

APPROVED  
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
October 10, 2022

**PRESENT:** Paul Dargie, Member Mark Bender, Town Administrator  
Tim Finan, Member  
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. - Public Hearing for the Acceptance for Expenditure of Unanticipated Funds over \$10K NH (RSA (31:95)b) - Highway Safety Overtime Grant - \$12,085.15.**

Chief Viola said it's for extra DUI and distracted driving patrols. It allows them to have officers dedicated to traffic safety concerns. Their match is \$3,021.30 which is more Admin time and reporting. The match comes out of the Police Department's budget.

**Chairman Dargie opened the public hearing.** There were no other comments at this time. **Chairman Dargie closed the public hearing.**

**Selectman Daniels made a motion to accept the Highway Safety Overtime Grant for \$12,085.15. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.**

**5:40 p.m. - Public Hearing for the Acceptance for Expenditure of Unanticipated Funds over \$10K NH (RSA (31:95)b) – NH The Beautiful Inc., Grant for Transfer Station \$14,950.**

**Chairman Dargie opened the public hearing.** Tammy Scott, Transfer Station Supervisor presented the Board with the guideline copies. Public Works Director, Leo Lessard said the current recycling roll-offs are in bad shape and rotted. We will continue to use them for brush and junk. The match is \$2,990 which will come out of the Public Works budget.

There were no other comments at this time. **Chairman Dargie closed the public hearing.** There was additional discussion by the Board about what happens to the brush.

**Selectman Daniels made a motion to accept the NH The Beautiful Inc., Grant for the Transfer Station for \$14,950. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.**

**5:50 p.m. - ARPA Key Changes**

Key Changes effective 4/1/2022 for the ARPA – Traunch 2<sup>nd</sup> payment include:

- Treasury has expanded the non-exhaustive list of uses that recipients can use to respond to COVID-19 and its economic impacts. This includes clarifying that recipients can use funds for certain capital expenditures to respond to public health and economic impacts and making services like childcare, early education, addressing learning loss, and affordable housing development available to all communities impacted by the pandemic.
- Treasury has expanded support for public sector hiring and capacity.
- Treasury has streamlined options to provide premium pay for essential workers.
- Treasury has broadened eligible water, sewer, and broadband infrastructure projects - understanding the unique challenges facing each state and locality in delivering clean water and high-speed broadband to their communities.
- Treasury has simplified the program for small localities seeking revenue recapture through the option to elect a standard allowance of \$10 million for revenue loss rather than calculating revenue loss through the full formula.

**5:55 p.m. - 2nd Public Hearing to Update the Current Stormwater Ordinance, Chapter 5.32 - Community Development Director, Lincoln Daley and Mike Vignale from KV Partners**

In summary: 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. The ordinance would impact/apply to developments that disturb 43,560 square feet or larger, (1 acre). Mr. Daley reviewed highlighted changes to the original document. Engineering analysis and cost would depend on the size of the property and the type of property. This permit is an unfunded mandate. GIS coordinates and files are required and Community Development can help the land owners with that. The waiver process applied to properties under 1 acre and because of the increase, it's moot. The MS4 permit requires that the minimum threshold that a town or city can adopt is up to 1 acre. This draft was done with our consultant, the Com-

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community Development Office, the Planning Board, and Conservation Commission. Mr. Daley also provided a side-by-side document of both old and new information as requested by Selectman Daniels.

### **Chairman Dargie opened the public hearing.**

Katherine Kokko, a Milford resident, has many concerns about language, the application process, definitions that were omitted, the town having a much broader oversight that what should be required what defines "disturbance" too much detail when things could be simplified and other issues about the entire ordinance. She feels that the Board wasn't given enough detail in the notes. There are differences between what is being proposed and what is required.

Mike Thornton, a Milford resident, asked why people who need to finish their reprocessed asphalt driveways be covered under this same ordinance.

