used for this. Mr. Palance said no. Tina Philbrick agreed.

Scott Kimball, a Milford resident, said he's concerned about the story, not the money. He made suggestions about what the plaque should say.

Selectman Freel said he's in support of the project, he's just concerned about how we get the funds. There was a discussion about when this project started and how come they didn't come to the Board sooner. Mr. Palance said they were not ready and didn't have accurate numbers. Chairman Daniels asked if Conservation was interested in donating. Mr. Palance said they haven't spoken to them.

Selectmen Dargie supports donating the \$1,000. There was discussion on how lean the budget was this year and concerns about not knowing what will be needed later this year. Chairman Daniels encouraged Mr. Palance to contact the Conservation Commission or other groups to see if there was a way the money can be raised.

Selectman Daniels made a motion to support the project contingent on if we can find the money towards the Black Heritage Trail of NH marker. Seconded by Selectman Labonte. All were in favor. The motion passed 5/0.

6:20 p.m. - Public Works/Water Utilities Joint Venture (Verbal) – Directors Jim Pouliot and Leo Lessard

Directors Pouliot and Lessard proposed a joint venture between the Water Utilities and Public Works Departments to utilize members from both departments to make a pipe crew. Neil Beauregard would be in charge of the crew. He's already a supervisor. The Highway and Water Departments have a good relationship and should be working more together. Mr. Lessard explained the process. The Water Commissioners are on board with this process.

Administrator Daley is looking forward to this as it's meant to streamline the process of how we repair both water lines and roads. Selectman Freel asked for clarification on pay.

Mr. Lessard said both departments will continue to pay each employee from their budgets during the day. If there is a water main break at night for emergencies, the Water Department will cover the labor cost which is what they currently do. Mr. Pouliot explained the process in more detail. They are trying to create efficiencies and help to save money. They will be working together. This is work that would have been done anyway. They will be working on the same roads together each year.

Dale White, Water Commissioner, said this was presented at one of the Commissioners meetings and it should have been done a while ago. We have people in place now that can make this happen. A good pipe crew needs

to be made up of at least 5 men and we can have that by combining the departments. Large jobs will need to be contracted out, but we have a lot of side streets that can benefit from both departments working together. The Commission feels that this is a good idea.

Selectman Dargie wants to make sure the cost is allocated properly. Selectman Freel is concerned about departments going over budget for things that were not planned. Mr. Pouliot said they already discussed this and they are only working on this for a short period to make sure it works. They will be revisiting it in the Fall and will go off what is on their list already, not random roads. They will bring back a plan in the Fall. They will be cross-training people to make sure they have the crew that they need. Job descriptions will not need to be changed. The employees will still be doing what they were hired for. The Water Department will be paying Mr. Beauregard a stipend as he will now have more responsibilities.

Both Directors will report on their progress in August.

Selectman Labonte Freel made a motion to approve the Public Works and Water Utilities Joint Venture for 1 year. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.

6:40 p.m. - Review and Approval of Beaver Management Policy – Conservation Member, Chris Costantino

In summary: The Milford Conservation Commission has been developing a Beaver Management Policy which could be used to guide the decision-making process of various Town Departments and Boards regarding beaver impacts on town infrastructure. They proposed that the Board consider the adoption of this policy.

Ms. Costantino said issues have come up with flooding in resident's backyard because of the beaver dams and DPW has wanted to have something in place to manage the beaver activity for a long time. Conservation came up with this policy. Other Towns have beaver management policies and we mirrored ours from the one being used in Merrimack.

Selectman Labonte feels that this is redundant to the state statute. Ms. Costantino said this expands on that statute. Administrator Daley said the policy is more detailed and clarifies more.

Scott Kimball said there is already mitigation out on Heron Pond. What's the definition of an emergency? How do we hold private landowners accountable for any augmentation they did to their property?

Mr. Yule said there are various interpretations of emergency. Right now we are looking at anticipated rains and the pool was full. This would avoid an emergency.

Selectman Finan said the benefit of having a policy is making priorities with conservation oversight. You can define things more clearly. You can put a policy on the website for people to review.

Selectman Freel is concerned that this will impair DPW's ability to do its job. Administrator Daley said it's in place to have both groups work together. Chairman Daniels would like more details about what constitutes an emergency. Mr. Yule said prevention of an emergency is just as important as an actual emergency. They can look into providing more detail. Mr. Kimball would like to avoid what is considered an emergency.

Suzanne Fournier, a Milford resident, said she sent comments by e-mail to the Board. She said there is no place in Milford for trapping beavers. It's all deadly and unnecessary. The beaver control devices work. She wants trapping information removed from the policy. Trapping kills many other kinds of animals.

