

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
September 11, 2023

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

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

Chairman Daniels 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) All votes tonight were taken by roll call because Selectman Freel called in remotely.

5:30 p.m. – Consideration of Historic Marker to Commemorate Governor John McLane - Historical Society President, Mark Genovesi

Mr. Genovesi would like to create a historic marker to commemorate the Late Governor John McLane, 59th Governor of New Hampshire. He is suggesting putting it in front of Rite-Aid on Mont Vernon Street. Mr. Genovesi provided a list of John McLane’s accomplishments. The State needs to approve the wording. The State, if approved, will pay for the marker.

There was some discussion about where the marker would be placed and if the area belonged to the Town.

Selectman Dargie made a motion to support the plan for the Historical Society to purchase a Historic Marker to Commemorate Governor John McLane. Seconded by Selectman Labonte. All were in favor. The motion passed 5/0 by roll call vote.

5:40 p.m. - Approval of Application to Return Land to Current Use, Map 42 Lot 1 – Assessing Director, Marti Noel

The land has been removed from Current Use while Phase 2 of an approved Excavation Operation was open. The excavation is now complete. The Director of Community Development, Terrey Dolan, and the Town Engineer Nicole Crawford, have observed on-site that reclamation has been completed for the affected area. The rest of this parcel, including Phase 1 of the Excavation Operation is already in Current Use. The RSA allows land to be returned to current use once reclamation has been completed. All necessary criteria have been met.

Selectman Labonte made a motion to approve the application to return the land to current use for Map 42, Lot 1 as recommended. Seconded by Selectman Dargie. All were in favor. The motion passed 5/0 by roll call vote.

5:45 p.m. - Tire Disposal Fee Increase –Director, Leo Lessard

Director Lessard said tire disposal fees have increased and he would like to raise the price of disposal to recoup the cost. He would also like to remain with Bob’s Tire for this service. This is an even wash; the town doesn’t make money on this.

Current price:

regular car tires: \$2.00 on rims \$3.50
Truck tires: \$11.00 on rims \$12.00

Commercial:

Off rims \$18.00 on rims \$24.00

NEW PRICE:

For regular car tires \$5.00 on rims \$5.00

Commercial New Price:

Off rims \$20.00 on rims \$24.00

Selectman Dargie said we should consider going out to bid in the future. Director Lessard said Routhier Tire will cost more and we are limited on who will pick up tires. Chairman Daniels agrees with Selectman Dargie for the future.

57 **Selectman Dargie made a motion to approve the increase for Tire Disposal at the Transfer Station. Se-**
58 **conded by Selectman Labonte. All were in favor. The motion passed 5/0 by roll call vote.**
59

60 **6:00 p.m. – Milford Spartan Solar LLC – Dominic LeBel**

61 The Milford Spartan Solar, LLC lease is set to expire on September 22, 2023. The company is requesting that the
62 lease agreement be extended by three (3) years. The Board needs to take action on the lease agreement and/or
63 extension. Mr. LeBel said a new document would need to be drawn up to include the original document.
64

65 Selectman Finan would support letting the lease expire. Mr. LeBel said the project has moved very slower than
66 expected due to reasons beyond their control but they have continued to invest in field work. Moving forward
67 through the existing agreement would be easier and less costly.
68

69 Selectman Freel does not support moving forward with the project. Selectman Dargie would be okay with doing
70 a one-year extension to keep this alive. He is not in favor of a three-year extension. Mr. LeBel said a three-year
71 extension gives more flexibility.
72

73 Selectman Labonte asked about future revenue to the Town. Mr. LeBell said \$1,000 per year. He explained that
74 during the development phase, it would cost a lot from the developer. Selectman Labonte asked about the studies
75 that have been done so far, and does the town get access to those studies per the contract. Mr. LeBell said the
76 actual reports and studies haven't been given to the town. It's unusual to do that before the permit application.
77 Reports have to be provided if the permit is terminated as noted in the agreement.
78

79 Selectman Labonte asked where Milford Spartan stood on the neighboring lands. What would change if the other
80 properties didn't want to continue? Mr. LeBell said they would have to review the project and look beyond the
81 proposed. Some additional land may need to be involved in the project.
82

83 Dale White, a Milford resident, spoke on behalf of the owner of the abutting project, Tom Lorden. Mr. Lorden
84 will not be extending his lease agreement with Milford Spartan Solar. Mr. White said the Milford Common Lands
85 would be better used for what it was intended for. Selectman Freel agreed with Mr. White.
86

