

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
June 27, 2022

PRESENT:	Paul Dargie, Member	John Shannon, Town Administrator
	Tim Finan, Member	Tina Philbrick, Executive Assistant
	Gary Daniels, Member	Andy Kouropoulos, Videographer
	Laura Dudziak, Member	
	Dave Freel, Member	

1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS:
Chairman Dargie 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. – Veterans Tax Credit for Approval

Ms. Noel, Milford Assessor, said this is a new applicant per RSA 72:35, total service connected disability. The application was late but the veteran does qualify.

Selectman Daniels made a motion to approve the Veterans Tax Credit. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.

Elderly Exemption for Approval

This was a late filed application for Elderly Exemption. The applicant has received the exemption since 2015. This year they were delayed filing due to medical issues. Statute does allow for late filed applications.

Selectman Freel made a motion to approve the Elderly Exemption. Seconded by Selectman Daniels. All were in favor. The motion passed 5/0.

2021 Property Abatement Applications, seven (7) for Denial

Ms. Noel said the Abatements are recommended this evening for Denial based on insufficient data provided to support any change in value. Attorney Saliba, a representative of Ocean State Job Lots, Map 44 Lot 10, application 2111, is contesting one of the abatements denial. All parties were notified of what data was missing.

Mr. Saliba The property was home of Ocean State Job Lots, The Dollar Tree, St. Mary's Bank, Eye Care and, McDonalds, St. Mary's Bank and Eye Care has since moved. The owner doesn't feel that the property would sell for what it's been assessed at. He gave the Assessor the income and expenses that was requested. The property was appraised several years ago and it was very expensive to have it appraised again and it would mean going to court. He suggested that they withdraw this year with a promise that next year the value would be reduced to what they are asking for with no abatement. He provided the Board with some financial data. Ms. Noel said if they were going to discuss financial information, they would need to go into non-public.

Ms. Noel explained to the Board all the documents that are needed to for an appraisal, and Mr. Saliba only presented a one sheet document which wasn't enough to meet the requirements. Mr. Saliba is providing information for the 2022 tax year and not the 2021 tax year. He can appeal this and come up with an appraisal that will meet the needs of the abatement. The property was assessed for \$9,768,900, which was higher than the previous amount of \$7,158,900. The increase was \$2.6 million. Mr. Saliba can appeal, provide additional information and we can discuss this prior to any court date.

Selectman Daniels asked if the vacancies on that property have any bearing on the property value. Ms. Noel said that is accounted for and is built into to the income value. The actual income and expense is not what we use for each property. All data is combined of all commercial properties.

Selectman Freel said the whole town had an increase in taxes. Mr. Saliba repeated that the owner doesn't believe that the property could sell for over 9 million dollars.

Selectman Freel made a motion to approve the recommendation of the Assessors for denial of the Ocean State Job Lot Property, 2111 Abatement Application. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

2021 Property Abatement Applications, one (1) for Approval

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This abatement (#2121) was not timely filed. The property owner noticed only after receiving the 2022 tax bill that the Veteran's Credit had not been applied. While this has been rectified for 2022, there remains the issue of the Tax Credit that was missed due to an assessing clerical error. I recommend this Veteran's Credit be reimbursed to the deserving Veteran.

Selectman Daniels made a motion to approve the Property Abatement recommended by the Assessor for #2121 Map 47 Lot 27-1 Armory Road. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

Selectman Daniels made a motion to approve the recommendation of denial for the remaining six (6) property Abatement Applications. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

6:00 p.m. – Library Update (VERBAL) - Library Trustee Chairman Kathy Parenti.

Ms. Parenti updated the Board on library items. The air conditioner was broken air conditioner, it's been repaired. They are working on the ARPA grant application. The library doesn't have a SAM number to get government contracts and grants. Paul Calabria, finance Director said he would help here with that. They submitted 4 items for the CIP but only one will be requested for 2023. They are planning a HVAC warrant for next year, 2023. Ms. Parenti is now on the state library trustee board which gives her additional revenues to help with the Milford library.

Selectman Freel asked if the Library was moving forward with any renovations with the money that they were going to put towards the HVAC system. Would the money ever be used for upgrades.

