

1 MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING  
2

3  
4 March 25, 2024  
5

6 PRESENT: Tim Finan, Chair  
7 Paul Dargie, Vice Chair  
8 David Freel, Member  
9 Chris Labonte, Member  
Tina Philbrick, Member

Lincoln Daley, Town Administrator  
Susan Mallett, Executive Assistant

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

12 TA Daley called the meeting to order at 5:30 p.m. Introduced the Board Members and led the audience in the  
13 Pledge of Allegiance. Joan Dargie, the Town Clerk, swore in newly elected Selectman Paul Dargie and Se-  
lectwoman Tina Philbrick.

14  
15 **2. APPOINTMENTS – (Approximate times)**

16 5:30 - Town Administrator Daley asked the Board to nominate a new Chair.

17 **Selectman Dargie motioned to nominate Selectman Finan as Chair, Selectwoman Philbrick seconded the  
18 motion. All were in favor. The motion passed 5/0.**

19 **Selectman Finan motioned to nominate Selectman Dargie as Vice Chair, Selectwoman Philbrick seconded  
20 the motion. All were in favor. The motion passed 5/0.**

21  
22 **5:40 p.m. – Request for Hazmat Mitigation Plan Approval – Ken Flaherty, Fire Chief**

23 Chief Flaherty presented the Hazard Mitigation Plan to the Board of Selectmen, Selectman Labonte had some  
24 suggested changes, but nothing major that could not wait for the next round of updates.

25 **Selectman Dargie made a motion to approve the adoption of the Hazard Mitigation Plan. Seconded by  
26 Selectwoman Philbrick. All were in favor. The motion passed 5/0.**

27  
28 **5:55 p.m. – Request for Approval of SAFER Grant – Ken Flaherty, Fire Chief**

29 Chief Flaherty explained the SAFER Grant, gives them money to staff 6 new personnel for 3 years. (Not including  
30 gear or uniforms). When the grant runs out, there is no requirement to keep the hires on. It's very competitive  
31 and a limited number of applicants get the grant. Discussion regarding the possible effects on tax rate and staffing  
32 ensued, and Chief Flaherty suggested a work session to further discuss the future staffing plans of emergency  
33 services. Finan noted more work sessions should happen to discuss topics like this. Selectwoman Philbrick asked  
34 how long after filing for the grant does he hear back, and Chief Flaherty said about 6 months. Selectwoman  
35 Philbrick also asked if the request must be for 6 people or can it be for 3? Chief Flaherty said either, and if we  
36 apply and then deny the grant, we are not able to apply for 3 years. Selectman Finan suggested we might add one  
37 personnel each year, and Chief Flaherty explained you can't run a truck with just one person. TA Daley empha-  
38 sized the need for a series of work sessions to further discuss and also suggested Chief Flaherty to provide and  
39 analysis to justify the service levels for our community. TA Daley noted he is in favor of applying for grant and  
40 having a series of work sessions, as it is non-committal, it gives us time to look closer at the future.  
41 **Selectman Freel made a motion to approve Chief Flaherty to apply for the SAFER Grant and we will plan  
42 a work session in April. Seconded by Selectwoman Philbrick. The motion passed 4/1**

43  
44 **6:10 p.m. – Request to remove the “order to raze” at 369 Elm St – Ken Flaherty, Fire Chief**

45 Chief Flaherty explained that the building had a fire a couple years ago and the Fire Department found mold and  
46 other issues. Chief Flaherty would like to remove the order to raze now that the new owner has done work to  
47 correct the issues. Selectman Labonte asked who is responsible for following up on these types of orders to make  
48 sure they don't fall through the cracks going forward. Chief Flaherty responded that the Town is responsible to  
49 follow up. Chief Flaherty explained because there have been three different owners since the order to raze, includ-  
50 ing one who was out of the country, it has delayed the ability to raze the building. Selectman Dargie asked if there  
51 are other orders like this that are out there? Chief Flaherty noted there is one, that is a Town owned property.  
52 Selectman Labonte suggested we have a work session on that one as well.