87 There was additional discussion about the land beyond the 30 acres that Milford Solar would be leasing. Select-
88 man Labonte asked how Mr. LeBel saw this as going forward given that Mr. Lorden isn't going forward with his
89 lease. Mr. LeBell said they would have to research it further. His company does think that solar is an appropriate
90 use of this property. The interconnection may go through in one year, or it may not. Extending the lease by three
91 years is more feasible. Selectman Labonte said to go forward he would want way more than \$1,000 per year.
92

93 Mr. LeBel would like to see at least a one-year extension to see where this is going. He would not envision using
94 the entire 119 acres due to wetlands. He would have to review the remaining property and it may take a couple of
95 weeks or months to determine what could be used.
96

97 Mr. White said tying up land for \$1,000 a year is not feasible. There is a need for land for building and the Town
98 should be looking into that.
99

100 Selectman Freel said he wanted to make a motion to not extend the contract. Selectman Dargie plans to vote no
101 on not extending the contract but would like to extend the contract for 1 year.
102

103 Selectman Finan is in favor of not extending the contract. There are other things we can do with that land and
104 there is interest in the property. Selectman Labonte is also not in favor of extending the lease. Chairman Daniels
105 asked how many companies have approached to buy the property. Administrator Daley said several and some
106 most recently.
107

108 **Selectman Free made a motion to not extend the Milford Solar Lease. Seconded by Selectman Labonte for**
109 **discussion. The motion passed 3/2 by roll call vote with Selectman Daniels and Dargie opposed.**

110
111 **3. PUBLIC COMMENTS** – There were no public comments at this time.

112 **4. DECISIONS**

113
114 **Selectman Labonte asked to remove 4. a) 3 from the consent calendar.**

115
116 **Selectman Freel made a motion to approve the consent calendar except for 4. a) 3. Seconded by Selectman**
117 **Finan. All were in favor. The motion passed 5/0 by roll call vote.**

118 **a. CONSENT CALENDAR**

119 1. Request for Intent to Cut – Map 50 Lot 9

120 2. Approval of Report of Excavated Material – Map 42 Lot 1

121 3. Acceptance and Appropriations of Unanticipated Revenues Under \$10,000 (31:95(b)) Donations to support the
122 Labor Day Parade:

123 • L.D.N. Auto Repair, Inc. \$100.00

124 • The County Stores, Inc. \$ 25.00

125 • Cardoza Flooring, LLC \$500.00

126 • Hitchiner Manufacturing \$500.00

127 Anonymous Donation to the Milford Fire Department Fire Rescue Special Purpose Fund - \$300.00

128
129 Selectman Labonte questioned accepting anonymous donations. Chairman Daniels said he couldn't find anything.
130 Ms. Kokko, a Milford resident, towns are required to disclose sources of their donation and it's recommended that
131 Municipalities not accept anonymous donations. It's a transparency issue. Chief Flaherty said he would contact
132 the family to see if we can use their name and table this donation at the next meeting.

133
134 **Selectman Labonte made a motion to approve 4. a) 3 except the anonymous donation.**
135 **Seconded by Selectman Dargie. All were in favor. The motion passed 5/0 by roll call vote.**

136
137 **b. OTHER DECISIONS**

138 **1. N/A**

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140 **5. TOWN STATUS REPORT –**
141 **1. Town Hall Hours of Operation**

142 As an FYI: The Town Hall hours of operation (excluding the Town Clerk's Office) went back to 8:00 am to 4:30
143 pm Monday–Friday effective September 4, 2023.

144
145 The Town Clerk's Office will continue to operate on a 4-day work week with extended morning and evening
146 hours. The hours of operation are 7:30 to 5:30 Monday, Wednesday, Thursday, Tuesday 7:30 am to 6:30 pm, and
147 closed on Fridays.

148
149 **2. Milford Master Plan Comprehensive Update Request for Proposal**

150 Master Plan Comprehensive Update Request for Proposal will be re-advertised in late September / early October
151 for a submittal deadline of November 2023. They are looking for a qualified Consultant to lead and prepare a
152 comprehensive Master Plan update.

