

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.

Selectman Dargie made a motion to approve the increase for Tire Disposal at the Transfer Station. Seconded by Selectman Labonte. All were in favor. The motion passed 5/0 by roll call vote.

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

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

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

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

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

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

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

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

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

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 should be looking into that.

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

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

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

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

4. DECISIONS

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

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

a. CONSENT CALENDAR

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

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

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

• L.D.N. Auto Repair, Inc. \$100.00

• The County Stores, Inc. \$ 25.00

• Cardoza Flooring, LLC \$500.00

• Hitchiner Manufacturing \$500.00

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

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

Selectman Labonte made a motion to approve 4. a) 3 except the anonymous donation.

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

b. OTHER DECISIONS

1. N/A

5. TOWN STATUS REPORT –

1. Town Hall Hours of Operation

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

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

2. Milford Master Plan Comprehensive Update Request for Proposal

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

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

3. Former Fletcher Superfund Site Repairs/Maintenance

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

4. Fiber Optic Lines – Keyes Memorial Park

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

5. Board, Commission, Committee Volunteers

The Town is still seeking volunteers to serve on various boards, commissions, and committees.

Zoning	2 alternate positions	Budget Advisory Committee	TBD
Conservation Commission	2 alternate positions	EDAC	TBD
Granite Town Media	1 full position	Recycling Committee	1 full position
Planning Board	2 alternate positions		

6. DISCUSSIONS

1. Board of Selectmen's Policies

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

2000-01 Over-Expenditure Policy no change

2000-02 Program/Budget Review no change

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

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

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

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

2000-05 Water and Wastewater Depreciation Accounts, after some discussion, this policy was repealed

Selectman Finan made a motion to repeal policy number 2000-5 Water and Wastewater Depreciation Accounts. Seconded by Selectman Dargie. All were in favor. The motion passed 5/0 by roll call vote.

2000-06 Cashing out of Sick Leave due to worker's Compensation injury,

2000-07 Reimbursement for personal credit card expenses This policy is tied in the whole process. If you are out on workers comp and you are getting a percentage of your pay, you can utilize some of your banked sick time to make whole and get 100% of your pay. Selectman Labonte asked if it makes it easier to stay out on workers comp. if the employee is getting full pay. Selectman Dargie asked if HR would review this policy to see if it was appropriate for today's times and it will be revisited at a future meeting.

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

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

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

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

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

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

Selectman Dargie made a motion to repeal the 2000-08 Grant Application procedure. Seconded by Selectman Finan for discussion.

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

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

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

Selectman Dargie withdrew his motion.

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

2000-09 Seat Belt Policy no change

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

Selectman Finan made a motion to repeal policy number 2000-10 Request for Trust Funds. Seconded by Selectman Dargie. All were in favor. The motion passed 5/0 by roll call vote.

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

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

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

7. SELECTMEN'S REPORTS/DISCUSSIONS

a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES

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

b) OTHER ITEMS (not on the agenda)

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

9. APPROVAL OF FINAL MINUTES – August 28, 2023

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

10. INFORMATION ITEMS REQUIRING NO DECISIONS.

a. Selectmen's Goals and Initiatives

11. NOTICES. Notices were read.

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

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

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

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