Andrea Chappell, a Milford resident, discussed a previous example where Mr. Daley said she wouldn't qualify on several occasions but she would have to notify Community Development and Mr. Lessard said they would make her put up silt fencing. She read a definition in the glossary of a disturbed area being "an area in which the natural vegetative soil cover has been removed or altered and therefore is susceptible to erosion". She mirrored Ms. Kokko's concern about our ordinance not having a definition of "disturbance" in it but the SWA does have a definition included in theirs. She encourages the Board to look at these and adopt these. She agrees with Mr. Daley that her project would not qualify but has concerns. She agrees with Ms. Kokko's other concerns as well. She doesn't feel that a land owner that wants to make their land nicer or stump their land should have to go to Community Development and fall under a scope that they may have to put up silt fencing.

Robert Kokko, a Milford resident, referenced the site at Patch Hill Peak that was used as a reference at a prior meeting. He explained what happened at that site with mud, caused by rain and a mishap by the driver that flooded the neighbor's driveway during a tree removal process. This ordinance would not have prevented that from happening. He feels that the EPA is out of control trying to run people's lives. He thinks we should go with the minimum standards possible.

Katherine Kokko said the ordinance requires someone to take responsibility for the ongoing operation maintenance of all the processes put in place to protect stormwater. It's confusing as to who has the responsibility of maintaining a subdivision once the parcels are all sold because the developer no longer owns the properties and how does the town see carrying that out? Mr. Vignale said in a subdivision the stormwater management is ponds and things that are part of the overall development. In most cases, the roads are taken over by the towns and are the responsibility of the town. He thought he made it clear in the ordinance that the property owner is responsible. Mr. Vignale explained the process in more detail to Ms. Kokko. Mr. Daley gave examples of a couple of different scenarios.

Ms. Kokko asked if the easements allow language in the deeds that allows the town access for purposes of inspections. Mr. Daley said yes.

Mike Thornton said he saw something about a rain water garden on the back of a building permit today that was undefined. That seems to be a "taking" of part of your property and in some cases incumbent on people who have owned their property for a long time if they make a slight change. Who is the accountable official to the people in this set of regulations which will be enforced on us, where do we go for relief?

Jeff Wells, a Milford resident, asked if these regulations will apply to existing drainage systems or just the ones going forward. He has a municipal drainage system on his lot. Mr. Daley explained the outlet and swale between Mr. Wells's line and the abutting property owners' line. The town will continue to maintain it because it's part of an easement on an approved sub-division plan. Mr. Wells will not have to provide an annual report on the status of that drainage system.

### **Chairman Dargie closed the public section of the hearing.**

Selectman Freel is leaning towards a more basic ordinance. Mr. Daley said Bedford NH adopted almost the exact ordinance that he is proposing. Selectman Freel is recommending a work session with Community Development to address the questions brought up tonight. He is worried that it will be difficult to change things once this is adopted.

**Selectman Freel made a motion that a work session is setup to review the ordinance. Selectman Daniels seconded for discussion.**

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Selectman Daniels asked if tabling this would accomplish the same thing and then set up a work session. Selectman Finan said this is the second hearing. If we have a work session and don't change anything, we can still vote on this in two weeks. Scheduling a work session isn't going to set us back to square one. Selectman Finan doesn't think tabling this is necessary.

Mr. Daley said he would like a work session and he will invite Ms. Chappell and Ms. Kokko to review their questions to have the answers resolved. If needed, we can start the process of two more public hearings again to have this approved before the new year. Selectman Freel said that after the work session, this Board should all get behind this.

Chairman Dargie said he's in favor of moving this forward and they can modify it later. Selectman Daniels doesn't agree. He likes what Mr. Daley is putting forward with a work session. Selectman Finan said he doesn't have a problem with this suggestion as long as we have the option to vote on it in two weeks and have the work session in between. Questions were valid tonight and need to be addressed but there will be more and at some point, we need to do this. This isn't much different from the sign ordinance which was a nightmare in the beginning. Selectman Daniels decided that there isn't anything to table and he agreed with Selectman Finan.