Selectman Labonte questioned number 7 on page 2 of the policy. "All costs associated with the control of beaver and their activity that occurs on private land that impacts or threatens public improvements shall be borne by the Town". He thought the landowner should be responsible. Ms. Costantino said if the land owner refuses to accept

the cost and the town infrastructure is under threat, it needs to get done. Ms. Costantino explained this in more detail. The intent is to protect the animals.

Ms. Fournier asked why the town removed the water control devices at Heron Pond. Ms. Costantino said there was flooding, the water was almost to the pavement and DPW couldn't get at the beaver flow devices that were anchored to the ground. Everyone is doing the best they can to manage the beaver activity in town.

Chairman Daniels asked if they could modify this and bring it back. Mr. Yule would like guidance on if the Board wants the policy or not. They don't want to continue with it if the Board doesn't want it.

Selectman Labonte would rather have a fact sheet, not a policy. A policy ties your hands more. Mr. Yule said there are no policies that would nullify an RSA.

Ann Sobel, a Milford resident, is against the trapping of beavers to solve this problem.

Chairman Daniels asked for a consensus from the Board of just going with the statute or having a policy. A majority of the Board favored having a policy.

Ms. Fournier brought up trapping again and how much it costs. Beaver devices, property installed pays for itself over time and is the preferred alternative. They need to be maintained. The solution to the heron pond school would be a properly installed culvert.

Conservation will come back with additional information.

7:00 p.m. – Downtown Improvements Revised – Greg Bakos

In summary: Given that the available funds do not cover constructing both the Oval and the Nashua Street improvements, the Town sought input from NHDOT on possibly only constructing one of the two projects.

The following are the results:

NHDOT believes the original project purpose and needs were focused on the Oval and choosing to only do the Nashua Street improvements would not satisfy the need.

NHDOT agreed to the Town's request to fund the design of both the Oval and the Nashua Street improvements and put Nashua Street on the shelf for future construction.

NHDOT agreed that the Town could include the expansion of the library parking within the project. This would help offset the lost parking around the Oval.

Given these facts, the Selectboard is being asked to approve the following:

- Design and construct the Oval Improvements with the stipulations from the last meeting
- Include the design and construction of the library parking expansion
- Design the Nashua Street improvements for future construction
- No right-of-way will be acquired for Nashua Street at this time

Katheryn Parenti, a Milford resident, is concerned that allocating \$450,000 for the library parking expansion may not be enough.

Lynn Coakley, a Milford resident, is disappointed that Nashua Street won't be done. As a library Trustee, she thought the library parking expansion would be more than \$500,000. She also asked how many more parking spots they would have. Administrator Daley said it would be about 70 spots total.

Selectman Labonte asked how many parking spots will be lost in the oval area. Mr. Bakos said around 16. Selectman Labonte said the result will be who owns the land at the library and many other things need to be worked

out before going forward. He also recommends continuing this conversation at a workshop and inviting the Library Trustees to join in.

Scott Kimball asked if some of the engineering work be done in-house. Selectman Freel said this is too big of a project for the Town Engineer but she will be in the loop.

Janet Langdell, a Milford resident, asked what the date is that we need to use this money. Administrator Daley said we need to go out to bid by 2024 and start construction in 2024 with completion in 2025.

Chairman Daniels wants a more detailed cost breakout of everything that is being done on the oval per the last conversation.

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

Kokko clarified that the donations for the Bandstand can't be used for anything else except for what it was raised for.

4. DECISIONS

a. CONSENT CALENDAR

1. Approval of Wood or Timber Cut, Map 30 Lots 19-1, 19-2, and 19-3
2. Approval of Intent to Excavate, Map 3 Lot 12
3. Approval of Report of Excavation, Map 3 Lot 12
4. Approval to re-appoint **Nathalie** Watson to the Granite Town Media Advisory Board - Term expires 2026
5. Acceptance and Appropriation of Unanticipated Revenues under \$10,000 (31:95(b))
 - HealthTrust donation to the Town of Milford for the Town Wellness Campaign Special purpose fund - \$1,000
 - HealthTrust donation to the Milford Fire Department for the Town Wellness Campaign Special purpose fund - \$500

Selectman Dargie asked to remove 4. a) 4 from the consent calendar.

Selectman Freel made a motion to approve the consent calendar except for 4. a) 4). Seconded by Selectman Labonte. All were in favor. The motion passed 5/0.

Selectman Dargie asked that the spelling of Nathalie's name be corrected. Selectman Dargie made a motion to accept 4. a) 4) on the consent calendar. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

1. OTHER DECISIONS

1. Request for Input & Approval of 2023 – 2024 Board of Selectmen's Meeting Schedule (draft calendar)

There was some discussion about when the School Board will be holding their joint BAC meeting. Tina Philbrick, Executive Assistant said the Town always has its meeting the second Saturday in November but this year that Saturday is Veterans Day so she chose November 18th instead. She didn't pick November 4th because the budget usually isn't finished at that time. The administration department will reach out to ask the School Board when their meeting is.