53 **Selectman Dargie made a motion to approve rescinding the order to raze the building at 369 Elm St. Se-  
54 conded by Selectman Labonte. All were in favor. The motion passed 5/0.**

55  
56 **6:25 p.m. – McLane and Goldman Dam Feasibility Study Updates – Lincoln Daley & Nicole Crawford**

58 TA Daley opened the presentation to explain why we are taking a second look at the feasibility of the dam removals and asking the Board to allow staff to work with the other agencies to submit a pre-application for the larger funding mechanism going forward. TA Daley noted the two dams are McLane Dam constructed in 1846 and reconstructed in 1992, which is Town owned and in poor condition but low hazard. The Goldman Dam constructed in 1810, reconstructed in the 1960s, is privately owned and maintained by the Town, this one is also in poor condition but a low hazard. Both are on the Souhegan River and are historic and are prominent features of our downtown area. They once powered local mills but no longer function in that capacity. These two dams do not provide flood protection and in fact, may increase flooding with heavy rain events. They also contribute to poor water quality conditions in violation of state standards. Some reasons to consider dam removal are Environmental, Social, Economic and Regulatory.

68 Ms. Crawford took over and discussed the 2014 study and what was examined, including feasibility, impacts, as well as costs associated with dam removal. They determined it was feasible to remove the dams and the estimated removal costs were \$493k for McLane and \$285K to \$332k for the Goldman dam and there were numerous grants available to defray costs. It would decrease the river width and depth upstream of each dam. Increased velocity through the area and no change to the magnitude or timing of flow downstream of the dams. It may move accumulated sediment downstream but would not "Dry up" the river. Reasons why we are looking at this again are because of dam maintenance and they are past life expectancy, it allows opportunity to be proactive and remove the threat of dam failure, and eliminate maintenance costs. There is a broader movement to restore Souhegan River Basin that is looking to improve water quality, enhance fish passage and habitat. This movement has some available funding and free technical assistance. This would be Milford's chance to get its share of the Bipartisan Infrastructure Law historic investment in water infrastructure. The study would be an update to the prior study and look at action vs no action. The study has updated items like site conditions, regulations etc. that might have changed. We are looking at Clean Water State Revolving Fund (CWSRF) which would provide stormwater planning loan from the NH DES, Principal forgiveness up to \$100k, Minimal costs to the Town, (staff time and interest on loan). Funding is NOT guaranteed but is competitive. There are also multiple additional sources for funding if the Town is interested in the removal of the dams.

84 Ms. Crawford noted technical assistant partners are available and include New England Water Infrastructure Network and they would work with us to do the application. The timeline includes pre-application due in May, by September the DES releases the list of projects authorized for funding and Town vote in March of 2025 to have the authority to borrow from the loan. Then in June 2025 we would submit the full application for the loan.

88 Selectman Labonte asked if we put out an RFP to see who would do the study. He feels this is backward to ask for loan not knowing the cost of the study and is concerned that the Merrimack dam removal looks atrocious.

90 Ms. Crawford noted this study would answer these questions. TA Daley explained that doing this study increases our chances for more funding. Selectman Dargie suggested we apply and then find out the cost, if higher then we can decide if we want to proceed with the extra cost. Selectman Freel asked what was the length of the loan? TA Daley said his understanding is the length of the project. This is a loan forgiveness and the Town gets reimbursed as the work goes on.

95 Selectman Labonte is asking what the interest rate is and whose budget does this come from? TA Daley interest rate will be defined at the time we are granted the loan.

97 Selectman Freel asked what does the Agency CWSRF get out of this process. Ms. Chloe Shields NE Water Infrastructure network, and the get US environmental dollars. They are a non profit and here to provide assistance and funding support.