Lynn Coakley, Library Trustee Treasurer, said the money is not allocated for giant projects, it's for small projects. They won't want to put something like a sprinkler system and then if they do get a larger amount of money, they would have to re-do what they already spent their savings on.

6:05 p.m. - 1st Public Hearing to Update the Current Stormwater Ordinance, Chapter 5.32 - Community Development Director, Lincoln Daley

Mr. Daley provided an overview of why the update is needed. The Town's current stormwater regulations were adopted in 2007 and do not meet the current technical requirements for stormwater retention and treatment and references are outdated. With the assistance of the Town's engineering consultant, the Town's Office of Community Development, Planning Board, and Conservation Commission have cooperatively developed draft stormwater regulations to address the MS4 permit requirements and these other issues. Their efforts meet the 2018 MS4 permit requirements. Appropriate stormwater requirements from the current regulations were incorporated into that draft after updating references and design standards. The ordinance would impact/apply to developments that disturb 20,000 square feet or larger.

Chairman Dargie asked about someone disturbing more than 20,000 square feet. Mr. Daley said the old regulations are 5,000 square feet or greater, the new regulations allow for more disturbance. The documentation requirements would be more detailed to meet EPA requirements.

Chairman Dargie said a regular house can easily go over 20,000 square feet of disturbed space, under the new regulations, it that a cost penalty? Mr. Daley said yes, it would be more depending on the situation. The town is also required to put in more technology to treat the water to a higher level, costing more. EPA is looking for a better way to manage stormwater.

Selectman Freel clarified that the EPA is asking the town to look at their regulations, not requiring us to change them. Mr. Daley said no, this meets the minimum requirements under our federal permit. We have to follow these regulations, it's federally mandated. Selectman Freel asked what would happen if we didn't comply with this. Mr. Daley said we would be heavily fined by the EPA. This is a 10 year permit. We have also reached out to neighboring towns for information on this.

Selectman Daniels asked that this document be put on the web site so the public can provide input if needed. Chairman Dargie asked Mr. Daley to highlight any difficult items that need to be addressed before the next meeting.

Mr. Daley said there is an out clause built into the document for example if it's less than 1 acre, we could waive the requirements.

Selectman Finan said this was discussed in detail at the Planning Board and they did vote to go forward with this. The vote was 4/1/1. We have to do this, it's like a unfunded mandate. Staff works closely with the applicants when making changing. We are in line with all the towns that are about our size. Mr. Daley said it's basically the whole southern part of New Hampshire.

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Chairman Dargie opened the public hearing.

Chris Labonte, a Milford resident, said he thought there was discussion of changing it from 20,000 square feet to 40,000 square feet and the Board of Selectmen could do this. The guide lines are huge on what you have to do, could it be changed to 40,000 square feet. Chairman Dargie asked if the 20,000 part of the EPA's requirement. Mr. Daley said no, it was based on the collations recommendations and has to be less than an acre. We are seeing more challenging properties. They felt that 20,000 capture most of the development that is happening now.

Chairman Dargie asked if the number was higher, would that be a problem. Mr. Daley said subdivision and site plans are part of the requirement. A 20,000 square foot requirement would be fine on a one acre lot. It should capture the challenging properties.

Selectman Finan asked if there were many problem properties that would have beneficated from this sooner. Mr. Daley said yes.

Mr. Labonte said the majority of Milford is mostly developed. Houses are different now than in the past. Anything you are disrupting goes into that square footage. Mr. Daley said yes, but that is why they have a waiver process that looks at properties. Mr. Labonte said a waiver is never guaranteed. He's concerned about the cost that will be put on the homeowner building a single house.

Selectman Freel kinds of agrees with Mr. Labonte. He would like it to be higher square footage. This is an additional cost that is put on the homeowner. He would like something that isn't forced on people. Mr. Daley said this whole process is forced on all of us. There is some flexibility but these regulations are part of the permitting process. The 20,000 square feet is a better improvement over 5,000. If it's harder it could cause harm.

Mike Thornton, a Milford resident, is there a move to make this retroactive for current home owners. Mr. Daley said no. Mr. Thornton asked if there would be a boiler plate to educate homeowners. Mr. Daley said they would educate everyone.

Chairman Dargie closed the public hearing.