Selectman Labonte made a motion to approve the 2023 – 2024 Board of Selectmen's Meeting Schedule. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.

2. Request for Update to the Board of Selectmen’s Representatives Listing 2023 – 2024 Boards, Commissions, etc. (Draft Listing)

- Conservation Commission - Selectman Dargie (Liaison) & Selectman _____ (Alternate)
- Economic Development Advisory Committee (Varied) - Selectman Labonte (Voting member)
- Granite Town Media Advisory Committee - Selectman Finan (Voting member) & Selectman Freel (Alternate)
- Heritage Commission - Selectman Dargie (Voting member) & Selectman Daniels (Alternate)
- Joint Loss Management Committee - Selectman Daniels (Liaison)
- Library Trustees - Selectman Finan (Liaison) & Selectman _____ (Alternate)
- MACC Base Meeting time and dates TBD at each meeting - Captain Frye (Voting member)
- Master Plan Steering Committee - Selectman Labonte
- Milford Energy Advisory Committee - Selectman Dargie (Liaison) & Selectman _____ (Alternate)
- NHMA (Varied) - Town Administrator Lincoln Daley & Selectman Dargie (Alternate)
- Planning Board - Selectman Freel (Voting member) & Selectman Finan (Alternate)
- Recreation Commission - Selectman Finan (Liaison) & Selectman Freel (Alternate)
- Recycling/Solid Waste Committee - Selectman Daniels (Liaison)
- Traffic Safety Committee - Selectman Labonte (Voting member)
- Zoning Board of Appeals Selectman Finan (Liaison) & Selectman _____ (Alternate)
- Manifest Sign Off - Selectmen Dargie & Selectmen Labonte (Alternate)
- Payroll Sign Off - Selectmen Labonte & Selectman Freel (Alternate)

5. TOWN STATUS REPORT – Town Administrator, Lincoln Daley

1. March Town vote

Administrator Daley thanked everyone for their participation in the March Town Vote. Voter turnout for this year was 2,845 up from 2,401 from the previous year. As part of the 2023 Town Vote, the Town utilized new ballot machines with great success and positive results.

2. Town Hall Alternative Hours of Operation

In summary: after several weeks of input from the public, town staff is proposing a 4 ½ day work week for consideration by the Board of Selectmen. The 4 ½ day work week addresses the expressed desire of the public and stakeholders for extended services in the evening and continued services on Friday. The proposal also allows the Town to effectively maintain the level/quality of services using current staffing with the added potential flexibility of shared resources/personnel. Lastly, the alternative work schedule provides a benefit to Town Hall employees with a slightly modified work week.

The 4 ½ work week would consist of the following:

Monday – Thursday 8:00 am to 5:30 pm

Friday 8:00 am to 12:00 pm

(Note: Town Clerk’s Current Office Hours of Operation: 7:30 – 5:30 Mon., Wed. Thurs., 7:30 – 6:30 Tues.)

- Employees would not be paid during their lunch period.
- Alternative schedule would begin on May 1, 2023, and continue to September 8, 2023.
- Would be on a trial/temporary basis.

To assess the effectiveness and demand for services over the next five months, staff would collect/log the number of in-person visits, business-related emails, and phone calls during the extended hours and on Fridays. Before the conclusion of the trial period, Staff will re-assess the alternative hours using the data collected and outreach to the public to determine the preferred level of service and hours of operation.

There was some discussion about the survey results. Selectmen Labonte said he didn't like either hour suggested on the survey. Administrator Daley said we had to provide a middle ground that would still be in line with the Town Clerks hours. The 4.5-hour work week will still be the same number of hours we work now, but we will be working longer hours on Monday through Thursday. These hours will not impact any of the other departments.

Selectman Finan said he liked the fact that they would be open an additional hour in the evening. He also feels that most people that are working a 4-day work week will come to the town hall on Fridays. Administrator Daley said a majority of the people who visit the town hall come once a year or maybe once a month. People wanted the later evening hours. It may not work, but we should make the effort to try.

Selectman Labonte talked about staggering help to be able to keep a full 5 days with longer hours. Administrator Daley said we don't have enough employees to do something like this, we would have to hire more people. We may have an opportunity to have another department cover some things like tax payments. Selectman Labonte commented on the fact that only 98 people took the survey.

Ms. Philbrick, a Milford resident and Town employee, said the Town employees are asking to try this. They are willing to work the extra hour every day because that is what the public asked for. She loves getting out at 4:30. She's always had a job where she worked 12 hours plus every day. She said maybe the reason people didn't do the survey was that they just didn't care. They come in once a year or maybe once a month. Friday afternoons are dead. Staying open an extra hour is a benefit to the community and trying it isn't going to hurt anything.