### **Selectman Freel withdrew his motion.**

The Board will hold a work session with Community Development within the next two weeks. Selectman Daniels withdrew his motion. Chairman Dargie closed the public hearing.

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

Andrea Chappell, a Milford resident, said this year was the largest Pumpkin Festival ever and they ran out of pumpkins to sell. She gave credit and thanks to the town departments for the entire cleanup and other services. Chairman Dargie agreed. Everyone felt it was very well attended.

### **4. DECISIONS**

#### **a) CONSENT CALENDAR**

1. Permission for Community Action for Safe Teens (CAST) Youth Empowerment and Service (YES) team to observe Red Ribbon Week on the Oval from October 24th until October 31st.
2. Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 (31:95(b)) Donations to support the Labor Day Parade – Tech Transport, Inc. - \$100.00

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

#### **b. OTHER DECISIONS**

N/A

### **5. TOWN STATUS REPORT –**

#### **1. Budget Update**

Administrator Bender said the 2023 budget is very challenging. The focus is on employees due to the high turnover. Our wages need to be more competitive. He presented the Board with a tentative 2023 operating budget overview. It was not included in the Board package as the health insurance rates just came in.

**2022 Operating Budget - \$16,372,360 Tentative 2023 Operating Budget - \$17,629,660 The difference - \$1,257,300 or 7.7%**

**Estimated 2023 Default Budget - \$17,006,267 Difference to 2023 Budget – (\$623,393) or 3.5%**

Mr. Bender explained the significant drivers behind the increase. Our health insurance increased by 4% which is much lower than we expected. Debt Service is \$128,000 which is for the fire engine and snow plow. Utility costs increased a lot. Paving increased and salt (increased by 60%).

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Selectman Daniels asked if gas and diesel were estimated on the state rate. Administrator Bender said state rate. The electrical rate is from the new company and is less than the Eversource rate. Selectman Freel asked if the state was doing anything about the high electrical rates. Selectman Daniels said the state passed some energy relief on veto day, but it's minimal. The focus was on low income.

Administrator Bender said salaries and wages represent 40% of our budget and payroll taxes and benefits represent 22% of our budget. We plan to complete the budget by October 21<sup>st</sup> and we will present it to the Board on October 24<sup>th</sup> and the BAC on October 25<sup>th</sup>.

Administrator Bender said turnover in the town across full-time, part-time, and per diem employees over the last three or four years have averaged over 20%. Selectman Freel asked if there was a breakdown of how many employees were union versus non-union that we lost. Administrator Bender said it's across the board. We currently have 9 openings, 5 in the police because of retirements/changes. The Ambulance Department has 2 openings. Selectman Freel asked if we would consider just not filling those positions. Administrator Bender said he didn't think you should go another year or two being down that many police officers, the Board already knows what is happening in the Ambulance department which is also short-staffed. Community Development has a Planner position open and we had two applicants last week that were interviewed we should be able to fill that position soon. We also have about 20% of our employees that are between 60 to 65+ that will be nearing retirement. There is a lot of knowledge in those positions and we will have to fill them. The Boards focus on employees in the 2023 budget is spot on and it's where we have to be.

Chris Labonte, a Milford resident asked if snow plow, approved in 2021 is being included in the debt services this year because we just took ownership of it. Finance Director, Paul Calabria said the incoming DPW Director was not sure if he was going to take delivery of that truck so it wasn't in the 2022 budget, it's now in the 2023 budget and that is why the debt service increased this year. Chairman Dargie asked if we were actually paying money for the snow plow this year but it's unbudgeted money. Mr. Calabria said yes. It was approved in 2021 and the DPW Director came in the fall of 2021 and he wasn't sure if he was going to take that truck or let the warrant article lapse so we didn't budget for it. The debt service appeared in this budget for the first time. Administrator Bender clarified that it wasn't in the 2022 budget but we are incurring the expense this year. Mr. Calabria said correct.

Bob Labonte, a Milford resident said that if the voters voted for the truck, how would there be a possibility that we do not take it? Chairman Dargie said the Director misspoke, he didn't know if we would receive the truck in 2022. Lead times are uncertain on bigger equipment.