Two hearings are needed to approve the changes. The next hearing will be held on July 11 2022 and a decision will be made on July 25, 2022.

6:20 p.m. - Line Striping - Melendy Road - Nick Darchik (Mr. Darchik cancelled his appointment after the agenda was published).

Chairman Dargie updated the Board on the most recent meeting of the Traffic Safety Committee. The committee met on June 23, 2022 to discuss the centerline striping along Melendy Road. The process of striping a centerline along Melendy Road has been conducted in conformance with the SOP (NOTE: IT WAS DETERMINED THAT THIS WAS NOT IN CONFORMANCE WITH THE SOP). The Milford Select Board acknowledged and approved Public Works Director Leo Lessard's request to stripe centerline pavement markings along the roadway section in question, at a previous Board meeting. As a result, the TSAC recommends that the Select Board conduct no additional action on this item.

6:30 p.m. - 2020 Audit Review - Jarad Vartanien

Mr. Vartanien provided a summary of the 2020 audit. The overall audit did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. The Town of Milford complied, in all material respects, with the types of compliance requirements referred in the audit report. There was an additional requirement because the Town spent over \$750,000 in one year. They did find an error in their formula on one page which was updated.

They would like the town to break out some of the items in more detail. Several audit adjustments were noted and those are standard. Mr. Vartanien explained the different adjustments in some of the funds. There was an adjustment for state revolving loan fees in the sewer fund. The findings were not out of the norm. Milford has a lot going on and we made less than 10 suggestions where we usually make more than 60 for most towns, Milford's books are good. There was no management recommendation letter needed. He reviewed the financial statement.

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The 2021 audit has already been started; usually we get going and then get hung up on the Water and Sewer because it's an enterprise fund, its complex. Mr. Calabria is looking to have all the information to Vachon Clukay & Company PC by the end of July.

Mr. Thornton asked if the department of Water and Sewer a separate reporting system with their own reporting standards. Chairman Dargie said yes, but it's a complicated arrangement. We handle all their money and collect taxes for them. Mr. Calabria said the town provides a lot of support to Water and Sewer. Mr. Vartanien said the town is considered a primary government. The Town's audit must include the Water and Sewer Department but the Water and Sewer audit doesn't need to include the town.

6:45 p.m. - Community Power Coalition of NH - Henry Herndon, Consultant

Mr. Hendron provided a powerpoint presentation to the Board. There is no cost associated with joining the Coalition. Eighteen municipalities and one county have joined the Coalition. Coalition members benefit from peer-to-peer resource sharing across the state towards authorizing Community Power locally. The process requires a Committee to draft an Electric Aggregation Plan; hold public hearings; and bring the plan before the local legislative body for approval (e.g., town meeting; city/town council vote).

The member communities consist of 18 municipalities and 1 county. The town would purchase an electric power supply on behalf of their residents and businesses and provide related customer service. The community would benefit from the program with lower rates and choices. Customers don't have to go with this; they can switch back to utility default or get the service from another supplier. There is a board of directors and Milford would also be on this board. The town's governing body would vote to adopt the Joint Powers Agreement which is a contract among local governments agreeing to delegate specific authorities to the agency under the terms of the agreement. There is no cost to adopt this agreement.

Selectman Daniels asked how long has the coalition existed. Mr. Hendron said 9 months. Selectman Daniels said there isn't enough historical data to show the differences between the other electric companies. Mr. Hendron said correct. There have been studies on the Massachusetts programs and they have seen savings.

Mr. Hendron said there are two phases to implement this. One is authorizing a warrant at town meeting and then adopting a policy. It's a long process. The program is operated on a not for profit basis and is overseen by the member communities. This is fully transparent. There are overhead cost built in the energy supply rate. There is a detailed business plan that has a cash flow analysis that projects the revenue of the organization. He went through the steps that Milford would have to follow if they would want to move forward with this. There is no cost to the tax payers, all cost are paid for through the energy supply rate. All members share in the general and administrative cost. If one member wants to develop a project or have more energy, that member only flows to that member. No one member can impose a cost onto another member. Up until the program is initiated and power supply begins, you can leave at no cost. Once the customers have been enrolled you will have to develop a risk policy that would state "subject to your current obligations under your contract". There may be some commitment that you have to finish.