100 TA Daley explained we were approached by Ms. Shields and the DES. Selectman Freel likes the aesthetics of the dams being there, and noted Merrimack looks like a bomb went off there. Selectman Finan says good idea to do the study and decide from there with the updated information.

103 Deb Lizelle from the NH DES spoke and noted you can do 5 to 30 year loan, but for this project you are probably looking at 5 years, that doesn't mean you will need the full 5 years, project like this would be about 2 years. Last year's rates were 1 - 2 percent and considered low rate, might go up a bit this year a small amount. Typically, consultants submit a monthly invoice to the Town, and the Town would submit that to be reimbursed. The conversation continued with various scenarios and questions. Selectman Labonte made clear that this is just to approve the pre-application, if the RFP is too high, we can refuse the money.

109  
110 Selectman Freel made a motion to allow TA Daley with help of New England Water Infrastructure Network  
111 to apply for the grant not to exceed \$100,000. Selectwoman Philbrick seconded the motion. All were in  
112 favor. The motion passed 5/0.

113  
114 **6:40 p.m. – Police Memorial – Captain Frye and Leo Lessard**

115 Captain Frye explained that they would like to move the memorial from where it is now to the area by the sallyport.  
116 There is \$3,100 in the memorial account left for expenses. Leo Lessard is not clear whether this would happen  
117 this year or next year. A presentation with pictures of current memorial location and the suggested new location.  
118 The new site has electricity already to support lighting. Captain Frye feels it would have better visibility in the  
119 new area. Selectman Labonte agrees it needs work to improve it, but not so sure he feels it should be moved. His  
120 concern is that private money for the memorial and he wants to be careful how that gets spent. The gentleman  
121 who raised money (Paul Bagley) noted he sees both sides of the argument, but really questions the maintenance  
122 and asked when was it at least swept up. Selectman Freel said as long as maintenance, police and the people that  
123 raised money are in agreement, the Board of Selectmen doesn't need to approve.

124 **No approvals by Board of Selectmen are needed for this action.**

125  
126 **6:55 p.m. – Approval of Judy Hohenadel as a member to the Heritage Commission with term expiring 2027**  
127 Judy introduced herself, she has lived here for 50 years, worked at Hampshire Hills in their nursery, in the library.  
128 She knows and enjoys history of the Town, she has taken pictures of graves and put them with the family infor-  
129 mation. Selectman Finan read the letter from David Palance Chair of the Heritage Commission that highly rec-  
130 commended her for the position as a member. He also explained Sarah Brown has decided to step down leaving  
131 this position open. Many thanks to Sarah Brown for her time on the Commission

132 **Selectman Labonte made a motion to appoint Judy Hohenadel as a member of the Heritage Commission.**  
133 **Seconded by Selectman Freel. All were in favor. The motion passed 5/0.**

134  
135 **7:10 p.m. – Foster Road Class VI Discussion – Lincoln Daley**

136 Request by Joe Vallier to maintain the class VI section of the Foster Road between Federal Hill and Wallingford  
137 Road. In speaking with Mr. Vallier, he stated the request to create snowmobile trail is no longer being pursued  
138 and he is seeking approval to create a safe/accessible pathway. TA Daley spoke with Town council to look at this  
139 issue of the class VI portion of this road, it's been determined this portion of the road is categorized as class VI  
140 between Federal Hill Road and Wallingford Road for about 1000 feet. Review of deeds confirmed Easement or  
141 Prescriptive rights allow the town to maintain it as a class VI and pass over it. The other issue is that the first  
142 request asked for snowmobiles to pass and repass over that section of the roadway. TA Daley noted that after  
143 some research and per state RSA's the Board of Selectmen can actually restrict the use of the snowmobiles over  
144 that section of roadway. Similar can be said for ATVs and vehicles. Both would require a public hearing process  
145 to create regulations that would restrict certain uses. Other topic involved is maintenance and the Town has the  
146 right to maintain with limitations so as to allow year-round travel by the public for five consecutive years could  
147 result in determination that this would be deemed a class 5 road status. The Town should not use highway funds  
148 for purposes of maintaining the class VI roadway. People should not remove trees, except by permission from  
149 the Town, the Town can maintain by removing trees, cutting grass, and minimal maintenance however. Chair  
150 Finan suggested we should vote on the request from Mr. Vallier to perform maintenance and in the future look at  
151 possibility of restricting and putting up bars.