Katherine Kokko, a Milford resident, asked that when the budget was complete that it be posted on the town's website.

Administrator Bender said we are projecting a 2022 surplus of around \$250,000. He encourages the Board to encumber some items from the 2023 budget. Paul Calabria prepared a fund balance analysis and it was presented to the Board. The fund balance projection for 2022 will be just under \$4,900,000. It falls within the town's guidelines at 11.53% based on the recent audit. Staying within the guidelines we could apply between \$500,000 to \$750,000 to help reduce taxes. Chairman Dargie said they can make that decision at the next Board meeting. Administrator Bender said if the Board would recommend what percentage they would like to be at, they could go ahead and determine what would be used to help with the tax rate.

Chairman Dargie said he likes to be around 9%. \$750,000 corresponds to around 9.5%. He would also be in favor of using the surplus to offset some of the line items in next year's budget. From a tax perspective, it's the same. Selectman Freel agrees with Chairman Dargie. Paul Calabria said it would help bridge the gap between the \$1,144,000 that was taken out last year and would make it less of a sharp increase in taxes.

Chairman Dargie moved to authorize Administration to use \$750,000 of the fund balance or not go below 9% in the fund balance. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.

### **2. Additional Highway Block Grant – Public Works Director, Leo Lessard**

Administrator Bender said the Town received around \$285,000 in additional block grant money and the Public Works Director would like to discuss the use of those funds. Leo Lessard is suggesting a purchase of a rubber tire excavator with equipment to do trenching, grubbing, and brush cutting along the roads. It would take less time and labor than what we are doing now. He received two quotes, one from Chappell Tractor for \$207,906 and one from Caterpillar for \$215,000. These prices would be with trading in the grader which we would get \$85,000 from both companies. The grader isn't used

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much and sits about 90% of the time. He would like to recommend going with Chappell Tractor. We would have approximately \$76,549.79 remaining from the additional block grant.

Chairman Dargie questioned limitations on the use of the vehicle if using state money to purchase the equipment. Could it be lent out to other departments? Mr. Lessard said yes, it has to be used on roadways. Chairman Dargie asked what we would lose if we didn't authorize this and used the money for road repair instead. What is the major benefit of this piece of equipment? Mr. Lessard said he could do everything more work and work faster. We won't be using the grader very much after this year. They are giving us a good trade-in price. It isn't used for plowing anymore.

Selectman Freel asked if we would need to sub out to another company if we needed to have a grader and what would the cost be. Mr. Lessard said no and we could use the loader. Ballparks and parking lots can be done with the loader as well. Selectman Freel is in favor of this.

Selectman Finan asked if Mr. Lessard was going to put this in the CIP if it wasn't for receiving this money. Mr. Lessard said yes. He is concerned about the roads. There was more discussion about what the machine can do and what parts would be eventually needed. Selectman Daniels asked about the remaining \$76,549. Mr. Lessard said he would use it for paving this year.

Bob Labonte said the town should have never bought a grader and we should get rid of it while we can. Dale White, a Milford resident, said in 2022, it's time to own this type of excavator. The grader was great for what we used it for. The excavator can be used for many things, it's a valuable piece of equipment. The trade-in price for the grader is great. This is a win-win for the town. He supports this purchase and urges the Board to support it as well.

Selectman Daniels made a motion to approve the purchase of a rubber tire excavator and the trading in of the grader per the proposal. Selectman Freel seconded. All were in favor. The motion passed 5/0.

### 6. DISCUSSIONS

#### 1. Milford Energy Advisory Committee Appointments

This committee is scheduled to have 5 members, 2 alternate members, a Planning Board member, and a Selectmen's representative. So far we have 4 volunteers interested; Paul Bartolomucci, Rob Costantino, Mike Thornton, and John Yule were appointed to the Milford Energy Advisory Committee. We are still looking for members if anyone is interested.