153

154 The Office of Community Development will be seeking volunteers for the Master Plan Steering Committee to
155 assist in the facilitation and development of the Master Plan. Please contact Terrey Dolan, Community Develop-
156 ment Director at tdolan@milford.nh.gov if you are interested.
157

158 **3. Former Fletcher Superfund Site Repairs/Maintenance**

159 During inspections, General Electric (responsible party) identified erosion and the displacement of topsoil and
160 riprap and exposure of the geotextile in certain locations along the top of the riverbank and stormwater retention
161 basin within the former superfund site now the location of the east entrance to the Keyes Memorial Park and
162 performance stage/pocket park. Temporary drainage enhancements along the top of the riverbank. Environmental
163 Protection Agency and NHDES approved a final fix and work is anticipated to begin in the week of September
164 11th or 18th.
165

166 **4. Fiber Optic Lines – Keyes Memorial Park**

167 Fiber optic cable lines were installed within the Keyes Memorial Park area. This connects to the Town network.
168 This project was funded through acquired ARPA funds. This will improve connectivity and cyber security. The
169 completion of this phase will facilitate the installation of both security and public cameras throughout the park
170 including the granite stage.
171

172 **5. Board, Commission, Committee Volunteers**

173 The Town is still seeking volunteers to serve on various boards, commissions, and committees.
174 Zoning 2 alternate positions Budget Advisory Committee TBD
175 Conservation Commission 2 alternate positions EDAC TBD
176 Granite Town Media 1 full position Recycling Committee 1 full position
177 Planning Board 2 alternate positions
178

179 **6. DISCUSSIONS**

180 **1. Board of Selectmen’s Policies**

181 The Board started the process of reviewing their policies to see if there are any changes needed.

- 182 **2000-01 Over-Expenditure Policy** no change
- 183 **2000-02 Program/Budget Review** no change

184
185 **2000-03 Emergency Expenditures**, after some discussion, this policy was repealed.

186 **Selectman Finan made a motion to repeal policy number 2000-3 Emergency Expenditures. Seconded by**
187 **Selectman Dargie. All were in favor. The motion passed 5/0 by roll call vote.**
188

189 **2000-04 Citizens Complaint**, discussion occurred about where complaints would go if they were directed towards
190 Library employees and Water Utilities employees. The language was revised to include that discussion.

191 **Selectman Finan made a motion to amend policy number 2000-4 Citizens Complaint. Seconded by Select-**
192 **man Freel. All were in favor. The motion passed 5/0 by roll call vote.**
193

194 **2000-05 Water and Wastewater Depreciation Accounts**, after some discussion, this policy was repealed
195 **Selectman Finan made a motion to repeal policy number 2000-5 Water and Wastewater Depreciation Ac-**
196 **counts. Seconded by Selectman Dargie. All were in favor. The motion passed 5/0 by roll call vote.**
197

198 **2000-06 Cashing out of Sick Leave due to worker’s Compensation injury,**
199 **2000-07 Reimbursement for personal credit card expenses** This policy is tied in the whole process. If you are out
200 on workers comp and you are getting a percentage of your pay, you can utilize some of your banked sick time to
201 make whole and get 100% of your pay. Selectman Labonte asked if it makes it easier to stay out on workers comp.
202 if the employee is getting full pay. Selectman Dargie asked if HR would review this policy to see if it was appro-
203 priate for today’s times and it will be revisited at a future meeting.

APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 09/11/2023

204 **Selectman Dargie made a motion to refer policy 2000-06, Cashing out of Sick Leave due to Worker's Com-**
205 **penetration injury to Human Resources. Seconded by Selectman Labonte. All were in favor. The motion**
206 **passed 5/0 by roll call vote.**

207
208 **2000-07 Reimbursement for Personal Credit Card Expenses**, after discussion, language was revised.
209

210 **Selectman Freel made a motion to amend policy number 2000-7 Reimbursement for Personal Credit Card**
211 **Expenses. Seconded by Selectman Labonte. All were in favor. The motion passed 5/0 by roll call vote.**

212
213 **2000-08 Grant Application procedure** Selectman Labonte said Departments apply for grants and the Board
214 finds out after, this is another policy that isn't being followed. Selectman Finan said we have to vote to accept
215 grants, we don't want to discourage people from applying for grants.

216
217 Chief Flaherty said he's been applying for grants for 20 years and he's never come to the Board for permission.
218 Sometimes you have a short window in which to apply. Selectman Labonte said what happens when someone
219 applies for a grant that the Board doesn't want. Administrator Daley said there are different scenarios and the
220 Board doesn't have to approve the grants. Some grants need approval before applying.

221
222 Ms. Kokko said if the Heritage Commission wants to apply for something, they put the information together,
223 understanding that nothing can be committed to until review at the Board level. The language needs to be changed
224 to allow for flexibility and Board approval. Not all grant applications require a support letter. Chairman Daniels
225 said the Board needs to be kept in the loop, especially if there is a match. Ms. Kokko said not all grants have long
226 lead times to apply.