152 David Wilson, says this issue has been kicking the can down the road and doesn't need to be this way. The work  
153 done has been done without permission, and the person doing work is not an abutter. There is no grass so mowing  
154 is not necessary. Not necessary to have someone other than the Town or abutters to maintain it. He doesn't want  
155 a network of trails to be in the neighborhood. No need for tractors, chainsaws, mowers and other large equipment.  
156 Nor'easters goal is to put network of trails thru this entry point and he is not for that. Mr. Wilson is happy to  
157 maintain the trail for anyone who uses it, but not for motorized vehicles. He is asking for a vote to make it a dead  
158 issue.

159 Jane Tessier, spoke next, noted a few attended the Conservation meeting and asked if Mr. Vallier had any permission  
160 to cut down any trees and that would be the Board of Selectmen to grant permission. She feels this says a lot  
161 about this gentleman and its plain and simple what needs to be done.

162 Jeff Wells, Shared handouts with the Board of Selectmen. Mr. Finan noted that this issue before the board is  
163 whether to grant Mr. Vallier the right to maintain the road. Mr. Wells said the right to grant Mr. Vallier's request  
164 is driven by whether this is a class VI road. He feels this is not a class VI road, and requires much documentation.  
165 He says roads created by prescription were abolished by the NH legislature in 1968, so that means that from 1948  
166 to 1968 (or prior to 1948, but that is difficult to prove because the people are dead) it needs to be proved that there  
167 was 20 years of consecutive years of use of the road by the public, there were businesses on the road and other  
168 requirements. In order to move forward, it would be necessary to determine if this is a legal road.

169 Selectman Labonte, noted deeds refer to the Class VI road and the deeds are recorded in the Hillsborough Registry  
170 of Deeds. Select Chair Finan noted that they will be acting based on the due diligence done by TA Daley and  
171 Town Council.

172 Chris Constantino noted unregistered vehicles need permission from the Board of Selectmen, and to address what  
173 Mr. Wells was saying there is a difference between an abandoned road and a discontinued road. Just because a  
174 road was abandoned it doesn't mean it's been discontinued. There is a lot more to it, and legal steps need to be  
175 taken but this is still considered a Class VI road. Joe Vallier is a valued member of the cadre of volunteers in the  
176 Town of Milford Conservation Commission that manage 19 miles of trails and they can't do it with just the seven  
177 commission members. Mr. Vallier saw a need and did the work; however, the neighbors did not feel the work  
178 needed to be done.

179 TA Daley made a correction to his statement, the Town can grant permission for OHV, and ATVs on Class VI  
180 roads.

181 Ryan Rotel, one of the statements is for the Town to represent the will of the public, and it's clear the residents in  
182 the neighborhood are very opposed. He is concerned about the long-term purpose and that is what they are op-  
183 posed to.

184 Nancy Delaney, noted the process has troubled her, she's lived there for more than 30 years, and likes the quiet  
185 and privacy of the neighborhood. It's such a short distance on Foster Road it didn't make sense for Snowmobile  
186 trails, but hearing the suspected long-term purpose to make it part of trail system she is not happy. She discussed  
187 people in jeeps and trash being left on the trail. Her major conflict is when Joe dropped the first tree, she felt it  
188 was ok because it was dangerous, however no one ever came and asked if it was ok to do the work. Then to find  
189 out he had no permission and in fact, was told no, she is now skeptical.