Selectman Freel said there is no benefit of jumping in now versus later because there isn't any data on this yet. You could follow a track record and join later. Mr. Hendron said the higher cost that your citizens will pay over that waiting period would be a benefit.

Administrator Shannon said our current contract is up in November so we will have to renew. We would have to renew for 12 months which would be next November. Would that prohibit us from going with Community Power Coalition of NH? Mr. Hendron said you will start once your current contract is complete as long as the town adopted the policy plan and has everything setup. It's an opt in or opt out program. Everyone gets a letter and they have to check the box if they want in.

Selectman Freel asked if the coalition could ever buy at the wrong time and go upside down. Mr. Hendron said you can have a clause that you won't launch unless the rates are equal to or better than the default utility. You could hire the wrong people and they could mess up, hiring the right people is a benefit. On average they will deliver the best rate.

There was some discussion of the differences between Standard Power and Community Power Coalition.

3. **PUBLIC COMMENTS (regarding items that are not on the agenda)** No one spoke at this time.

4. DECISIONS

a) **CONSENT CALENDAR**

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1. Request Approval to NOT USE PA-28 Inventory of Taxable Property Form for 2023.
2. Request Approval for Annual Reimbursement of Taxes for Property owned by the NH State Department of Resources and Economic Development.

Selectman Freel made a motion to accept the consent calendar. Seconded by Selectman Dudziak. All were in favor. The motion passed 4/0.

b. OTHER DECISIONS

1. Acceptance of Acquisition of Land - Map 19 Lot 29-5 (Dog Park) in accordance with NH RSA 41:14a.

Selectman Dudziak made a motion to accept the approve the Acceptance of Acquisition of Land, Map 19 Lot 29-5 (Dog Park). Seconded by Selectman Finan. All were in favor. The motion passed 4/0.

5. TOWN STATUS REPORT –

a. Town Status – Town Administrator

1. **BROX AoT Update** - The Town is still working with the NHDES and NHF&G to have a new Alteration of Terrain permit issued for gravel operations at the Brox. Town Representatives are planning to meet with NH DES in next week to discuss any remaining concerns. We have no timetable for a final determination at this time.
2. **Community Power Update** - Standard Power gave a presentation to the BOS on February 28, 2022 concerning the Community Power program. The Community Power Coalition of New Hampshire will be presenting to the BOS on June 27, 2022 on the same topic prior to any decisions being made by the Board.
3. **Website Meeting Videos** - The town website has been experiencing a few issues with the posting of meeting videos. Our current equipment is near end of life and new equipment has been approved for purchase. Once installed, it should alleviate any further problems or delays.
4. **FY23 Budget Cycle Schedule** - The draft version of the FY 2023 Budget Cycle Timeline has been developed by Town staff in cooperation with the Budget Advisory Committee. Once approved by the BOS, it can be found on the town's website along with other information concerning this effort.

Chairman Dargie would like to have warrant articles earlier. Tina Philbrick, Executive Assistant will have a DRAFT listing by the end of August.

b. Paving Bid, Intent to Proceed – Public Works Director, Leo Lessard

Director Lessard said that three bids were submitted. Advanced Excavating and Paving was disqualified for no bid, no bond amount which left two bids and BROX Industries was the low bidder at \$619,058.75.

Selectman Freel made a motion to approve the Brox Industries paving bid of \$619,058.75. Seconded by Selectman Dudziak. All were in favor. The motion passed 4/0.

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 (that are not on the agenda)

9. APPROVAL OF FINAL MINUTES - Selectman Dudziak moved to approve the minutes of June 13, 2022. Seconded by Selectman Finan. All were in favor. The motion passed 4/0.

10. INFORMATION ITEMS REQUIRING NO DECISIONS.

- a. Treasurers Report for March and April 2022.

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11. NOTICES. Notices were read.

12. NON-PUBLIC SESSION – N/A

13. ADJOURNMENT: Selectman Dudziak moved to adjourn at 7:52 pm. Seconded by Selectman Freel. All were in favor. The motion passed 4/0.

Paul Dargie, Chairman

Laura Dudziak, Member

Tim Finan, Vice-Chairman

Dave Freel, Member

Gary Daniels, Member