The goal of the committee would be to review community power programs and put together a warrant article. Selectman Freel would like to be part of this committee.

Selectman Daniels move to approve the appointment of Paul Bartolomucci, Rob Costantino, Mike Thornton, and John Yule as regular members and Selectman Freel as Selectman's representative to the Milford Energy Advisory Committee. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.

#### 2. 2023 Draft Warrants

Chairman Dargie said these can change many times before Budget and Bond. Most of the capital reserve warrants have already been removed. We are still working on the Waste Water warrant article. Selectman Daniels will be adding a warrant to establish a recycling revolving fund. Administrator Bender said the AFSME contract will also be added. We removed about \$227,500 from warrant articles. There was some discussion about increasing the ambulance capital reserve in the future.

Selectman Finan asked if we still had to pay out the money for the Labor Day Parade this year even though it was canceled. Administrator Bender said he would find out. There was discussion about warrant articles and how things could be offset.

Selectman Freel asked how old was the Fire Department' oldest truck. Chief Flaherty said 19 years old. The warrant article will replace the 1993 vehicle. The truck replaced last year was combined into two trucks and is due to come in March 2024. Selectman Freel asked if the current truck was still running. Chief Flaherty said it's the reserve truck and if the pump goes, it isn't worth putting \$30,000 into it. The truck goes out if needed.

Chris Labonte asked if the labor day parade warrant article that was approved in 2022 expires at the end of this year if it isn't used. Chairman Dargie whatever isn't used goes away.



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### 7. PUBLIC COMMENTS. (Regarding items that are not on the agenda)

Katherine Kokko thanked the Keyes Memorial Trust and the New Hampshire Preservation Alliance because the Heritage Commission received a matching grant to have the schoolhouse assessed and everything was formally approved.

### 8. SELECTMEN'S REPORTS/DISCUSSIONS

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

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

Captain Frye said he needed one of the Selectmen to be a representative for the Board of Governors for their budget. Selectman Freel said he would. Selectman Finan said he would as well.

Chairman Dargie said he received a request from Chris Pank, the Budget Advisory Committee chairman to have a Selectman liaison as part of the committee. They meet on Tuesday nights. Selectman Daniels said he's against that. These groups serve two separate functions. He would rather just meet with the BAC periodically. It was suggested that the Town Administrator attend as needed. Administrator Bender said he feels that the BAC should be working independently from the Select board. They invite department heads to their meetings if they have questions about the budget. We also have the Saturday meeting on November 12<sup>th</sup>. He will attend some of the meetings, but not all of them. We also address questions that they send to us.

Chris Labonte went to the meetings last year and answered questions if needed. He thinks it's beneficial to have Selectman as a liaison. Administrator Bender said Department Heads, Finance Director, and himself are the ones who know the budget best. Mike Thornton, a BAC member, said that they do and have called Department Heads if they have questions. Board members will attend if they want to.

Selectman Finan said that the Town Moderator was named 2022 Citizen of the year. The Board congratulated him.

**9. APPROVAL OF FINAL MINUTES - Selectman Daniels moved to approve the minutes of September 12, 2022, as amended. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.**

### 10. INFORMATION ITEMS REQUIRING NO DECISIONS.

a. N/A

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

**12. NON-PUBLIC SESSION – Selectman Daniels made a motion to go into non-public for approval of the non-public minutes of September 26, 2022, and September 12, 2022, and to unseal the non-public minutes of September 12, 2022. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.**

Selectman Freel made a motion to exit non-public. Selectman by Selectman Dudziak All were in favor. The motion passed 5/0.

In non-public, the Board made two decisions. Selectman Daniels made a motion to unseal the non-public minutes for September 12, 2022, and Selectman Freel seconded. In a roll call vote, all were in favor. The motion passed 5/0.

**13. ADJOURNMENT: Selectman Daniels moved to adjourn at 8:03. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.**

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Paul Dargie, Chairman

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Laura Dudziak, Member

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Tim Finan, Vice-Chairman

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Dave Freel, Member

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Gary Daniels, Member