227
228 **Selectman Dargie made a motion to repeal the 2000-08 Grant Application procedure. Seconded by Select-**
229 **man Finan for discussion.**

230
231 Selectman Dargie said we want to encourage applications for grants and for people to be proactive. The Board
232 doesn't have to support and accept the money. Selectman Labonte doesn't agree. We shouldn't be applying for a
233 grant if we know we are not going to accept it. Administrator Daley said there should be flexibility for Committees
234 to apply for grants due to lead times. There was additional discussion. Selectman Labonte disagrees with remov-
235 ing this policy.

236
237 Chief Viola said they do standard grants every year. He doesn't think these need to go before the Board each time.
238 We are doing what's best for our department in the town. He understands letting the Board know that they are
239 going for a grant. He was just at a meeting today for a grant to get equipment that he knows he can't afford in his
240 budget. He always looks at other ways to get funding. Selectman Finan said we don't want to discourage that.
241 Selectman Labonte said if you get equipment, it then becomes a maintenance responsibility of the Town after. He
242 wants notification if people are going for a grant.

243
244 Chief Viola said some grants need the Town Administrator and or Chair to sign because it's a short process.
245 Selectman Finan said maybe we repeal the policy and make a guideline set of rules instead. Chief Flaherty said
246 that Fire Department grants are very intensive and take a long time to put together and are only open for a short
247 period. We can help with a lot of these issues if we hire a Grant Writer for the Town.

248
249 Selectman Dargie withdrew his motion.

250
251 Chairman Daniels tabled this discussion for the next meeting when people have time to review the policy and
252 make suggestions.

253
254

255 **2000-09 Seat Belt Policy** no change

256

257 2000-10 Request for Trust Funds, after some discussion, this policy was repealed

258 **Selectman Finan made a motion to repeal policy number 2000-10 Request for Trust Funds. Seconded by**

259 **Selectman Dargie. All were in favor. The motion passed 5/0 by roll call vote.**

260

261 The Board will continue to review policies at their next meeting.

262

263 Scott Kimball, a Milford resident said he didn't see the Social Media and Electioneering policy on the provided
264 list. Executive Assistant Tina Philbrick said those policies fall under Human Resources, not the Selectmen. Mr.
265 Kimball said Manchester covers these under their Ethics Policy.

266

267 Chairman Daniels said those policies are not on this list. Mr. Kimball said he will be doing more research on this
268 and provide some comments in the future. Chairman Daniels said there are policies that we are trying to fix and
269 bring up to date.

270

271 **7. SELECTMEN'S REPORTS/DISCUSSIONS**

272 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES**

273 Captain Frye said annually, MACC Base needs a member of the Board to be part of their Budget Advisory Com-
274 mittee. Their meetings are on November 7th and 14th. Selectman Labonte will be the Selectman's representative
275 for the MACC Base budget meetings on both November 7th and November 14th. The time is usually 7:00 p.m.

276

277 **b) OTHER ITEMS (not on the agenda)**

278

279 **8. PUBLIC COMMENTS** – There were no public comments at this time.

280

281 **9. APPROVAL OF FINAL MINUTES** – August 28, 2023

282 **Selectman Dargie made a motion to approve the minutes of August 28, 2023, as amended. Seconded by**
283 **Selectman Finan. All were in favor. The motion passed 5/0 by roll call vote.**

284

285 **10. INFORMATION ITEMS REQUIRING NO DECISIONS.**

286 **a. Selectmen's Goals and Initiatives**

287

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

289

290 **12. NON-PUBLIC SESSION** – Selectman Finan made a motion to go into nonpublic at 8:18 in accordance
291 with (RSA 91-A:3, II(a)) Personnel, (RSA 91-A:3, II(c)) Reputation and discussion of non-public minutes
292 from August 14, 2023, and approval of non-public minutes from August 28, 2023. Seconded by Selectman
293 Dargie. All were in favor. The motion passed 5/0 by roll call vote.

294

295 **In non-public the Board made two decisions under Reputation. The Board approved the minutes of August**
296 **28, 2023, and partially unsealed the non-public minutes of August 14, 2023. There was also an error on the**
297 **date of the non-public minutes being reviewed.**

298

299 **13. ADJOURNMENT:** Selectman Dargie moved to adjourn at 9:07 . Seconded by Selectman Labonte. All
300 were in favor. The motion passed 5/0 by roll call vote.

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APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 09/11/2023

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Gary Daniels, Chairman

Chris Labonte, Vice-Chairman

Paul Dargie, Member

Tim Finan, Member

Dave Freel, Member