

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
September 26, 2022

PRESENT: Paul Dargie, Member Mark Bender, 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. – Pumpkin Festival Update – Granite Town Festivities Committee (Verbal)

Wade Scott Campbell and Zoe Lantaff gave an overview of the festivities scheduled for the Pumpkin Festival on October 7th, 8th, and 9th. This year they are paying for the entire Festival. No taxpayer money is being spent on the Festival. We recently met with all emergency services personnel and other parties affiliated with all the activities. The Festival opens on October 7th at 5:00 pm. Additional information can be found at www.milfordpumpkinfestival.org The person running the haunted trail is a professional trail troop so it should be really fun. Art students will be going around to the area businesses on October 4th to decorate windows. The Pasta Loft will be donating drinks and pizza to the students. The pumpkin runner will run at approximately 6:45 on Friday evening.

5:40 p.m. - Appointment to the Recreation Commission as an Alternate Member – Bethany Haerinck -Term Expires 2024

Ms. Haerinck has been a resident of Milford for 6 years and enjoys participating in the events that the Recreation Department offers. She looks forward to helping in many volunteer opportunities.

Selectman Daniels made a motion to accept Bethany Haerinck as an Alternate Member of the Recreation Commission. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.

5:45 p.m. - Potential Tree Damage Concerns at 51 Patch Hill Lane – Julio & Amanda Quintana

Mr. Quintana's property abuts Conservation land and multiple trees are leaning on his property. He called the Conservation Commission and they suggested that he speak with a tree company. The tree companies he contacted told him to speak to the Town. In August, two trees came down destroying part of his fence and deck. This damage was submitted to his insurance company who also commented on additional trees that should be removed before more damage occurs.

Two people from the Conservation Commission confirmed that the mature trees appeared to be unstable and gave permission for the Quintana's to remove the trees at their own expense. They feel that the town should pay to remove these trees because they are located on town property. Mr. Quintana shared pictures of the tree in question with the Board. The tree is leaning over their house at a 45-degree angle.

There was additional discussion about the trees and where they will land if they fall. The Quintanas are only concerned about the one over their house. Selectman Finan said NHMA recently published an article about trees. If the tree is failing it's the responsibility of the property owner, municipal or other, has a responsibility to remove it.

Andy Hughes, Conservation Commission, saw the tree and said it's dangerous and should be cleared. They have authorized taking trees down in the past that were coming on people's properties.

Selectman Freel asked if the conservation land in that development was town property. Captain Frye said yes. The tree abuts a stream that has been running very heavy lately and it will fall, it's just a matter of time. He wouldn't want to be sleeping in that room when it falls. There was discussion about if the cost would come out of the Conservation Fund or General Fund. Paul Calabria, Finance Director suggests that before a motion is made, they see if this would be covered by Primex.

Selectman Freel made a motion to remove the tree at either Conservation or the Town's expense. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

Selectman Freel asked if the insurance adjuster was still willing to cover them when they came over to look at the damage. Ms. Quintana said they mentioned that trees were tough because it could be a natural occurrence which is why they suggested that they speak to the town knowing that it wouldn't be a natural occurrence because of the tree itself.

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Administrator Bender cited the conservation statute under 36-A:4, Powers of Conservation Commissions, they are responsible to maintain the property that we have in conservation and shall manage and control the same. John Yule, Conservation Commission Chair said they did have the funds to cover the tree removal if the insurance won't cover it.

6:00 p.m. - Conservation Land Fund Warrant Article – Conservation Commission Member, Andy Hughes, and John Yule.

Mr. Yule, Conservation Commission Chair said they are going to withdraw their request for a warrant article this year in light of the financial situation of the town.

6:10 p.m. - Town Hall Recognition for NH State Register of Historic Places – Historical Society Mark Genovessi

Mr. Genovessi, a Historical Society member, asked the Board to allow the Historical Society to pursue recognition for the Town Hall to be placed on the NH State Register of Historic Places. The structure was placed on the National Register in 1988 but never recognized at the state level. He needs approval from the Board to move forward with the inventory form. They would also like to have the plaque that was donated by the Society placed at the Town Hall. The cost of an NH State plaque will be around \$50.00

Selectman Freel made a motion for the Historical Society to peruse adding the Town Hall to the NH State Register of Historic Places and purchase the plaque for no more than \$100 if accepted. Seconded by Selectman Daniels. All were in favor. The motion passed 5/0.