Chairman Daniels said we should make sure these hours are included on tax bills. Ms. Langdell said you can reach a lot of people on social media but you can't make them do the survey. There was additional discussion on how to reach people.

Karen Blow, HR Director, agreed with what Ms. Philbrick and Administrator Daley said. We will be collecting data to see how many people we serviced during these new hours. This will also help with morale. It's worth a try.

Mike Thornton, a Milford resident, said in organizations where he worked there were core hours with all hands on deck.

There was additional discussion on the number of months to try this, and suggestions about additional types of hours. Ms. Langdell suggested making the survey longer to incorporate the Fall/Winter months. She also suggests a repeat survey after the trial. Chairman Daniels said if the survey was open during the trial period if someone was dissatisfied, they could make comments.

It was decided that the hour's Administrator Daley proposed were good.

Selectman Dargie made a motion to approve the 4.5-hour work week on a trial basis. Seconded by Selectman Finan. The motion passed 3/2 with Selectmen Labonte and Selectmen Freel opposed.

3. AoT Permit Update

The Town and Northeast Sand & Gravel are waiting for responses from NH Fish & Game to its December 22, 2022 submittal to NH Dept. Of Environmental Services (permitting agency). In its submittal, the Town and Northeast Sand & Gravel responded to a lengthy list of minor and substantive comments. Two major areas of the project remain under discussion. These include the final determination of (1) the area of onsite mitigation currently 75+ acres of the proposed conservation area and (2) the legal conservation instrument to manage the proposed 75+ acre area.

The Town and Northeast Sand & Gravel are currently seeking to schedule a meeting with both state agencies to finalize the remaining elements of the application/permit for approval and allow the Town to complete the project.

There was additional information about the AoT permit and what needs to be done for the Conservation easement for 75 acres. It was recommended that a third party hold on to the Conservation easement and no one wants to do it. As an alternative, we proposed a deed restriction managed by the Conservation Commission. Fish and Game would prefer a land trust. The cost would be around \$30,000 and the contractor is willing to pay for it. There is no money currently dedicated to this process. The contractor's contract goes out to 2026 and they have about 1 ½ years left of the project.

Administrator Daley gave Selectman Freel an overview of the BROX property and what it was going to be used for. They also discussed some of the unanticipated costs incurred in the process. The town has stated that they want the gravel operation to occur and this is a revenue source for the town.

Ms. Langdell brought up playing fields in that area and the BROX industrial side is still in the process for a solar field. There have been uses there.

Ms. Fournier commented about the sports fields, and what the cost was and made mentioned that fields haven't been used yet. She said you can't play on the fields because the surface was not done right.

4. Waste Water EPA Discharge Administrative Order

On March 23, 2023, the Town received the Administrative Order from US EPA Region 1 granting an extension to two interim milestones of the Milford Wastewater Treatment Facility toward meeting its total phosphorus limit outlined in Part I.G.2 of the Town's NPDES permit (permit no. NH0100471), issued by EPA on August 31, 2020. The Town (by way of the Board of Water & Sewer Commissioners) submitted an extension request on November 1, 2022. Mr. Pouliot said the extension was granted so this Administrator Order is a good thing. This is just for information only. The final deadline doesn't change.

6. DISCUSSIONS

1. N/A

7. PUBLIC COMMENTS (regarding items that are not on the agenda) There were no comments at this time.

8. SELECTMEN'S REPORTS/DISCUSSIONS

a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES

b) OTHER ITEMS (not on the agenda)

9. APPROVAL OF FINAL MINUTES – March 27, 2023

Selectman Dargie moved to approve the minutes of March 27, 2023, as amended. Seconded by Selectman Finan. The motion passed 4/0/1 with Selectman Labonte abstaining.

10. INFORMATION ITEMS REQUIRING NO DECISIONS.

a. N/A

11. NOTICES. Notices were read.

12. NON-PUBLIC SESSION – Selectman Finan made a motion to go into non-public in accordance with NH (RSA 91-A:3, II (I)) Consideration of Legal Advice Provided by Legal Counsel, and approval of non-

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 04/10/2023

public minutes from March 27, 2023, at 8:52. Seconded by Selectman Dargie. All were in favor. The motion passed 5/0.

Selectman Freel made a motion to come out of non-public. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

In non-public the Board discussed one legal topic and approved the non-public minutes of March 27, 2023.

13. ADJOURNMENT: Selectman Freel moved to adjourn at 9:13. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

Gary Daniels, Chairman

Tim Finan, Member

Chris Labonte, Vice-Chairman

Dave Freel, Member

Paul Dargie, Member