190 Selectwoman Philbrick noted this has taken a long time and Board of Selectmen should not allow someone who  
191 is not an abutter to do the maintenance, and she would be livid if it was her property.

192 Selectman Freel feels like if going to maintain trails, there should be a plan and have someone in charge so that  
193 the Town is notifying neighbors ahead of time.

194

195 **Selectwoman Philbrick made a motion to deny Mr. Vallier's request to maintain Class VI portion of Foster  
196 Road. Seconded by Selectman Dargie. All were in favor. The motion passed 5/0.**

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198 **3. PUBLIC COMMENTS – None**

199 **4. DECISIONS**

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201 **a. CONSENT CALENDAR**

- 202 1. Confirm selection of current (Tammy Scott) and alternate (Leo Lessard) representa-  
203 tives on the NRSWMD (Nashua Region Solid Waste Management District)  
204 2. Approval to re-appoint Katherine Kokko to serve as a member of the Heritage Commis-  
205 sion with a term expiring 2027  
206 3. Acceptance and Appropriation of Unanticipated Revenues Under \$10K NH (RSA  
207 (31:95(b)) Donation (HealthTrust) to the Town of Milford for the Town Wellness Cam-  
208 paign Special Purpose Fund – \$1,000

- 209           4. Acceptance and Appropriation of Unanticipated Revenues Under \$10K NH (RSA  
210           (31:95(b)) Donation (HealthTrust) to the Milford Fire Department for the Town Wellness  
211           Campaign Special Purpose Fund - \$500  
212           5. Acceptance and Appropriation of Unanticipated Revenues Under \$10K NH (RSA  
213           (31:95(b)) Donation (Joan Selectman Dargie) to support the Bandstand Upkeep / Res-  
214           toration Special Purpose Fund - \$100  
215           6. Acceptance and Appropriation of Unanticipated Revenues Under \$10K NH (RSA  
216           (31:95(b)) Donation (Janet Langdell) to support the Bandstand Upkeep / Restoration  
217           Special Purpose Fund – \$1,200  
218           7. MS 232 Report of Appropriations - Needs Signatures  
219           8. Notice of intent to Excavate – North River Road, Tax Map 3, Lot 12

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221         Selectman Labonte made a motion to approve the consent calendar Items 1 through 7. Seconded by Se-  
222         lectwoman Philbrick. All were in favor. The motion passed 5/0.

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224         Selectman Dargie noted the email that was received from Mr. Mark Mrozek asking to remove item #8 from the  
225         Consent Calendar. He feels we don't have a reason to not approve the Intent to Excavate. Some discussion if the  
226         form was filled out correctly. TA Daley noted that he talked with Assessing Consultant and has 30 days to act on  
227         the request. He feels it should be considered for further review before the board takes action on this one. Not  
228         clear that it's tied into the AoT request. Selectman Labonte, asked if TA Daley can have it cleared up in the next  
229         48 hours or so. TA Daley says he feels it can be, he just wants to review.

230  
231         Selectman Labonte made a motion to approve the consent calendar for item #8. Seconded by Selectman  
232         Freel. All were in favor. The motion passed 5/0.

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234         b. OTHER DECISIONS

235         1. Request for Input and Approval of 2024 – 2025 Board of Selectmen’s Meeting Schedule  
236           (draft calendar)

- 237           • Make a light agenda before elections  
238           • Be cognizant not to interfere with School Board Meetings  
239           • Do we want to cancel Dec 30? Keep as is and address as we get closer if needed  
240           • Selectman Dargie made a motion to accept the calendar and Selectman Labonte se-  
241           conded. All were in favor. The motion passed 5/0.

242  
243         2. Request for Update to the Board of Selectmen Representative’s Listing for 2024 –  
244           2025 Boards, Commissions, Etc.