6:20 p.m. - 1st 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 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.

Administrator Bender asked how many towns in NH are affected by the MS4. Mr. Vignale said 30+ and a majority have already adopted this ordinance. Mr. Daley said this ordinance is a result of an effort made by a coalition of towns to develop a model ordinance. Selectman Dudziak said almost all of this ordinance is taken by the model ordinance or is required by statute. Mr. Vignale said yes. The meat of this is in the requirements for new developments.

Selectman Finan referenced page 3, section F on the one-acre minimum. He asked what would be an example of a project over an acre that wouldn't require Planning Board approval. Mr. Vignale said a long driveway. Mr. Daley said a very large house.

Selectman Daniels asked if they expect any differences in the standards from the coastal versus noncoastal watersheds. Mr. Vignale said there was nothing in this that relates to coastal watersheds. They were in the model requirement we took them out for this ordinance.

Chairman Dargie opened the public hearing.

Katherine Kokko, a Milford resident, clarified that everything in this ordinance is part of the model ordinance or the MS4. Mr. Daley said correct. Ms. Kokko understands that the MS4 outlines certain requirements, only sections C and D of the model ordinance are what is required, so are you only talking about those two sections? Mr. Vignale said correct. Mr. Daley said yes, with the exception of the administrative portion.

Mike Thornton, a Milford resident, said we are not part of the coastal commission but we are part of the Merrimack watershed so it's important.

Chairman Dargie closed the public hearing.

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

Katherine Parenti, a Library Trustee, notified the Board that she had been selected to be the 2022 Library Trustee of the year. She recently attended the Executive committee meeting and they voted to distribute ARPA funds to the Wadleigh Memorial Library for \$813,000 for the HVAC. The project needs to be completed by June 2023, if they don't complete it, they may have to file for an extension. All the funding is in line so they can start now. There still may be a warrant article for 2023 for two restrooms in the Library for \$237,000 if the BAC and CIP committees decide to bump it up from 2024.

4. DECISIONS

a) CONSENT CALENDAR

1. Request Approval of Primex CAP Agreements for Workers Comp. & Property & Liability
2. Re-invoice report of Cut 21-303-09-T
3. Approval Between Historical Society and Heritage Commission for use of Electronic Payment Process
4. Approval to Change Stacy Cusack from an Alternate to a Full-Member of the Recreation Commission – Term Expires 2025
5. Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 (31:95(b)) Donations to support the Labor Day Parade -
 - Hayward's Trading Post - \$50
 - Cardoza Flooring, LLC - \$500

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

b. OTHER DECISIONS

N/A

5. TOWN STATUS REPORT –

1. Final IMA for the Provision of Communications 2023 – 2027

Captain Frye, Milford's Board of Governor Representative presented the IMA for approval. The changes in the document were discussed. Chairman Dargie asked if the other towns have signed off yet. Captain Frye said no.

Selectman Daniels made a motion to approve the Final IMA for the Provisions of Communications 2023 – 2027. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

6. DISCUSSIONS

1. 2023 Draft Warrants

The Board was presented with a list of warrants for 2023 for review/discussion. The list doesn't have to be finalized until December.

Administrator Bender said that the Board should start looking at the list to see what they may or may not want to remove. He also mentioned guidance from the Board about sharing the cost between the water users and other taxpayers for the large Waste Water Treatment upgrade warrant article.

Selectman Freel said that the Water Commissioners were working on numbers. Chairman Dargie said they need to consider the percentage and a 20-year loan versus a 30-year loan. Selectman Daniels asked what happens if the project doesn't pass. Selectman Finan said we get fined. There was discussion on the fine amount and it wasn't clear how much. Selectman Daniels said he would like to have some public hearings to hear from the public on what they think is a fair percentage. Chairman Dargie said we should have this on a future agenda for discussion, more outreach is a good thing. A warrant article has to pass by 60% to have a long-term bond. Selectman Freel said it would be nice to find out what the fine will be. He's concerned about getting the word out to people. Chairman Dargie said we have 54 months from the date of the new permit coming out.