- 245           • Select Chair Finan suggested we spend more time than we normally do. He sug-  
246           gested weighting each based on the time required. This could be decided in a work  
247           session.  
248           • Suggested to follow NHMA’s recommendation to switch up the assignments.  
249           • Let TA Daley know what your preferences are and weight as first, second, third  
250           choice.  
251           • Work Session on Wednesday, April 3, 2024 at 5:00pm  
252           • Mr. Thornton requested a representative for the Cemetery Trustees, not a voting  
253           member.  
254           • The topic returned to the Work Session with Fire Department, we need to give Chief  
255           Flaherty time to prepare, and it can be any night but April 10, 25, or 26<sup>th</sup>. He wants

deputies involved as well. Selectman Labonte asked if we are working on the Fire department alone, and then joining departments.

- TA Daley suggests he sit with Chief Flaherty and Chair Finan to define the topics. If it ends up combined with all the departments, we need banquet or a larger room.
  - Selectman Freel wants to hear both pros and cons.
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## **5. TOWN STATUS REPORT –**

## **1. RFP for Auditing Services**

Two RFPs will be issued by tomorrow.

## Proposal for replacing LED lights in Town Buildings.

RFP for payroll, there has been discussions and they continue to explore options for services.

Selectman Freel said he'd love to hear dates to ensure the projects are on track.

Put payroll on agenda for the next meeting. Selectman Labonte wants to get a copy of findings for the payroll services so far.

There has been a small pool of candidates for the open Finance Director, we may have to use third party to fill in and provide some services

Ms. Kokko asked about entering contracts for multiple years without Town Authority to do that. TA Daley noted this qualified for the ability to do so, he had conversation with legal counsel to confirm.

Mr. Thornton noted we are spending significant time massaging the time clock data so it's costing us time to use the time clock.

## 2. Keyes Memorial Park

Various improvements to the Keyes Memorial Park, a thank you to Leo Lessard and staff for the great job and all their efforts. Light poles should be installed by middle of next month. Lighting is all wired, not solar.

## 6. DISCUSSIONS

1. Board of Selectmen Goals and Objectives – Moved to a Work Session on April 8<sup>th</sup>, 2024
  2. Selectman Labonte asked where we are with the Economic Development Advisory Council (EDAC). TA Daley noted goal is to get up and running as soon as the Master Plan gets going and he feels important to keep on the list. He will speak with Director and get it on the priority list.

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

- a) FROM PROJECTS, SPECIAL BOARDS, COMMISSION & COMMITTEES**
  - b) OTHER ITEMS (that are not on the agenda)**

## **8. PUBLIC COMMENTS –**

None

**9. APPROVAL OF FINAL MINUTES** – For March 11, 2024. Selectman Dargie sent suggestions for amendments.

**Selectman Dargie made a motion to approve the final minutes of March 11, 2024 as amended. Seconded by Selectman Labonte. All were in favor. The motion passed 5-0.**

## 10. INFORMATION ITEMS REQUIRING NO DECISIONS

## 11 NOTICES Notices were read

- a. There will be a Work session on April 3, 2024 at 5:00 to discuss Board of Selectmen issues.

**APPROVED MINUTES OF BOARD OF SELECTMEN MEETING – 3/25/2024**

- 305 b. The next Board of Selectmen's meeting is April 8, 2024 at 5:30 in the Board of Selectmen's meeting  
306 room, 1 Union Square, Milford NH at 5:30pm. This will be a HYBRID meeting. Information to  
307 access ZOOM will be posted on the Town's website on or before April 5th, 2024.  
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309 **12. NON-PUBLIC SESSION – None**

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311 **13. ADJOURNMENT: Selectman Labonte moved to adjourn at 8:45. Seconded by Selectman Freel. All**  
312 **were in favor. The motion passed 4/0.**

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316 Tim Finan, Chairman

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320 Dave Freel, Member

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324 Tina Philbrick, Member

Paul Dargie, Vice-Chairman

Chris Labonte, Member