Chairman Dargie said this is an odd thing because everyone has a personal financial stake in it. You are a user of the system or not a user of the system. If you are a user of the system it's in your best interest to have as much on the town as possible. If you are not a user of the system, it's in your own best interest to have the ratepayers have as much as possible. He

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is asking Board members and Budget Advisory Committee members who are going to vote to try to divorce their personal situation and look at what is best for the overall town.

Selectman Freel asked what happens if it keeps failing. Selectman Finan said there was a similar issue several years ago and Bill Drescher said even if they succeeded and the budget failed that there are other RSAs that they have to run that facility, it doesn't matter if it passes or fails; they have to keep running it. Chairman Dargie said it's a good idea for the Board to do outreach.

Administrator Bender asked what the deadline was on CIP and whether it would this impede that process. Mr. Daley said somewhat. Members of the CIP are having a difficult time rating this project and determining the real tax impact. He asked the Board if there was a maximum amount that they would not go above or below so he can put it in a report. Chairman Dargie suggested a placeholder of 50/50 and a 30-year loan for now. The total impact number is \$15,900,000.

Selectman Freel asked if they could work the warrant to include the fines if this isn't passed. Chairman Dargie said wording has to be careful in a warrant article. Tina Philbrick, an Executive Assistant, said that information would need to be put in the voter's guide, website, and where ever else we think people will see/read it.

Administrator Bender asked if there were other warrant articles that the Board would like to remove. Chairman Dargie asked to remove the 127 Elm Street warrant article. Selectman Freel suggests removing the Fire Truck. Selectman Finan said we should hear from the CIP committee and Fire Chief before removing that. As far as the capital reserve funds, it would look good to remove some and have fewer warrant articles. Administrator Bender said we should maintain the bridge capital reserve. Chairman Dargie said he's okay with removing most of them. Administrator Bender said he would have a conversation with the staff and bring this back at the next meeting.

Mike Thornton, said the Waters Commissioners announced that there will be a public tour on October 1st from 9 am until 12 pm. There will also be meetings on October 10th, 24th, and 27th. They are trying to get this before the public for a full understanding. The town has paid for upgrades to the plant but members who are not on the town's services have to maintain their upgrades to their properties and that needs to be taken into consideration. They pay more than what is assumed.

Scott Kimball, a Milford resident, said the fine penalties need to be emphasized on this large project. The Board will try to find out what the actual fine numbers are.

7. **PUBLIC COMMENTS. (Regarding items that are not on the agenda)** there were no public comments at this time.

8. SELECTMEN'S REPORTS/DISCUSSIONS

a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES

Selectman Daniels said Recycling meet on Tuesday night. Recycling numbers have gone down, they are looking into it. Selectman Daniels asked they need a warrant article to establish a revolving fund for the Transfer Station. Paul Calabria said yes they do. Selectman Freel asked about charging for non-Milford residents/businesses to drop off the brush. Chairman Dargie said they were going to start charging for large amounts and it started in August. They would know more in the next month or two for saving money.

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

9. **APPROVAL OF FINAL MINUTES - Selectman Daniels moved to approve the minutes of September 12, 2022. Seconded by Selectman Dudziak. 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 under in Accordance with NH (RSA 91-A:3, II(c)) – Reputation. Seconded by Selectman Finan. 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.

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In non-public, the Board made four decisions. Selectman Daniels made a motion to seal the non-public minutes for September 26, 2022, under reputation. Selectman Dudziak seconded. In a roll call vote, all were in favor. The motion passed 5/0.

13. ADJOURNMENT: Selectman Daniels moved to adjourn at 7:45. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.

Paul Dargie, Chairman

Laura Dudziak, Member

Tim Finan, Vice-Chairman

Dave Freel, Member

Gary Daniels, Member